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**BRITISH NORTH AMERICAN PROVINCES.**

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**COPY of CORRESPONDENCE between the GOVERNORS of the BRITISH NORTH AMERICAN PROVINCES and the SECRETARY of STATE, relative to the Introduction of Responsible Government into those Colonies.**

*(Mr. Labouchere.)*

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*Ordered, by The House of Commons, to be Printed,  
10 August 1848.*

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*Under 8 oz.*

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**BRITISH NORTH AMERICAN PROVINCES.**

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RETURN to an Address of the Honourable The House of Commons,  
dated 7 August 1848;—for,

“COPY of CORRESPONDENCE between the GOVERNORS of the BRITISH NORTH  
AMERICAN PROVINCES and the SECRETARY OF STATE, relative to the Intro-  
duction of Responsible Government into those Colonies.”

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Colonial Office, Downing-street, }  
8 August 1848.

B. HAWES.

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(*Mr. Labouchere.*)

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Ordered, by The House of Commons, to be Printed,  
10 August 1848.

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COPY of CORRESPONDENCE between the GOVERNORS of the BRITISH NORTH AMERICAN PROVINCES and the SECRETARY OF STATE, relative to the Introduction of Responsible Government into those Colonies.

C A N A D A.

CANADA.

—No. 1.—

(No. 19.)

COPY of a DESPATCH from Lord *John Russell* to the Right Hon. *C. Poulett Thomson*.

Sir,

Downing-street, 14 October 1839.

It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called "Responsible Government." I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. I cannot better commence this despatch than by a reference to the resolutions of both Houses of Parliament, of the 28th April and 9th May, in the year 1837.

The Assembly of Lower Canada having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and, if at all encouraged, would prove the cause of embarrassment and danger.

The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy and disturbed the peace of the country.

But if we seek to apply such a practice to a colony, we shall at once find ourselves at fault. The power for which a minister is responsible in England is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England; but can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers, for the same functions, and with superior authority.

It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen, and advice from his executive council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign.

There are some cases in which the force of these objections is so manifest, that those who at first made no distinction between the constitution of the United Kingdom and that of the colonies, admit their strength: I allude to the questions of foreign war and international relations, whether of trade or diplomacy. It is now said that internal government is alone intended.

No. 1.

Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
14 October 1839.

CANADA.

But there are some cases of internal government in which the honour of the Crown or the faith of Parliament, or the safety of the state, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a ministry in a colony.

I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible executive first arose—I mean Lower Canada.

During the time when a large majority of the Assembly of Lower Canada followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any minister to support, in the Parliament of the United Kingdom, the measures which a ministry, headed by M. Papineau, would have imposed upon the Governor of Lower Canada;—British officers punished for doing their duty; British emigrants defrauded of their property; British merchants discouraged in their lawful pursuits,—would have loudly appealed to Parliament against the Canadian ministry, and would have demanded protection.

Let us suppose the Assembly, as then constituted, to have been sitting when Sir John Colborne suspended two of the judges. Would any councillor, possessing the confidence of the Assembly, have made himself responsible for such an act? And yet the very safety of the province depended on its adoption. Nay, the very orders of which your Excellency is yourself the bearer, respecting Messrs. Bedard and Panet, would never be adopted or put in execution by a ministry depending for existence on a majority led by M. Papineau.

Nor can any one take upon himself to say that such cases will not again occur. The principle once sanctioned, no one can say how soon its application might be dangerous, or even dishonourable; while all will agree that to recall the power thus conceded would be impossible.

While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them. The Queen's Government have no desire to thwart the representative assemblies of British North America in their measures of reform and improvement. They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the colonies advantages similar to those which talent and character, employed in the public service, obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown, and the unity of the empire, I am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the best security for permanent dominion.

It is necessary, for this purpose, that no official misconduct should be screened by Her Majesty's representative in the provinces; and that no private interests should be allowed to compete with the general good.

Your Excellency is fully in possession of the principles which have guided Her Majesty's advisers on this subject; and you must be aware that there is no surer way of earning the approbation of the Queen than by maintaining the harmony of the executive with the legislative authorities.

While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The Sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelvemonth. So in a colony: the Governor thwarting every legitimate proposition of the Assembly, and the Assembly continually recurring to its  
power

power of refusing supplies, can but disturb all political relations, embarrass trade, and retard the prosperity of the people. Each must exercise a wise moderation. The Governor must only oppose the wishes of the Assembly where the honour of the Crown or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain.

I have, &c.  
(signed) *J. Russell.*

— No. 2. —

(No. 20.)

COPY of a DESPATCH from Lord *John Russell* to the Right Hon.  
*C. Poulett Thomson.*

Sir,

Downing-street, 16 October 1839.

No. 2.

I AM desirous of directing your attention to the tenure on which public offices in the gift of the Crown appear to be held throughout the British colonies. I find that the Governor himself, and every person serving under him, are appointed during the royal pleasure, but with this important difference: the Governor's commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs; but the commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present or the two last reigns, a single instance has occurred of a change in the subordinate colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice which formerly prevailed of selecting all the higher class of colonial functionaries from persons who, at the time of their appointment, were resident in this country; and, amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable that, except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favour of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada.

Lord John Russel  
to the Right Hon.  
C. P. Thomson.  
16 October 1839.

You will understand, and will cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty's pleasure will not be regarded as equivalent to a tenure during good behaviour; but that not only such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the Governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject, of course, to the future confirmation of the Sovereign.

These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as clerks or in similar capacities under them. Neither do they extend to officers in the service of the Lords Commissioners of the Treasury. The functionaries who will be chiefly, though not exclusively, affected by them, are the Colonial Secretary, the Treasurer or Receiver-General, the Surveyor-General, the Attorney and Solicitor-General, the Sheriff or Provost Marshal, and other officers, who, under different designations from these, are intrusted with the same or similar duties. To this list must also be added the members of the council, especially in those colonies in which the Legislative and Executive Councils are distinct bodies.

## CANADA.

The application of these rules to officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice, as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment, even by pecuniary grants, when it may appear unjust to dispense with their services without such an indemnity.

I have, &c.,  
(signed) *J. Russell.*

## — No. 3. —

(No. 28.)

COPY of a DESPATCH from Governor-General the Earl of *Elgin* and *Kincardine* to Earl *Grey*.

Government-house, Montreal, 11 March 1848.

(Received 10 April 1848)

No. 3.

Governor-General  
the Earl of *Elgin*  
to Earl *Grey*,  
11 March 1848.

My Lord,

I HAVE the honour to report for your Lordship's information, that an amendment to the Address, in reply to the speech from the Throne, declaratory of want of confidence in the provincial administration, was carried in the Legislative Assembly by a large majority. In consequence of this vote, the members of the Executive Council tendered to me their resignations in a body, which I felt it my duty to accept. Their retirement has rendered it necessary that I should seek for new advisers, and I have accordingly appointed the following gentlemen to office, with seats in the Executive Council:—

Hon. Louis Hypolite Lafontaine, Attorney-General for that part of the province formerly Lower Canada.

Hon. Robert Baldwin Sullivan, Secretary of the province.

Hon. Robert Baldwin, Attorney-General for that part of the province formerly Upper Canada.

Hon. Francis Hincks, Inspector-General of Public Accounts.

Hon. Thomas Cushing Aylwin, Solicitor-General for that part of the province formerly Lower Canada.

Hon. James Leslie, President of the Committee of the Executive Council.

Hon. René Edouard Caron, Speaker of the Legislative Council.

Hon. James Hervey Price, Commissioner of Crown Lands.

Hon. Louis Michel Viger, Receiver-General.

Hon. Etienne Paschal Taché, Commissioner of the Public Works.

Hon. Malcolm Cameron, Assistant-Commissioner of Public Works.

2. Many of these gentlemen are already well known to your Lordship, and they possess, as a body, in a high degree, the reputation of ability and the confidence of Parliament. I have every hope that I shall be able, with their assistance, to administer the government to your Lordship's satisfaction, and with advantage to the province.

I have, &c.,  
(signed) *Elgin and Kincardine*

## — No. 4. —

(No. 209.)

No. 4.

EXTRACT of a DESPATCH from Earl *Grey* to Governor-General the Earl of *Elgin* and *Kincardine*, dated Downing-street, 5 May 1848.

I HAVE to acknowledge the receipt of your Lordship's Despatch (No. 28), of the 11th of March, and to acquaint you that the names of the gentlemen enumerated in the margin having been submitted to the Queen in Council, Her Majesty has been pleased to approve of their appointment to seats in the Executive Council of Canada; and I transmit herewith 11 warrants, under the Royal Sign Manual, authorizing your Lordship to carry the same into effect.

\* \* \* \* \*

Louis Hypolite Lafontaine.  
Robert Baldwin Sullivan.  
Robert Baldwin.  
Francis Hincks.  
Thos. Cushing Aylwin.  
James Leslie.  
René Edouard Caron.  
James Hervey Price.  
Louis Michel Viger.  
Etienne Paschal Taché.  
Malcolm Cameron.  
4th May 1848.



## NOVA SCOTIA.

NOVA SCOTIA.

— No. 5.—

(Private and Confidential.)

EXTRACTS of a DESPATCH from Earl Grey to Lieutenant-Governor Sir John Harvey, K.C.B., dated Downing-street, 3 November 1846.

I HAVE received your Despatch of the 15th September, marked "Private and Confidential," in which you communicate to me your views upon the state of affairs which you have found on arriving in Nova Scotia.

Circumstances prevented me from answering your despatch, as you wished me to have done, by the packet which left England on the 3d instant; but the interval which has since elapsed has enabled me to devote more time to the consideration of the questions which you have brought under my notice than the brief space between the arrival and the departure of the North American packet would have allowed me to do.

I perceive, from your representation of the position of affairs in Nova Scotia, that there are questions to be determined in respect to the government of that province of no ordinary difficulty, and that it is of the utmost importance that the first measures of your administration should be preceded by the most careful deliberation. The knowledge which I possess of the local politics of Nova Scotia is at present too limited to enable me, with confidence in my own judgment, to give you any positive and detailed directions as to the course which circumstances may require you to adopt in the present conjuncture; but though it is out of my power to give you such instructions, there are certain general principles which ought, as I conceive, to govern your conduct in this and in similar cases; and which, as they admit of being stated, ought, I think, to be communicated to you for your guidance.

I shall advert first to the important topic of the composition of the Legislative Council. In making appointments to this body, it ought undoubtedly to be the object of the administrator of the Government so to compose it as to make it fairly represent the opinion of the majority of the intelligent members of the community; but supposing the selection of the present members to have been ill-advised, and that the Council in consequence is not in harmony with public opinion, the question arises, what is then the proper course to be adopted? Under such circumstances there are two considerations to which it is necessary to advert. First, that it is impossible to allow the Legislative Council to obstruct permanently the passing of measures called for by public opinion, and sent up by the popular branch of the Legislature. Secondly, that it is a serious evil to be compelled to make an addition to the members of this body for the purpose of changing the character of the majority; since each such addition creates both a precedent and a necessity for a similar and perhaps larger addition whenever a change in public feeling gives the ascendancy to a new party in the assembly. It is difficult to reconcile these almost conflicting considerations, but this, in my opinion, may be attempted with the greatest hopes of success, by adopting as a rule that an addition is not to be made to the Legislative Council with a view to changing the character of the majority, except under circumstances of clear and obvious necessity. An anticipation that public business will be impeded because there is a majority in the Legislative Council attached to the political party which has not the confidence of the colony is insufficient to justify the appointment of additional members. Practical inconvenience must have actually arisen, and to a serious extent, before resort can with propriety be had to any measure for increasing the number of the Council. If that body be found obstructing pertinaciously the progress of public business, and the passing of laws which public opinion demands, an addition to it would then be felt to be a just and necessary measure, and would not excite the same indignation, on the part even of those against whom it might be directed, as would be the case if adopted on lighter grounds; while the probability is that the members of the Legislative Council, knowing that if it should become necessary this measure must ultimately be resorted to, will shrink from

No. 5.  
Earl Grey to  
Lieut.-Governor  
Sir John Harvey.  
3 November 1846.

NOVA SCOTIA. creating the necessity by obstinately opposing themselves to the real opinion of the intelligent classes of the community.

I come now to the second question which you have submitted to me in your Despatch, namely, the propriety of dissolving the present House of Assembly.

I am of opinion that under all the circumstances of the case, the best course for you to adopt is to call upon the members of your present Executive Council to propose to you the names of the gentlemen whom they would recommend to supply the vacancies, which I understand to exist, in the present Board. If they should be successful in submitting to you an arrangement to which no valid objection arises, you will of course continue to carry on the government through them, so long as it may be possible to do so satisfactorily, and as they possess the necessary support from the Legislature. Should the present Council fail in proposing to you an arrangement which it would be proper for you to accept, it would then be your natural course, in conformity with the practice in analogous cases in this country, to apply to the opposite party, and should you be able, through their assistance, to form a satisfactory Council, there will be no impropriety in dissolving the Assembly upon their advice; such a measure, under those circumstances, being the only mode of escaping from the difficulty which would otherwise exist of carrying on the government of the province upon the principles of the constitution.

The object with which I recommend to you this course, is that of making it apparent that any transfer which may take place of political power from the hands of one party in the province to those of another is the result not of an act of yours but of the wishes of the people themselves, as shown by the difficulty experienced by the retiring party in carrying on the government of the province according to the forms of the constitution. To this I attach great importance; I have therefore to instruct you to abstain from changing your Executive Council until it shall become perfectly clear that they are unable, with such fair support from yourself as they have a right to expect, to carry on the government of the province satisfactorily, and command the confidence of the Legislature.

Of whatsoever party your Council may be composed, it will be your duty to act strictly upon the principle you have yourself laid down in the memorandum delivered to the gentlemen with whom you have communicated, that, namely, "of not identifying yourself with any one party," but instead of this, "making yourself both a mediator and a moderator between the influential of all parties." In giving, therefore, all fair and proper 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 which may be 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 for public objects. In exercising, however, this power of refusing to sanction measures which may be submitted to you by your council, you must recollect that this power of opposing a check upon extreme measures proposed by the party for the time in the government, depends entirely for its efficacy upon its being used sparingly, and with the greatest possible discretion. A refusal to accept advice tendered to you by your council is a legitimate ground for its members to tender to you their resignation, a course they would doubtless adopt should they feel that the subject on which a difference had arisen between you and themselves was one upon which public opinion would be in their favour. Should it prove to be so, concession to their views must, sooner or later, become inevitable, since it cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the government of any of the British provinces in North America in opposition to the opinion of the inhabitants.

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 very 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. And if, unfortunately, such a difference should arise, you will take equal

care

care that its cause and the grounds of your own decision are made clearly to appear in written documents capable of being publicly quoted. NOVA SCOTIA.

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 favour to any particular men or party, but by a sincere desire to promote the public good, your objections to any measures proposed will have great weight with the Council, or should they prove unreasonable, with the Assembly, or, in last resort, with the public.

Such are the general principles upon which the constitutions granted to the North American colonies render it necessary that their government should be conducted. It is, however, I am well aware, far easier to lay down these general principles than to determine in any particular case what is that line of conduct which an adherence to them should prescribe. In this your own judgment and a careful consideration of the circumstances in which you are placed must be your guide; and I have only, in conclusion, to assure you that Her Majesty will always be anxious to put the most favourable construction upon your conduct in the discharge of the arduous duties imposed upon you by the high situation you hold in Her service.

— No. 6. —

(Private and Confidential.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K. C. B., to Earl *Grey*, dated Government House, Nova Scotia, Halifax, 17 December 1846.

(Received 31 December 1846.)

No. 6.

Lieut.-Governor  
Sir John Harvey  
to Earl Grey.  
17 December 1846.

WITH reference to my despatch of the 2d instant,\* transmitting a copy of a communication which I had addressed to the members of Her Majesty's Executive Council in this province, of which the object was to require them to submit to me the names of three or more individuals of talent and influence to supply the existing vacancies at that Board, in accordance with the principles propounded in my memorandum, I have now the honour to lay before you copy of the reply of the Council, and of the remarks which have been made thereon by the leading individuals of the liberal party to whom it was communicated by me.

After the perusal of these documents, no surprise can be felt by your Lordship at the failure of the attempt to effect, under present circumstances, any cordial fusion or coalition between two parties in whose views and sentiments so little disposition to approximate has as yet been manifested. I am, nevertheless, happy in being enabled to renew to your Lordship the expression of my conviction, that the public interests will not suffer during the approaching legislative session from any factious opposition, as regards measures calculated to promote the real interests of the colony.

\* \* \* \* \*

Should any further correspondence of importance arise out of the last paper, which, however, I scarcely anticipate, it will, of course, be communicated to your Lordship by the next mail. In the meantime, I would beg to observe that in whatever manner the existing vacancies in the Executive Council may now be supplied, the principle upon which that Board should be re-constructed must necessarily again become a question for consideration after the character and composition of the future Assembly shall have been determined by the elections of 1847.

Enclosure 1, in No. 6.

COPY OF SUPPLEMENTARY MEMORANDUM.

As it appears to me important that I should not be misunderstood in respect to a question of so much importance as that of the principle upon which the appointments to office will be made by me; and with reference to a somewhat hurried conversation which I had this afternoon with Mr. Wilkins on this subject, I deem it proper to state that the object of the memorandum, which I this day read to and placed in the hands of the Executive Council, was to impose upon that body, or rather to request it to undertake the task of suggesting to me

Encl. 1, in No. 6.

\* Not printed.

NOVA SCOTIA. me the means of supplying the existing vacancies at that Board upon the principle therein indicated, the *modus operandi* being confided wholly to them; a suggestion was introduced into that memorandum as to the basis upon which (alone) it appeared to me that that object could be accomplished, and in which I expressed my readiness to concur; viz., a fair and equal partition of offices of emolument; but in this point the initiative must be taken by the Council, and not by me, if they sincerely desire to carry out the object which they have undertaken; as Her Majesty's representative, I will be no party to depriving any of Her Majesty's servants of the offices they hold, otherwise than by giving my assent to a voluntary surrender of them, should they think fit to make it, for the attainment of a great public object; but, as Her Majesty's representative, I will take care that all future appointments shall be made upon the principle which I have announced of perfect impartiality.

Government House, Halifax, December 2, 1846.

(signed) J. H.

Enclosure 2, in No. 6.

May it please your Excellency,

Halifax, 4 December 1846.

Encl. 2, in No. 6.

WE have considered the communication which your Excellency has been pleased to address to us relative to the formation of a council on the principles which you have announced; and we beg to assure your Excellency that we have given to the written papers and verbal explanations with which you have honoured us the attention so justly due, as well to the importance of the interests involved as to the commands of your Excellency.

It gratified us to hear your Excellency distinctly propound, that whilst you desired the aid of a Council composed of influential men of all parties, you disclaimed the principle of equal numerical representation at the Board, and entirely rejected the idea that questions should be decided in council by majority of votes. With such sentiments, the practice of this province and our opinions comport; and we also entirely accede to the principle announced by your Excellency, that in the distribution of the patronage of the Crown in relation to offices which by vacancies hereafter arising may be placed at your disposal, your Excellency would be regulated, as far as the public service would permit, by a just and equal regard to the claims of individuals of all classes.

In this connexion of the subject under consideration, we deem it proper to explain to your Excellency, that if either the existing constitution of the Council, or anything in the recent administration of the affairs of the province, should seem to be at variance with the principles thus announced by your Excellency, and of which we have respectfully expressed our approval, the apparent inconsistency is not attributable to the late Lieut.-Governor or to his advisers. With a view to conciliation, the offices of emolument, vacated by the Members of Council who retired in the end of 1843, were kept vacant, or filled only conditionally for as long a period as the public service would permit. Three unsuccessful overtures were made to the opposition for the construction of the Executive Council; and when the fruitless issue of these efforts, and an uncompromising opposition rendered further proposals hopeless and inexpedient, and unavoidably forced upon the Government a party aspect that would gladly have been averted, nothing remained but by keeping the vacancies in the Executive Council unfilled to continue to evince the principle on which it was wished to act.

It follows, from the observations we have made, that we are prepared to submit to your Excellency the assurance that, as we have ever been willing, so we are now ready to unite at the Council Board with gentlemen who bear a different party name from that which has been attached to those who have now the honour to address your Excellency. And in obedience to the desire you have expressed that we should offer our advice on this subject, we recommend that the vacant seats in the Executive Council should be tendered to gentlemen belonging to the party in opposition, when your Excellency shall be in a condition to make such tender with effect and benefit.

Here, may it please your Excellency, we might stop. But convinced that the character of the province, and its improvement and welfare, are deeply and injuriously affected by the continuance of party hostilities having no questions of public moment to justify them, we feel the duty to be imposed on us to make every advance towards conciliation consistent with principle and the position we occupy.

In considering the means by which we might promote the restoration of harmony, we are aided by your Excellency's information, that no stipulations have been made by the other side. Had it been otherwise we should have felt ourselves unable, with propriety, to make the advance we are about to do, for it would be wrong, in a case that demands perfect candour, to conceal that what we are willing spontaneously to surrender on considerations affecting our own minds, we should feel, on principle, required to withhold, had it been demanded or even suggested by others.

With this explanation, we beg to inform your Excellency that, influenced by the desire to promote the peace and welfare of their country, Mr. Almon and Mr. Dodd have placed in the hands of their colleagues the declaration of their readiness to resign, the former his seat in the Executive Council, the latter the Solicitor-generalship, so soon as that union of parties at the Council Board, which, in common with your Excellency, we think the interests of the province demand, shall be arranged, and their resignation be required for carrying it into full effect. The course thus adopted by Messrs. Dodd and Almon has placed their colleagues in a trying situation, who desire not to withhold from your Excellency, that when

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the proposal was first suggested to them by these gentlemen, they rejected the idea of this sacrifice on the part of their friends with repugnance, and have only finally acquiesced in consequence of the urgent solicitation and arguments with which they pressed their proposition.

We shall regret if this act on the part of the Executive Council shall be disapproved by our friends, or if the motives that dictate it shall be subject of misapprehension or misrepresentation by any. We believe we fulfil our duty in taking advantage of the assumption of the government by your Excellency to bring into operation in this mode the same principles for which, during more than three years, we have contended, when the situation of affairs, and the welfare of the province, demanded their maintenance by a different line of action.

Your Excellency having required the free expression of our opinions, we think it right to say, that the increase of the Executive Council to 12 is liable to objections which only some strong public exigency should counterbalance; and we are aware that there are gentlemen in the Assembly, whose opinions are entitled to consideration, who are opposed to any augmentation beyond nine, the number mentioned in the Royal Instructions.

Upon mature deliberation, we also consider it inexpedient that we should at present suggest to your Excellency the names of the members of the opposition to whom, in our opinion, offers of seats in the Executive Council might with most propriety and advantage be made. We think that, preliminary to any overture, we should be informed, in some definite manner, whether the willingness we have expressed to unite in the formation of a council with gentlemen of the opposition, is met by a reciprocal sentiment, for if this be not the case, any further proceeding is impracticable, and all that we have proposed becomes inoperative.

Should the result of this inquiry be such as to lay a foundation for proceeding towards the object of your Excellency's communication, we shall be prepared cordially to co-operate with your Excellency, with an earnest desire to elevate the country and promote the efficiency of your Excellency's administration. If the principle of the union of parties in the Executive Council shall be acknowledged by the other side, your Excellency will have four seats in the Executive Council, and the Solicitor-generalship, to use as means of conciliation and evidences of the sincerity of our profession. If this principle be rejected, or, if being admitted, any appointments or arrangements shall be required to which we cannot accede, we shall but stand in the position we occupied previous to your Excellency's appeal to us on Wednesday last, having afforded the additional evidence contained in this paper of our desire to promote the harmony of the province.

(signed)

*J. B. Robie.*  
*Rupert D. George.*  
*J. W. Johnstone.*  
*E. M. Dodd.*  
*M. B. Almon.*  
*Lewis M. Wilkins.*

May it please your Excellency,

Halifax, 8 December 1846.

We have the honour to acknowledge your Excellency's supplementary memorandum, bearing date the 2d December instant, which was delivered to Mr. Wilkins by your Excellency on Saturday, the 5th instant, after Mr. Dodd's departure for Cape Breton.

Previously to its delivery by your Excellency, and as early as Thursday forenoon, while Mr. Dodd was in town, we had, with him, fully considered the subject of your Excellency's original memorandum, and had concurred in and arranged the proposals and sentiments that are contained in the communication which your Excellency will receive with this, and which is dated on the 4th instant.

It has become necessary for us to refer to this circumstance, because our communication was prepared solely in reference to the first memorandum presented to us by your Excellency in connexion with the oral explanation of a passage in it which your Excellency was pleased to convey to us through Mr. Wilkins, whilst neither the passage alluded to, nor the explanation of it, as communicated to us by Mr. Wilkins, contained any allusion to the suggestion of your Excellency made in the supplementary memorandum, as to your willingness to assent to a voluntary surrender of offices, should any of the incumbents of them think fit to make it for the attainment of a great public object, and because we are persuaded it will be gratifying to your Excellency to perceive that we had thus anticipated your Excellency, in regard to that suggestion, two of the members of the Executive Council having, before it had been imparted to us, spontaneously expressed their willingness to make such a surrender whenever it might be the means of accomplishing such an object.

Some of the members of your Council cannot call to mind that any reference was at any time made by your Excellency, in their presence, to the subject of the concluding paragraph of your Excellency's supplementary memorandum, and none of us have looked upon it as entering in any way into the considerations, and to which our attention has been directed by your Excellency's communications to us previously to the supplementary memorandum. On a point which may be deemed to touch very essentially the interests of individuals, and yet more deeply the public welfare, we would be wrong to remain silent after your Excellency has thus brought it to our notice, and our duty to your Excellency requires us to say, unreservedly, that while two of our members have been willing, of their own accord, to offer the

NOVA SCOTIA. the surrender of offices held by themselves for purposes of consideration, it would be utterly repugnant to our principles, as public men, and to our feelings as individuals, to advise or influence any gentleman holding an office of emolument to surrender it for the purpose to which your Excellency has alluded.

(signed) *J. B. Robie.*  
*Rupert D. George.*  
*J. W. Johnstone.*  
*M. B. Almon.*  
*Lewis M. Wilkins.*

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Enclosure 3, in No. 6.

MEMORANDUM for the Members of the Executive Council.

Encl. 3, in No. 6. Honourable Gentlemen,  
 I HAVE perused, with much satisfaction, the letters which you have addressed to me under date the 4th and 7th instant, in reply to my memoranda of the 2d, received by me yesterday, and I willingly recognize in them the evidence of a sincere desire on your part cordially to co-operate with me in the endeavour to construct such an Executive Council Board as, while it may fairly represent the two political parties to which the inhabitants of the province appear respectively to adhere, may, at the same time, give to the head of the Government the benefit of the assistance of the most talented and influential individuals of each in conducting the administration of its civil affairs.

To Messrs. Dodd and Almon I feel a degree of obligation beyond what I am able to express; and in bringing their disinterested and patriotic conduct to the knowledge of the Queen's Government, it will afford me much gratification to express my opinion that they have respectively established a strong claim upon the approbation of their Sovereign, which will, I am convinced, be cheerfully recognized.

No time will be lost by me in bringing the propositions embodied in your papers into discussion with some of the leading individuals of the opposite party, and in communicating to you the result.

With regard to the concluding paragraph of my supplementary memorandum, you are correct in believing that it was not intended to be placed before you by me, as embodying any distinct proposition for your acceptance or rejection, or that it had ever been meant to be propounded to you collectively—to the of your body it certainly had not, and to the other three it was mentioned incidentally as an object which appeared to me very desirable, if attainable without undue interference with the rights and interests of others. In these views Mr. Dodd appeared entirely to agree with me in my conversation with him, both in Cape Breton and here, as I believed had the Attorney-General, Sir Rupert George, though all admitted the difficulties in the way of its present attainment.

Government House, Halifax,  
 11 December 1846.

(signed) *J. Harvey.*

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Enclosure 4, in No. 6.

MEMORANDUM.

Encl. 4, in No. 6. IN laying before you, and inviting your attentive consideration and that of your friends to the enclosed correspondence, which I have held with the members of Her Majesty's Council, having for its object the formation of an united Government, it appears to me proper to observe (as my desire is, while endeavouring to combine both parties in the public service, not to give a political triumph to either), that it would be premature to proceed to the discussion of details or individual selections for office previous to the affirmation by both of the principle upon which it is proposed to construct such a Government. I repeat my conviction that the distinct admission by both parties of the principle propounded as a basis, would tend to clear the question, and the discussions connected with it, of many of its difficulties.

With these remarks I invite as early an expression of your sentiments upon the proposition as may be convenient.

Joseph Howe and W. Young, Esq.

*J. H.*  
 Government House, December 14, 1846.

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Enclosure 5, in No. 6.

Encl. 5, in No. 6. May it please your Excellency, Halifax, 17 December 1846.  
 WE have given to the papers handed to the Speaker and Mr. Howe on Monday last the grave consideration to which any communications coming through or from the head of the Government are entitled, and we now proceed to discuss their contents with the frankness

frankness which seems to be expected from us, and in the confident belief that your Excellency's candour and distinctness from all the parties who have been called by their public positions to take part in this inquiry.

Lest the mode adapted should be drawn into precedent, we must express our regret that your Excellency should have been advised to lay before the members of the opposition the communications, oral and written, which have passed between your Excellency and the Executive Council; these, we humbly conceive, ought to be of the most private and confidential nature. If a distinct proposition is the result, the opposition have something tangible to deal with; but they ought not to be called upon to criticise communications out of which, so far as they can perceive, nothing has yet grown but a dexterous evasion of a clear and positive command.

Your Excellency, in your Address to the Executive Council dated 2d of December, calls upon them to aid you in the formation of a mixed government, including the talented and influential of all parties—to propose to you the names of the gentlemen whom they would recommend to supply vacancies—and you inform them that a fair distribution of official patronage (in which you are ready to concur) will necessarily constitute the basis of the proposed coalition or fusion of parties.

These directions are clear and specific, and we can perceive at once the object which your Excellency had in view, and recognize the means by which you propose to arrive at it as constitutional and legitimate. We regret to observe, that in no one particular have your requirements been met, or your commands obeyed, and but for some irrelevant matters very improperly introduced, we feel that we might fairly decline to interfere until your Excellency's instructions had been complied with, or the want of ability or inclination to comply with them had been ingenuously confessed.

In discussing questions of this nature, English precedents are our safest guides. If a Cabinet at home is weak, and a more extended basis is desirable, the leader of the Government does not wait to be reminded of his duty by the Sovereign, but suggests promptly the *modus operandi* by which a change should be effected; if new appointments are required, he proposes the names of those who *are willing to serve with him*; if offices are to be vacated, he takes the initiative and places them at the Sovereign's disposal; if he delays or neglects his duty until formally called upon, he then obeys the command which his own inertness has rendered imperative, and if he is unable or unwilling to comply, tenders his resignation; he does not travel out of the official route in which the commands of his Sovereign are conveyed to attribute to Her expressions and opinions that it does not contain—which either were or were not dropped in the Royal Court—but which Her Majesty has conceived it politic or wise to throw out as materials for controversy among any portion of Her subjects. It is to be regretted that this time-honoured practice has not been adhered to by your Excellency's advisers. They have waited three months without discovering their weakness, or informing your Excellency that the Council was defective in numbers and strength. When their attention is called to the fact, they profess adherence to a principle which for three years they have violated in practice—give your Excellency the names of one gentleman who is ready to retire, but of none who are willing to go in—attribute expressions and such to extract opinions which might embarrass rather than facilitate the arrangements they profess to desire by involving your Excellency in the unhappy controversies of the past, and in obedience to your Excellency's commands that “a fair distribution of official patronage should constitute the basis of the proposed coalition,” argue in favour of a life tenure of office, and place the Solicitor-generalship alone in your hands wherewith to satisfy the claims of the opposition, and convince us of the “sincerity of their professions.”

Such being the mode in which the gentlemen from your Excellency had a right to expect a liberal construction of your appeal and prompt obedience to your wishes have obeyed your commands, we might be pardoned for declining to interfere, but we are reluctant to evade the main question raised by your Excellency, from any dislike to the form in which they have been presented, or from any desire to shrink from responsibility which our positions impose.

We understand your Excellency to desire to know whether the leaders of opposition will at the present moment enter into a coalition with five of the six gentlemen who have signed the papers submitted to us, accepting four seats at the Council Board and the Solicitor-generalship; that your Excellency may not suspect us of any desire to mislead or to create embarrassment by the concealment of our opinions, we deem it our duty to answer in the negative, for the following among other reasons:—

1st. Because even if a mixed or coalition Government were in any case to be thought of, after the experience we have had, the leaderships in one or the other branch should be conferred on the liberal party, a fair distribution of patronage should be arranged at the formation, and justice to all Her Majesty's subjects be the rule thereafter; to ask the opposition embracing nearly half the House, and, as we believe, a vast majority throughout the country, to share the responsibilities and labours of Government, holding but one office of subordinate importance, while the opposite party were left in possession of all the other employments of the province, securing to them the influence of every department, would be far from meeting our ideas of equal justice.

2d. Because, except under peculiar circumstances, coalitions rarely work well; if the members act in good faith, they ultimately form one party, while another surely arises to oppose them, with whom, if the principle is to be carried out, another coalition must be formed. The experience of the mother-country is not favourable to such combinations, and the coalition in which several of the present Council served was continually weakened by

NOVA SCOTIA. this conduct, and alternately shattered by the appointment of the gentleman who now professes his willingness to resign.

3d. Because, though we shall be at all times ready to act with gentlemen with whom we can agree on common measures, and in whose patriotism and discretion we confide, with the members of the existing Council we can enter into no political alliance until the people of Nova Scotia decide between them and us, upon various matters drawn into controversy during the last three years, though they now desire to make it appear that there are "no questions of public moment" dividing parties in Nova Scotia; they well know that—

While the Liberals have sought to introduce into this province the system of government suggested by Lord Durham, and sanctioned by Lord Sydenham and his successors, the Conservatives have as steadily opposed it, practically denying to the people the power which should result from the possession of representative institutions.

While the Liberals hold that public offices are public trusts, held by the tenure propounded in Lord John Russell's despatches of 1839, and recognized by your Excellency's circular addressed to the Heads of Departments in New Brunswick, the gentlemen whose alliance we decline regard the posts which every Governor should have in his gift, wherewith to strengthen and sustain his administration, as a species of freehold, and broadly state, that it is "utterly repugnant to their principles and feelings to advise their surrender for any such purpose."

While the members of opposition have laboured for years to obtain the surrender of the casual and territorial revenues on fair and equitable terms, the members of Council have endeavoured to obstruct them by public action in the Legislature, and representations to Her Majesty's Government.

While the opposition have desired to introduce into the Legislative Council gentlemen of talent and political influence, fairly reflecting the opinions of all parties in Nova Scotia, the persons whose alliance we decline have used the powers they possessed to give to the upper branch a decidedly partisan character, by which the efforts of any fair and liberal Government may be permanently obstructed.

Upon these and many other points of almost equal importance we patiently and confidently await the judgment of the country, and are reluctant to enter into any coalition with those whose opinions upon them all we believe to be unsound, and whose public conduct we anticipate a majority of the constituency will condemn.

We are gratified to perceive that the members of the Executive Council decline taking the responsibility of advising your Excellency to increase the number of that board to 12. It would have been strange if they had forgotten that such a proposition, suggested by themselves to your Excellency's predecessor, was signally defeated in 1844, and that when made to the Liberals it was unanimously rejected. On this point we are happy to find they have adopted our views; "by the Royal Instructions" we are reminded the people of Nova Scotia are entitled to have their affairs conducted by a council of "nine." We were afraid that this fact had been forgotten, as those instructions have been strangely violated for three years, the number never during that period having exceeded six, and sometimes being reduced to five.

That Mr. Almon should be willing to resign his seat in Council now we confess does surprise us. The reason given for his elevation in 1843 was his "affinity" to the Attorney-general; as the relationship still exists, we presume that the near approach of a general election has awakened the conviction that the people of this province might resent the elevation of a person comparatively unknown to them, who had never represented a constituency or won any portion of their confidence, over the heads of all the members of both branches of the Legislature, many of whom had devoted themselves faithfully to the public service for a series of years.

We cannot discern any reason for attempting to raise a discussion about "numerical representation" of the Council Board, except it be to couple your Excellency's proposal with the language of one brought to us by Mr. Dodd in 1844, and to create an impression that some party in Nova Scotia are pressing upon the Governor an idea too absurd for anybody to entertain.

With respect to the mode in which business is transacted in the Cabinet, the people of Nova Scotia, like the people of England, are wisely indifferent. There are matters of internal arrangement, about which any discussion is unnecessary at the present time. Whether questions are decided by a majority of votes, or by the single voice of the Queen's representative, we shall continue to hold those whom the constitution teaches us to assume have been consulted responsible for every exercise of the prerogative, and every act done by the government of which they are members.

If disposed to trouble your Excellency with a history of the past, we could show that we have given many substantial proofs of a desire for "harmony" and conciliation, and that we were only driven to take the ground we now occupy by a growing conviction of the insincerity of the persons, association with whom we now respectfully decline. From 1840 to 1843 they were protected by the liberal party in the Assembly, who magnanimously left them and their friends in possession of nearly all the emoluments of office and most of the seats in Council. In 1843 they broke up a "mixed government" by inducing the Lieutenant-governor to appoint a seventh Conservative, the Liberals at the time occupying but two seats. That act drove into opposition the gentlemen who held them, and another who, though previously identified with the opposition interests, resented what he believed to be a gross injustice to a party that for three years had steadily supported the Administration.



Finding a Government which, while it possessed our confidence, was sustained by four-fifths of the members of the Assembly, reduced by the appointment of Mr. Almon to a majority of one, the gentlemen who now seek our aid found themselves compelled to invite our co-operation on several occasions. In every proposition made to us they sought, as they do now, a "party triumph," and not the peace of the country. Their overtures were rejected, but influenced by a sincere desire to strengthen the Government, we indicated the fair and honourable terms which we were ready to accept. Our opponents preferred a monopoly of official income and the undivided possession of power; they have had both, and so long as a majority of the Assembly, however small, sustain them, or your Excellency deems it right to conduct the Government with advisers powerless or unwilling to carry out in practice the principle they profess, we are satisfied to hold a position honourable in the estimation of the country, and to preserve our consistency without seeking any share in the administration.

In conclusion, we beg to assure your Excellency that we rejoice to find in the extract from Lord Grey's despatch the true position which a Colonial Governor should occupy so accurately defined. This province has suffered much from the want of that mediation and moderation proffered by your Excellency and enjoined by the Colonial Secretary; but under your auspices we anticipate the courteous observances and rigid impartiality which make the working of representative institutions so easy, and draw from them so much of personal independence and practical utility. Your Excellency will ever find us prompt to sustain you by the public expression of the respect which we, collectively and individually, feel; and if we cannot consent to act with a party who do not possess our confidence, we shall nevertheless give our best consideration, and, if possible, our support, to any measures which your Excellency may suggest for the advancement of the public interests.

The members of the Legislative Council, with whom we have deemed it advisable to consult, approve of the course we are taking, and of the sentiments we have expressed. We have only to repeat, that from the apparent necessity for an early reply, we have not been able to submit the documents referred to us to gentlemen residing at a distance, whose judgment we respect, but whose opinions we confidently anticipate will be coincident with our own.

(signed) *Joseph Howe.*  
*L. O. C. Doyle.*  
*James M'Nab.*  
*George B. Young.*

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Enclosure 6, in No. 6.

MEMORANDUM (by the SPEAKER).

ALTHOUGH I have not thought it advisable, from the position I hold in the Assembly, to affix my name to the reply given by the members of the Liberal party in town to the propositions submitted to them through Mr. Howe and myself, I beg to be understood as entirely approving of it, and perfectly concur with my friends in rejecting any alliance with the present Executive Council, until, at least, an appeal shall have been made to the people.

Halifax, 17 December 1846

(signed) *W. Young.*

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— No. 7. —

(No. 17.)

COPY of a DESPATCH from Lieut.-Governor Sir *John Harvey*, K.C.B., to Earl *Grey*.

Government House, Halifax, 2 February 1847.

(Received 16 February 1847).

My Lord,

At the request of the Executive Council, I enclose the copy of a letter which they have addressed to me for the purpose of being forwarded to your Lordship, as well as a printed copy of a previous communication I had received from that body, being a reply to a paper signed by certain leading members of the opposition, which, together with other communications connected with it, I not long since had the honour to transmit to your Lordship, with a private and confidential despatch concurring entirely in the representations made by the Council with respect to the present circumstances of the colony, its political condition, and the nature of its principal public offices. I feel it to be of the greatest moment to the welfare of this country that the very important subjects thus brought to your Lordship's notice should receive the earliest and most careful consideration that may be consistent with your Lordship's convenience.

I know not that I can afford to your Lordship a proof less equivocal of my

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No. 7.  
Lieut.-Governor  
Sir John Harvey  
to Earl Grey.  
2 February 1847.

1753, Nova Scotia.  
Dec. 17, 1846.

NOVA SCOTIA. earnest desire to continue to act with sincerity and cordiality with the gentlemen composing my present Council than by abstaining from any other observation upon their comments upon my partial disclosures to them of the contents of my private, separate and confidential correspondence with your Lordship, than that that course has been prescribed to me by a sense of public duty.

I send herewith the copy of a letter from the Attorney-General to me, dated 5th of September 1846, and referred to in the letter from the Council, with a printed copy of the resolutions of the Assembly referred to by the Attorney-General.

I have, &c.  
(signed) *John Harvey.*

Enclosure 1, in No. 7.

Encl. 1, in No. 7.

May it please your Excellency,

Halifax, 30 January 1847.

Your Excellency has communicated to us, since the termination of the efforts made for introducing into the Executive Council members from the party in opposition, some extracts from a despatch to your Excellency from the Right honourable the Principal Secretary of State for the Colonies, touching the mode of filling up the Council, and some general principles of provincial administration. Your Excellency not having seen it proper to communicate to us the whole of that despatch, nor any portion of that part of it which you mentioned to the Attorney-General and Mr. Dodd two days ago, relative to the Legislative Council, we can form but such imperfect idea of the views of his Lordship as can be derived from the two short extracts in writing furnished on the 6th instant to Sir Rupert D. George for our information, and from the recollection retained by the Attorney-General and Mr. Dodd, of some passages read to them by your Excellency on the occasion referred to.

From one of these latter passages, it appeared that your Excellency had conveyed to the Secretary of State a written paper furnished to you by some of the leading members of the opposition. Your Excellency is aware that we are entirely unacquainted, as well with the contents of that paper as with the nature and purport of your Excellency's communication to Earl Grey, and that we are also ignorant of the information your Excellency may yourself have possessed, or views you may have entertained on the past history or present prospects of the province when corresponding with his Lordship; your Excellency not having seen it necessary to procure our representation of facts, or statements of opinions, on any of the subjects which may have been touched in that correspondence.

Your Excellency will very naturally understand that we are unwilling to be judged by the statements, whether of facts or principles, that our opponents may furnish. How wide the difference between us in this respect, the correspondence through your Excellency just closed evinces.

Our solicitude, however, does not so much concern the impressions affecting ourselves that may be received from the past, as it is directed to the influences by which the future prospects of this country may be determined.

As to the former, we solicit the attention of Earl Grey to the paper addressed by us to your Excellency, dated the 28th instant, in answer to a paper addressed to your Excellency by several members of the opposition, dated 17th of December last.

Understanding from your Excellency that a copy of the latter paper was some time ago transmitted to his Lordship, and totally differing as we do from the important statements of that document, it would be highly satisfactory to us that his Lordship should be furnished with a copy of our reply, and of the documents annexed to it.

Beyond this we think it would be improper to say more, than that we are prepared to explain and to vindicate the policy and conduct of the provincial Government in all its particulars, from the dissolution of the House in 1843, until your Excellency's assumption of the Government, should it have been impugned, or should his Lordship desire to be acquainted with our views.

As to the future prospects of the country, we think our duty to address the Secretary of State is more certain and pressing. From the general tenor of his Lordship's observations, as far as communicated to us, we gather that his Lordship not improbably looks upon the condition of this province as different from what it really is in some essential particulars. Deeply interested in the welfare of the province, we earnestly desire that it may be saved from the mischiefs of partial change, calculated to promote individual objects, but unsuited to its existing circumstances, and fraught with evils to its social and political interests; and, therefore, we seize the occasion presented to us, of engaging the attention of Her Majesty's Government in the hope that his Lordship at the head of the colonial affairs, dealing with the matter as a *whole*, and giving to the province the benefit of his knowledge, experience and ability, may determine what changes are necessary in our provincial Government, and the modes of conducting the administrative and legislative business of the country before the British system of Government can be perfected here; how far and in what manner the concurrence of the people in such changes should be obtained, supposing such concurrence should be given, and the general adaptation of an administration by heads of departments to so small a colony.

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It is a necessary preliminary that his Lordship should be acquainted with some minuteness with the nature of our public offices and modes of business, and even with the meaning attached here to some terms in common use; and we regret that the pressure of our daily and unavoidable engagements precludes our offering the necessary information, in the manner which would be satisfactory, before the departure of the next mail.

The only public officers in the Executive Council are the Attorney-general and the Solicitor-general, and the Provincial Secretary being the Clerk of the Council; of these, the Attorney and Solicitor-general are in the Legislature.

The Council has consisted, since 1840, for considerable periods, of nine, ten, eight and six members; and it will be apparent, that as regards the conduct of the public business, its numbers are unimportant. Here is a controlling distinction. Were the Council formed of heads of departments, a vacancy in the Council would infer a vacancy in some public office, and a consequent detriment to the service; at present it affects merely the number of advisers.

The provincial treasurer and the collector of Excise are officers excluded from the Legislature by law, or the despatch of the Secretary of State, and for reasons the most conclusive, as we conceive. The first of these officers receives and pays the whole revenue, —standing at the counter in his own person; he keeps his own books, and in the same office conducts the provincial savings bank, of which he is the director, and also acts as auditor of the public accounts; for the whole of these services (and this brief enumeration but imperfectly conveys an idea of them) he receives a salary of 600*l.* currency, equal to 480*l.* sterling, and has the assistance of one clerk, who receives 250*l.* currency, equal to 200*l.* sterling.

The collector of Excise at Halifax (an inappropriate term) secures and receives all provincial duties there, receives the entries of importations, superintends the body of provincial water-side officers, and is in fact the collector of provincial customs at Halifax, at a salary of 703*l.* currency, equal to 560*l.* sterling, out of which he pays his own clerks.

To reason on the case of officers like these seems unnecessary; it is only to imagine them in the Government and Legislature, dependent on the returns of a general election every four years, to perceive the neglect of daily office duty, the almost unavoidable subserviency to political supporters and perilous temptations, which would ensue, unless important changes, requiring a largely increased expense, were made; and, indeed, it is difficult to imagine any practicable change that would not leave some of the worst mischiefs unremoved.

The Secretary of the province, the Surveyor-general, and Commissioner of Crown Lands at Halifax, for Nova Scotia Proper, and a similar officer at Sydney for Cape Breton, conduct the remaining public offices, under circumstances that would require in a greater or less degree increased assistance and modifications.

But all of these gentlemen have held their offices for many years, and in the exercise of their official duties, to which they have devoted themselves, have acquired habits unsuited for legislative pursuits. Their salaries, unlike the treasurer and collector of Excise, have been adjusted by arrangements with the Imperial Government, and are paid out of the Crown revenues.

The Attorney and Solicitor-general are the only officers who are in a situation to come under the operation of the system. The initiative in money grants may be said, in the most emphatic manner, to be *not* with the Government.

The qualification of members of the assembly is 40*s.* per annum from freehold estate.

The tenure of the Legislative Council for life depends on a despatch of the Secretary of State.

There is no pension fund, or any approach to it, and a very decided repugnance exists in this country to its establishment.

The extravagant comparisons and illustrations used in relation to this province, and the style in which a spirit and feeling is assumed to exist throughout the country, very different from the pervading sentiments of the people, may well mislead a distant party.

Nova Scotia numbers about 250,000 inhabitants; a large proportion of them occupying the shores, or contending with the hardships of rugged situations and new cultivations, are poor, and destitute of the means of education, except the most limited. In the oldest and more favoured parts of the country, the capital and labour, so essential to the improvement of agriculture, are wanting; the commerce of the province is limited, and its manufactures still more so. The annual revenue averages about 80,000*l.* It is a young country, having many elements of future promise, but not yet sufficiently matured to bear the full weight of a system of administration that hereafter would be calculated to promote its welfare. We have no class born to fortune and leisure; every man at 21 years of age has his livelihood to acquire, and, as a general rule, those who receive office are dependent on its salary for a subsistence.

In the present system, the public offices are under a strict supervision; it is the interest of both Government and opposition to see that the duties are well performed, and the interest of none to screen malversation; and the officer, fulfilling his duties with integrity and ability, is removed above the temptation either of unworthy subserviency or pecuniary delinquencies, that would assail him were the subsistence of his family dependent on party support, in a country where politics *must* turn on considerations referable to persons, not principles.

We desire in no degree to weaken the responsibility of the provincial Government to the Legislature.

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Hence, one of the first acts of the Attorney-general, after your Excellency's arrival, was to inform your Excellency, in his letter dated 5th of September 1846, of the resolution passed by the Assembly on the 5th of March 1844 (Journals, pp. 66-71), to which we invite his Lordship's attention, and of the acknowledged principles of action by which he held himself governed while one of your Excellency's advisers.

What we do desire is, that it may not be left to accident or to individual interests to enforce those changes which suit personal views, on the erroneous idea that they are but the incidents of a system already introduced, or for which the country has been prepared.

His Lordship will perceive that one object, which amongst other things we have had prominently in view in this communication, has been to make his Lordship acquainted with the peculiar circumstances distinguishing our colonial condition and polity in a very striking degree, not only from that of the Imperial State, but of Canada also; and whilst referring to the past, we feel that much evil has arisen from protracted and exciting discussion in the Legislature respecting abstract theories of Government, concerning the application of which it is alone that a difference exists. We would respectfully suggest, in reference to the future, that an authoritative declaration should be made of the extent to which it is the design of Her Majesty's Government that the mode and principles of English administration, with their incidents as respects the tenure of offices as dependent on the changes of political parties, shall henceforth be held to be in practical operation in Nova Scotia.

We beg your Excellency to forward this letter to the Secretary of State by the present mail, and we trust his Lordship will excuse the hasty manner in which we have been compelled by the pressure of our legislative and other duties to prepare it, and that he will accept it as an evidence of our desire that the government and institutions of this country should be subjected to comprehensive, enlightened and disinterested review.

We have the honour to be, your Excellency's obedient and humble servants,

(signed)

*S. B. Robe,  
R. D. George,  
J. W. Johnston,  
E. M. Dodd,  
M. B. Almon,  
L. M. Wilkins.*

Encl. 2, in No. 7.

Enclosure 2, in No. 7.

May it please your Excellency,

Halifax, January 28, 1847.

THE arrival of Mr. Dodd in Halifax has afforded us the first opportunity of answering the paper dated 17th December last, signed by Messrs. J. Howe, L. O'C. Doyle, J. M'Nab, and G. R. Young, accompanied by a memorandum of approval signed by Mr. W. Young, which was received by your Excellency after Mr. Dodd's departure from Halifax, and the copy of which, furnished by your Excellency, the members of the Executive Council in Halifax had the honour to acknowledge in a note dated the 21st December.

On the general tone of discourtesy, and the derogatory observations of this document, we offer no comment.

Your Excellency ought not to be made the channel for ebullitions of party or personal resentments, and we owe it to our own character and position to bring individual feelings into subjection to the restraints of official decorum, in the conduct of the business in which we have been engaged by your Excellency.

The paper before us advances statements which we consider in the highest degree inaccurate, and pretensions altogether unwarranted by the past or present history of the country.

We therefore feel it to be incumbent on us to request your Excellency's attention to some statements of facts, which we shall make as briefly and with as little comment as possible.

In most, if not all, of the instances, it will be unnecessary to inquire whether parties, who may be referred to, were right or wrong in their conduct. The indisputable facts, irrespective of the motive, being, in our view, inconsistent with the statements that have been made to your Excellency, and being their conclusive answer.

Not the least conspicuous passage is that in which your Excellency is seriously told, that from 1840 to 1843 we were protected by the Liberal party in the Assembly, as they have assumed to style themselves, who, it is said, magnanimously left us and our friends in possession of nearly all the offices of emolument, and most of the seats in Council.

Contrasted with the sordid politics that debase Nova Scotia, such an instance of generous forbearance would be indeed refreshing. But when and how it was that "the Liberal party" became possessed of the power and of the right to distribute the offices of emolument and the seats in Council, and still more, that being so possessed, they magnanimously forbore the tempting prize in favour of their political antagonists, we confess ourselves profoundly ignorant.

We trust we shall not be deemed ungrateful in declining to acknowledge the obligation until that ignorance is dispelled. On such an issue your Excellency may not be averse from receiving a brief sketch of the circumstances.

The mixed government we are said to have broken up in 1843 had its immediate origin in the Governor-General's visit to Nova Scotia in 1840.

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He proposed as a general principle, that the members of the Council should ordinarily be members of the Legislative Council or Assembly, and offered a seat to Mr. Howe, provided he would modify his views on responsible government, as advanced in a pamphlet he had some time before published, and a copy of which had been sent to Lord John Russell, then the Colonial Secretary.

Mr. Howe having consented to the condition, and fulfilled it to the satisfaction of the Governor-General, the Executive Council was formed, in the autumn of that year, on instructions to Lord Falkland to carry out the Governor-General's views, by the retirement of such of the members as belonged to neither branch of the Legislature, and the introduction of Mr. Archibald, the then Attorney-General, Mr. Uniacke, who had retired from Sir Colin Campbell's council, Mr. M'Nab, previously recommended for a seat, and Mr. Howe. These new members being added to those who remained, viz. Mr. Robie, Sir Rupert D. George, Mr. Johnston, then Solicitor-General, Mr. Dodd and Mr. Stewart, formed the Executive Council.

On the *united* influence of this Council, and not on the influence of any one or more of its members, Lord Falkland went to the country on the general election in the end of 1840, and obtained and preserved the support of the new house. Should it be said that in the majority that supported the united Council, the Liberals, as they are called, preponderated, we doubt not that we should have occasion to modify the nomenclature and classification which party interest might now dictate; but the inquiry is unnecessary. It is enough to show that the party had not power to effect what it is vainly pretended they "magnanimously" abstained from doing.

When the Council was remodelled in 1840, we never heard it suggested that any of that party had the opportunity afforded them of displaying the disinterestedness thus assumed to have been exercised.

On the contrary, it was matter of public notoriety, that some of the party were highly dissatisfied with having been omitted from the Council; and it cannot occasion surprise, that the declaration of being "sacrificed and betrayed," which were publicly made on that occasion, were not understood at the time, and cannot now be accepted as the manifestation of disregard of office and generous forbearance.

From that period to the dissolution in 1843, there was exhibited on several occasions a disposition among some individuals of their party to displace certain members of the Executive Council.

These desires were prevented from breaking into open act by Lord Falkland's sense of justice and propriety. He firmly put down every such intrigue, by declaring his fixed purpose to appeal to the country if the Assembly were agitated by any questions aimed at *individuals* of his Council, an appeal from which they shrank with a prudence the event has justified.

In 1843 a dissolution at length became necessary, and the new Assembly, in 1844, being required to decide between two opposite parties, into which the Council had become divided, that section whose pretensions to magnanimous forbearance we are considering was found in the minority, although strengthened by the vote and influence of a gentleman who they tell your Excellency had been "previously identified with the opposite interest."

The assumption that Mr. Almon's appointment was the origin of the divisions that followed it, is far from conveying a faithful representation of the circumstances. That appointment was indeed the immediate occasion of the retirements, but it was itself but the consequence of previous dissensions, which there is sufficient evidence to know would have agitated the Assembly at its approaching session in a manner not the less mischievous from being more covert, although that appointment had never occurred; and when your Excellency is told that "*the reason given*" for that gentleman's appointment was his affinity to the Attorney-General—the concomitant facts being suppressed—the parties who have signed and sanctioned the document under review have been drawn into an assertion that evinces a carelessness and inaccuracy in dealing with facts, for which the advantage they might expect from the sneer it introduces seems an inadequate recompense. The reasons that were given for Mr. Almon's appointment are contained in Lord Falkland's letter to the retired Councillors, dated 25th December 1843, and afterwards published. The extracts from it, which we subjoin, render argument on this point unnecessary.

We proceed to subject to a like comparison with facts the unqualified declaration, that in every proposal made to the opposition for an union of parties we have sought "a party triumph, and not the peace of the country."

No sooner had the majority of the Assembly, in 1844, sustained the government, after the disruption of the Council, than the Lieutenant-Governor offered to reinstate the three retired Councillors in all the offices they had vacated; and, in addition, to appoint to the Executive Council a Roman Catholic gentleman of their own politics; thus removing as far as possible the appearance of party triumph, by restoring the relative position of the parties in the Council, as it had stood before the appointment of Mr. Almon. Some time after this offer was rejected, Mr. De Wolf was appointed to the Excise office, and immediately following that appointment there was commenced a system of ribaldrous abuse of the Lieutenant-Governor, which was pertinaciously followed to the close of his administration.

In the summer of the same year an offer was made to introduce five members of the opposition into a Council of twelve, the publisher of the abuse referred to being excluded from the proposal. In reference to this proposition, it being suggested by a member of the opposition to one of ourselves, that if it were modified so as to contemplate a Council of nine in the whole, an arrangement would probably be effected, the Lieutenant-Governor lost no time in authorizing the Attorney-General to meet a gentleman understood to be empowered

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on the other side. Between these gentlemen a personal communication took place, which, from the authority given the Attorney-General, and the feelings of the executive, could scarcely have failed to result successfully, although it must have been attended with sacrifices on the part of the Executive Council; but this negotiation abruptly terminated from the failure of some of the opposition to confirm the authority of the gentleman acting for that party. With the circumstances of the proposal recently made your Excellency is fully acquainted. It is unnecessary that we should unveil the secret springs that have defeated all proposals for conciliation; enough appears in what is acknowledged and apparent to enable you to estimate the value of the construction put on our conduct, and to appreciate the correctness and good taste of the vaunting assertion founded on the proposition made in 1844 to increase the Council to twelve. To complete the sketch, we subjoin the copy of a resolution passed in the Assembly on the 26th February 1845, and to which we beg your Excellency's particular attention, and from which will be gathered, in no dubious terms, the sense entertained by a majority of the Assembly of the course pursued in this respect, during the late administration of the Government. Your Excellency's opinion of our conduct in the recent proposals we are happy to know to be equally favourable.

Your Excellency has been furnished with a distinct catalogue of public benefactions which the paper under review would lead you to believe "the Liberals" would have conferred on Nova Scotia, had not the influence of the Conservatives frustrated their purposes. Most of that which is thus advanced has been reiterated again and again in every varied form that might serve to awaken popular prejudice, and on every suitable occasion has been met, and, as we believe, successfully repelled.

Your Excellency will, therefore, not be surprised that we, at this time, deal with these points in general terms only.

Your Excellency is told that "while the Liberals have sought to introduce into this province the system of government suggested by Lord Durham, and sanctioned by Lord Sydenham and his successors, the Conservatives have as steadily opposed it, practically denying to the people the power which should result from the possession of representative institutions."

Sorry, beyond the expression of language, should we be, did we not believe that those who support us both in the Legislature and through Nova Scotia, as well as we ourselves, entertain at least as high a value for representative institutions, and reverence for constitutional liberty and British connexion, as do those who are accustomed to arrogate their own superiority. It is because we thus feel that we are unwilling to trust the wisdom and disinterestedness of those who see in the circumstances of this small colony an existing adaptation for the whole British system, acquiring neither previous modification nor preparation, and who, on a foundation in our eyes so irrational and unsound, seek for changes from which, as an immediate consequence, they do not affect to conceal that they hope to attain their own advancement to offices of emolument. Their next claim is one which, doubtless, gives value to all the others, and is expressed with a guardedness of language well suited to the delicacy of the subject. Your Excellency is told that "the Liberals hold that public offices are public trusts." So we hold. The public trust we would regard is the promotion of the public interest by the faithful execution of the duties of office. *Their* public trust appears to us to be alone subservient to private interests, before which, in the present state of the provincial government, the public welfare would inevitably bend. Before the consummation which seems so desirable in the eyes of these gentlemen can be effected, by making the public offices the prize of political aspirants, great changes are required to be made, entailing a large increase of the public burdens. Until these changes shall be judged advisable, and be carried into effect, we hesitate not to avow the opinion, that to turn a faithful officer out of his situation for the purpose of bribing into quietness an enforced agitation, would be altogether inconsistent with British practice and precedent, as it would be "utterly repugnant" to the principles and feelings we desire ever to cherish; and we have little hesitation in believing that the noble statesman referred to in the passage in question would recognize in the condition of this country and its institutions the necessity of great and serious changes, before the system advanced by the opposition could be introduced without manifest injury to the province.

The next theme is the transfer of the casual and territorial revenues, and on a subject so much hackneyed to party purposes we may be permitted to leave undisturbed by any reminiscences the complacent comparison drawn between the members of the opposition and of the Council.

Last in the catalogue is the composition of the Legislative Council. One of the first acts of Lord Falkland, after the retirement of the Executive Councillors in 1843, was to appoint a Roman Catholic gentleman of the Liberal party to that body, and to the attempts of that party to give it a partizan character may be traced the appointments they complain of.

The parties who have presented to your Excellency the document we are considering profess themselves dissatisfied with the style in which our recent offer for conciliation was made, and are pleased to describe the mode that should have been pursued for the purpose of following English example.

Five pages are occupied in instructing your Excellency in the etiquette of the Royal closet, descanting on the duties that attach to the Prime Minister of England, and in exposing the derelictions of duty into which they assume our ignorance has led us.

We are not ambitious of the credit to be derived from the display of knowledge on matters of no very deep erudition, and shall therefore leave those gentlemen in undisturbed possession of the high places they emulate, content to believe that the course we pursued was that best suited to the humbler circumstances in which we were placed. While our  
desire

desire is to adopt every British principle and practice of government as far and as fast as our own condition will allow, we revolt from the attempt, as alike inconsistent with common sense and the welfare of the province, that would apply to a small colony what may be suited only to a state of greater maturity.

If, however, in fulfilling the duty imposed on us by your Excellency, we did not indulge in exaggerated comparisons, we yet within our narrower sphere felt the importance of the trust, and followed the course best adapted, as we believe, for its honourable and successful accomplishment.

To estimate perfectly our position, it might be necessary to enter into statements more personal than we deem expedient for this paper. We may, however, be permitted to say, that the experience of the past was fraught with pertinent instruction. When, therefore, your Excellency was pleased "to invite our assistance in the formation of such a government as might be in accordance with your well-known views, so far as the state of public feeling in the province might render practicable," our unreserved declaration of readiness in general terms to unite with gentlemen of opposite party name, laid, as far as we were able, the foundation necessary for carrying your Excellency's object into effect, should a corresponding disposition exist on the other side, and warranted the advice we offered, that, previously to any overtures, the sentiment entertained on this preliminary principle by those of the opposition your Excellency was in communication with should be ascertained.

In deferring our selection of names from the other side to fill the vacant seats in Council—(your Excellency is aware we were willing to assume the duty if subsequently it should be required to be fulfilled)—we avoided an appearance of dictation that might have been offensive to those opposed to us; and as we were aware that the union would call for some surrender of party and personal feeling on the other side, we felt that the tendered resignation of Messrs. Dodd and Almon would evince that *we* had been willing to set the example. Thus, if our opponents should possess a desire to promote the harmony of the province, an opportunity was afforded for the arrangement of such names to fill the vacant seats in the Executive Council from their side as we could acquiesce in, in a manner the least likely to excite jarring feelings among their own party; while, if there should exist no real purpose of union, the course we pursued withheld from them the plausible excuse of proscription and its fruitful harvest of excitement.

"The irrelevant matters very improperly introduced," as the document before us authoritatively determines, were statements calculated to put your Excellency in possession of our views, and thereby enable you to correct misapprehension, and to secure a proper understanding in a case where explicitness was necessary.

In all these communications our intercourse was with your Excellency, not with our opponents. Your Excellency fulfilling the office of "mediation and moderation," which the paper we are considering professes highly to value, exercised exclusively your own discretion in communications you made to the opposition, and we doubt not (for we are ignorant of their exact nature and extent), your Excellency was guided by a spirit of generous confidence which you had reason to suppose would not be misapprehended or perverted.

It is insinuated, in terms not the most delicate, that the proposal we thus made, involving Mr. Almon's retirement, was dictated under a sense of weakness and dread of the future, for the purpose of seeking the aid of our opponents, whose co-operation you are told we had found ourselves compelled to invite on former occasions.

Your Excellency is aware, and we were not insensible to the fact, that an offer of conciliation from one of two contending parties, is liable to be misinterpreted into evidence of weakness by minds incapable or unwilling to exercise generous sentiments; and we can have no interest in objecting to this practical exhibition which these gentlemen have seen fit to make of their sense of official propriety—rendered more conspicuous by its contrast with the lofty terms in which they profess to hold up for example the high observances of British statesmen.

But whatever may have been our motives, it is satisfactory to know that neither the success of their Parliamentary opposition, nor the conduct of public affairs, furnishes evidence of any necessity on our part to seek their aid.

The supporters of the administration in the Assembly have ever had strength sufficient to resist, with entire success, the most strenuous and pertinacious efforts of the opposition,—a strength, too, which has gone on steadily increasing as the contest has advanced; and not only has the management of the provincial business, and the supervision of public offices, been as efficient as when individuals from the other side were in the Council (we think we may go thus far at least without dread of any contradiction), but during the last three years some of the principal public offices have undergone great and acknowledged improvements—while a large reduction of the provincial debt, and the revenue flourishing and increasing in no ordinary measure, have furnished no ground of dissatisfaction.

Vanity or self-interest may magnify beyond their due proportion the affairs of this small colony, and the ability necessary for advising the Lieutenant-Governor on their conduct; but the experience of many years, during which, at different times, most of us have been associated with many of the leading men on the other side, has given us moderate views on this subject: therefore, in seeking an union of parties, the evils to be averted formed our paramount consideration, and the suppression of a debasing agitation, calculated only to disturb the peace and retard the welfare of the country, was to us an object far more controlling than the advantage to be expected from the talents of any set of men.

A reason is assigned by the other side for the rejection of the recent offer made for conciliation, which is perfectly significant to all who apprehend the import of the terms in which it is expressed, and which, in connexion with other circumstances, on which it is unnecessary

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to enter here, renders transparent the real object for which the country is now agitated, but which is yet so expressed as to leave multitudes of this province in ignorance as to the tendency of the course pursued.

It is said that "a fair distribution of patronage should be arranged at the formation" of the United Council, and that to induce the opposition "to share the responsibilities and labours of Government," offices of adequate value had not been offered them.

Here a ready key is furnished to the extravagant comparisons instituted between the government of Nova Scotia and that of Great Britain, and the overstrained and unsound analogies attempted to be deduced from English precedents, which overspread the documents we are considering, to a degree calculated to give to it an air of burlesque and caricature in the eyes of those acquainted with the real nature of *both* governments and the circumstances of the two countries, but which, to a stranger unacquainted with our affairs, and to those among ourselves ignorant of incidents that distinguish the British Government, have a tendency to create plausible and deceptive opinions.

Let the English statesman be informed that in Nova Scotia the system of administration by heads of departments has never been introduced, and that the greater number of the chief public officers have not seats at the Council Board, and that the larger number of the councillors, since the reconstruction in 1840, have been unconnected with office, and he would understand that party government, and the transfer of offices of emolument and trust contemplated by the opposition, could not take place on English principles, until such mode of administration had been introduced. But further, when he should learn the structure of the provincial government, the mode of the legislative action in the grant of money, and its appropriation and expenditure for local improvements, when he should know that some of the chief officers fulfil in fact the duties which in England are performed by subordinate clerks, and are dependent for the necessary support of their families on salaries not more than adequate for that object, he would assuredly be satisfied that the administration by heads of departments could not be introduced without the erection of new offices, and a pension fund, the Government initiative in money votes, and many important changes in the present system, involving the sacrifice of much that the people of Nova Scotia, from long usage, have become attached to, and necessarily entailing a very largely increased expense in the administration of the provincial government.

Whether these changes would be beneficial, or if beneficial, whether their advantages would be equivalent to the enlarged expenditures they would create, are questions of very serious moment to every Nova-Scotian, but on these questions we do not enter; our object is to strip the matter of specious but delusive glosses; for of this we are assured, that were the people of this province to understand what is really meant by the opposition leaders by the phraseology of the paper we are considering, and the necessary consequences of the system they are aiming at, and could they know the expenses it must induce, and the new offices it requires, with the operation and effects of its other requisite changes, there is not one constituency in Nova Scotia that would not reject the system with scorn, let it be offered from whose hands soever it might.

But the real end and tendency of the course pursued are concealed under terms and phrases not understood by the generality of the people, and gilded by high-sounding references to England, and self-complacent comparisons with British institutions.

We believe that English precedent sanctions not the turning out of office, on a change of administration, of men not engaged in the administration, unconnected with the ministry or the Legislature, and performing subordinate duties of office.

The public interest, we think, equally forbids that an officer, who, in his own person, receives and secures the public duties, or at the counter receives and pays the public revenues, and is compelled to fulfil a large share of the ordinary duty of a clerk, should be drawn away from his office to attend the administrative and legislative duties devolving on a member of Government, should be exposed to the influences and temptations of elections, or be led every few years to spend, in securing the return of himself or some political leader, on which his continuance in office, and consequently his daily bread, would depend, much more than the amount of all his annual income.

Hence our reason for asserting that new offices must be created, increased expense incurred, and pensions established, to carry out the views of the opposition, unless they design to violate English precedent, of which they talk so loudly, or to trample on the substantial interests of the province, for which they profess so high a regard.

If the object of the opposition be to introduce the perfect English system, then honesty to the people demands that their intention should be openly avowed, and the full effect, and all the consequences be distinctly explained. This they have never yet done. If their object be to introduce just so much as suits the interest of a few individuals, by giving them the power to turn out the holders of offices of emolument merely, without altering the nature of the offices, so as to bring them into analogy with the departments in England, then the object is alike destructive of the best interest of the people and repugnant to British principle and practice, and its authority and example must be sought for, not in the constitution of Great Britain, but in one of the worst features of the practice in the United States of America.

We offer to your Excellency no apology for the length of this paper. Bound to Nova Scotia by the strongest ties, her welfare (at stake upon the issue raised between our opponents and ourselves) cannot be indifferent to us, nor could we, without injustice, be insensible to the claims of our political friends in the legislature and country, who, in common with ourselves, are attacked in the document we have been considering.

The appeal of your Excellency, a new Governor, opened under favourable auspices a renewed



renewed prospect of quieting an agitation which, as we conceive, without any considerations of the public good to warrant it, disturbs and injures the country.

That appeal demanded the surrender of our personal feelings to no ordinary extent, and we prepared to make the sacrifice as far as public duty and propriety would permit. In this we but carried out the principles we have maintained for the last three years; and if the mode in which our advances has been repelled has altered some of the relations in which we were willing to place ourselves, we are not answerable for that consequence. The opposition leaders deal confidently with the future. In the struggle of the last three years, may it please your Excellency, anticipations equally bold and confident have again and again been thrown across our path, which it has been our fortune to find realized in nothing except disappointment to their authors. Content to leave the future in the disposal of a wise Providence, we trust that as far as we may be called to mingle in its scenes, we shall at least bring to the duties it may present a firm determination to promote the welfare of our country according to our best ability.

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 formerly made for promoting the harmony of the province met the approval of your Excellency's noble predecessor, while administering this government, and secured the firm, unwavering confidence and support of a majority of the representatives of the people, and that our recent efforts obtained your Excellency's approbation; nor should we fulfil our duty were we to close this paper without thanking your Excellency for the declaration you have so kindly expressed, that you recognized in the course we pursued in our recent proposals the evidence of a sincere desire on our part to co-operate in your Excellency's endeavours to construct a Council fairly representing both parties, and that you beheld in the conduct of Messrs. Dodd and Almon a disinterestedness that entitled them to their Sovereign's approval.

*S. B. Robie,  
R. D. George.  
J. W. Johnston.  
Edmund M. Dodd.  
M. B. Almon.  
Lewis M. Wilkins, jun.*

EXTRACT from Lord *Falkland's* Letter to Messrs. *Uniacke, Howe and McNab*, dated 25 December 1843.

THE reasons which made the appointment of Mr. Almon expedient, in my opinion, at this time, are such as, far from indicating a change of policy, appear to me to afford convincing evidence of the sincerity of my desire to avoid a change. On the late dissolution of the Assembly, the Council became openly divided on the question whether a party Government is or is not adapted to the actual condition of Nova Scotia, I myself entertaining a strong opinion that such a Government would be injurious to the best interests of the country, and that a Council formed on the principles on which the Board which had up to that time assisted me in the conduct of affairs was constituted, is better adapted to the exigencies of the colony than any which could be formed on any other principle. The members of the Government went to the hustings, each stating his own views; Mr. Howe declaring at Halifax that if he and his party succeeded in obtaining a majority, he should expect those who differed with him to retire, and that he would retire if he found himself in a minority.

Mr. Johnston, at Annapolis, unequivocally denounced the system of party government, and avowed his preference for a government in which all parties should be represented.

On the elections taking place, a House was returned which I believed would be opposed to the views of Mr. Howe. I sent for that gentleman, and expressed my conviction to him that such was the case, inviting him to remain in the government. Mr. Howe differed with me as to the probable feeling of the new House of Assembly, and said that nothing but the most imperative necessity would induce him to retain his seat in the existing Executive Council; but after consulting his political friends, he agreed to do so, and to give a cordial support to the administration.

After such a public manifestation of difference of opinion between members of the Council, it seemed to me absolutely necessary that the mode in which the government was in future to be conducted should be made apparent. A vacancy in the Executive Council gave me an opportunity of appointing a gentleman known to be hostile to a party government, and by so doing, of showing to the country that I was averse to that principle; in other words, that I was desirous of continuing to govern, as I always had done, with the advice of a Council consisting of the leading men of all parties. This was no change, nor do I conceive that Mr. Howe, or those who act in conjunction with him, had any right to complain of such a course, especially as they had so lately, though so reluctantly, given in their renewed adherence to the Government.

I selected Mr. Almon for advancement, because although the recent declarations (at the Halifax election) of his sentiments with regard to a Council composed exclusively of persons belonging to one party, rendered my motives for his elevation unlikely to be misinterpreted in this respect, he had previously to that event been so little engaged in political life, that it was not probable that the distinction conferred on him would offend the prejudices of any

NOVA SCOTIA. portion of the community, he being known to entertain liberal views on questions of general policy ; and further, because from his affinity to Mr. Johnston, the leader of my Government, his appointment would be looked upon by the public as a proof of my confidence in that gentleman. Had Mr. Howe been in a position to insist on Mr. Johnston's dismissal, he would have done so. Mr. Johnston only requested that a vacancy in the Council might be filled up by a gentleman agreeing with him in principle on one subject of deep importance, and I cannot allow that a compliance with his request could, under the circumstances of the case, afford any ground for assuming that I intended to change my policy.

EXTRACT from the Journals of the House of Assembly for 1845.

Wednesday, February 26, 1845.

Resolved, That it be recommended to the House to adopt the following resolutions:—

Whereas this House, on the 12th day of April last, resolved, that placing implicit confidence in his Excellency the Lieutenant-Governor, the House felt satisfied that his Excellency would, as soon as circumstances permitted, carry out his intention, as declared in his opening speech, of calling to his Executive Council men representing the different interests of this country.

And whereas it being just that the people of this province should have the fullest means of judging of the endeavours of his Excellency to carry out the principles of equal justice to all parties, as far as practicable, announced in that speech, this House is of opinion that the recent communication by his Excellency the Lieutenant-Governor of the correspondence and despatches relating to the offers of certain seats in the Executive Council and other offices, was consonant with sound policy and the just claims of the House and people ; and that the frank and unreserved communications made by his Excellency on the subject tend to increase the confidence of this House in his Excellency, and are entitled to its grateful acknowledgements.

And whereas, while this House continues to entertain the opinion that the retirement of the gentleman who seceded from the Executive Council in December 1843, was not made necessary by the appointment of which they complained as the cause of their resignations, this House is further of opinion, that when, on the 24th February, these gentlemen were invited to resume their seats and offices together, with an additional member of the Roman Catholic persuasion, of the same political sentiments, the chief ground of complaint assigned for their resignations was removed, as they would have occupied the same relative positions in the Council as to number as when they retired ; and the House is of opinion that there was nothing in the terms offered, and the stipulations demanded, to justify the rejection of the proposal.

And whereas the proposition made by his Excellency in July last to James B. Uniacke, Herbert Huntington, James McNab, George Brennan, esquires, and the Hon. Michael Tobin, two of whom were of the Roman Catholic persuasion, and all of them of the party styling itself the Opposition, to enter the Council with Benjamin Smith, esq., having the office of Solicitor-General placed also at their disposal, was fair and liberal.

And whereas the ready acquiescence of his Excellency, on the rejection of the foregoing proposition, to consent, at the request of the party in opposition, to form a Council of nine members, in which that party should be fully represented, and which was intended to have involved the retirement of at least one of his Excellency's present councillors, evinced the earnest and sincere desire of his Excellency Lord Falkland and his advisers to advance the interests of the people, restore harmony to the country, and do justice to all parties ; and this House regrets that the party in opposition, by withdrawing from the negotiation, should have frustrated his Excellency's beneficent and disinterested intentions, and perpetuated party strife, to the great detriment of the public peace and welfare : and this House is of opinion that the exclusion of one of the retired councillors from the last-mentioned offer and negotiation afforded no just, proper or reasonable ground for the rejection by the said party of his Excellency's offer, or for their terminating his Excellency's negotiation.

And whereas his Excellency having felt that he could not, consistently with the respect due to the high office of Her Majesty's representative in this province, confided to him by his Sovereign, include Mr. Howe in the offers and negotiations made and entered upon in July (in consequence of his having publicly and grossly insulted the Queen's representative in the newspaper of which he is editor), this House is deeply sensible of the disinterestedness of the Lieutenant-Governor in tendering to his Sovereign the resignation of his office, in case the interests of the province should be considered to require the re-admission of that gentleman to the Council Board ; and this House cannot fail to express its decided satisfaction in the feelings and conduct of the Right honourable the Secretary of State for the Colonies, as expressed in his despatch, in approving of his Excellency's conduct and views in a case of unusual occurrence and difficulty, and in securing to the province the continuance of his Excellency as our Sovereign's representative, and the head of the Government in Nova Scotia.

Resolved, therefore, That an address be presented to his Excellency the Lieutenant-Governor, with a copy hereof, informing his Excellency that this House has taken into consideration the correspondence and despatches submitted by his Excellency on this subject to the House, and has thereupon come to the conclusion as herein expressed, and praying that his Excellency will be pleased to communicate the same by transmitting a copy of the foregoing opinions, and this resolution of the House, to the Right honourable the Secretary of State for the Colonies, to be submitted to Her Majesty.

Passed same day, after rejection of an amendment, 27 to 23.

Halifax, 5 September 1846.

IN relation to the communication your Excellency did me the honour to make to me in conversation on Thursday, I think it is my duty to bring to your Excellency's knowledge existing facts connected with the Provincial Government, and which I was prevented by absence from doing yesterday.

I shall probably adopt the most authentic and satisfactory mode in my power, if your Excellency will permit me, to request your perusal of the resolution which passed the Assembly on the 5th March 1844, as embodying certain acknowledged principles of colonial government.

This resolution was concurred in by the members of the Executive Council in the House (Mr. Dodd and myself, and, I may add, Mr. Wilkins), with the assent of the Lieutenant-governor, and has since been recognised and acted upon in the administration of the government of the colony. And your Excellency will not fail to perceive the relations in which the members comprising the Executive Council stand, and the contingencies which may arise demanding your Excellency's action.

His Excellency  
Major-general Sir John Harvey, Lieut.-governor,  
&c. &c. &c.

I have, &c.  
(signed) J. W. Johnston.

EXTRACT from the Journals of the House of Assembly of *Nova Scotia*,  
Monday, 4 March 1844.

ON motion of Mr. Howe, the House resolved into a Committee on the consideration of the general state of the Province.

Mr. Speaker left the chair.

Mr. Clements took the chair of the Committee,

Mr. Speaker resumed the chair.

The Chairman reported from the Committee that they had come to a resolution, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered it in at the Clerk's table, where it was again read, and is as followeth:

Whereas, the principles of administration, applicable to the government of the North American Colonies, have been formally sanctioned by the highest authority, on several occasions, and ought, to prevent misrepresentation or mistake, to be recorded on the Journals of this Assembly, with its deliberate sanction:

And whereas, the following resolutions, moved by Mr. Secretary Harrison, were adopted by the Parliament of Canada, on the 3d September 1841:

1. That the most important as well as the most undoubted of the political rights of the people of this Province is, that of having a Provincial Parliament for the protection of their liberties, for the exercise of a constitutional influence over the Executive Departments of their Government, and for legislation upon all matters of internal government.

2. That the head of the Executive Government of the Province, being within the limits of his Government, the representative of the Sovereign, is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information of subordinate officers in the Province.

3. That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare and good government of the Province, the chief advisers of the representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated.

4. That the people of this province have, moreover, a right to expect from such provincial administration the exertion of their best endeavours, that the imperial authority shall be exercised in the manner most consistent with their well understood wishes and interests.

And whereas the following declaration was read to this House on the 14th day of March 1842, by the Hon. Mr. Dodd, with the concurrence of all the members of the then administration:

"In Canada, as in this country, the true principle of colonial government is, that the Governor is responsible for the acts of his government to his Sovereign, and the executive councillors are responsible to the Governor. He asks their advice when he wishes it, he adopts it at his pleasure, and it is the duty of those that disapprove of his acts to retire from the board."—Extract from a speech of Hon. A. Stewart.

We admit the whole of this, and have so stated it several times; we also admit that any system of government which does not include the responsibility of the Governor to the Sovereign, and of the councillors to him, is inconsistent with the relation of a colony to the mother country.

NOVA SCOTIA.

Lord Falkland has received Her Majesty's commands to govern the province in conformity with the well understood wishes of the people as expressed through their representatives. His responsibility to his Sovereign, therefore, renders it imperative upon us to consult your wishes and possess your confidence.

If, in carrying out his instructions, he comes in collision with the House, his Sovereign must judge between him and them, the people between the House and his Council; the success of his administration depends upon his having a Council secure in the affections of the House. His councillors are responsible to him, but he takes them because they possess your confidence, and he will dismiss them when they have lost it. This involves their responsibility to you. We admit our responsibility to the Governor, we admit the Governor's right to act and appoint, but we confess our obligation to defend his acts and appointments, and your right to obstruct and embarrass us in carrying on the government when these are not wise and satisfactory; the exercise of the prerogative must be firm and independent in every act of the government, general and local; but its exercise is to be defended here by us; and the necessity there is for your possessing the confidence of the people, the Council yours, the Governor theirs, includes all the strength, and yet responsibility which are desirable under a representative monarchy."

And whereas His Excellency Sir Charles Metcalf has thus explained, in an answer to an address from Gore, in Canada, his views of colonial government:—

"If you mean that the government should be administered according to the well understood wishes and interests of the people; that the Resolutions of September 1841 should be faithfully adhered to; that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise; and that the Governor should receive it with the attention due to his constitutional advisers, and consult with them in all cases of adequate importance; that there should be a cordial co-operation and sympathy between him and them; that the Council should be responsible to the Provincial Parliament and the people; and that when the acts of the Governor are such as they do not choose to be responsible for, they should be at liberty to resign; then I entirely agree with you, and see no impracticability in carrying on responsible government in a colony on that footing, provided that the respective parties engaged in the undertaking be guided by moderation, honest purpose, common sense and equitable minds, devoid of party spirit."

Therefore, Resolved, That this House recognize, in the above resolutions and documents the true principles of colonial government, as applicable to this province.

And thereupon, Mr. Howe moved, that the resolution, as reported from the committee, be received and agreed to by the House; which, being seconded and propounded,

The Hon. the Attorney-general moved, that the question be amended by adding after the word "House," the words "with the following amendment to the said resolution as reported, viz., to leave out all the words thereof, after the following sentence therein: "And whereas his Excellency Sir Charles Metcalf has thus explained, in an answer to an address from Gore, in Canada, his views of colonial government," and in place of the words so to be left out, to insert the following:—

"With reference to your views of responsible government, I cannot tell you how far I concur in them, without knowing your meaning, which is not distinctly stated.

"If you mean that the Governor is to have no exercise of his own judgment in the administration of the government, and is to be a mere tool in the hands of the Council, then I totally disagree with you. That is a condition to which I can never submit, and which Her Majesty's Government, in my opinion, never can sanction.

"If you mean that every word and deed of the Governor is to be previously submitted for the advice of the Council, then you propose what, besides being unnecessary and useless, is utterly impossible, consistently with the due despatch of business.

"If you mean that the patronage of the Crown is to be surrendered for exclusive party purposes to the Council, instead of being distributed to reward merit, to meet just claims, and to promote the efficiency of the public service, then we are again at issue. Such a surrender of the prerogative of the Crown is, in my opinion, incompatible with the existence of a British colony.

"If you mean that the Governor is an irresponsible officer, who can, without responsibility, adopt the advice of the Council, then you are, I conceive, entirely in error. The undisputed functions of the Governor are such, that he is not only one of the hardest worked servants of the colony, but also has more responsibilities than any other officer in it. He is responsible to the Crown and Parliament, and the people of the mother country, for every act that he performs, or suffers to be done, whether it originates with himself, or is adopted on the advice of others. He could not divest himself of that responsibility by pleading the advice of the Council. He is also virtually responsible to the people of this colony, and practically more so than even to the mother country, every day proves it, and no resolutions can make it otherwise.

"But if, instead of meaning any of the above-stated impossibilities, you mean that the government should be administered according to the well understood wishes and interests of the people; that the resolutions of September 1841, should be faithfully adhered to; that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise; and that the Governor should receive it with the attention due to his constitutional advisers; and consult with them on all cases of adequate importance; that there should be a cordial co-operation and sympathy between him and them; that the Council should be responsible to the Provincial Parliament and people; and that when the acts of the Governor are such as they do not choose to be responsible for, they should be at liberty to resign; then I entirely agree with you, and see no impracticability in carrying on responsible

responsible government in a colony on that footing, provided that the respective parties engaged in the undertaking be guided by moderation, honest purpose, common sense, and equitable minds, devoid of party spirit." NOVA SCOTIA.

Therefore Resolved, that this House recognize, in the above resolutions and documents, the true principles of colonial government, as applicable to this province :

But, nevertheless, that this House, by thus adopting the foregoing Canadian resolutions, shall not be construed to have sanctioned the introduction into this colony of the transfer from this House to the Executive, of the initiative in money votes, or the enlargement of the qualification of members of this House, and of the electors, or the creation of any offices for heads of departments, or of a pension fund for retiring heads of departments, or of the introduction of any other principles of the Canadian institutions, and administration of government not at present adopted in this province, this House being of opinion that before the same shall be introduced into this colony, the consent of the people of the province ought first to be formally expressed by their representatives in general assembly :

Which proposed amendment, being seconded and put, and the House dividing thereon, there appeared, for the amendment, 24 ; against it, 22.

## For the amendment :

Mr. Fairbanks.	Mr. Heckman.
" Dewolf.	" Freeman.
" A. M. Uniacke.	" Taylor.
" Fraser.	" Whitman.
" Hall.	" Dickey.
Hon. Atty. General.	" Budd.
Mr. B. Smith.	" Beckwith.
" Holmes.	" E. Young.
" Wilkins.	" Thorne.
Hon. Mr. Dodd.	" Crowe.
Mr. Fulton.	" Fleming.
" Owen.	" Ryder.

## Against the amendment :

Mr. Power.	Mr. Martell.
" Spearwater.	" Dimock.
" Bourneuf.	" Huntington.
" Logan.	" G. R. Young.
" M'Lelan.	" Brenan.
" Crowell.	" J. B. Uniacke.
" Wilson.	" Comeau.
" Turnbull.	" M'Nab.
" Howe.	" M'Keagney.
" Des Barres.	" Clements.
" Marshall.	" Doyle.

So it passed in the affirmative.

And thereupon resolved as followeth :

Whereas the principles of administration applicable to the Government of the North American Colonies have been formally sanctioned by the highest authority on several occasions, and ought, to prevent misrepresentation and mistake, to be recorded on the Journals of this Assembly, with its deliberate sanction.

And whereas the following resolutions, moved by Mr. Secretary Harrison, were adopted by the Parliament of Canada, on the 3d September 1841 :—

" 1. That the most important as well as the most undoubted of the political rights of the people of this Province is, that of having a Provincial Parliament for the protection of their liberties, for the exercise of a constitutional influence over the executive departments of their government, and for legislation upon all matters of internal government.

" 2. That the head of the Executive Government of the Province, being within the limits of his government, the representative of the Sovereign, is responsible to the Imperial authority alone ; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information, of subordinate officers in the Province.

" 3. That in order to preserve, between the different branches of the Provincial Parliament, that harmony which is essential to the peace, welfare and good government of the Province, the chief advisers of the representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated.

" 4. That the people of this Province have, moreover, a right to expect from such Provincial Administration the exertion of their best endeavours, that the Imperial authority shall be exercised in the manner most consistent with their well-understood wishes and interests."

And whereas the following declaration was read to this House on the 14th day of March 1842, by the Honourable Mr. Dodd, with the concurrence of all the members of the then administration :

" In Canada, as in this country, the true principle of Colonial Government is, that the Governor is responsible for the acts of his government to his Sovereign, and the Executive Councillors are responsible to the Governor. He asks their advice when he wishes it, he adopts it at his pleasure, and it is the duty of those that disapprove of his acts to retire from the Board."—Extract from a speech of Honourable A. Stewart.

We admit the whole of this, and have so stated it several times, we also admit that any system of government which does not include the responsibility of the Governor to the Sovereign, and of the councillors to him, is inconsistent with the relation of a colony to the mother country.

Lord Falkland has received Her Majesty's commands to govern the Province in conformity with the well understood wishes of the people as expressed through their representatives.

NOVA SCOTIA. tives. His responsibility to his Sovereign, therefore, renders it imperative upon us to consult your wishes and possess your confidence.

If, in carrying out his instructions, he comes in collision with the House, his Sovereign must judge between him and them, the people between the House and his Council; the success of his administration depends upon his having a Council secure in the affections of the House. His Councillors are responsible to him, but he takes them because they possess your confidence, and he will dismiss them when they have lost it. This involves their responsibility to you. We admit our responsibility to the Governor, we admit the Governor's right to act and appoint, but we confess our obligation to defend his acts and appointments, and your right to obstruct and embarrass us in carrying on the government when these are not wise and satisfactory; the exercise of the prerogative must be firm and independent, in every act of the government, general and local: but its exercise is to be defended here by us; and the necessity there is for your possessing the confidence of the people, the Council yours, the Governor theirs—includes all the strength, and yet responsibility, which are desirable under a representative Monarchy.

And whereas his Excellency Sir Charles Metcalf, has thus explained, in an answer to an address from Gore, in Canada, his views of Colonial Government:

“With reference to your views of responsible government, I cannot tell you how far I concur in them without knowing your meaning, which is not distinctly stated.

“If you mean that the Governor is to have no exercise of his own judgment in the administration of the Government, and is to be a mere tool in the hands of the Council, then I totally disagree with you. That is a condition to which I can never submit, and which Her Majesty's Government, in my opinion, never can sanction.

“If you mean that every word and deed of the Governor is to be previously submitted for the advice of the Council, then you propose what, besides being unnecessary and useless, is utterly impossible, consistently with the due despatch of business.

“If you mean that the patronage of the Crown is to be surrendered for exclusive party purposes, to the Council, instead of being distributed to reward merit, to meet just claims, and to promote the efficiency of the public service, then we are again at issue. Such a surrender of the prerogative of the Crown is, in my opinion, incompatible with the existence of a British colony.

“If you mean that the Governor is an irresponsible officer, who can, without responsibility, adopt the advice of the Council, then you are, I conceive, entirely in error. The undisputed functions of the Governor are such, that he is not only one of the hardest-worked servants of the colony, but also has more responsibilities than any other officer in it. He is responsible to the Crown and Parliament and the people of the mother country for every act that he performs, or suffers to be done, whether it originates with himself or is adopted on the advice of others; he could not divest himself of that responsibility by pleading the advice of the Council. He is also virtually responsible to the people of this colony, and practically more so than even to the mother country; every day proves it, and no resolutions can make it otherwise.

“But if, instead of meaning any of the above-stated impossibilities, you mean that the Government should be administered according to the well-understood wishes and interests of the people; that the resolutions of September 1841 should be faithfully adhered to; that it should be competent to the Council to offer advice on all occasions, whether as to patronage or otherwise, and that the Governor should receive it with the attention due to his constitutional advisers, and consult with them on all cases of adequate importance; that there should be a cordial co-operation and sympathy between him and them; that the Council should be responsible to the Provincial Parliament and people; and that when the acts of the Governor are such as they do not choose to be responsible for, they should be at liberty to resign; then, I entirely agree with you, and see no impracticability in carrying on responsible government in a colony on that footing, provided that the respective parties engaged in the undertaking be guided by moderation, honest purpose, common sense and equitable minds, devoid of party spirit.”

Therefore, Resolved, That this House recognize, in the above resolutions and documents, the true principles of Colonial Government, as applicable to this Province.

But, nevertheless, that this House, by thus adopting the foregoing Canadian Resolutions, shall not be construed to have sanctioned the introduction into this colony of the transfer from this House to the Executive, of the initiative in Money Votes, or the enlargement of the qualification of Members of this House, and of the electors, or the creation of any offices for heads of departments, or of a pension fund for retiring heads of departments, or of the introduction of any other principles of the Canadian institutions and administration of Government, not at present adopted in this Province; this House being of opinion that before the same shall be introduced into this colony, the consent of the people of the Province ought first to be formally expressed by their representatives in General Assembly.

(No. 25.)

COPY of a DESPATCH from Earl Grey to Lieut.-Governor Sir John Harvey, K.C.B.

Sir,

Downing-street, 31 March 1847.

I HAVE already acknowledged the receipt of your despatch of the 2d February, enclosing two letters to yourself from your Executive Council, and I now propose to communicate the conclusions at which I have arrived after that attentive consideration which I have felt due, as well to the intrinsic merits of the views stated by your advisers, as to the respectable source from which the statement emanates.

In doing so, it will be convenient that I should at the same time advert to the correspondence which, soon after your assumption of the government of Nova Scotia, you had with Mr. Howe and his friends.

Upon a careful comparison of these very able papers, in which the members of your Council and their political opponents have stated their respective views as to the manner in which the Executive Government of Nova Scotia ought to be conducted, I am led to the conclusion that there is not in reality so wide a difference of principle between the conflicting parties as would at first sight appear to exist, and that it may not be impossible to chalk out a system of administration to be hereafter adopted, to which, without the slightest sacrifice of consistency, both might assent.

On the one hand, I find that the members of your Council declare that they "desire in no degree to weaken the responsibility of the Provincial Government to the Legislature," and I gather from the general tenor of their papers of the 28th and 30th of January, that they are aware that, in the present state of affairs, and of public opinion in Nova Scotia, it is necessary that the Governor of the province should, in administering its affairs, have the advice and assistance of those who can command the confidence of the Legislature, and more especially of that branch of the Legislature which directly represents the people.

On the other hand, I can hardly doubt that the gentlemen of the opposite party who have insisted so strongly upon the necessity of what is termed "responsible government," would admit the justness and importance of many of the arguments which have been used, in order to show the danger and inconvenience of making the general tenure of offices in the colonial service to depend upon the fluctuations of political contests in the Assembly. I am the more convinced that the gentlemen of the opposition will recognise the force of these arguments, because I observe in the various papers in which they have stated their views, frequent references, either direct or implied, to the practice of this country, as that which affords the best model for imitation in laying down rules as to the manner in which the government of Nova Scotia should be carried on. Now there is scarcely any part of the system of government in this country which I consider of greater value than that, which though not enforced by any written law, but deriving its authority from usage and public opinion, makes the tenure of the great majority of officers in the public service to depend upon good behaviour. Although, with the exception of those who hold the higher judicial situations, or situations in which judicial independence has been considered to be necessary, the whole body of public servants in the United Kingdom hold their offices technically during the pleasure of the Crown, in practice, all but the very small proportion of officers which are distinguished as political, are held independently of party changes, nor are those who have once been appointed to them ever in point of fact removed, except in consequence of very obvious misconduct or unfitness. Thus, in fact, though the legal tenure, "during good behaviour," is rare, tenure during good behaviour, in the popular sense of the term, may be said to be the general rule of our public service.

The exception is in the case of those high public servants whom it is necessary to invest with such discretion as really to leave in their hands the whole direction of the policy of the empire in all its various departments. Such power must, with a representative government, be subject to constant control by Parliament, and is therefore administered only by such persons as from time to time enjoy the confidence of Parliament as well as of the Crown. These heads of departments, or Ministers, together with their immediate subordinates who are required to represent or support them in Parliament, are almost invariably members of one or

No. 8.  
Earl Grey to  
Lieut.-Governor  
Sir John Harvey,  
31 March 1847.

NOVA SCOTIA. other House, and hold their offices only as long as they enjoy the confidence of Parliament.

Though it is not without some inconveniences, I regard this system as possessing upon the whole very great advantages. We owe to it that the public servants of this country, as a body, are remarkable for their experience and knowledge of public affairs, and honourably distinguished by the zeal and integrity with which they discharge their duties, without reference to party feeling; we owe to it also, that as the transfer of power from one party in the State to another is followed by no change in the holders of any but a few of the highest offices, political animosities are not in general carried to the same height, and do not so deeply agitate the whole frame of society as in those countries in which a different practice prevails. The system, with regard to the tenure of office which has been found to work so well here, seems well worthy of imitation in the British American Colonies, and the small population and limited revenue of Nova Scotia; as well as the general occupation and social state of the community, are, in my opinion, additional reasons for abstaining, so far as regards that province, from going further than can be avoided, without giving up the principle of executive responsibility, in making the tenure of offices in the public service dependent upon the result of party contests. In order to keep the Executive Government in harmony with the Legislature, it is doubtless necessary that the direction of the internal policy of the colony should be entrusted to those who enjoy the confidence of the Provincial Parliament, but it is of great moment not to carry the practice of changing public officers further than is absolutely necessary for the attainment of that end, lest the administration of public affairs should be deranged by increasing the bitterness of party spirit, and subjecting the whole machinery of Government to perpetual change and uncertainty.

In the practical application of these views, there will, I am aware, be room for considerable difference of opinion.

In this, as in all questions of classification, varying circumstances and the various views taken by different men, will give rise to discussions and occasional alterations with respect to particular offices. Your acquaintance with what has passed, and is passing in the mother country, will suggest to you instances in which the question has been raised, whether a particular office should or should not be a Parliamentary office; and some in which different offices have been deliberately removed from the one into the other class.

The question how many of the public officers in Nova Scotia ought to be regarded as political, is one to be determined on the general principles I have before laid down, and with reference to various considerations arising from the peculiar exigencies of the public service, and the finances and social state of the colony. The practical end of responsible government would be satisfied by the removability of a single public officer, provided that through him public opinion could influence the general administration of affairs. Without quite assenting to the too modest estimate which your present Council have given of the resources of the province, I admit that the smallness of the community, its want of wealth, and the comparative deficiency of a class possessing leisure and independent incomes, preclude it from, at present, enjoying a very perfect division of public employments. Small and poor communities must be content to have their work cheaply and somewhat roughly done. Of the present members of your Council, the Attorney-general and Provincial Secretary, to whom the Solicitor-general should perhaps be added, appear to me sufficient to constitute the responsible advisers of the Governor. The holders of these offices should henceforth regard them as held on a political tenure. And, with a view to that end, the Provincial Secretary should be prepared, in the event of any change, to disconnect from his office that of the clerkship of the Council, which seems to be one that should on every account be held on a more permanent tenure.

It is possible that in the event of any change being rendered necessary by the course of events in the Provincial Parliament, the party succeeding to power might insist on increasing this number of political offices, by adding to the list of those to be so regarded. In case such a question should arise, I must leave it to your discretion, on a view of various local and temporary circumstances, which I am unable at present to appreciate, to form your own decision with respect to any such demand. I should feel no objection to somewhat increasing the number of political offices (for instance, by appointing a financial secretary and a responsible chief of the department of public lands and works), should the expense of doing

so,



so, without injustice to those now in the public service, be found to be not more than the colonial revenue would conveniently bear. But I rely on your using your influence to resist that disposition, which a party succeeding to power often exhibits, to throw open the various offices of emolument to their friends, without sufficient regard to the mischiefs thereby permanently entailed on the public service. And it is but due to what I have seen of the conduct of the principal advocates of responsible government in Nova Scotia, to express my reliance on their public spirit and sober estimate of their country's position and interests, as the most effectual safeguard against any abuse of power.

There is another safeguard which, even with the less considerate members of any party, you will, I think, find sufficient to protect the public interests against any great disposition unnecessarily to place offices hitherto held on what has practically been a tenure of good behaviour, on one of a more precarious nature. However desirous the people of Nova Scotia may be to establish the principle of responsible government, they would, I feel assured, shrink from effecting any reform, however just or necessary, at the cost of injustice to individuals. Now, when individuals have engaged in the public service under a belief, sanctioned by custom, that they obtained a tenure of their offices during good behaviour, it would be most unjust to change that tenure to one of dependence on a parliamentary majority, without ensuring them a provision that would make up for the loss of official income. I think that the consideration that the improvement grasping at any particular office would necessitate the provision of an adequate pension for its occupant, will be a salutary check on any disposition to carry party government beyond its just limits.

This condition must be applied to the removal of those public officers who now have seats in your Executive Council, unless where they have clearly accepted office on an understanding to the contrary effect. I cannot suppose that the necessity of providing the requisite pensions will be deemed by the Assembly an unreasonable accompaniment of the establishment of parliamentary government. And hereafter I think it would be proper to recognise as an invariable rule; that no person should, without such provision be deprived of any office (except upon the ground of unfitness or misconduct), unless he had accepted it on the distinct understanding that it was to be held virtually, as well as nominally, during pleasure.

I entertain a strong conviction that the adoption of such a rule will be found conducive not only to the interests of the holders of offices, but also to those of the public, and to a true economy of the public money. As I have already observed, it is impossible to expect that men of superior capacity will devote themselves to the public service unless they are assured that their employment will be permanent, or are offered emoluments so large as to make up for the uncertainty of the tenure by which they are enjoyed. If the emoluments of public employment are small, and its tenure at the same time uncertain, a strong temptation is given to the holders to endeavour to make up for these disadvantages by irregular gains, and thus to give rise to practices equally injurious to the community in a pecuniary and in a moral point of view.

You will observe that, in the preceding observations, I have assumed that those only of the public servants, who are to be regarded as removable on losing the confidence of the Legislature, are to the members of the Executive Council. This I consider to follow from the principles I have laid down. Those public servants, who hold their offices permanently, must upon that very ground be regarded as subordinate, and ought not to be members of either house of the Legislature, by which they would necessarily be more or less mixed up in party struggles; and, on the other hand, those who are to have the general direction of affairs exercise that function by virtue of their responsibility to the Legislature, which implies their being removable from office, and also that they should be members either of the Assembly or of the Legislative Council. But this general direction of affairs, and the control of all subordinate officers, it is the duty of the Governor to exercise through the Executive Council, hence the seats in that Council must be considered as in the nature of political offices, and if held in connexion with other offices must give to these also a political character. This, however, leads me to observe, that if only two or three of the principal offices are to be regarded as political, it may very probably be advisable to assign salaries to two or three of the Executive Councillors as such. The Executive Council has duties of a very important character to perform; those duties, and the defects in the manner in

NOVA SCOTIA. which they had then generally been discharged, I find thus described in a confidential despatch which the late Lord Sydenham, then Mr. P. Thomson, addressed to Lord J. Russell, from Halifax, in the year 1840 :—

“ The functions of the Executive Council, on the other hand are, it is perfectly clear, of a totally different character. They are a body upon whom the Governor must be able to call at any or at all times for advice ; with whom he can consult upon the measures to be submitted to the Legislature, and in whom he may find instruments, within its walls, to introduce such amendments in the laws as he may think necessary, or to defend his acts and his policy. It is obvious, therefore, that those who compose this body must be persons whose constant attendance on the Governor can be secured ; principally, therefore, officers of the Government itself ; but, when it may be expedient to introduce others, men holding seats in one or other House, taking a leading part in political life, and, above all, exercising influence over the Assembly.”

\* \* \* \* \*

“ The last, and, in my opinion, by far the most serious defect in the Government is the utter absence of power in the Executive, and its total want of energy to attempt to occupy the attention of the country upon real improvements, or to lead the Legislature in the preparation and adoption of measures for the benefit of the colony. It does not appear to have occurred to any one that it is one of the first duties of the Government to suggest improvements where they are wanted. That the constitution having placed the power of legislation in the hands of an Assembly and a Council, it is only by acting through these bodies that this duty can be performed, and that if these proper and legitimate functions of Government are neglected, the necessary result must be, not only that the improvements which the people have a right to expect will be neglected, and the prosperity of the country checked, but that the popular branch of the Legislature will misuse its power, and the popular mind be easily led into excitement upon mere abstract theories of government, to which their attention is directed as the remedy for the uneasiness they feel.”

In this view of the proper functions of the Executive Council I entirely concur ; but I greatly doubt whether they could be adequately discharged by a Council composed of only two or three persons holding offices in the public service, and of gentlemen serving gratuitously. It is hardly possible to expect that those so serving should devote any large portion of their time to their public duties, and it therefore appears to me highly desirable that salaries should be assigned to at least one or two seats in the Executive Council.

On such terms as these, which I have thus detailed, it appears to me that the peculiar circumstances of Nova Scotia present no insuperable obstacle to the immediate adoption of that system of parliamentary government which has long prevailed in the mother country, and which seems to be a necessary part of representative institutions in a certain stage of their progress.

I have thought it due to you to enter thus fully into the practical difficulties to be encountered in giving effect to those general principles which, in my despatch of the 3d of November, I laid down for your guidance in the selection of your responsible advisers. I am in hopes that the present despatch will leave you in no doubt as to the course to be pursued by you in the event of any changes of which you may anticipate the contingency. I owed it to you to make myself clearly understood on this point ; and I trust that what I have now said, will be regarded by your Council as amounting to such a declaration of my views as was requested by them in their letter of the 30th January.

I have, &c.  
(signed) Grey.

— No. 9. —

(Separate and Confidential.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K.C.B., to Earl *Grey* ; dated Halifax, Nova Scotia, Government House, 20 April 1847.

No. 9.  
Lieut. Governor  
Sir John Harvey  
to Earl Grey,  
20 April 1847.

(Received 15 May 1847.)

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 25, of the 31st ultimo. I have perused this document with the greater satisfaction, because one part of the plan which is suggested in it is one which, to a certain extent, I had myself propounded on more than one occasion ;

viz.

viz., "that three of the members of the Executive Council should receive salaries, as such, to an amount to be agreed upon (I had thought of 300*l.* per annum), and that these three individuals, together with the Attorney and Solicitor-general (forming the working quorum of the Council), should be the only officers of the Executive Administration who should be called upon to retire, upon the political party to which they adhered ceasing to command a majority in the Assembly." I was restrained from proposing the extension of this principle to the Colonial Secretary, during the continuance in office of the present incumbent, in consequence of the obstacle which appeared to be presented by the considerable amount of official income which that meritorious officer has so long received, and the consequent difficulty which might be found in providing for him anything like an adequate amount of retired allowance.

It has, however, occurred to me, that both a retired and an active officer might, perhaps, be paid from the aggregate amount of salary and emoluments now received by Sir Rupert George, of which, having held his present offices for upwards of 30 years, and ably and zealously discharged their duties, it appears not unreasonable that not less than two-thirds, say 1,000*l.* per annum, should be assigned to him as a pension during his life, and the remainder be paid to the person who may be appointed to replace him in his several offices, the permanent amount of these salaries being determined by the Legislature at some future period.

## — No. 10. —

(No. 54.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K. C. B., to Earl *Grey*, dated Government-House, Halifax, 29 January 1848.

(Received 14 February 1848.)

HEREWITH I have the honour to transmit a copy of the speech with which I opened the first session of the 19th General Assembly of this province, on the 22d instant, together with copies of the Addresses from the Legislative Council and House of Assembly in answer, and my replies.

Your Lordship will perceive, that to the Address of the Assembly is appended a declaration of want of confidence on the part of the majority of the Assembly (29 to 22) in the members of my present council.

Having convened a meeting of that body on the following day, the first act on their part was the respectful tender to me of their seats as executive councillors; and on the part of Mr. Johnston and Mr. Dodd of their offices of Attorney and Solicitor-generals.

The documents embodying these resignations are herewith transmitted, together with a copy of a communication addressed by me to them, thanking them for their services; and, in inviting your Lordship's attention to the letters of Messrs. Johnston and Dodd, and with reference to the very natural expression of their hopes that their future claims to professional advancement may not be affected by the surrender which they have felt themselves called upon to make of their respective offices to considerations of public duty, it may only be necessary for me to recall to your Lordship's recollection the terms in which I have already spoken of the professional character and claims of Mr. Johnston, on an occasion when, from my own appreciation of his high character and claims, I felt myself justified, without his knowledge, to recommend him for judicial preferment in another colony; and of Mr. Dodd, when I submitted his name to your Lordship as a candidate for the existing vacancy of puisne judge in Nova Scotia; to satisfy your Lordship of the high estimation in which I hold both these gentlemen.

Under the circumstances, however, in which I am at present placed, the entire impossibility of my now entering into any pledges towards them, beyond such as may be implied by what I have already said, must be manifest to your Lordship.

No. 10.  
Lieut.-Governor  
Sir John Harvey  
to Earl Grey.  
29 January 1848.

NOVA SCOTIA.

Enclosure 1, in No. 10.

Encl. 1, in No. 10.

Halifax, Nova Scotia, 22 January 1848.

At two o'clock this day, his Excellency Lieutenant-General Sir John Harvey, Lieutenant-Governor of Nova Scotia, came down in state to the Council Chamber, and having taken his seat on the throne, the Gentleman Usher of the Black Rod was sent to require the immediate attendance of the House of Assembly: the House attended accordingly, and his Excellency was pleased to open the Session with the following speech:—

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

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

I HAVE pleasure in meeting the Legislature of this ancient and loyal colony at this the first session of its 19th General Assembly.

It will be my duty, at an early period, to lay before you a Despatch from Her Majesty's Principal Secretary of State for the Colonies, explanatory of his Lordship's views of the principles affecting the administration of Colonial Government, as applicable to this province, in some important particulars.

These principles cannot fail to exercise a powerful influence over the future prosperity of Nova Scotia; and I am happy to encourage the belief that you will justly appreciate the enlightened and liberal sentiments of the Imperial Government which pervade this Despatch; and that his Lordship's expectation of the spirit in which these sentiments will be met, in this country, will not be disappointed.

Next in interest and importance is the fact, which I am enabled to announce to you, that a good and practicable line for the projected railroad between this port and Quebec, has been ascertained by the officers to whom that exploration was confided. I am prepared to concur with you in making the necessary provision for the payment, by this province, of the proportion of the expenses which have attended that exploration; and I shall be gratified to afford my aid in forwarding such measures as may be proper, consistently with the varied interests and wants of this province, for promoting so great a national undertaking.

I invite your early attention to a question which I regard as one of very great importance to the future interests of this province, namely:—that of the surrender of the Crown Estate in Nova Scotia to the control and management of the local Legislature, in exchange for a Civil List.

This question was presented for consideration in a Despatch of the Secretary of State, dated 17th November 1846, which, at the last Session, was communicated to the Legislature, and in which the views of Her Majesty's Government are fully explained.

It will be the occasion of much gratification to me if your deliberations shall lead to a final and satisfactory adjustment of this long-pending negotiation.

I trust before the close of this Session to be prepared to lay before you, for consideration, a proposal for the future management of the Post-office department throughout the North American provinces, and the regulation of the postage payable on the transmission of letters, a proposal which, I confidently expect, will be found conducive to the convenience and the social and the intellectual advancement of the people, and the general interests of the province.

We have again to deplore a deficiency in the crops; but I have reason to believe that the fisheries have in general, during the last season, reached their ordinary productiveness; and it is gratifying to know that the revenue paid and secured during 1847 equals in amount that of the preceding year.

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

The accounts of the public receipts and expenditure during the last year will be laid before you at the earliest practicable period, and although some considerable expenses have been unavoidably incurred in consequence of an unexpected influx of pauper emigration, attended with much sickness, yet I do not, on that account, abstain from tendering to you my congratulations upon the comparative exemption which has been experienced by Nova Scotia during the past year, from that sad extent of calamity by which the neighbouring provinces of Canada and New Brunswick have been, and still continue to be, afflicted; but although our visitation in this respect has been comparatively slight, yet I regret to say that distress to a very considerable extent exists amongst our own settlers and Indians in several parts of the province, especially Cape Breton, in consequence of the failure of the crops generally, but particularly of that of potatoes.

In these cases relief has been afforded, under such precautions for the ultimate protection of the revenue as were in my power, to a moderate, and, it is believed, a sufficient extent, to guard against absolute destitution.

The accounts of these expenditures will be laid before you.

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

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

Before I leave you to your deliberations, I renew to you the assurance of my readiness at all times freely to communicate and cordially to co-operate with you for the advancement of any object which may appear to us calculated to promote the true interests, prosperity and happiness of Her Majesty's loyal subjects of Nova Scotia.

ADDRESS of LEGISLATIVE COUNCIL to his Excellency Lieutenant-General Sir *John Harvey*, Knight, Commander of the most Honourable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c. NOVA SCOTIA.

May it please your Excellency,

WE, Her Majesty's loyal subjects, the Legislative Council of Nova Scotia, thank your Excellency for the speech with which you have been pleased to open the present Session of the General Assembly.

We shall receive with interest the despatch from Her Majesty's Principal Secretary of State for the Colonies, explanatory of his views of the principles affecting the Government of this province, and will give to it the consideration which the influence it may exert upon the future prosperity and happiness of the people of this province demand from us.

We learn with much satisfaction that the exploration of a line of railroad between Halifax and Quebec has been finished, and that no insurmountable difficulties oppose themselves to its accomplishment. This great work will have such an important influence upon the development of the vast resources of the British North American Colonies, that we shall be most desirous of lending our aid to the perfecting of such measures as will lead to its completion, having due regard to all the varied interests and wants of this province.

The subject of the surrender of the Crown estate to the control and management of the local Legislature, in exchange for a Civil List, will be considered by us with every disposition to bring to a just and proper determination a negotiation for so many years pending between the Imperial Government and this province, mindful alike of the rights of the Crown and the advantage of the colony.

We shall be happy to receive any communication on the subject of the Post-office department, whenever your Excellency may be able to lay it before us, and to bestow upon it that consideration which a subject so connected with the convenience and the social and intellectual advancement of the people claims.

We learn with deep regret that the crops have been again deficient, but trust to that merciful Providence which has saved us from the severity of the sufferings that have been felt around us to protect this colony from the miseries and horrors of famine; and, while we humbly indulge this hope, we join in thankfulness for the successful result of the labours of our fishermen; nor can we fail to rejoice that the revenue of the country has sustained no diminution.

It will be alike our duty and our happiness cordially to co-operate in every measure calculated to advance the welfare of the province, and the true interests of its inhabitants.

*Reply.*

Mr. President, My Lord, and Honourable Gentlemen:

IN Her Majesty's name I tender you my thanks for this loyal and dutiful address, and beg to assure you that the prompt and satisfactory manner in which the Legislative Council has responded to the observations which I deemed it to consist with my duty to address to the General Assembly on the occasion of opening its present Session, is most gratifying to my feelings.

(signed) *J. Harvey.*

Government House, 24 January 1848.

ADDRESS of HOUSE OF ASSEMBLY to his Excellency Lieutenant-general Sir *John Harvey*, Knight Commander of the Most Honourable Military Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.

May it please your Excellency,

WE, the representatives of the people of Nova Scotia, thank your Excellency for the speech with which you have been pleased to open this first Session of the 19th General Assembly of this ancient and loyal colony.

We shall receive the despatch your Excellency has promised to lay before us from Her Majesty's Principal Secretary of State for the colonies, explanatory of his Lordship's views of the principles affecting the administration of colonial government, as applicable to this province in some important particulars, with that respect, and give to it that consideration which are due to the opinions of Her Majesty's Government on a subject calculated to exercise a powerful influence over the future prosperity of Nova Scotia.

It is highly gratifying to us to learn that a good and practicable line for the projected railroad between this port and Quebec has been ascertained by the officers to whom that exploration was confided; and we shall be prepared to make provision for the payment of the proportion, which this province ought to contribute, of the expenses that have attended that exploration. We thank your Excellency for the offer of your aid in forwarding such measures as may be proper, consistently with the various wants and interests of the province, for promoting so great a national undertaking.

The question of the surrender of the Crown estate in Nova Scotia to the control and management

## NOVA SCOTIA.

management of the local Legislature, in exchange for a civil list, shall receive from us that prompt and earnest consideration which its acknowledged importance demands.

On a subject so interesting as the future management of the Post-office department throughout the North American provinces, and the regulation of the postage payable on the transmission of letters, it will afford us a high measure of gratification to receive, through your Excellency, a proposal which shall be found conducive to the convenience and the social and intellectual advancement of the people, and the general interests of this province.

We deplore, with your Excellency, the deficiency in the crops, that has, in a great degree, during the last season, disappointed the hopes of the farmer; whilst it is consolatory to believe that the fisheries have, in general, reached their ordinary productiveness; and it is matter of gratification to be informed, that the revenue paid and received during 1847 equals in amount that of the preceding year.

We thank your Excellency for assuring us that the accounts of the public receipts and expenditures during the last year will be laid before us at the earliest practicable period.

We regret to learn that some considerable expenses have been unavoidably incurred, in consequence of an unexpected influx of pauper emigration; and we are gratified to receive your Excellency's congratulations upon the comparative exemption which has been experienced by Nova Scotia during the past year from that sad extent of calamity by which the neighbouring provinces of Canada and New Brunswick have been, and continued to be, afflicted.

We regret to be informed by your Excellency that distress, to a very considerable extent, exists among our own settlers and the Indians in some parts of the province, especially Cape Breton, in consequence of the failure of the crops generally, but more especially of potatoes.

It affords us satisfaction to be informed, that, in affording relief in these cases to a moderate, but, it is believed, to a sufficient extent to guard against absolute destitution, your Excellency has exercised such precautions for the ultimate protection of the revenue as were in your power, and we shall give our attentive consideration to the accounts of these expenditures when laid before us.

Your Excellency's assurance of your readiness, at all times, freely to communicate, and cordially to co-operate with the Legislative Council and House of Assembly for the advancement of any object which may appear calculated to promote the true interests, prospects and happiness of Her Majesty's loyal subjects of Nova Scotia, we accept with pleasure, and gratefully acknowledge.

While we are fully sensible of the importance of the various subjects submitted by your Excellency for our consideration, we feel that in the course it may be advisable to pursue, with reference to measures so intimately connected with the interests of the people, it is essential to the satisfactory result of our deliberations on these and other matters of public concern that Her Majesty's Executive Council should enjoy the confidence of the country; and we consider it our humble duty respectfully to state, that the present Executive Council does not possess that confidence so essential to the promoting of the public welfare, and so necessary to ensure to your Excellency the harmonious co-operation of this Assembly.

*Reply*

Mr. Speaker and Gentlemen,

I RECEIVE with great satisfaction this loyal and dutiful address, and the assurance it conveys of your readiness to co-operate with me in carrying out, as far as a due regard to the circumstances and condition of the province may permit, the suggestions which I deemed it my duty to lay before you, and generally, in doing what may depend on us to promote the interests and prosperity of Nova Scotia; and, with reference to the concluding paragraph of your address, no time will be lost by me in adopting such measures as may appear to me expedient.

(signed) *J. Harvey.*

Government House, 27 January 1848.

May it please your Excellency,

Halifax, 28 January 1848.

A MAJORITY of the House of Assembly, having, on Wednesday last, by an amendment to the Address in answer to your Excellency's opening speech, declared that the Executive Council does not possess the confidence of the country, we deem it to be our duty, for preserving harmony between the Executive and the representatives of the people, to tender to the Queen, through your Excellency, the resignation of our offices of Executive Councilors, which we have had the honour to receive from our Sovereign.

In terminating our official intercourse with your Excellency, we beg you to receive our acknowledgment of the kindness and courtesy you have ever manifested, and we offer to your Excellency our sincere wishes for your prosperity and happiness.

We have, &c.  
(signed) *S. B. Robie.*  
*R. D. George.*  
*J. W. Johnston.*  
*E. M. Dodd.*  
*M. B. Almon.*

Sir,

Sir,

Windsor, 27 January 1848.

NOVA SCOTIA.

ONE of the journals published this morning at Halifax, having announced, I presume correctly, a division in the House of Assembly yesterday, from which it appears that the House has declared its want of confidence in the present advisers of your Excellency, I avail myself of the first opportunity at my command humbly and respectfully to place my seat in the Executive Council at the disposal of Her Majesty.

In thus tendering my resignation of that high station, I hope you will allow me to offer an assurance of my sincere esteem and respect for your Excellency, and of the grateful sense I entertain of the confidence and kindness which you have always extended to me; and I beg you will permit me to express a fervent wish that the future course of your government may confer increased happiness, and reflect new honour upon your Excellency, by its continuing to receive the approval of our Most Gracious Sovereign and the gratitude of Her Nova Scotian subjects, rapidly advancing in wealth and prosperity beneath the fostering influences of your Excellency's administration.

I have, &amp;c.

(signed) *Lewis Morris Wilkins.*

His Excellency Lieut.-General Sir John Harvey,  
&c. &c. &c.

Government House, 28 January 1848.

2½ P. M.

Honourable Gentlemen,

IT is an act alike of justice to you and of relief to my feelings to express to you, on the occasion of your retirement from your position as my confidential advisers, the high opinion which I entertain of the ability, zeal, integrity and honour with which you have discharged your delicate and important functions, and to assure you that you leave me impressed with a grateful sense of the valuable services which you have rendered to the public interests of the province and to myself, as Her Majesty's representative, during the period of our official connexion.

I have, &amp;c.

(signed) *J. Harvey.*

The Honourable S. B. Robie.  
Sir R. D. George, Bart.  
J. W. Johnston.  
E. M. Dodd.  
M. B. Almon.  
L. M. Wilkins.

Sir,

Halifax, 28 January 1848.

THE House of Assembly having recorded its declaration of want of confidence in the Executive Council, I deem it proper to tender to Her Majesty, through your Excellency, the resignation of my office of Attorney-General of this province, with which, by the royal favour, I was honoured.

I beg permission to state, for the information of his Lordship the Colonial Secretary, that the office of Attorney-General was conferred upon and accepted by me, without the condition of dependence on a Parliamentary majority; nor may it be unworthy of notice, that had such a condition been annexed, it was in my power to have avoided its effect by my preferment to a valuable office held on a tenure of acknowledged certainty, the Mastership of the Rolls having been, by a very peculiar circumstance, open for my acceptance at the same time with the office of Attorney-General. These facts are in the knowledge of the noble Lord who, at the time, administered the government of this province; and it is matter of history that at the period of my appointment as Attorney-General, under the Royal Sign Manual on the 21st May 1841, the changes introduced into Nova Scotia by Lord Sydenham in 1840 did not annex to the office the political tenure above mentioned.

However I might, therefore, under the letter and spirit of Earl Grey's despatch of 31st March 1847, be warranted in withholding my resignation of the office of Attorney-General, until Her Majesty's pleasure were known, on the claim I have thus briefly suggested; yet I have judged it to be more fit to tender that resignation immediately, because from the nature of the office, and from my holding a seat in the Assembly, the arrangements of our successors in office might otherwise be obstructed, and the public business be retarded.

Whatever relates personally to myself I leave in the hands of his Lordship to be dealt with as he may judge proper, assured that whether I shall be held to be entitled to consideration either in the way of professional preferment, or in any other manner or not, the subject will receive such attention and regard as it may merit.

That I may avoid every occasion of misapprehension, I beg to state, that as nothing has ever occurred, as far as I am aware, to confer a political tenure upon the office of Advocate-General, which I have the honour to hold by commission under the great seal of the High Court of Admiralty, dated 26th May 1841, or to give it any necessary connection with the Attorney-Generalship, I trust I violate no propriety in not offering the resignation of that office. It has no salary nor any emoluments, except what are altogether uncertain, and these are generally of inconsiderable amount, arising from accidental business; yet this business would increase should certain national relations accrue, while the office confers

**NOVA SCOTIA.** that rank in the profession which I may perhaps not be deemed unwarranted in seeking to retain after an extensive and uninterrupted practice in the courts of Nova Scotia for upwards of 34 years, during which period I have more than once been honoured with the tender of high judicial situations, and for the last 14 years have held in succession the two principal Crown offices.

I beg your Excellency to accept my acknowledgment of your courtesy in the intercourse I have had the honour to hold with your Excellency; and to do me the favour to transmit this letter to the noble Lord at the head of the Colonial Department, by the mail that next leaves Halifax for England.

I have, &c.  
(signed) *J. W. Johnston.*

To his Excellency Lieut.-General Sir John Harvey,  
Lieut.-Governor,  
&c. &c. &c.

Sir,

Halifax, 28 January 1848.

HAVING in conjunction with my colleagues resigned my seat at the Council Board, in consequence of the resolution adopted by the House of Assembly on Wednesday evening, I deem it right to offer, through your Excellency to the Queen, the resignation of the office of Solicitor-General, which I have had the honour to hold since November 1844.

In doing so, I have the pleasure to believe I shall remove an obstacle which otherwise might have been presented to your Excellency, in the immediate formation of a new administration; and I act upon the principles and feelings which induced me during the Government of the noble Lord your predecessor, to place the office at his disposal for the purpose of effecting that conciliation of parties which he deemed would be for the benefit of the country; feelings and principles that led me for the same object to put the office under your Excellency's control, when I first had the pleasure of meeting you in Cape Breton, on your way to assume the government of Nova Scotia; and again, in a more formal manner, to renew the offer of resignation, in conjunction with Mr. Almon, on the 4th December 1846, when your Excellency entertained the hope of promoting the harmony of the country by a fusion of parties, on which occasion we had the honour to obtain the warm expression of your approval, accompanied with the hope that our Sovereign's approbation of our conduct might not be wanting.

Permit me to express my high sense of the urbanity and kindness which have marked your Excellency's intercourse with me since I have had the honour of being officially associated with your Excellency, and to subscribe myself,

Yours, &c.  
(signed) *Edmund M. Dodd.*

His Excellency Sir John Harvey, Lieut.-Governor,  
&c. &c. &c.

— No. 11. —

No. 11.  
Earl Grey to  
Lieut.-Governor  
Sir John Harvey.  
21 February 1848.  
No. 54, 29 Jan.  
1848.

(No. 62.)

EXTRACT of a DESPATCH from Earl Grey to Lieut.-Governor Sir John Harvey, K.C.B., dated Downing-street, 21 February 1848.

I HAVE to acknowledge the receipt of the despatch noted in the margin, in which you convey to me an account of the opening of the present session of the General Assembly of the province, the declaration of the majority of the want of confidence entertained by the assembly in the members of your then council, and the resignations which followed, as far as the particulars of these important events could be detailed in the short space of time before the sailing of the mail. I have much pleasure in approving generally of the course which you have taken under circumstances which had been foreseen and provided for by yourself; and I trust that the negotiations in which you were engaged at the date of your writing will terminate satisfactorily, and that you will be able to select advisers who will possess the confidence of that legislative body in conformity with whose expressed opinions you have accepted the resignation of the late members of the council. At present I will only notice one or two points affecting individuals which appear to call for immediate observation.

— No. 12. —



—No. 12.—

NOVA SCOTIA.

EXTRACT of a DESPATCH from Lieut.-Governor Sir *John Harvey*, K.C.B., to Earl *Grey*, dated Government House, Halifax, 10 February 1848.

(Received 28 February 1848.)

No. 12.  
Lieut.-Governor  
Sir John Harvey  
to Earl Grey.  
10 February 1848.

WITH reference to my despatch of the 1st instant, I have now the honour to lay before your Lordship the names of the gentlemen who have been provisionally appointed by me to seats in the Executive Council, and to the offices of Provincial Secretary and Attorney and Solicitor-General, that of Clerk of the Executive Council being held with that of Provincial Secretary, but under a separate warrant; for all which appointments I have the honour to solicit your Lordship's approval and the confirmation of Her Majesty. I think the announcement in the "London Gazette" of the three political offices of Provincial Secretary, Attorney and Solicitor-General, might have a beneficial effect in this colony.

The earlier formation of an administration has been delayed by the unexpected refusal of Sir Rupert George to surrender his offices of Provincial Secretary and Clerk of the Executive Council until such a provision for his retirement should be secured to him by legislative enactment as might be satisfactory to him on the one hand, and the peremptory determination of the incoming party on the other, not to assume office until the three described in your Lordship's despatches of 31st March 1847, as parliamentary or political, viz., those of Provincial Secretary, Attorney and Solicitor-General, had been placed at their disposal.

\* \* \* \* \*

With reference to suggestions contained in the despatches from your Lordship already quoted, I am gratified in being enabled to say, that I have no reason to apprehend that there is any desire on the part of my present advisers to urge upon me at present the disturbance of the occupants of any other offices, until the arrangements, which are confessedly called for, in the financial and fiscal departments of the public service in this province, shall have undergone the necessary consideration and revision; after which it will probably become my duty to communicate further with your Lordship on the subject, with a view to obtain your approbation and concurrence in their adoption.

February 12.

*P.S.*—Having communicated this despatch to the members of my Government, they have expressed to me their entire concurrence in every part of it, particularly as regards the concluding paragraph. I may, therefore, perhaps venture to regard the introduction of the responsible system of government into Nova Scotia as having been practically effected, upon fair and just principles, and without the necessity of having recourse to any measure of a stringent character, except in the single instance of the Provincial Secretary; and that a great step has thereby been taken towards the political tranquillization of this long-distracted colony, inasmuch as I apprehend no factious opposition to any measures of acknowledged utility from the party under the guidance of the members of my late government.

*J. H.*

—No. 13.—

EXTRACT of a DESPATCH from Earl *Grey* to Lieutenant-Governor Sir *John Harvey*, K.C.B., dated Downing-street, 7 March 1848, No. 69.

I HAVE to convey to you my entire approbation of the measures which you have pursued with reference to the re-construction of your Executive Council, as explained in your despatch of the 10th February.

No. 13.  
Earl Grey to  
Lieut.-Governor  
Sir John Harvey.  
7 March 1848.

\* \* \* \* \*

With respect to the appointments which you have made in the place of the functionaries whom you have removed, your despatches have been laid before the Queen, and Her Majesty has been pleased to sanction the arrangements proposed by you, and to give directions for the preparation of the usual warrants for carrying them into effect. An announcement will be made in the "London Gazette" accordingly of the appointments which you have made to the offices of Attorney and Solicitor-General, Provincial Secretary, and Clerk to the Council.

\* \* \* \* \*

NOVA SCOTIA.

You will express to your present Executive Council the satisfaction with which I have read their Minute of 8th February 1848, in which they express their intention to resist, with firmness, the introduction of the mischievous policy of sweeping changes of subordinate functionaries.

I trust that the system of responsible government, of which they so justly appreciate and apply the principles, may now be regarded as established in Nova Scotia in a manner calculated to make it work for the general advantage of the inhabitants of the province.

—No. 14.—

(No. 12.)

COPY of a DESPATCH from Lieutenant-Governor Sir *John Harvey*, K.C.B., to Earl *Grey*.

Government House, Halifax, 11 March 1848.

(Received 27 March 1848.)

No. 14.

Lieut.-Governor  
Sir John Harvey to  
Earl Grey.  
11 March 1848.

My Lord,

SINCE the departure of the last mail, by which I informed you of the general aspect of affairs, the elections for the townships and county of Halifax have been held, and, as I anticipated, have resulted in the triumphant return of the Attorney-General and of the Provincial Secretary. Mr. Uniacke received 834 votes in the townships—his opponent but 449, so that nearly two-thirds of a constituency to which he had never before appealed, including a majority in every ward of the city, sustained him. Mr. Howe received from the more numerous constituency of the county 1,547 votes—his opponent but 715—his majority was therefore 832, or more than two-thirds of the whole.

These results, as your Lordship will readily perceive, give great strength and moral weight to the administration, and in so far as they may be viewed as indications on the part of the people of Nova Scotia of a growing appreciation of the enlightened policy propounded by Her Majesty's Government, I need not assure your Lordship that they have given me infinite satisfaction.

I have, &c.  
(signed) *J. Harvey*.

NEW  
BRUNSWICK.

## NEW BRUNSWICK.

—No. 15.—

(No. 27.)

EXTRACT of a DESPATCH from Lieut.-Governor Sir *E. Head*, Bart., to Earl *Grey*, dated Government House, Fredericton, 20 May 1848.

No. 15.  
Governor Sir H.  
Head to Earl Grey.  
20 May 1848.

ON the 4th of February last the following resolution was passed by the House of Assembly:—

“ That an humble address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency will be pleased to lay before the House copies of any despatches he may have received from the Right honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, relative to the tenure of public office in this province, or upon the subject of responsible government.”

Page 29.

On the 10th of February Sir William Colebrooke caused an extract from your Lordship's despatch to Sir John Harvey of the 31st of March 1847, to be laid before the Assembly, and on the 24th of February a committee of the whole House proceeded to consider the extract so communicated to them. The following resolution was then adopted by a majority of 23 to 11, after an amendment had been negatived:—

“ Resolved, as the opinion of this Committee, that the House should approve of the principles of the Colonial Government contained in the despatch of the Right honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, of the 31st of March 1847, and of their application to this province.”