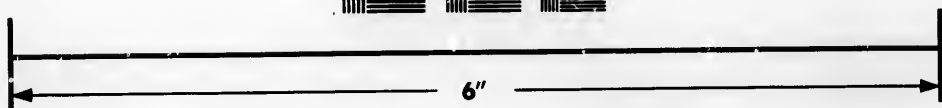
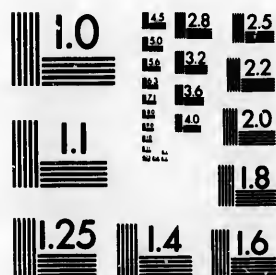


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

1.5  
1.6  
1.8  
2.0  
2.2  
2.5

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

10  
01

**© 1984**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion  
along interior margin/  
La reliure serrée peut causer de l'ombre ou de la  
distortion le long de la marge intérieure
- Blank leaves added during restoration may  
appear within the text. Whenever possible, these  
have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées  
lors d'une restauration apparaissent dans le texte,  
mais, lorsque cela était possible, ces pages n'ont  
pas été filmées.
- Additional comments:/  
Commentaires supplémentaires:

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata  
slips, tissues, etc., have been refilmed to  
ensure the best possible image/  
Les pages totalement ou partiellement  
obscurcies par un feuillet d'errata, une pelure,  
etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

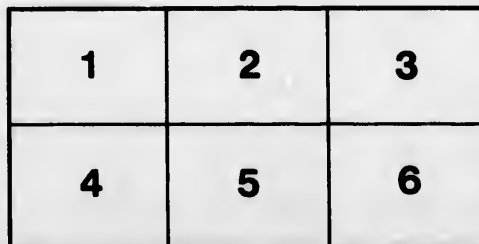
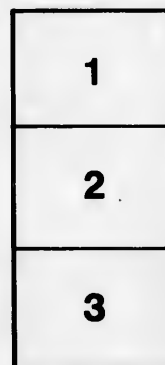
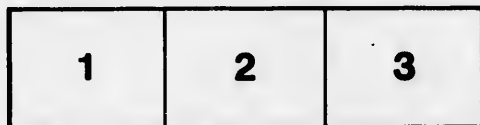
Library of the Public  
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives  
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

ils  
du  
lifier  
ne  
age

rata

elure,  
à

32X

OBSERVATIONS

UPON

THE DOCTRINE, LATELY ADVANCED, THAT HIS

**MAJESTY'S COUNCIL**

HAVE NO

**CONSTITUTIONAL POWER**

TO CONTROL INDIVIDUAL APPROPRIATIONS, OR TO AMEND  
OR ALTER MONEY BILLS ; WITH A FEW REMARKS

UPON THE

**CONDUCT OF THAT BODY**

*On the Questions of granting Encouragement to Common  
SCHOOLS, and a permanent provision to the*

**Pictou Academy.**

---

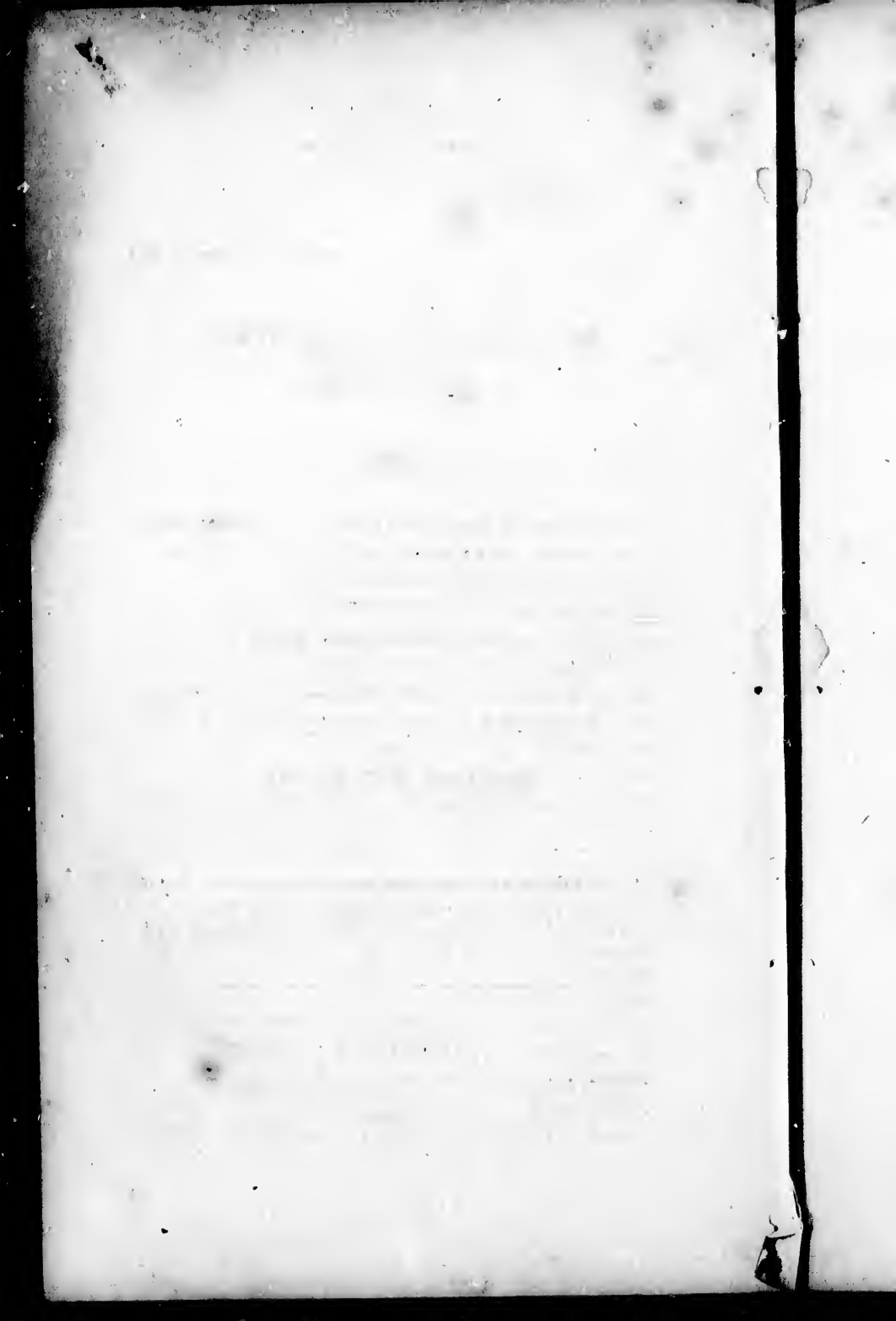
*" The only use the People ever made in any Country, and can  
ever make, of power, is, to give it away, or let it be taken from  
them,—and the authority of all is only that of one or of a few."*  
—Simond's Tour in Great Britain, vol. i. p. 142.

---

HALIFAX:

Printed at the *NOVASCOTIAN OFFICE.*

—●—  
1828.



## OBSERVATIONS.



IT is one of the characteristics of a free people to exercise a watchful jealousy over the conduct of their Rulers, and to superintend, with an active and intelligent discretion, the various measures of Government. Freedom in fact cannot exist, or at least flourish, in full vigour, without some constitutional check of this kind. Whenever the mandates of the "Powers that be" are heard, like the responses of the Delphic Oracle, with a chilling and mysterious awe; or whenever they are received with indifference and obeyed without murmurs, in each case, it is symptomatic, either that Tyranny has already acquired the Sovereign power, or is rapidly ascending to that giddy and treacherous height. The passion for political power is indeed insatiable; and human nature is so constituted, that the gratification of its stronger propensities only tends to impart to them additional strength and vigour. One resting-point gained, another is seen in the distance; the highest pinnacle looms ever in the eye; and the restive spirit yearns and faints not, till the foot is planted on the loftiest spot. The rise of Despots, in all ages and climes, would form a history, eventful and agitating

indeed, but exhibiting the same uniform picture of unsatisfied desire and lawless passion. Their motto, like that of the family of Bertram in Guy Mannering, is "Might makes Right." No sanctifying view of human equality ever breaks in to daunt their ambitious dreams; and hence we find, even in the early history of our own Constitution, that our Kings indulged in a supreme and unrestrained authority; and that no limits were set to it, till raised by the fears, appointed by the experience, and strengthened and improved by the firmness and intelligence of the people.

To this enlightened independence—the unyielding and honest resistance to the arbitrary measures of our Sovereigns, we may attribute much of the excellence and perfection of the British Constitution. It was this which wrung from John, although ~~scolded~~ *scolded* in the hour of trial by the spiritual thunders of the Pope, the Charter of our Liberties—from our proud Charles, trained in the doctrine of divine prerogative, the Bill of Rights—and from William and Mary a solemn unequivocal recognition of the admirable principles embodied in the Act of Settlement. Nay, I will even go hand in hand with Hume, in maintaining, that our Constitution would never have reached its present pre-eminence, had not the tide of democratic feeling flowed unceasingly upon the people, and murmured gently at the foot of the Throne. An angry tone of party feeling is indispensable to its preservation—it is one of its wise, redeeming, inseparable constituents—and by its collisions, acts upon the political atmosphere, like the "mingling rush" of the two electricities in the Heavens, to temper and purify the whole circumambient mass. The shock and contention of parties may be loud and violent; but sunshine will afterwards succeed, and with



it a more healthful and reviving period of prosperity.\*

With these plain and distinct admissions, no one will accuse me of being an advocate of the doctrine of *passive obedience*; or of overlooking, with a Tory blindness, those main features of our Constitution to which it owes its superiority and transcendence, and we our distinction and freedom.

*“ 'Tis Liberty alone that gives the flower  
Of fleeting life its lustre and perfume,  
And we are weeds without it.”*

From the bottom of my soul I abhor the principle propagated by Machiavel, in his book entitled “The Prince,” which not inaptly has been styled the “*Primer of Kings*”. I confess that I glory, as a British Subject, in the privilege, with which we are invested, of discussing with a dauntless freedom public measures, and of arraigning public men; and that I regard the preservation of that privilege as indispensable to the full enjoyment of our political immunities. But, at the same time, let it not be forgotten, that

---

\* Although Hume, however, supported the doctrines of genuine liberty with so much earnestness, yet he was no passionate admirer of these violent political factions which occasionally spring up under the mildest governments. In one passage he says—“As much as Legislators and founders of States ought to be honored and respected among men, as much ought the founders of sects and factions to be detested and hated; because the influence of faction is directly contrary to that of laws. *Factions subvert Government, render Laws impotent, and beget the fiercest animosities among men of the same nation, who ought to give mutual assistance and protection to each other.* And what should render the founders of party more odious, is the difficulty of extirpating these weeds, when once they have taken root in any state. They naturally propagate themselves for many centuries, and seldom end but in the total dissolution of that Government in which they are sown. They are, however, plants which grow most plentifully in the richest soil; and though absolute Governments be not free from them, it must be confessed that they arise more easily and propagate themselves in free Governments, where they *always infect the Legislature itself*, which alone could be able, by the steady application of rewards and punishments, to eradicate them.”—*Essays* vol. i. p. 61.

this freedom can be enjoyed with safety only to a certain extent. If it be indulged to licentiousness—employed for the purpose of attacking those acknowledged principles, in the respectful observance of which our Liberties consist ; or in vilifying those institutions, which have grown with the growth of the Constitution, and are incorporated with its structure, we convert our blessing into a bane, and imitate those frenzied warriors of whom we read in ancient times, “ who turned their weapons of defence against their own vitals.”

The Liberty of the Press is the Idol of every Briton. While preserved pure and unsullied, it is the truest guardian of those Rights which dignify and ennoble us ; but when its powers are devoted to unhallowed ends, it becomes an engine which may work an awful and resistless ruin. In this Province, hitherto characterized for the loyal and peaceful temper manifested in political discussions, it is of late beginning to exhibit symptoms of licentiousness ; and in the undisguised attack which has been made on the just influence and prerogatives of His Majesty’s Council, I see much to alarm the prudent and reflective.

This indeed is a question of no transitory or insignificant interest. The destinies and happiness of Nova-Scotia depend upon its right decision. If the arguments which have been advanced were allowed to remain uncontradicted, they would sail proudly upon the stream of time, and in the end engraft themselves firmly upon public opinion. The sentiment would propagate to all. In the language of Junius “ what yesterday was assertion, to-day would become doctrine ;” and the dogma of an artful Apostate might thus be transformed into a political creed. The crisis is animating. Now, now it becomes the

friends of good order—that numerous class whose judgments approve, and whose affections are linked to, the existing order of things—to investigate the point at this, its earliest appearance ; and, if found presumptuous and unstable, to raise against it the firm phalanx of constitutional principle.

I need scarcely inform the Reader, that the doctrine to which I allude, was first advanced by an anonymous writer in the *Pictou Patriot*, and was subsequently re-echoed by a Learned Member in the House of Assembly. It is pretended, that the Council have no right to exercise any controul over individual appropriations; and that the prerogative which that Body at present claim and enjoy over Money Bills, is no less at variance with the practice of the Constitution, than with the well-being and prosperity of the Province. To both of these positions I am prepared to prove my dissent ; for, however tickling and grateful they may be to the ear of democracy, I feel satisfied, that they are not only untenable in themselves ; but, if admitted and acted upon, would be disastrous in their consequences.

At the threshold of the discussion I admit, that the House of Lords enjoy no such power or privilege as H. M. Council have been in the habit of exercising. The Commons, since they have aspired to the dignity of a superior influence over the finances have long been most assiduous in establishing the Constitutional principle—“ that all Grants or Supplies are their “ sole and entire gift” ; and “ as the King and “ Queen, by the Constitution and Laws of Parli- “ ment, are to take all or leave all, in any gift, “ grants, or presents from the Commons, and can- “ not take part and leave part ; so are the Lords to “ pass all or reject all, without dimunition or alter-

*the Crown*  
f

“ation.” So jealous have they been of this Right, and so scrupulously careful of its observance, that they have invariably resisted the interference of the Lords in all Money Bills; and even rejected their amendments in those which went to impose penalties,—to appoint the Rates of Toll on Turnpikes and Canals,—to establish the assessment for building or repairing Churches,—or, in fine, in any Bill which, either directly or by consequence, went to impose a pecuniary tax or rate upon the people. So also, in voting supplies, they have denied the Peers the privilege of controuling them individually. At the close of the Session the different votes passed during its continuance, are collected into one general “Appropriation Bill;” and this is sent up to them for their concurrence or disapproval. They must pass all or none, for, as is contended, they have no power “to take part and leave part.”†

---

† It may be necessary to explain that I have extracted the passages marked above with quotations, from a Speech delivered by the Attorney General of Prince Edward Island, in a debate pursued in the House of Assembly last winter, and afterwards published in a pamphlet. It is referred to by that Gentleman as a *mere assertion of privilege* by a Committee of Commons, “appointed to draw up reasons for a Conference with the Lords;” and no evidence appears that it was, or ever has been, admitted by the Upper House. Although I have examined both Hammond and Hatsell—the two great authorities for Parliamentary practice—and the Journals of the House of Commons, I cannot find in any of them the paragraph he quotes, or the doctrine on which he insists. The broadest assertion of the Constitutional privilege which I can discover is the following:—“That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aid and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit and appoint in such Bills the ends, purposes, considerations, conditions, limitations and qualifications, of such grants; which ought not to be changed or altered by the House of Lords.”—3 Hat. 91.

To convince the reader, however, that I follow the argument with a fearless candour, and have no other object in view but the search of truth, I meet the assertion in its broadest shape. And

But although our Colonial Government be a diminutive copy of its great model—though it present to the eye, upon an inferior scale, the same antique and venerable features which are so strongly impressed upon its Parent; although the Governor, Council and Assembly, are meant to secure to us the same high privileges, and to answer the same invaluable ends, as the King, Lords and Commons, in the Mother State; yet there maybe, and there are, causes, which require the laws and practice of Parliament to be modified to our juvenile and peculiar situation.

The Laws of Parliament, in fact, bear a strong analogy to the Laws which protect our civil Rights. In an ancient, commercial, and highly populous kingdom, like Great Britain, these must needs be infinitely more various and complicated, than are requisite in a small and lately settled Colony. Hence it is

120  
 without directly admitting it as fact, would beg it to be understood that the same causes which support and sanctify the control of the Council, do not exist in the Parent State. Be it recollected that the majority of the House of Lords, like those of the House of Commons, are influenced by the Ministers of the Crown who are Members of that august Body. Now, as it is afterwards shown in these "Observations," that, by the practice of Parliament, the Commons "will receive no Petition for any sum of money relating to public or even private services, but what is recommended by the Crown;" and as, by the theory and practice of the Constitution, the King acts only through his Ministers, it is clear that no grants can be introduced into, or pass the Commons, which have not been previously submitted to those very individuals who possess a supreme influence in the House of Lords. In addition, the mode in which supplies are granted in England is widely different from the plan pursued here. In the former, the Bill which imposes the tax, nearly, in every case, appoints the object on which its produce is to be expended—this is sent to the Lords, and although they have not the power of altering or amending the *money clauses*, still they may reject the whole, a position which can be substantiated by innumerable authorities. With us, the Revenue is raised by Bill, but the current annual expenditure is passed in the Committee of Supply, in distinct separate resolutions; and were the Council to be deprived of their present prerogative of deliberating upon these individually, the House of Assembly would acquire a power not possessed by the Commons of the Imperial Parliament.

adopted as a principle in our Courts of Justice that the Common Law, from being the birth-right and inheritance of Englishmen, and the broad, stable groundwork upon which their legal rights are reared and sustained, as well as all Acts declaratory of it, possess here a supreme undeniable authority; but that the Statute Law, except when its operation is *expressly* extended to us, shall receive homage only when it is applicable to our situation and circumstances. Such has been the doctrine delivered from the Bench, both by Chief Justice Strange, and by the venerable and enlightened Judge, who has so long presided over the Jurisprudence of the country; and so entirely does that doctrine comport both with reason and expediency, that it has been acted upon, ever since the settlement of the Colony, without injury or complaint, and without seeking or requiring the favour and sanction of a Provincial Act. Like a general law in the moral world, in the transcendency of its own excellence, it has been all powerful.

*should* The same reasoning will apply to the Constitution of our Legislature. Although we have adopted all the material parts, and followed the great outline of the organization of Parliament, still the infancy of our growth, and the dissimilarity of our circumstances, do require a modification of its principles. Although all the elements and essential improvements of the Constitution be, and are, preserved amongst us, still the balances of power may be poised upon a new fulcrum, and the checks to popular extravagance be consigned to other hands.

Besides, it is within the knowledge of every gentleman, conversant with the rules and practice of Parliament, that the system we pursue is totally different from that followed at St. Stephens'. In the House

of Commons, for instance, no Member is permitted to address the chair more than\* *once* during debate ; in our House of Assembly Members have the right of speaking *twice*. This alone is a proof that these rules can be modified to our views ; and are adopted only in so much as they are found useful. The rule *there* may be expedient, from the larger number of Members, from the higher cultivation of talent, from the loftier and more comprehensive powers of eloquence and reasoning, and from the vast press of public business which must be performed. *Here* the observance of this rule would be inexpedient and unnecessary ; but I venture to prophecy, that, should our Representation be enlarged in any great degree, necessity will compel us to the observance of the same rule. In confirmation of this an occurrence rises in remembrance :—during the first Session of the present House, while the newly elected Representatives were inflated with electioneering eloquence, and when, after the noisy experience of one eventful week, it was discovered that those gifted with the “*copia verborum*,” were more anxious to display their rhetoric than to forward the business of the country, a resolution was actually framed, if not moved in the House, that the strict rule of Parliament should henceforth be introduced and obeyed. Again,

In the House of Commons no private Bill can be introduced, unless a Petition has been previously presented, referred to a Committee, and a favorable report returned. In a country like England, so vast in its extent, so densely peopled, and with such a changing variety of conflicting interests, this practice is indispensable—for in no other way could the House

\* Hammond's practice in Parliament.—p. 76.



acquire a correct and intimate acquaintance with the measure proposed ; and thus preserve themselves from interfering rudely with private rights, and from perpetrating individual injustice. With us this practice does not prevail : and the reasons are obvious. The limited extent of the Province, and the comparative thinness of the population, enable every intelligent man either to comprehend, or readily to acquire a perfect knowledge of, any question which could possibly be brought under the notice of our Legislature. Were, however, the Provinces united, as has been proposed, into one general confederated Government, and were Representatives selected by each, to meet at some central point, it is clear that they could not venture to legislate, without the certainty of error, upon any private Bill, until they had recognized and adopted the enlightened example of the Parliament of England.

If, so far, I have been successful in establishing the doctrine, that the Laws of Parliament ought not to be slavishly adopted by us ; and that, while we attend to the general principle, the modification may be shaped and adapted to our peculiar situation, I come now to the *gist* of my argument ; and am prepared to contend that local causes do exist, which render this controul on the part of the Council, of prime and insurmountable necessity. This opinion is founded upon the following considerations :

1. All grants derived in England for the public service, are voted at the express request of the King ; and no appropriation, either for general or private purposes, is made unless his sanction has been previously communicated.\* No such custom has gain-

---

\* Upon the 11th June, 1718, the House declared it to be a stand-



ed ground here. True, the Governors of the Colonies do transmit to the House a copy of the annual Civil List, or occasionally lend the weight of their official recommendation to some particular service; but they neither claim nor possess the regal controul over the General Expenditure; and the House can proceed, of its own inherent authority, to the distribution of the public revenue, without inquiring into their wants or waiting for their solicitations. In the present administration of Nova-Scotia there has ever been paid a respectful and willing deference to the wishes of the Executive, but this ready compliance is in compliment to the zeal, talents, and personal character of His Excellency, and no homage to his constitutional authority.

2. It is a well known and firmly established principle in the frame of the English Government, that those Ministers of the Crown who hold a seat in the House of Commons, must command a majority of votes there upon all questions on which the Cabinet have come to a concurring opinion, and in which the interests of the Government are concerned. The instant in which the opinions that a Cabinet main-

ing order, "that they would receive no petition for any sum of Money relating to public service, but what is recommended from the Crown. And the uniform practice of the House has applied this order, not only to petitions for public Money, or for Money relating to public service, but to all motions whatever for grants of Money, whether the grounds of such applications have been public or private. Upon this principle, before the Committee of Supply can take into their consideration the providing for the pay and the clothing of the Militia, or even before the House can give the Committee of Supply a power to consider of this service, some Member of the House of Commons, authorized by the Crown, must acquaint the House, that the King recommends the same to their consideration. It arises out of the nature and appointment of the Committee, which is to consider of the supply granted to His Majesty, that the form of all its resolutions, though they are for mere private purposes, is by way of Grant to the Crown, to be applied by the Crown, to the ends specified in the resolution."—§ *Hatsell*, 193-195

tain, become distasteful to the body of the People, as manifested by the majority of their Representatives ; or in which the individuals of that Cabinet lose their power and pre-eminence in Parliament ;—contemporaneously their political union dissolves, or the Ministers whose influence hath vanished, are compelled to relinquish “ place,” that the King may rally round the Throne servants more insinuating and talented.—Hence the brief reign of the Rockingham administration, in which Burke tasted so transiently the sweets of office ; hence the resignation of Pitt, and the honors heaped upon his political Rival ; and hence the confusion—the building up and toppling down of Cabinets—which has amused the world since the death of Mr. Canning. From this position two incidents result—both of them material to our argument. First, that the King is assured of receiving the supplies which are necessary for the maintenance of his Government ; And second—that *no appropriation can pass the Lower House, to be presented for his approval, offensive to his personal feelings, or derogatory from the safety and well-being of the Crown.*

3. As it is the practice of the Constitution for the Commons to present *in England* to the King ; and *here* to his Representative, their different appropriations in one General Bill, the advocates of popular rights have, I suppose, no intention to transfer that minute and wholesome controul, now enjoyed by the Council, into the hands of the Executive. The Council, although the practices of Provincial Government are so widely different from those of the Mother State, are to be pent up within the same narrow field of privilege as the Peers of Parliament—the Governor is to remain denuded of that kingly power which would enable him to exert a wholesome controul over

grants for the public service, by giving them in the first instance his deliberate approbation—and both, for their loss of substantial influence, are to be consoled with the dry technicalities of parliamentary forms, and to be told “to take all, or leave all.” And what the end to be gained?—that measures obnoxious to the Government may be tacked to those which are essential; or, to use a strong figure, that Sinners may sneak into Paradise by skulking under the garments of the Elect. All the responsibility and odium of refusal is to be thrown upon one single vote of the Upper House, or upon the veto of the Executive; and the minute disposal of the Provincial Revenue is henceforth to be consigned to the grasping and implacable selfishness of party, or to the speculative extravagance of popular leaders. Woe betide Nova-Scotia should that hour ever arrive: I should esteem her destiny sealed, and her ruin foreordained. The measure would be pregnant with a thousand evils. If the Council, in any case, would shrink from the responsibility of rejecting the Appropriation Bill, although it included items which, taken singly, they would never have sanctioned; and if it were thrown upon the conscience of the Executive, the dictates of which, after solemn and deliberate enquiry, might advise its rejection, the head of the Government—the Representative of His Majesty—would be brought into open and direct collision with the Representatives of the People—deep and bitter enmities would be engendered—and one of the first principles of the Constitution would be infringed. That “the King can do no wrong” is, says De Loime, one of its fundamental maxims; and so far has this doctrine been carried, that Judge Blackstone maintained “he is not only incapable of *doing*, but even of *thinking* wrong.” For God’s sake, let not

his acknowledged Representative be thrust into any situation, in which, by the acts compelled upon him, that sound principle may ever be endangered. Whenever the hand of Royalty appears, stretched forth from the purple Robes, let it be, like the finger of our Saviour, performing some act of beneficence and mercy. This idea is illustrated with a dispassionate and beautiful eloquence by the same Judge to whom I have just alluded. "In Monarchies the King acts in a superior sphere; and though he regulates the whole Government as the first mover, yet he does not appear in any of the disagreeable or invidious parts of it.—Whenever the Nation see him personally engaged, it is only in works of Legislation, munificence or compassion. To him, therefore, the people look up, as the fountain of nothing but bounty and grace, and these repeated acts of goodness, coming immediately from his own hand, endear the Sovereign to his subjects, and contribute more than any thing to root in their hearts that filial affection and personal loyalty, which are the sure establishment of a Prince."—*Vol. IV. Page 397.*

But if all these be valid Constitutional objections, against depriving His Majesty's Council of a deliberative controul over individual appropriations, or of invading the right they exercise of rejecting a money Bill, I ask what practical evils have resulted from their interference to justify this novel suggestion? I know of none. To all useful public objects they apply as sagacious and liberal a spirit as the Members of Assembly; and so far from being that illiberal and dangerous body, which this new race of reforming patriots have represented them to be, I am satisfied that the Country would as readily rely on the integrity of their opinions, and have as secure a depen-

dence on their sincere wishes for the public good, as on those who vilify and abuse them.

Let their arguments, however, have shewing and answer. I give a sketch of their manner in *grave debate!* Othello could not spout more finely :—

“ I rely, Mr. Speaker, upon the abstract principle.  
 “ Every Government, Sir, is erected for the benefit  
 “ of the people; they freely relinquish a portion of  
 “ their natural liberty, submit to the Control of the  
 “ Supreme Magistrate, and provide him with an ap-  
 “ panage and revenue to secure the peaceable en-  
 “ joyment of their civil rights, to quicken their  
 “ prosperity, and to increase their happiness.  
 “ These are the ends, the sole, the only ends,—  
 “ which sanctify the laws, the restraints, the  
 “ impositions of the Civil power. As a general  
 “ principle, Sir, I conceive this to be unquestionable  
 “ —to resemble one of those axioms of mathematical  
 “ reasoning, which are the essence of demonstrative  
 “ proof. The British Constitution, I frankly admit,  
 “ *that noble gothic pile, which has grown gradually by the*  
 “ *workmanship of ages, and which is as exquisite in its dé-*  
 “ *sign, as venerable and antique in its appearance\**”— is  
 “ one of the most perfect governments upon which  
 “ the sun ever shone. One of its fundamental max-  
 “ ims is, that there can be no taxation without repre-  
 “ sentation—that no demand can be made upon the  
 “ subjects, to which a majority of their Representa-  
 “ tives have not yielded their assent; and further, that  
 “ the proceeds of those taxes cannot depart from the

---

\* Those passages in the above Speech which are marked with Italics, are what I designate as rhetorical flourishes—a rod rag to the Mackarel—or, in vulgar parlance, “ a tub cast out to amuse the Whale.”

“ public treasury, until that majority have prescribed the mode and appointed the amount. Such are the principles which are recognized in the Parent Government ; and such are the rights to which we, the inhabitants of Nova-Scotia, are entitled, as part and parcel of the great Family of British Freemen—*this voice shall only cease to advocate them, Sir, when it becomes silent in the tomb.* But, Mr. Speaker, we enjoy these rights only in appearance ; we have the sunshine, but it is lustre without warmth. True, no internal taxes can be levied upon our constituents, until we have called them into existence ; but of what value is this privilege, if we are to be troubled and hampered in this style by the OLD LADIES at the other end of the building? *Sir, my blood boils with indignation when I reflect upon the yoke with which we are galled, and the fetters which confine our limbs.* If the People petition for aid to Schools, these Nabobs answer them with a Provincial Act—if they want Academies they must be made subservient to the views of the Established Church—if a Bridge is to be built, or the Fisheries to be encouraged, the design is sent down to us in an amendment, or the mode communicated by a conference ; and we, whom the Constitution invests with supreme legislative power, sit tamely here, and allow our privileges to be abused, and our rights to be nullified,—And by whom ?\*\*\*\*\* (Here follows a strain of personal satire and vulgar declamation.)\*\*\*\*\*Mr. Speaker, I, for one, am disposed no longer to submit to this dangerous assumption of authority. We are reduced to the degradation of puppets. Let Gentlemen arm their energies, and cast the saddle from their backs. I call upon the patriotism of the House. I beseech those Gentlemen, *who regard the interests of*

“ their country; who feel an interest in the future destiny and  
 “ welfare of Nova-Scotia, and who are willing to offer sacri-  
 “ fices at her altar, to rally round me now, and be prepar-  
 “ ed to achieve a fortunate result in this contention. I  
 “ boldly aver, Mr. Speaker, that His Majesty’s Coun-  
 “ cil have no right to negative a Money Bill ; and  
 “ the controul which that Body exercises is not only  
 “ an infringement of our privileges, but a dagger plung-  
 “ ed into the vitals of the Constitution. It is we who know  
 “ best the People’s wants—we, coming from the  
 “ People, and deriving our authority from the People,  
 “ are the safest guardians of the public purse. The  
 “ Council, Sir, at their first establishment, were ne-  
 “ ver meant to exercise a Legislative power, but to  
 “ act the more humble duty of Privy Council to the  
 “ Governor. When affairs of delicate management  
 “ came under consultation, the head of the Govern-  
 “ ment withdrew, to escape from the responsibility;  
 “ and, in this way, they have gradually assumed  
 “ the character and importance of a distinct legisla-  
 “ tive branch. Their power is, however, an assump-  
 “ tion, which we have alone the power to controul  
 “ or nullify.—(*Cetera desunt.*)

So much for this grand democratic argument, in  
 its most formidable and seducing shape. Let me  
 now proceed with an inquiry into its soundness.

We have already seen that the effervescence of po-  
 pular zeal is evaporated in the British House of Com-  
 mons by the commanding influence of the Ministry ;  
 and it is the existence of this wholesome authority  
 which has gradually induced the Peers to give up all  
 controul, save in one general vote, over the expen-  
 diture of the public funds.

The absence of a similar check in Nova-Scotia,



appears to me to be, of itself, an irrefragable argument to the showy eloquence of these popular orators, whom I have now attempted to imitate—for the recorded history of all Republics proves the danger which has resulted to the State from the public finances being placed at the disposal of popular leaders ; and that to this alone, and to the corruption which it naturally favors, may be attributed the brief splendor and the rapid extinction of those Republican Governments, which, in their creation, threw such redeeming lights over the character and intentions of public men. They have been found invariably to be expended for the promotion of party schemes, for the advancement of individual aggrandizement,—for the benefit of a *few* at the expense of the *many*.\*

But is there any thing so guarded in the constitution of our Assembly—any thing so pre-eminently virtuous and enlightened in the personal character of its leaders, as to justify an innovation of this kind ? I wish to speak respectfully of a body who wrap themselves up in the dignity of a foreign importance ; and seem to imagine that into their own sage puissant selves, ‘*all the wisdom*’ and the patriotism of the Province has been collected. I wish, I repeat, to preserve towards them the address of courteous observance ; but since they have had the hardihood to moot questions in which their political sagacity and integrity are brought into the “*odious light of comparison,*” they must pardon others should they deal in the stern and unvarnished language of truth. “*Sua quisque exempla debet aequo animo pati.*” I believe I speak the sentiments of the shrewdest and most

\* In illustration of the remarks which I have ventured to make in the above paragraphs, I recommend to the reader a careful perusal of the 13th Chapter of “*Delolme on the English Constitution.*”—p. 325.



thinking minds in the community—those who overlook, with discriminating calmness, the petty tempests of our political hemisphere,—when I assert that our present House is regarded as one of a dashing, brilliant, and even audacious eloquence ; but as little versed in the sober every-day business of life, and sadly deficient in just and comprehensive views of Legislation. There are in it, beyond question, prudent and polished minds who occasionally soften and direct its Councils ; but there is a large body of prejudice, which some of those who pretend to the character of leaders, to suit their own little purposes, or for the bootless honour of carrying a majority, condescend to address, to cajole, to flatter or *to follow* ! To these I may justly apply the satire of Martial “ *Iras et verba locant* ”—for they lead by being led. Of the consistency of their whole proceedings, the public entertain no very high opinion :—And can the unprejudiced think otherwise ? Have we not witnessed fiery harrangues followed up by resolutions, not less timid and pointless—threats backed by unanimous action—the Resolutions of to-day expunged from the journals on the morrow—and motions discussed, so intemperate in their character, as to offend the feelings, or excite the mockery and derision of the dispassionate. Whatever may have been the character of former Houses of Assembly, the present assuredly is not that cautious Body, whom the good sense of the country would back in any attempt to invade the Constitutional privileges of the Council.

Indeed, setting aside all theoretical objections, I cannot think that this power could ever be safely lodged in the hands of our Representatives.\* In

\* “ It is the nature of power, says Paley, “ always to press upon the boundaries which confine it. Licentiousness, faction, envy,

every popular Assembly there is too frequent an appeal to the passions—popular prejudices are worshipped with too profound a devotion—there is too unceasing a struggle for petty power and dominion—too much trimming and intrigue,—for its Members to possess, consistently with the safety and well-being of the state, an undivided controul over the public expenditure. And applied to our House these reasons acquire an unanswerable ascendancy, when we investigate the mode in which a large portion of the funds is distributed. Even, at the present moment, with the cleansing controul of the Council, there are whispers and surmises that the Members of Assembly, render the votes of the Appropriation Bill subservient to their own interests; or, as it is strongly but inelegantly said, “finger the public money with tarred hands.” Persons there are, invidious enough to insinuate that the interests of the District are sometimes sacrificed, that the insolvent debtor, or ninth cousin of its Member, may enjoy the profitable distinction conferred by a Road Commis-

“impatience of control or inferiority, the secret pleasure of mortifying the great, or the hope of dispossessing them; a constant willingness to question and thwart whatever is dictated or even proposed by another; a disposition, common to all bodies of men, to extend the claim and authority of their order; above all that love of power and of shewing it, which resides more or less in every human heart, and which, in popular assemblies, is influenced like every other passion by communication and encouragement; these motives, added to private designs and resentments, cherished also by popular acclamation, and operating upon the great share of power already possessed by the House of Commons, might induce a Majority, or, at least, a large party of Men in that Assembly, to unite in endeavouring to draw to themselves the whole Government of the State; or, at least, to obstruct the conduct of public affairs by a wanton and perverse opposition, so as to render it impossible for the wisest statesman to carry forward the business of the Nation in Parliament.”—Moral and Political Phil. vol. i. p. 231.—In the whole range of British literature I could scarce have found a passage more illustrative of my text, or more shrewdly delineating the conduct pursued by some leaders of our House of Assembly during the last session.

sion. If these insinuations be at all warranted by facts now, what barrier, I demand, could be raised against the tide of corruption, were the corrective influence of the Council to be annulled? or what limit can we imagine to the complaints, and murmurings, and indignation of the country?

From all charges and imputations of this kind His Majesty's Council are fully relieved. The dignity of their situations, and the respectability of their private characters, equally forbid their entertainment. Slander cannot breathe aloud an insinuation that they have ever applied the public funds to promote their own individual schemes—that they have recurred to petty means to accomplish a purpose—or that they deviate, in their public councils, from those upright and honorable principles which are the ornament of private life.

Against their sagacity and general intelligence no charge, I imagine, could be long sustained; for the very situations which some of them enjoy, comprising the highest honors of the Bench and the Pulpit; and the most responsible offices, connected with the commerce and finances of the country—the rewards won by honorable competition, or by long and meritorious services—are sufficient in themselves to shew that they *do* possess minds of a shrewd complexion, and must have polished their natural powers by a long and assiduous cultivation. The busy, eventful scenes, too, through which most of them have passed—their long and intimate acquaintance with the various interests of the Province—their political training—their age and prudence—

*"Lenit albescens animo capillus*

*litium et rixa cupidos protervæ."*—Hor. Lib. III, Ode 14.

all eminently fit them for the business of legislation

—a science of such depth and intricacy as to require, in an especial degree, the impartiality and acuteness of a sober and penetrating judgment. Their wisdom, little as it is when weighed in the balance with the gigantic powers and miraculous prescience of our popular leaders, renders them, in my humble opinion, even more capable than the *majorities* of our House of Assembly, to fathom the bearing and tendencies of measures; and when it is further considered that they are no candidates for popular honors, that they are averse to the prejudices which mislead the minds of the vulgar, and contemn the clamours of the populace; it will surely be granted that their decisions are entitled to as much respect, and are as likely to further the true interests of the Province, as those of the lower Branch of the Legislature.

No one can be stupid enough to believe, whatever he may profess, that His Majesty's Council can cherish aught, save a sincere affection for the Province; or that they fail to manifest an anxious and untiring zeal, to accelerate the march of mind and of improvement. If, indeed, we had a Council constituted like those which lent their corrupt and feeble sanction to the grovelling and arbitrary dictates of the Viceroy, in the old Colonies of Spain; composed of men with foreign attachments, participating in the sentiment of the Poet, "*Calum, non animum mutant qui trans mare currunt*"—possessing no one sympathy in common with the people—enduring the miseries of a painful absence from their native land—and remaining either to acquire a new, or to restore a shattered fortune; such a suspicion would present itself with powerful claims upon our faith. But when we look to the individuals who constitute our Council, the assertion melts to nothingness. Most of them are na-

ae/

tives of the country—all of them are men of large properties and rising families—their stakes in the growth and prosperity of the Province are deep, open and manifest ; and before we can believe that such men would prove treacherous to the public good, it must first be established that the strongest motives which actuate human conduct, have, in their bosoms, neither favor nor influence.

Is, however, their conduct of so dubious a cast that this suspicion can be entertained ? Do they plant themselves so obstinately against the tide of public opinion, or regard our various enterprizes with so heartless an indifference, as to warrant such a belief ? Who is the most zealous advocate of the Shubenacadie Canal ? Who the founder and friend of our Commercial Chamber ? Who presided, but a few days ago, at a public meeting held for the encouragement of the Fisheries ? Who are the Patrons and Office-Bearers of our different Institutions for promoting Religion, Charity and Education ?—the Members of His Majesty's Council ; and I defy my opponents to bring forward the establishment of one useful Institution, founded in Halifax, during the last twenty years, to which they have not afforded the aid of their talents, contributions and names. Some may plume themselves with the vain fancy, that, by flinging abuse at a body who proudly rely in the consciousness of their own respectability, and commit their merits, without appeal, to public opinion, they will acquire a character for stubborn and fearless independence. Let me whisper to them that the public are not so easily hoodwinked as the Deceiver is apt to imagine—that they scan, with a lynx-eyed jealousy, the conduct of public men ; and trace motives with a prying scrutiny, which the objects of it are incapable of suspecting.

And in addition, [be they assured, that wanton attacks will rouse the anger of integrity, and bring back a resistless recoil. These charges are not at all in unison with public sentiment—for most men, in looking forward to those events which nature herself has foreordained to happen, before the lapse of many years, meet a melancholy prospect ; and can see no successors to the present Council, who are likely to perform the duties of their high station with equal dignity and usefulness.

Upon what authority the assertion has been made that the Councils in the Colonies were originally created only to advise the Governor in his Executive acts, and with no idea that they were to assume the character, and to possess the powers, of a Legislative Branch, I am at a loss to discover; for, on the contrary, by consulting the constitutional history of the Colonial Governments, I find that all the precedents are against it.

These defenders of popular supremacy will not have the hardihood to maintain that such a practice is reconcilable with the theory of our “ glorious Constitution.” I will not appeal to general reasoning—I will not refer to political writers—I disdain to summon the facts of History—to establish, that, in the existence of three distinct Legislative Branches,—actuated by different motives—governed by dissimilar interests—controlling and yet beautifully harmonizing with each other,—consists the vigor, the excellence, and the permanency of our Government. Any elaborate display of argument upon this point would be a waste of words, and an insult upon the understanding of my readers.

The learned Gentleman from whom it emanated, is unquestionably much deeper read in Colonial Histo-

ry than I pretend to be ; and had he not upon this question, displayed the fiery zeal of an eager partizan, I should not have ventured to place my opinion in opposition to his. There is no other to whom, upon most subjects of Colonial enquiry, I would offer so respectful a deference—but in this, his quenchless and angry ardor, forfeits every title to belief, and compels me to investigate and decide for myself.

In *Stokes*, p. 240, I find it distinctly laid down “ *that the Council is one Branch of the Legislature;*” and in the “ *Colonies on the Continent, before the Civil War, when the Members of Council sat in their legislative capacity, they were then called “The Upper House of Assembly;”* but in the Acts of the Assembly they were called “ *The Council,*” in the same manner as in the “ *West India Colonies.*” Again, in p. 241, “ *The Governor, Council and Assembly, in every Colony, is a subordinate Legislature;*” and in p. 243 “ *the proceedings of the Houses of Assembly in the Colonies, are conducted, and their Journals kept, in a manner much conformed to those of the two Houses of Parliament ;*” and in the same page the following very conclusive sentence : “ *The Council, or (as it is called) Upper House of Assembly, is an humble imitation of the House of Lords.*” In page 124, also, it is recorded that the King’s Council in Georgia, previous to the American Revolution, was one of the three branches of the Legislature, styling itself “ *the Upper House of Assembly;*” and in p. 128, “ *that they possessed a negative upon the Resolutions of the Lower House.*” If, to these authorities, we add the positive language of His Majesty’s Instructions, transmitted to the Governor of Nova-Scotia in 1756, when our Legislature was first formed, conferring on the Council legislative powers, I think I may entertain a just satisfaction in having fully refuted this insidious doctrine.



It should not be overlooked that the first attack which was made upon the prerogatives of the Council, grew out of their rejection of the Bill for establishing and encouraging Common Schools. Now, in my opinion, the propriety of their conduct on that occasion can be sustained by a chain of unanswerable argument. In the first place, a Bill had been introduced and passed in the previous Session, for supporting Common Schools, by compelling the People to contribute to their maintenance. The principle upon which that Bill had been framed, it had cost two Sessions to prepare and to propagate. It was introduced under the sanction of a report, drawn up by a joint Committee of His Majesty's Council and the House of Assembly ; was adopted by a respectable majority in both branches ; and had received, for the sake of fair experiment, a temporary existence of three years. But *one* of these had then elapsed ; and notwithstanding the distastefulness of its innovations, and the wrathful repugnance, with which its enemies endeavoured to inspire the country, against what they pleased to designate "*a direct tax,*" (although, be it remembered, the same principle is recognised and adopted, both in the Mother Country and the United States) so signal had been its success, that, with the exception of one or two Counties, Schools were every where begun, upon this broader and more substantial foundation. The principle favored by the Bill, substituted by the learned Gentleman from the County of Annapolis, had been before in operation, and was found to be pernicious and ineffective. The checks raised for the protection of the public interest were leaped over and disregarded—sinecure schools were founded in improper situations for the shameful purpose of pocketing the Provincial Bounty—and



a general belief had grown up, well sustained by facts, that the school money was, in most cases, jobbed and squandered, and that the returns exhibited a singular parody on public virtue. On a general review of these circumstances, the Council were anxious to give the new system a period of trial ; and, on this account, were extremely averse to throw down, by any sudden movement, the stable and promising handiwork which had been begun to be reared. Besides, they were supported in their opposition by a respectable minority in the Lower House ; and I never could understand why any person could advance, with the shew of propriety, that, because His Majesty's Council refused to sanction *one particular scheme of encouragement, and that one, too, found pernicious, by the unvarying experience of a series of years,* they were to be rated as the Enemies of Education, or charged as having set themselves in array against the ' March of Mind.' As well might we impute to them the madness of attempting to stay the rush of a mighty river, or to cloud the universal diffusion of light emanating from the sun-beams.

This Session, however, the charge has been modified into a new shape, although the leaven of the first is plainly at work in the composition. Since the Upper Branch have yielded in the question of Common Schools, and assented to the measures of a small and prejudiced majority in the popular branch, the supporters of the Pictou Academy, hoping to daunt and terrify their opponents by railing and abuse, have assailed at once the prerogatives and integrity of the Council ; and wish to palm upon the country the unfounded and malicious notion, that they are opposed to the dissenting interest, and have formed some covert design to drub the " Roundheads and Covenant-

ers" of Nova-Scotia into the pale of the English Church, by throwing into her hands the supreme secular dominion. A scheme of more matchless art could scarcely have been formed by a convocation of Priests, in the reforming days of King Harry. It furnishes a striking instance that the wily artifice and cunning, which the children of Calvin have ever wished the world to regard, as lurking only within the folds of a Cassock, or nestling beneath the brilliance of the Mitre, are not unmingled with their own rigid piety and high pretensions.

The true merits of this question have never been brought before the public in any distinct and comprehensive shape. The limits of this essay prevent me from treating the subject at much length, but the following remarks are illustrative of the impressions I am anxious to enforce. I do the founders of the Picou Academy the justice to believe, that they were actuated, in establishing it, by an enlarged love of the human race, and by motives which would not raise a blush upon a martyr's brow. The party, to which it has now become subservient, and the deep political scheme which its management is meant to accomplish, had neither, I sincerely believe, been formed at its existence, nor entered into the original design. They have been created and developed by the course of events ; but now stand too conspicuously forward to be longer overlooked. Party zeal, with its deep devotion, may shut its eyes on the dawn, but the causes of this hot warfare—this "*odium theologicum*"—are so plain "that all who run may read."

At the time the Academy was founded, and the Reverend Gentleman to whose high talents it has owed its distinction, linked the hopes and fortune of himself and his family with its existence, the Pres-

byterians of Pictou were as one family, united in sentiment and in name. Some time after, a Minister from the Established Kirk of Scotland—the Reverend Mr. Fraser, settled upon the East River of Pictou ; and, as I have understood, refused to join the existing Synod, on account of the different sentiments he and they respectively entertained, relative to the secular Government of the Church—the one acknowledging the right of patronage to rest in the King or in the Lay Proprietors—the other, being Antiburghers, contending that the franchise of election could not be transferred, and remained with the People. The Ministers of the latter were unwilling that the distinction which existed in the Mother Country ; which divided Presbyterians there into two bitter and uncompromising sects ; and which cast them into the shade, when contrasted with a Clergy established by law, and deriving an income from the soil, should be introduced into Nova-Scotia—where *patronage*,—the bone of contention—did not exist. Proposals were consequently made, (at all events the Ministers of the Established Kirk of Scotland were sounded) that they should here amalgamate themselves into one Body, under the name and designation of the Presbyterian Church of Nova-Scotia.\* The same motives, however, which induced the prevailing sect to entreat, pressed their rivals with equal weight to resist. No compromise was effected, the negotiation was broken off as hopeless ; and then began the sowing of those seeds of

---

\* I am aware that some Ministers of the Established Kirk of Scotland did extend to the Antiburghers the right hand of fellowship—but the Rev. Dr. Cray, of Halifax, whose mild temper and unassuming piety would dissipate every suspicion of intolerance or bigotry ; the Rev. Mr. Martin—the Rev. Mr. Forsyth, of Cornwallis, and others, with whose names I am unacquainted, refused to join this religious coalition.

dissension, which we have seen ripened into so fruitful a harvest.

The Ministers of the Kirk, domiciled in the Province, began then, for the first time, to exert themselves with strenuous vigour in the propagation of her doctrines. New congregations were formed at Pictou; "the very head-quarters of the party," as has been said, "were invaded;" and the Antiburghers, who had hitherto supported and managed the Academy, discovered, that, as the disciples of the Kirk multiplied, their political adherents were lured from their standards. Hence, the violent opposition which has assailed the Ministers of the Kirk—hence, the outcry which has been raised against the interference of the Glasgow Society—and hence, the sectarian character which the Academy has assumed. The controversy now has been inflamed into a *religious* struggle for *political* dominion, and the whole difference, by a tedious and painful alchemy, is brought to this simple question:—"Are the Dissenters, or the Kirk of Scotland, to have the religious and political sway throughout the Eastern Section of Nova-Scotia?"

These views have been opened very fully to the Council, and to the right understanding of them we may attribute the larger majority which has been numbered against the Academy in that body, during the past Session. To these we may superadd those fears and alarms which have crept into the bosoms of the prudent, at the reckless and intemperate violence with which the supporters of that institution have ventured to rail at their opponents. Rank, age, and respectability, have been no shield to the arrowy flight of their wrath—they have prosecuted an undistinguishing assault, and a fearless assassination of

character—and seem to have forgotten the sage injunction of the immortal dramatist :—

“ *Be advised,  
Heat not a furnace for your foe so hot  
That it doth singe yourself ; We may outrun,  
By violent swiftness, that which we run at,  
And lose by overrunning !* ”

Now, although I am one of the last men in the Province who shall raise my voice for the demolition of the Pictou Academy, or desire to see the true interests of Dissenters sacrificed, either to the ambitious views of the Kirk or the Church ; yet I cannot, either in conscience or principle, go headlong to the yawning precipice to which its advocates are rushing, and to which they are beckoning on their friends. The Rev. Gentleman, who has raised it to its present character, unquestionably deserves a permanent establishment, for the respectable maintenance of himself and his family—his voluntary resignation of his spiritual obligations—his subsequent labor and devotion in the cause of education—his talents and learning,—all entitle him, as age is thickening with years upon his head, to a fixed and permanent provision ; but, at the same time, I confess, I cannot see that his friends have any just reason of complaint, although the management of the Academy be liberalized, and moulded to the public taste.

If H. M. Council, then, influenced by these views, which are not only plausible but sound—backed in them by the approval of a conscientious minority in the Lower House—addressed by a Petition signed by nearly two thousand freeholders—appealed to by the recognized guardians of the Kirk of Scotland, who had been missioned to the Capital for the express purpose—and supported by the moderate and impartial feeling of the Community, had the firmness to reject a Bill, prepared and advocated by selfish and

impassioned partizans, and to substitute another upon more liberal and unobjectionable principles, I cannot see, save by the perversion of all fair argument, that they should be denounced as inimical to Dissenters, or charged as undermining them, in order to lay a firmer foundation for the Church. The day of triumph for the zealots of this cause hath departed. They can no longer induce the public to believe that there is any treacherous design to raze the Academy—any wish to injure, far less to ruin, the Rev. Dr. at its head. By many of its foes he would be treated with a frank liberality. No blow is aimed at the Individual, it is at the system. And the assailants must prevail, for their cause is founded on the rock of Truth. “*Magna est veritas et prevalebit.*” Already an auspicious illumination has gone abroad—an entire revolution has been wrought within the last three months upon public sentiment; and now, that it is distinctly seen, that a party have been advocating the support of that Institution, from motives which they were unwilling to avow—to build up a political influence under religious pretences—an insulted community have risen indignant against the mock arguments with which they have been blinded, and the concealed purposes to which their easy and ignorant, but well-meant compliance, had been turned. Pictou, besides, need no longer fancy that she can frighten the country with the *bug-bear of her resistless influence* in any future Elections. Her royalty hath vanished, and her threats and thunders will fall equally pointless. Halifax, with 24,000 inhabitants, is surely a match for Pictou with 13,000; and these latter too, so nearly divided in political sentiment, that the party, who still vapour about their transcendent weight, were afraid, either to allow their numbers to

appear in the late Census\*, or to peril their power at the General Election of 1825. They may continue to spout, if it please them, but to spout and muster votes is not one and the same thing :

*" The more the bold, the bustling and the \*\*\*  
Press to usurp the reins of power, the more  
Behoves it virtue, with indignant zeal,  
To check their combination."*

Having now brought my argument of expedience to a close, and having shown on what grounds the Council can justly be defended in their conduct, upon the two great questions, in which their prerogative was first attacked, there remains now but one additional argument to advance and illustrate.

To me it appears of irresistible authority in the settling of this question. The supporters of popular rights, I trust, are not yet prepared to deny a supremacy to the Royal Instructions ; and yet, by referring to the following extract, from those transmitted under the great Seal, to the Governor of this Province, in the year 1756—the period in which our Legislature was first formed, it will be seen that His Majesty's Council are invested, *by His Majesty's express command*, with higher Legislative powers than they have ever exercised :—with the power, *not of negating only but even of framing Money Bills* :—“ Whereas  
“ the Members of several Assemblies in the Planta-  
“ tions have frequently *assumed* to themselves privi-  
“ leges no ways belonging to them, especially of be-  
“ ing protected from suits at Law during the Term  
“ they remain of the Assembly, to the great preju-

\* It is a fact not very generally known, that when the orders were issued last summer, for the “ Census,” instructions were given that the Members of the Kirk of Scotland, and the Dissenters, should appear in different columns. A deputation from the latter waited upon His Excellency, at Truro, and begged that Presbyterians should not be classed by this invidious distinction—a request with which His Excellency immediately and graciously complied.

“ dice of their Creditors, and the obstruction of  
 “ Justice ; and some Assemblies have presumed to  
 “ adjourn themselves at pleasure, without leave from  
 “ our Governor first allowed, and others have taken  
 “ upon them the *sole framing of Money Bills, refusing*  
 “ *to let the Council alter or amend the same ;* all which  
 “ practices are very detrimental to our prerogative ;  
 “ if, upon your calling an Assembly in our Province  
 “ of Nova-Scotia, you find them insist upon any of the  
 “ said privileges, you are to signify to them that it is  
 “ our express will and pleasure, that you do not al-  
 “ low any protection to any member of the Council  
 “ and Assembly, further than in their persons, and  
 “ that only during the sitting of the Assembly, and  
 “ that you are not to allow them to adjourn them-  
 “ selves, otherwise than *de die in diem,* except Sun-  
 “ days and holidays, without leave from you, or the  
 “ Commander in Chief for the time being, first ob-  
 “ tained. *It is also our further pleasure that the Council*  
 “ *have the like power of framing Money Bills as the Assem-*  
 “ *ly.*”

Were I disposed to follow the example set me by  
 my political opponents, it would be no exhausting ef-  
 fort to pour out the vials of vituperation, and to scan  
 the different motives which have hurried them on to  
 this angry disputation; but to all I wish to preserve  
 the tone of courteous address ; and to investigate the  
 nature and tendency of their arguments, without  
 kindling higher their already seething passions, or  
 striking home any lacerating or deadly wounds. In  
 parting, however, let me forewarn them that a keen  
 and dogged perseverance in the advocacy of the  
 same dangerous doctrines, will rouse the thinking to  
 active and impassioned opposition, cast a shade of  
 doubt upon their loyalty, and engender dark suspicions



as to their ulterior views. I will not charge them with the insanity of nurturing now any rebellious purpose—any wish “*novas res moliri*”—but to them, and to their followers, I would address the following admonition:—Beware, beware of the consequences of your conduct. Recollect that a Constitution cannot be separated from those who administer its affairs. He who would destroy the Pilot, cherishes an evil design against the ship. Penetrating and intelligent minds may trace the nice line of distinction between the Sovereign and the Prerogative—and give to the latter its own clear, abstract and impalpable existence; but in the eyes of the Mob, the King is never regarded as a Constitutional Magistrate, but as a living personage, possessed of unlimited and resistless power. To their view the prerogative is co-existent with him, and is amalgamated in all his personal acts. Prone to violence and sedition, whenever Democrats succeed in inflaming them against his authority, they nurse a hatred against his person. Hence, in every revolution which has yet been effected, from the expulsion of the Tarquins to the dethronement of King James, the treasonable and designing first planted the germs of Rebellion by bringing into contempt the authority and character of the King; or of the Ministers of his Court; and by ringing a loud larum in the ears of the populace, that their civil rights were invaded; and their privileges mocked at. Consult the records of the American Revolution, so pregnant with instruction to us, and it will be found, that the first issues of treason were manifested by an angry struggle with the Executive of the different Provinces, *relative either to the Constitutions of their local Governments, or to the orders of the Parent State.*

Let then these brawlers beware. The Inhabitants

of Nova-Scotia are now in as happy a condition as any people under the sun. We enjoy all the advantages of the British Constitution, without the drawback of its depressing expens<sup>ure</sup>. We have an army to preserve our soil from foreign invasion, and a Navy to guard our coast—both of them supported by British funds, the expenditure of which actually yields us a profit—an Administration untiring in its zeal and energies to hasten the internal improvement—a population fast multiplying its numbers—a profitable commerce “whose ships are just beginning to swell their canvas in every breeze, and beat their white pathway in every ocean”—the prospect of extensive and flourishing manufactures—all the elements, in fact, which promise a high career of prosperity, distinction and happiness. Than our own there are lands indeed lit by a more genial sun, soils of higher fertility, and communities, which, by age, have reached a loftier condition in moral and intellectual improvement—but throughout the whole compass of the world, I do not believe there is a people who have within their reach all the political advantages of a well-ordered Government, where the burden of taxation falls more lightly, or where ordinances are less restrictive on enterprise and industry, than the inhabitants of this Province.

To these Patriots, if Patriots they be, I would offer these few words of parting advice—

“If you love your country cease, cease, in your  
 “endeavors to disturb the present harmony of social  
 “feeling. Success itself would be an ignoble triumph.  
 “You cannot gain your ends without prostrating all  
 “the guarantees of our liberty—without arming  
 “friend against friend, and bringing political wrang-  
 “lings to ruin the peace and to stain the purity of the

“ domestic affections. And are you so satisfied of  
 “ the stainless rectitude of your cause, as to sacri-  
 “ fice so much in its behalf? Are you so confident  
 “ in its miraculous influence upon the general well-  
 “ being and prosperity, that you will bring so many  
 “ splendid offerings to the altar of reform? No Dei-  
 “ ty can be more luring, and yet more treacherous,  
 “ than she. Like the Syren of the Poet, “ *Illa ridet*  
 “ *ut vincat*”—she smiles but to deceive. All theories,  
 “ and especially theories connected with Govern-  
 “ ment, are infinitely more chaste, beautiful and cap-  
 “ tivating, than the complicated, lazy, clogged ma-  
 “ chines, which we see in every day operation. But  
 “ begin to reduce any theory to practice, and, like  
 “ the first model which is struck out by the genius of  
 “ the mechanic, it will be found imperfect in a thou-  
 “ sand minute parts, which time and experience only  
 “ can improve. No Government ever did exist, or  
 “ ever can exist, on this Globe, in which the cap-  
 “ tious eye may not discover blemishes. You may  
 “ imagine you discover in ours, excellent as it is, fea-  
 “ tures that require to be re-modelled; but I earnest-  
 “ ly beseech you select not its individual grievances,  
 “ or its single imperfections; and thus inflame the ima-  
 “ gination, till the whole judgment becomes perverted.  
 “ View it as a whole—view it as a Government  
 “ which is built upon the experience of a thousand  
 “ years, which is acknowledged by all political wri-  
 “ ters to be the noblest structure of Liberty which  
 “ was ever reared—and which ought to be endeared  
 “ to us from being raised by the intelligence and ac-  
 “ mented by the blood of our ancestry.”

To all which, Mr. Canning's eloquent and thrilling  
 answer to Lord John Russell, on the question of Bo-  
 rough Reform, is a happy and appropriate conclusion:

“ The system may have faults—this I shall not deny. Genius may fashion to itself a more perfect and blameless erection—but, Sir, I have no wish to see speculative Genius displaying its energies by raising a new system upon the ruins of one which has existed for a thousand years. To the eye it seems strangely put together—but we know it works well ; and let us not venture to disturb the harmony of its present movements, for an imaginary improvement, which time has not approved or experience sanctioned.\*”

\* Not having Mr. Canning's speech in my possession, I have ventured to quote the above passage from memory.

#### ERRATA.

- PAGE 4, line 16 and 17—for “ *forfeited*,” read “ *fortified*.”  
 7, line 18—read “ to prove *the grounds of my dissent*.”  
 9, line 21—for “ *majority*,” read “ *majorities*.”  
 10, line 28—for “ *Constitution be*,” read “ *Constitution should be*.”  
 20, line 31—for “ *Quisqui*,” read “ *Quisque*.”  
 23, line 33—for “ *animo*,” read “ *animos*.”  
 24, line 31—for “ *requiro*,” read “ *acquire*.”

FINIS.

le-  
ect  
to  
by  
ch  
it  
it  
the  
agi-  
ved

ven-

”

tution

