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THE  
**DEBATES**

AND PROCEEDINGS DURING THE

**THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT**

OF THE

**PROVINCE OF NOVA-SCOTIA.**

1858.

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REPORTED BY  
**OTTO WEEKS, JUNR.**

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1858.



# PARLIAMENTARY DEBATES,

AND GENERAL PROCEEDINGS OF THE THIRD SESSION OF THE TWENTY-FIRST  
PARLIAMENT OF THE PROVINCE OF NOVA SCOTIA,

COMMENCING ON THURSDAY, FEBRUARY 4th, 1858.

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## HOUSE OF ASSEMBLY, FEBRUARY 4TH 1858.

The Third Session of the Twenty-first Parliament for the Province of Nova Scotia, was this day opened with the usual formalities.

At half-past two o'clock His Excellency Sir J. Gaspard LeMarchant came down to the Council Chamber. The Volunteer Artillery Company were stationed upon the Grand Parade, and several Companies of the 62nd Regt. were drawn up at the East front of the Province Building, and lined the Stairs to the Council Chamber. His Excellency was saluted with 21 guns.

Upon being commanded, the members of the Commons attended his Excellency in the Council Chamber, where his Excellency was pleased to deliver the following

### SPEECH :

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

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

Her Majesty having been graciously pleased to remove me to another sphere of Executive duty, my official connection with this Province will cease on the arrival of my successor, the Right Honorable the Earl of Mulgrave, who will shortly assume the Government of Nova-Scotia.

The history of the age will be forever marked by the unparalleled atrocities of the mutineers in India, and the heroic bravery of all classes of British residents, military and civil, by whose gallantry and endurance, with the blessing of Almighty God, we have every reason to hope the mutiny will be crushed.

To the people of this Province it must be exceedingly gratifying to find conspicuous among the many who have highly distinguished themselves, one of their own countrymen.

In conformity with a Resolution which passed the Legislature, with reference to the Mines and Minerals, Delegates proceeded to England, and the Articles of Agreement entered into with the

Mining Association, subject to your ratification, will be submitted to you without delay.

You will learn with pleasure that the Railway works have steadily advanced, that nine miles additional on the Trunk Line are now open for traffic, and that the line to Windsor will be ready at an early day.

During the recess the attention of my Government has been directed to the consideration of the great enterprise of an Inter-Colonial Line.—The papers relating thereto will be laid before you for your information.

The alteration made in the tariff at your last Session, has enabled me to meet the large additional demands for interest on the Railway Bonds; but the disturbed condition of Trade which has unhappily prevailed throughout the Commercial world, will naturally tend to diminish our resources for the current year; and the increasing burdens connected with our public works render it imperative for the honor and interest of the Country, that you should exercise great caution and economy in making your annual appropriations.

I deeply deplore the distress that the failure of an important branch of the Fisheries has caused to a portion of the hardy and enterprising Fishermen on our coast; yet from the bountiful harvest with which it has graciously pleased Divine Providence to bless us, we may confidently anticipate that the continued prosperity of the Country will not be seriously impaired.

Your increased liberality in providing for Common School Education, has, I am happy to inform you, given a valuable impulse to that essential element in the welfare of the people,—evidenced by an unprecedented increase in the number of teachers, and in the efforts made by the inhabitants in many districts for their support.

Reports from the Commissioners charged with the examination of the Public Works, and Accounts of the Expenditure connected therewith, are in course of preparation, and will be laid on the Table at an early day.

Mr. Speaker and Gentlemen of the House of Assembly:

The Public Accounts, together with the Estimates for the current year, will shortly be placed before you.

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

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

A measure will be submitted for your consideration having in view an alteration in the constitution of the Legislative Council, by which the Elective principle may be brought into operation.

Your deliberation will also be invited to other important subjects, by which it is hoped the prosperity of the Province may be promoted.

You will require to make increased provision for the completion of that portion of the Hospital for the Insane, now erected, to prepare it for occupation.

The heavy liabilities connected with the indispensable progress of our public works and the inadequacy of the sum voted for the St. Peter's Canal, as exhibited by the report of the Engineer, have compelled me reluctantly to suspend further expenditure on that service until the whole question shall be reviewed by the Legislature, when, I doubt not, it will obtain the attention its importance demands.

During the six years in which I have had the honor and the happiness of presiding over the public councils of this Colony, I have endeavoured to regulate my Administration by principles, and to direct it to objects that I believed best adapted to advance the welfare of the people.

Their devoted loyalty to their Sovereign, their thorough appreciation of the value of British Institutions, and the intelligence they have evinced in carrying out the representative part of them, have rendered my duties easy and agreeable, and will, I am persuaded, greatly facilitate those that will devolve upon my successor.

Whilst addressing you from this place for the last time, I recall with pleasure and gratitude the unvarying harmony which in every stage of my Government has subsisted between my constitutional advisers and myself, the earnest co-operation which I have experienced from both branches of the Legislature, and the kindly personal feeling which has invariably been shewn to me by all classes of the community.

Wherever my future destiny may be cast, I shall always regard with the deepest interest every thing that may affect the progress in material wealth and social happiness of the Inhabitants of Nova Scotia, amongst whom I have spent so many happy years.

The members having returned to the Assembly room, the Hon. the Speaker read the Speech from the Chair.

The Hon. the Speaker announced that during the recess he had received the resignation of Alfred Whitman and Stephen Thorne, Esqrs., of their seats as members of the House.

The Hon. the Provincial Secretary laid upon the table the returns of the writs for the Townships of Annapolis and Granville.

Mr. T. D. Ruggles having duly attended at the Clerks Chair took the usual Oaths in the presence of the Hon. Hugh Bell and the Hon. M. B. Almon, commissioners, and signed the Roll.

#### BILL PRO FORMA.

Mr. Ryder asked leave to present a Bill to regulate the Currency. Leave was granted and the Bill was read a first time.

#### MOVING THE ADDRESS IN ANSWER.

Mr. McFarlane said—I rise to move the Address, which I hold in my hand, in answer to his Excellency's Speech. His Excellency has informed us that his term of office is about to expire, and that his Sovereign has been graciously pleased to remove him to another sphere of Executive duty; and, sir, although from the able and impartial manner in which his Excellency has discharged the duties imposed upon him in this Province, we cannot but regret his loss,—yet we may be permitted to congratulate him on the honor conferred by his Sovereign, and trust that in his new sphere of duty he may be as successful in developing the resources, and advancing the prosperity of that portion of her Majesty's dominions as he has been in Nova Scotia. His Excellency has alluded to the unfortunate mutiny in India, and the awful massacre of which our fellow-countrymen and countrywomen have been the victims; but, sir, while we have to deplore the occurrence of these sad events, it is pleasing and consolatory to learn that by the indomitable prowess of British arms, there is every prospect of the mutiny being speedily quelled. To us as Nova Scotians, it is matter of peculiar pride and satisfaction to know that among the bravest of those to whose keeping the maintenance of our Indian Empire has been entrusted, a son of Nova Scotia has been found occupying a prominent place,—and that the pages of after history will shew, standing side by side with Campbell and the lamented Havelock, the name of Inglis. His Excellency also informs us that a measure having in view alterations in the Constitution of the Legislative Council will be submitted for our consideration, with other important subjects; and I feel confident that when these questions come before us, this house will deal with them as their importance demand. I may, sir, in conclusion, reiterate that I have much pleasure in moving the adoption of this answer to his Excellency's Speech, and as it is the last which we shall have the pleasure of addressing to him, I trust it will be received with that unanimity and accord to which it is entitled.

#### THE ADDRESS.

May it Please your Excellency,—

We thank your Excellency for the Speech with which you have been pleased to open the present Session of the Legislature.

We are gratified to learn that Her Majesty, in depriving this Colony of your valuable services, has been graciously pleased to mark her sense of your administrative abilities, by promoting you to the important Government of Malta.

In common with yourself we sincerely hope that, through the blessing of the Almighty upon the indomitable prowess of British forces, the mutiny in India may be speedily extinguished.

The unequalled bravery manifested by British forces of every class will be contemplated by all Nova Scotians with especial pride, in consequence of the conspicuous position maintained by a native of this Province.

The articles of agreement entered into by Dele-

gates from this Province with the Mining Association, will receive our attentive consideration.

We are gratified to learn that the Railway works, in which interests so important are involved, are considerably advanced, and facilities for traffic are being thereby extended.

We shall be glad to learn the result of the re-consideration of the great question of an Inter-Colonial line of Railway.

It is very satisfactory to be assured that the alteration in the Tariff has met our expectations—yet in view of the prospect of diminished resources, we shall endeavour to regulate our appropriation with due regard to our financial ability, in order that our credit at home and abroad may continue as heretofore unimpaired.

While we deeply deplore the partial failure of the fisheries, and the consequent distress that must be occasioned to the industrious fishermen, we desire to acknowledge with gratitude to God, the favor that has been vouchsafed in blessing us with an abundant harvest, upon which the Country so mainly depends for continued prosperity.

It affords us much pleasure to know that the increased appropriation for Common Schools has resulted so beneficially, and that corresponding efforts have been made by the people themselves in advancing a subject so intimately connected with the best interests of the country as public instruction.

Our careful attention will be given to the Reports of the Commissioners who have been engaged in examining our public works and accounts of the expenditure upon them.

The public accounts and estimates for the current year will receive our best attention.

We will bestow the most careful attention to the measure by which it is proposed to alter the constitution of the Legislative Council, and any other bills that may be brought before us, having the good of this Province in view.

The important subjects of the Hospital for the Insane, and the St. Peters Canal, will not be lost sight of in the present session, by the representatives of the people.

The kind and flattering manner in which your Excellency has been pleased to express yourself in taking leave of this Province is warmly appreciated.

Anxiously as you have shown yourself to promote the prosperity of the country, it was but due to your Excellency that in a colony enjoying representative institutions you should receive the cordial support and co-operation to which you were thus justly entitled.

We beg to assure you in parting that the warm and generous emotions with which you are animated are not less sincerely reciprocated by ourselves, and that our earnest desire is that you may ever enjoy all possible prosperity and happiness.

We would do injustice to our feelings did we not add our best wishes for the health and happiness of Lady LeMarchant and your interesting family, endeared, as she is to all who have had the pleasure of making her acquaintance.

The answer was seconded by Mr. Moses.

On motion of the Hon. the Financial Secretary the further consideration of the Address was postponed until to-morrow,

The house then adjourned until 12 o'clock to-morrow.

FRIDAY, Feb. 5th, 1858.

The House met at Eleven o'clock, but the doors were not opened—and after the Journals had been read the House adjourned until 3 o'clock. At three the sittings were resumed.

THE ADDRESS.

On motion the Address in answer to his Excellency's Speech was taken up and a number of clauses passed *men. con.* After the clause relating to the Legislative Council had been read,

Hon. WILLIAM YOUNG rose and said—To that portion of the answer which has been passed to this address I entertain not the slightest objection. There exists not a member of this house who is imbued with a higher sense than myself of the ability and spirit in which his Excellency the Lieutenant Governor has discharged the duties of his high office. The course he has pursued both in public and in private life could not fail to command the esteem of both sides in this house; and therefore, sir, the tribute paid to him and his family meets my warmest and most cordial approbation. He has achieved the difficult task of parting with his late advisers without losing them as friends. I am proud to bear testimony to the domestic virtues and womanly bearing of Lady LeMarchant, who has, during her sojourn amongst us, secured the undivided respect of all classes in this community, and is an ornament to her rank. I have thought it necessary to say this much, that my motive in moving the amendment which I hold in my hand, may not be misconstrued,—for I do not believe that one member of the constitutional opposition desires in the slightest degree to delay the passage of that portion of the answer which refers to his Excellency or his family.

But, sir, we have duties to perform as custodians of the public welfare—as the advocates of political opinions, which may not be slightly passed over. It will be in the recollection of many hon. gentlemen around these benches, that the learned and hon. Attorney General was accustomed to twit the late administration with the paucity and unimportance of the measures submitted by them. If we set him a bad example, I am sure that the house will agree with me that he has not much improved on it; nay, sir, I think I may venture to affirm that he has fallen far behind us. In this speech he has not expounded one new principle or idea, and has promised but one new measure. There existed at one time in English history a certain celebrity who acquired the well applied soubriquet of "Single Speech Hamilton," who having made one great oratorical effort, subsided into silence and was heard of no more. If his title was well earned, may we not apply to the present executive with equal truth the appellation of "the one measure administration." With the exception of the Elective Legislative Council bill, they have shewn us nothing new,—they have pointed to no new act—have eliminated no leading principle—but have been content to fall back upon the threadbare, hackneyed subject of former discussions, to save their administrative reputation and hide the poverty of the land. And, sir, had it not been for the allusion to that measure in the answer, it would have met with no opposition from this side of the house; but it does so happen that, after the appointments recently made by the Executive to the upper branch, challenging as they do

the approval of this house, when the sober judgment of hon. members cannot but condemn them, it would be a sacrifice of principle on our part to allow the clause of the address just read to pass without a solemn protest against the action of the government.

Let us, then, inquire what position the Government occupies in relation to this question. The Legislative Council in this Province wields a power much more extensive and important than that exercised by the House of Lords. Not a single pound can be paid out of the public treasury until the expenditure has been sanctioned by a vote of the Council; and so jealous has that body become of its powers, resting in this respect upon long practice, that but a short time since the usual grant for our navigation securities was rejected, and this house was obliged to pass successive votes of credit that this branch of the public service might not suffer. Therefore, sir, independent of the power to regulate and control every act of this house, the Legislative Council can interpose its veto and prevent the passage of any grant of money. This is a power to which the House of Lords lays no claim. It must be apparent, then, to every man who studies the constitution of this Province, and regards the welfare of the country, that any contemplated change in the Legislative Council should be maturely considered and cautiously weighed. It has been the policy of late years to give to each of the eighteen counties as vacancies occurred, a representative in that branch. The late administration, and that which preceded it, in the four last appointments carried out this principle, and gave to counties which had no representative in the Upper house, the privilege enjoyed by others. But, sir, there is another question connected with this subject, to which I deem it necessary to call the attention of the house. The Upper Branch demanded that they should be paid; long debates took place. What induced the majority to yield and acquiesce in that payment? Was not the main reason, the actuating and guiding principle which induced this house to expend 12 or £1500 annually in paying the Legislative Council, a desire to give to each County a representative whose peculiar duty it should be to guard the interests of the locality from which he came. Every man acquainted with the history of that question is aware that upon that principle only the concession was made. In the speech we are informed that the elective principle is to be applied to that body. Suppose the bill passed by this house, what would be its fate in the Upper Branch? Is there one hon. gentleman who hears me, so utopian in his ideas as to believe that the Legislative Council would assent to its passage, and thereby commit an act of political suicide? What is the experience of Canada? With the great power—the enormous revenue—the unlimited patronage which that splendid appendage of the British Crown possesses, the government were compelled, prior to the adoption of the principle which we are called upon to sanction, to give the members of their Legislative Council seats for life. Is it not clear that the same course must be adopted here? But, sir, what further do we find? The very administration which requires us to sanction the elective principle, has but recently made two appointments to the Upper Branch, in

the persons of Mr. Whitman and Mr. Dickey. Has the government paid these gentlemen an empty compliment, and only asked them to accept seats in the Council that they might summarily dismiss them at the close of the session? Surely the hon. and learned leader of the government will not ask this house to believe that. No, sir, the government must contemplate the necessity of giving to those who now compose the Legislative Council seats for life. Why then, with the change they have in view, did they make the appointments to which I have referred. Did they desire to elevate two of their own adherents to positions which they might hold for life, at the expense of the people and independent of the people, in opposition to the principle of that measure which they now ask us to support? The common sense of the house will afford an easy solution of this question.

As respects the appointment of Mr. Whitman I have nothing to say; nay, sir, both upon principle and as respects the personal qualifications of that gentleman, I am free to admit that his appointment was unexceptionable; but should be glad to know what vindication the government of this country can offer, not only to the opposition, but to their own supporters, for the appointment of Mr. R. B. Dickey—a second resident member for the county of Cumberland. Pictou has lost its member. Why was it passed over?—Are there no gentlemen of sufficient intelligence and integrity in that noble county, sympathizing with the government, eligible to a seat in the Council? Am I to find the hon. the Solicitor General, a representative of Pictou, vindicating in this house that appointment? Sir, there are strange rumours abroad; men have come to believe that the judgment and assent of an Executive Councillor to the acts of an Executive are not always asked. He may sometimes be overlooked or insulted with impunity. How comes it. I ask, that the counties of Sydney, Queens, and Victoria, all represented by members of the Executive, were passed over? What crimes too have Yarmouth, Shelburne, Colchester, and Richmond committed? These, sir, are searching inquiries, difficult to be answered. What peculiar claim has any single county that it should be favored at the expense of every other? Cumberland was already well represented by the sympathies of my hon. friend Mr. McCully, possessing no little influence in the Upper Branch. This is a substantial wrong to one half the Province, and affects Conservatives as well as Liberals.—It is in vain for hon. gentlemen to argue that Legislative Councillors have little influence and no political power; I have already shown that their controlling influence is great—and I shall listen with much attention to the arguments of hon. gentlemen opposite, to ascertain upon what principle—either constitutional or just—they defend their course of action. Sir, the late administration were charged in bye gone days with having done many a daring and courageous act; I think I may venture to affirm that they never called on their supporters to vindicate an act so unprecedented and unjustifiable. I have now, sir, given a calm and temperate statement of the opinions which I in common with a large party in this house entertain of the course pursued by the administration. I have purposely abstained from indulging in invective, or travelling out of

the question. In amendment to the thirteenth clause of the address, after the words "Legislative Council," I beg to move the following amendment:—

"But we feel that the passage of that measure, should it be approved by a majority of this house, will be greatly embarrassed by the recent appointment to the vacant seats in the Legislative Council of the Hon. Alfred Whitman and the Hon. Robert Barry Dickey; and that the latter of these appointments, as it violates the principle acted on of late years, by conferring on the County of Cumberland two resident members, and thereby giving to that county an undue advantage, is an injustice to several of the other counties who have no resident members to represent their rights and interests at the Board."

This amendment, sir, may be either voted down, it is true, or the government may attempt to evade it by applying a stringent rule of this house. For their own credit sake, I hope they will not stoop to evade this plain issue before the country,—they should have manliness enough to meet it fairly. The appointment of Mr. Dickey was either justifiable or is incapable of defence. In either case let the sense of the majority be fairly tested.

The Hon. ATTORNEY GENERAL.—I do not object so much to the amendment of the hon. member for Inverness as to the time and manner in which it has been submitted; and I should be sorry if, for reasons which I shall presently explain, it becomes compulsory to pursue a course which may seem discourteous to the hon. and learned gentleman. I can assure you, sir, that the disposition is foreign to us. His remarks have been characterised by a tone, temper and spirit which tend to allay anything like hostile or acrimonious feelings, and therefore it is that I would feel better satisfied if the hon. and learned gentleman would consent to withdraw his amendment and not force the house to a division upon a question raised at a most inopportune moment. Two reasons influence me in arriving at this conclusion; the first lies entirely in the discretion of the hon. member himself; the other is of constraining obligation upon the government; it rests neither with him nor myself, but is of a higher character, and in my view conclusively proves the inexpediency of the course which he has intimated his intention to adopt. His remarks as I have said were entirely unexceptionable—but at the close of his address he adverted to the course left open to the administration, and in doing so hinted that it may be contemplated to enforce a rule of this house to give his amendment the go-bye. Why he made that remark I am unable to divine, for I am sure that hon. and learned gentleman could not have foreseen the objection which the administration entertain to the discussion of his resolution at the present moment. I have said, sir, that two reasons exist preventing the discussion of his motion. In the first place the necessary information,—the essential data upon which a full discussion could be had is not before the house, and therefore many of the statements which he has made; and many of the arguments he has urged, are entirely hypothetical. Had the hon. and learned gentleman waited until the information was submitted, the house would have been in a position fairly and fully to discuss the subject he has introduced

for we cannot conceal from ourselves that beneath all this assumed mildness of demeanor and suavity of address, a vote of want of confidence lies concealed. But this was a matter entirely within the discretion of the hon. and learned gentleman; it is for him and the hon. gentlemen opposite to decide—whether or not it is wise and proper to press the discussion of a question under such circumstances. The other reason to which I have alluded seems to me to be entirely constraining; and I now propose to the hon. and learned gentleman that he withdraw his resolution for a time—to be brought forward again by him, if he so desires—when the address has been passed. In the course of the remarks made by the hon. member for Inverness, he bore deserved testimony to the conduct of his Excellency the present Lieutenant Governor: his Excellency has done justice to his late administration in his speech, by declaring that he ever had maintained with them a harmonious intercourse which the asperities of party strife have never marred.

His Excellency in his speech has announced his intended departure; he only awaits the arrival of his successor, and may possibly take advantage of the next steamer to leave our shores. Under these circumstances I ask the hon. and learned member for Inverness, whether or not it is proper to obstruct the passage of an address conveying to His Excellency the expression of that good feeling and kindly regard which both sides—independent of party and personal feeling—entertain towards him. Sir, I assure hon. gentlemen opposite in all sincerity that the administration do not shrink from the discussion of those questions to which the hon. and learned member has alluded; for when the appointments to which he has alluded come to be discussed, I trust I shall be able to shew that upon constitutional and rightful grounds they are defensible; upon this branch of the subject, however, I abstain at present from saying one word—my only object being to shew that it is from no fear of attack that we do not meet the amendment proposed at once. Another reason exists for the postponement of the discussion; many important papers, among them the papers relating to the Mines and Minerals, have not yet been submitted, and cannot be while the speech is unanswered,—when brought down hon. gentlemen will have an opportunity of informing themselves upon matters with which they are at present unfamiliar,—and this they can do during the period which the debate may occupy, for it will certainly not be of such limited dimensions as the gentlemen opposite profess to imagine.

Hon. Mr. YOUNG.—The address, in so far as it relates to his Excellency the Lieutenant Governor, has already passed without a dissentient voice. Everything, therefore, urged by the hon. and learned Attorney General, is entirely inapplicable. For what reason he deprecates the discussion of the single point raised by the amendment, I cannot determine; the more especially when I know that the first steamer does not depart hence until Thursday next, and in all probability his Excellency will not leave until the boat following—giving a margin of nearly three weeks.

Hon. ATTORNEY GENERAL.—The amendment does not grow naturally out of the question before us; it has relation to a measure which



the administration design to submit, and the nature of which can only be thoroughly understood when it is brought down. Is it not better, then, that the house should deal with it upon its own merits, entirely independent of any other question?

HON. JOSEPH HOWE.—I should be sorry indeed sir, to vote for this or any other motion which could be even tortured into an act of discourtesy to his Excellency the Lieutenant Governor. I have served under his Excellency, and may say that I entirely acquiesce in every complimentary sentiment embodied in the address. No man will view the departure of Sir Garpard LeMarchant from the shores of Nova Scotia with deeper regret than myself, for I shall in that hour lose a personal friend. Sir, the present governor knew how to conduct responsible government in this country and hold the scales evenly between both sides without inclining to either—and in that respect has set an example which it will be well if those who come after him follow. In many other ways his Excellency has evinced a disposition to promote the best interests of Nova Scotia, by importing into this country improved breeds of cattle, and personally interesting himself in promoting the agricultural interests. When he leaves us, the best wishes of the people he has governed will follow him. As regards Lady LeMarchant, she has set an example which the women of this country may follow with great advantage, and shewn herself a pattern of social virtue—an affectionate mother—an estimable wife, and that her daughters may adorn positions in higher spheres, and her sons live to distinguish themselves in the service of their country, is my fervent wish. To obstruct the passage of this address; to oppose or prevent the payment of that just tribute of respect to his Excellency and family which it contemplates, is not dreamed of by the opposition; and I feel assured that the hon. and learned Attorney General will acquit gentlemen upon this side of any such design. Under any circumstances his Excellency cannot leave this province until Thursday next; he will not depart, in all probability, until a fortnight after. Where exists then the necessity for hurrying the passage of an address where there is but a single point to discuss, which can be easily settled this afternoon, or at furthest tomorrow. We object that the government, in view of a contemplated change in the Legislative Council, have made two appointments to that body, subversive of the policy they intend to pursue; we say that one of those appointments is objectionable, because it gave to one county two representatives in the Upper Branch, while many counties were left wholly unrepresented. Surely the issue, then, does not open up any wide or extended field for debate, and may be decided without much discussion.

HON. ATTORNEY GENERAL.—It must be obvious to hon. gentlemen on both sides of the house that the object the hon. introducer of this amendment has in view can be attained by the course which I have suggested. Pass this address, which will not occupy twenty minutes, and then it is quite open to the hon. and learned gentleman to move his resolution, which can, in such case, be discussed broadly upon its merits. The propriety of this course, under the circumstances, is so obvious, that, though painful to me even to

seem to shrink from a responsibility, or to evade a discussion which the government court, I feel, under the peculiar circumstances, compelled to conclude with the motion I am about to make. Sir, something has been said of the appointment to the Council, from Cumberland. The constitutionality and propriety of that appointment the government are prepared to maintain; and when the subject comes fairly before us, I will undertake to shew that it was justifiable, that the government must exercise a discretion in relation to the exigencies of the public service, if we ever wish to raise the administration of public affairs above mere personal and local interests. But, sir, my object in rising now is to put an end to this debate, that the address may pass—if it is to pass—leaving hon. gentlemen opposite to renew their motion after. I have therefore to move that the main question be now put.

HON. MR. YOUNG.—I wish to say one word on the meaning of the rule which the hon. Attorney General has taken advantage of to avoid the discussion of this question. The rule reads as follows:—

“The previous question shall be in this form “shall the main question be now put?”—when moved and seconded for that purpose, it shall put an end to the debate, and if it be carried in the affirmative, shall bring the house to a direct vote upon the question then before the house. If rejected, the Debate shall proceed.”

It is clear therefore that if the motion of the hon. Attorney General prevail—that a division must then make place upon the amendment introduced to the address—that being the main question before the house.

HON. FINANCIAL SECRETARY.—Why will the hon. member for Inverness give a construction to that rule which he knows it will not bear?

HON. MR. YOUNG.—Sir, I assert in the face of the whole world that the construction which I have put upon the rule is the only one it was ever intended to bear. In the house of Commons the previous question has never been used to put an end to debate. The use to which the late administration put that rule—although seldom taken advantage of, and only when a subject had been fully debated—has been reprobated by the hon. Attorney General himself in the strongest terms. But I venture to say—and I challenge contradiction—that such an instance as this—so tyrannical and oppressive an attempt to shut the mouths of a minority—is unexampled in our parliamentary history.

HON. ATTORNEY GENERAL.—The hon. member for Inverness must speak only to the meaning of the rule, if not I shall reply.

HON. MR. YOUNG.—I court reply.

The hon. SPEAKER.—It must be understood that after the motion made by the hon. Attorney General, no speaker can be heard, except in explanation of the rule.

HON. FINANCIAL SECRETARY.—The hon. member for Inverness challenges me to shew that the rule in England is similar to that here, which he and I both know is not the case. There the previous question is never made use of to put an end to debate; but here the rule has been invariably applied for this and no other purpose. But, sir, the rule as it stands in this province clearly means that if the motion that the “main question be now put,” pass in the affirmative, then the house must

proceed to a division on the original motion— which in the case is this address.

Mr. YOUNG.—Suppose than it is negatived, does not debate end ?

Hon. FINANCIAL SECRETARY.—The rule does not say so.

Hon. Mr. YOUNG.—The rule does say so. It clearly lays down that if the motion be negatived the debate shall not proceed.

Hon. ATTORNEY GENERAL.—The statement made by the hon. and learned member for Inverness, that the exercise of this rule at present is tyrannical, I cannot allow to pass entirely unnoticed. From such a charge it must be evident to all who look at the question with unprejudiced eyes, the government have been completely exonerated. I ask again, if it would not be inconsistent with the respect due to the distinguished nobleman who has represented the Crown in this Province for many years with equal honour to himself and advantage to the country—to delay the passage of this address until the very hour of his departure from our shores. Is there anything tyrannical in asking that a decision be had at once upon the address, when it is open to the hon. member for Inverness to move his amendment in the shape of an independent resolution ten minutes after.

Hon. Mr. YOUNG.—That argument has already been answered ; I ask the hon. Attorney General whether or not, under the rule already cited—in the event of his motion passing in the affirmative, my amendment is not the main question before the house ; and if so, whether a division should not be had on that amendment.

Mr. WADE.—Hoped the hon. member for Inverness would consent to withdraw his amendment. To pass the address did not in his view recognise as justifiable the recent appointments to the Legislative Council,—nor did it pledge the house in any way to a bill—the provisions of which were yet unknown. He presumed if a division were forced, the supporters of the administration at the last session would be found voting for the address.

The Hon. SPEAKER.—Hon. gentlemen must keep to the question ; the construction of the rule referred to is now the only subject under debate.

Hon. Mr. HOWE.—We may safely presume sir, that this rule was adopted for public convenience—for the protection of public interests. I have moved the previous question within half an hour of the time fixed for the Lieut. Governor to prorogue the assembly—that such formality might be complied with. Again I have moved the previous question when the house was exhausted with a discussion or heartily tired of debate, upon which everything had been said. But to take advantage of that rule half an hour after an amendment has been moved—before it has been at all discussed, to shut out debate and to screen the acts of the administration under the pretext of an event which will certainly not happen for five, perhaps not for fifteen days to come, is certainly a stretch of power, an arbitrary application of this rule unprecedented in my parliamentary experience.

Hon. Mr. Young disclaimed any intention of applying the word “*tyrannical*” in an offensive sense,—and again called on the Attorney General to explain the meaning of the rule.

Hon. ATTORNEY GENERAL.—If correctly in-

formed this rule came from the pen of the hon. member for Inverness.

Hon. Mr. YOUNG.—No.

Hon. ATTORNEY GENERAL.—Well, sir, the rule is at least ambiguous. It states that if the motion—“shall the main question be now put,” pass in the affirmative, it shall bring the house to a direct vote upon the question then before the house. That, sir, in my view is the address.

Hon. Mr. Young.—No.

Hon. Mr. HOWE.—The Amendment.

Hon. FINANCIAL SECRETARY.—That is your main question.

Hon. ATTORNEY GENERAL.—To say the least of it the rule is obscurely expressed. But, sir, this is matter of but little moment. The amendment obviously opens up a wide field for discussion,—involving as well the principle of the Bill alluded to in the address as the conduct of the administration. These questions can be discussed after the address has passed and been presented to His Excellency ; but if the construction put upon the rule by the hon. member for Inverness be correct, I can only say that I shall be sorry to vote against his amendment under such circumstances.

Hon. FINANCIAL SECRETARY read from the journals to shew that the rules—among which was the one relating to the main question—had been reported from committee by the hon. member for Inverness in 1356, and were adopted a few days subsequently on his (Mr. Young's) motion. He (Mr. M.) thought the hon. member ought to be more careful in denying statements made.

Hon. Mr. YOUNG had no wish to absolve himself from the paternity of the rule. The statement made was that the rule had been drawn by him (Mr. Y.—when the facts were that the rule was first adopted by committee in 1837—and subsequently revised by a committee in 1856. He thought it a plain, simple, and wholesome regulation.

Calls were made by several hon. gentlemen for the Speaker's decision.

The Hon. SPEAKER—I decide that if the motion of the hon. Attorney General “that the main question be now put” pass in the affirmative—the house must then proceed, without debate, to a direct vote on the amendment of the hon. member for Inverness.

Hon. ATTORNEY GENERAL's motion was then put and passed in the affirmative, 25 to 20. The names stood thus :—

*For*—Messrs. Brown, Bill, McLearn, Bourneuff, Hyde, Churchill, Tobin, White, Ruggles, Hon. C. Campbell, Bent, Martell, Henry, McFarlane, Moses, Fin. Secretary, Prov. Secretary, Attorney General, Hon. J. Campbell, Robicheau, Ryder, Hon. Mr. McKinnon, Sol. General, Smyth, Wade.

*Against*—Esson, Webster, Fuller, Bailey, Wier, Roberston, Parker, Chipman, Geldert, Hon. Mr. Young, Chambers, Hon. Mr. Howe, Morrison, Dimock, Munro, Archibald, Locke, McDonald, Annand, Davidson.

Hon. Mr. YOUNG then moved the amendment to the address. On the question being taken there appeared :

*For*—22.—*Against*—23.

*For*—Esson, Hyde, Webster, Bailey, Munro, Fuller, Wier, McLellan, Parker, Chipman, Roberston, Geldert, Chambers, Hon. W. Young,

Locke, Morrison, Dimock, Hon. Mr. Howe, Annand, McDonald, Archibald, Davidson—22.

*Against*—Wade, Hon. J. Campbell, Bill, Bourneuf, McLearn, Tobin, Churchill, White, Ruggles, Martell, Henry, Bent, McFarlane, Moses, Financial Secretary, Provincial Secretary, Attorney General, Hon. C. J. Campbell, Ryder, Smyth, Solicitor General, Robicbeau, Hon. Mr. McKinnon—23.

The amendment being thus lost, the remaining clauses of the address were taken up and passed—*nem con.*

Hon. ATTORNEY GENERAL announced that he would ascertain from his Excellency at what hour it would be convenient for him to receive the address.

#### CHAIRMAN OF BILLS

Hon. ATTORNEY GENERAL announced that from recent changes it became necessary to appoint a Chairman of Bills. He had much pleasure in naming the hon. member for Argyle (Mr. Rider)—an old member of the house—and from his experience well qualified to perform the duty.

Hon. Mr. HOWE in seconding the motion observed—that the selection made could not have been less exceptionable to the opposition, since the choice had fallen upon an hon. member who, whatever political differences had existed between himself and others—never allowed them to interfere with his private conduct.

Hon. Mr. YOUNG.—There are two Chairmen of Bills;—the practice has always been to draw one from each side of the house,—under such circumstances the appointment might almost be said to be with the supporters of the administration. He concurred with what had been said of the hon. gentlemen named.

The motion passed unanimously—and the house then adjourned until 11 o'clock on Saturday.

#### SATURDAY, Feb. 6th.

The house met at 11 o'clock and proceeded to Government House to present the answer to the Address. After which it adjourned until Three o'clock. On resuming—

Hon. Prov. Secretary, by command, laid on the table of the house the election writ for county of Cape Breton, which was read by the Clerk, with the Sheriff's return thereon.

Mr. Caldwell, the new member for that county, being in attendance, took the usual oath, signed the roll, and took his seat as member for Cape Breton.

Hon. Atty. General reported from committee of revision to select standing committees as follows:

*On Agriculture*—Hon. Messrs. Young, chairman, McKinnon, Chipman, Bill, Parker, Robicbeau, McFarlane.

*Fisheries*.—Ryder, Martell, Locke, Bourneuf, Smith, Rynard, Wier.

*Post Office*.—Henry, McFarlane, McLellan, White, Wade, Munro, Annand.

*Public Accounts*.—Esson, Moses, Dr. Brown, White, Archibald.

*Printing and Reporting*—Financial Secretary, Howe, Young, C. J. Campbell, McFarlane.

*Education*.—Atty. General, Archibald, Young, Provincial Secretary, Howe, Dr. Brown, Tobin, McDonald, Moses.

*Mines and Minerals, and Crown Lands*.—Solicitor

General, Young, Financial Secretary, McKeagney, Attorney General, Esson.

*Navigation Securities*.—Killam, Ruggles, Rynard, Fuller, Bent, McKenzie, Bill.

*Penitentiary*.—Chipman, Churchill, Chambers, Caldwell, Bailey, Robertson, Davidson.

*Transient Paupers—Sick Emigrants—Deaf and Dumb—Blind and Insane, and Provincial Asylum*.—Brown, Dimock, Hyde, Geldert, McLearn.

*Indian Affairs*.—Webster, Wade, McKinnon, Morrison, Fuller.

*Expiring Laws and Private Bills*.—Wade, Solicitor General, Howe, McDonald, Ruggles.

*Trade and Manufactures*.—Tobin, Wier, Jno. Campbell, McKenzie, Henry.

*Road Damages*.—Annand, Munro, Killam, Dimock, Shaw.

*Contingent Expenses of House*.—Financial Secretary, Archibald, Esson.

The above report was read and ordered to lie upon table until Monday.

Hon. Attorney General, by command, laid on the table the reports of the Delegates on the subject of the Mines and Minerals and the original documents alluded to therein, which were ordered to lie upon the table. The hon. gentleman stated that copies would immediately be placed in the hands of the members, and asked leave to introduce a Bill for giving effect to the surrender by the legal representatives of the Duke of York and Albany to her Majesty, and by the General Mining Association and their Trustee, of the Mines in Nova Scotia, and to a lease of part of such Mines to the Association.

Hon. Attorney General, by command of his Excellency, laid on the table of the House certain papers relating to an Inter-colonial Railroad, and stated that the Delegates on the subject of the Mines and Minerals having been authorized to enter into negotiations on this subject, had been in correspondence with the British Government, and in communication with the Delegates from Canada, the result of which was contained in the documents he presented, which were read by the Clerk.

Hon. Mr. Howe remarked, that the short despatch at the end of the correspondence, quite disposed of the subject for the present. At the same time it is but fair to say, as one who had expended some time and incurred some responsibility on such subjects, that it was honourable to the gentlemen who had represented these Provinces on a recent occasion, that they had made the efforts detailed in the papers submitted. Every member, I take for granted, listened with pleasure to the able statements of the case, as had been read to the House. We should not value any man's merit by his success,—that one deserves to succeed is enough. I know something, sir, of the difficulty which devolves on those who attempt to conduct such negotiations, and how much care and skill are required, and have been evinced in those under consideration. I think it due to the gentlemen most concerned to say this much, and to say it promptly, on the papers being read to the House.

Hon. Attorney General, also by command, laid on the table certain papers relating to the Union of the British North American Colonies, which were read by the Clerk.

The hon. gentleman said that as regards the other subject referred to in the papers just read,



(Emigration) no report was presented, as he found that nothing could be done in England in reference to that question,—the authorities in that country having declined to afford any assistance in the matter.

Hon. Messrs. Howe and Young made some remarks on the subject, those of the latter gentleman being to the effect that he considered Nova Scotia could not hold out the same inducements for immigration as Canada and New Brunswick.

Mr. McLellan suggested the propriety of forwarding the public business, and gave notice that he would move that the question of the Ballot be taken up next Wednesday.

Hon. Attorney General stated that he wished the House to consider the question of the Mines and Minerals on Monday or Tuesday.

Hon. Financial Secretary proposed that the House should devote the mornings of each day to the presenting of petitions, public accounts, and other routine business; and the afternoons to the regular debates on questions which should come up for discussion. He stated that he was prepared to present the public accounts early in the ensuing week.

Mr. Henry thought that, considering the importance of the subject of the Mines and Minerals, the discussion of that question should not be hurried on before the House was in full possession of all the facts.

Mr. Morrison concurred.

Hon. Attorney General explained that he did not wish to hurry the matter, but as the papers had been printed, and were before the public, he thought the house could not be taken by surprise, and it was necessary that a subject of such magnitude should be dealt with as soon as possible.

Hon. Mr. Archibald spoke to the same effect, and suggested Thursday next as the day for the consideration of this subject, which was agreed to.

Mr. McLellan gave notice of a motion with regard to the Ballot, and named Saturday next as the day for the discussion of that subject.

Then the House adjourned until Monday at 12 o'clock.

#### MONDAY, Feb. 8th.

##### MORNING SESSION.

House met at 12 o'clock, and sat with closed doors until 1 o'clock.

A conversational debate took place in relation to the Mines and Minerals, as to the relative weight of the chaldron of coals from the different mines of the Province.

Mr. McDonald suggested that as there appeared a desire for further information on the subject, the Committee on the Mines and Minerals should meet and prepare the materials, in a digested form, to be brought before the house.

Hon. Mr. Young recommended the propriety of the Government furnishing a map of the coal localities.

Hon. Atty. General replied that he should bring before the House the maps furnished to him by the General Mining Association.

The House then proceeded to consider the Report of the committee appointed to nominate the Standing Committees.

Mr. Chambers's name was substituted for that of Mr. Robicheau in the committee on Agricul-

ture, and that of Mr. Robicheau vice Mr. Chambers in the Penitentiary Committee.

On motion, Mr. Howe's name was substituted in place of Mr. Henry's on the committee on Trade and Manufactures, and Mr. Henry's for that of Mr. Howe's on the committee relating to Expiring Laws and Private Bills.

The remaining committees then passed as previously reported without alteration.

The House adjourned until 3 o'clock.

##### AFTERNOON SESSION.

House resumed at 3 o'clock.

Mr. Moses presented a petition from John Patch and others of Yarmouth, (which he stated was very numerous signed, and he requested the same to be read by the clerk.) The Petitioner claimed to be the original inventor of the principle of propelling steam ships by means of the screw.

Hon. Atty. General stated that Mr. Patch had the misfortune of being one of those individuals who had originated a new idea, but had not the means of prosecuting it—he doubted not due consideration would be given to his claims.

Referred to committee on trade and manufactures.

##### AFTERNOON SESSION.

The House resumed its sittings at three o'clock.

The Hon. the FINANCIAL SECRETARY said:—I rise, Mr. Speaker, for the purpose of presenting to the house a general statement of the Imports and Exports for the nine months ending the 30th September, 1857. I feel assured that the change I have made in the mode of preparing this document will meet with your approbation. The method formerly adopted of making up the accounts of our expenditure and income necessarily threw a large amount of business on the Financial Secretary's office during the last three months of the year. It will be remembered that at the last session I suggested that our financial year should end on the 30th September—in order that the necessary information connected with our public accounts might be laid upon the table of the house at an early day in each session for the information of the Legislature. This course I have to some extent followed out, in the full hope that the house will enable me to lay them on the table in this form. It must be apparent to hon. gentlemen that I cannot submit any comparative statement—because these accounts are but for nine months, the last quarter will be made up in a few days and submitted to the house. I do not mean to say that these statements contain anything like accurate information respecting the trade, commerce, or shipping of the Province, nor is it possible to obtain accurate returns, unless the Controllers of Customs are sufficiently well paid to remunerate them for the labor. The trade of the Province cannot possibly be presented with anything like accuracy. Mackerel are caught upon our coasts and sent up to this city in small lots—say 10 or 20 barrels; no record of the catch, receipts, quantity used in the Province, or exported, is kept, and therefore it is impossible to form any adequate idea of the quantity or value of the catch. It is true that general accounts are sent to the office here for the purpose of transmission to the Home Government, but no provincial record is kept; nor has the Financial

Secretary for the time being any mode of computing the exact amount of imports and exports. I have thrown out these few preliminary suggestions that some action may be taken with respect to our present system.

The first document which, by command of his Excellency, I have to lay on the table of the house, is a general abstract of the returns of imports and excise duties, collected at the different ports of this province during the year ending 31st Dec. 1857.

2nd.—An abstract of articles imported into this province, on which duty was collected during the year 1857.

3rd.—A comparative statement exhibiting the increase and decrease of the amount of excise duties collected in the different ports of this province for the year 1856-7.

4th.—A comparative statement of articles imported into this province, and of the amount of excise duties collected therein for the year 1856-7.

I am sorry to say, sir, that this statement is not as satisfactory as I could desire. It will be in the recollection of the house that the advalorem duty upon imports was increased, last session, from 6½ to 10 per cent.—but the additional 3¼ per cent. was only collected on the three last quarters of the year ending 31st Dec., 1857, so that upon calculation I find that we have collected about £1000 less than we should have done, had the duty covered the whole importations for the year. The advalorem duties have, in consequence of the increase, yielded about £24,000 over and above the amount that would have been collected at the 6½ rate. To the gentlemen who estimated the revenue for 1857, (I allude to the hon. member for Sydney, Mr. Henry, and others,) much credit is due, for I find that the result has shewn our calculations to have come within £200 of the actual sum realized. On some dutiable articles there has been an increase—on others a sad falling off. The sum collected on coffee exceeds by £181 9s. 4d. the amount collected in 1856,—ground coffee has yielded too £35 more. On black tea there has been a falling off of £1,184 sterling; this result I feel assured, is attributable to the high price of the article.

The duty collected on Gin shews an increase of . . . . . £594 0 0 stg.  
 On Leather . . . . . 415 0 0 “  
 On Rum . . . . . 1703 13 3 “

Last session the duty was altered on loaf sugar, by reducing it from 14s. to 10s., thus equalising the impost on crushed and loaf. The result I am happy to say shows an increased collection on this article of luxury amounting to £257 sterling.

On Tobacco an increased amount has been collected of . . . . . £195 0 0 stg.  
 On Whiskey . . . . . 106 0 0 “  
 On Wine at 2s. 6d. per gall. . . . . 156 2 3 “

While upon the wine imported liable to the reduced duty there is a deficit of £176 sterling. In 1856 the distilleries yielded £5,600—this year, owing to one of the Distillers being unable to carry on his business—the amount collected was but £5084—showing a decrease of £516 currency. The amount collected on Brandy has fallen off to the extent of £1063 sterling;—a circumstance which I can only account for as the result of the well known high price of that article, which has compelled its lovers to refrain from using it and

imbibe only the cheaper, whiskey or gin. (Laughter). Looking to the Revenue as a whole, I am sorry to say, Mr. Speaker, that the result is not as satisfactory as I could wish.

In 1856, independant of the Casual and Territorial Revenue, we collected . . . . . £94,317 12 3  
 In 1857 . . . . . 111,884 0 0

Shewing an advance of . . . . . 17,567 7 9

But, sir, it must be remembered that we have attained £24,000 from the increase in our advalorem duties; so that upon the whole our general revenue has fallen off (that is to say, basing our calculations upon the rate of duty in 1856) by £17,567 sterling, or nearly £22,000 currency.

In order that I might give an accurate statement, it would have been necessary in connection with these papers, to lay the Receiver General's account on the table—but as that has not, as yet, been examined and certified in my office, I thought it better to put the house in possession of the important information which these documents convey at as early a day as possible. The account of the Receiver General is in course of preparation, and will most probably be submitted to-morrow. Before I close these remarks, allow me to say—for I feel it my duty to deal openly and candidly with the house—that the increase in the revenue must not lead any hon. gentleman to instruct his constituents—as such a state of things very often does—to count upon an increase in the amount granted for county purposes. Nay, more, sir, looking to the exigencies of the country—to the large sum of £52,000 which must be provided to sustain our railway—to the expenditure of £12,000 for the Lunatic Asylum—the increased educational grant, about £4000, and a decrease of about the same amount in the Casual and Territorial Revenue, provided the new arrangement proposed goes into effect. Hon. gentlemen must make up their minds to be content with about one half the road grant for their counties, which they received at the last session. It required the most strenuous efforts on the part of the administration to keep the late issue of £15,000 in Provincial notes afloat, during the past summer, a further issue is therefore not only unadvisable but impossible. But, sir, in addition to all this, no man who regards our present commercial condition with a comprehensive glance, and reflects upon the depression which must, of necessity, ensue from the many failures which have taken place in the city of Halifax, can entertain a doubt that our imports will diminish; the shelves of our merchants are now laden with goods imported and remaining unsold. To supply the demand which this state of things creates is impossible. We might impose 1d. additional upon coffee, ½d. more on tea, and perhaps slightly increase the duty on sugar; but the sums so realized would amount to nothing, in comparison with the sum we shall require. I have looked over the Tariffs of Canada and New Brunswick, and find that although the duties they impose in some cases exceed ours, yet on the whole they are pretty nearly equal. Computing by population and revenue upon calculation, it appears that in Canada the duty amounts, for each individual, to 10s. 6d. in Nova Scotia, to 8s. 9d. Our experience shews us that it is impossible to collect anything like

large imposts in this province,—our geographical position—our people owning more tonnage on small vessels than any other of her Majesty's colonies—our sea coast abounding with harbors, renders the collection of our present revenues very expensive,—to increase our duties will always lead to increased violation of the revenue laws.

No. 5 contains a statement of the light duties collected—shewing that although there has been fluctuations in the comparative amounts collected, yet on the whole the Revenue for this service has increased by £36 12s. 2d. In conclusion, sir, allow me to observe, that in following the course pursued heretofore, and submitting these documents, the government are not at all responsible for the circumstances they disclose. If, as Financial Secretary, it became my duty to bring down the Budget, and the initiation of all money votes was entrusted to the government; the administration would be fairly and justly blamable, if from want of prudence or foresight, the finances of the country were found to be in their present situation; but so long as each individual member of this house claims and exercises in committee of supply the right of moving what votes he pleases, the responsibility must rest where it rightfully should—upon the house, and not on the government.

The hon. gentleman concluded by adverting to the course pursued by merchants who imported goods, paid the duty on them, unpacked and placed them on their shelves; and subsequently, when they desired to export them, applied for and obtained the drawback. He thought the practice injurious.

Mr. TOBIN explained. The reason the drawback was allowed was very simple. Dry goods were imported in packages too large, and made up of articles, some of them unsuited to the Newfoundland and Labrador trade; and it would be cause of much inconvenience if any alteration in this system took place.

Hon. Mr. YOUNG said.—I have listened, Mr. Speaker, with a good deal of interest, and I must add, much surprise and disappointment, to the information which the papers just laid upon the table by the hon. Financial Secretary convey. That the government should find it necessary, within the first five days of the opening of the session, to come down with the papers forming the basis of our estimates for the in-coming year, and openly avow that the road grant at one fell swoop is to be reduced by one-half did startle me out of the calmness with which I was listening, as it must have startled every member of this house previously unacquainted with the fact. Have we indeed come to this, sir, that our road grant, which, however lightly the residents in Halifax may sometimes treat it, is looked upon by the people of the country as an invaluable boon, is at one instant to be reduced from Forty to twenty thousand pounds. If so, it is high time that a most vigorous and searching investigation should be made into the causes which have produced such results. The hon. Financial Secretary has thrown out two or three ideas which, although they may seem new, are not really so, and it behoves us to reflect deeply upon them. If this house, having the control of the public purse, has so mismanaged our affairs that we are humbled into our present condition, it is indeed high time

for us to consider whether the initiation of all money votes should not be entrusted to the government of the day, responsible to this house and people for the course they pursue and the grants they propose. Sir, like the pulsations of the heart, the financial prosperity of a country gives vitality and vigour, energy and life to the whole system; and more particularly with us, where the essence of liberty is in little danger, it is a subject of the gravest concern and most momentous interest; and, sir, when such a statement as that which has just fallen from the lips of the Hon. Financial Secretary in made, it behoves every man, who regards the welfare of the country, to open his ears and understanding, and after investigating the cause of the complaint, to aid in devising some means to eradicate the evil and restore the country to a sound financial condition.

Hon. FINANCIAL SECRETARY.—I should have remarked, sir, before submitting these papers, that in a financial point of view the country is not in such a deplorable situation. If, sir, this or any county requires the construction of large and expensive public works within its borders, it must be content to make the necessary sacrifices to obtain them. If heavy outlays of money are made, the people must know that, until the works pay of themselves, the public chest must provide the interest. I assert, then, that were it not for the interest on railway expenditure, the £12,000 for Lunatic Asylum, and the other necessary payments I have mentioned previously, that the financial condition of this country would be most flourishing, and that more than a sufficiency to meet the requirements of the Province would be in the public chest. I have nothing to complain of in the remarks of the hon. member for Inverness; they conveyed the views and sentiments of a man who understands our position, and would lend his aid to remedy whatever inconvenience we may be compelled to endure. Do I not, as the representative of Guysborough, feel as keenly as any member of this house the loss of any portion of our road grant; but, sir, it has become a necessity of our condition, to be deplored certainly—to be remedied if possible—but surely is not attributable to the present advisers of his Excellency. I stated, in placing these documents before the house, that this was no party question; I am now about to do more. I invite hon. gentlemen on both sides to approach this question without one thought of party, and deal with it as a matter in which we are all equally interested. Upon the recent appointments to the Council—upon the Coal Mine question, and many other subjects, we will be happy to receive the attention of the hon. gentlemen opposite; but upon this point let us all unite to devise if possible some means of increasing our pecuniary resources for the general benefit of the Country. I am happy to state, sir, that while many of the great Bankers in the Mother Country have felt the depressing influence of the recent crisis and been compelled to borrow to sustain their positions, the credit of this Province has not suffered in the slightest degree. But unless we labor to limit our expenditure, our credit, and character too, will not and cannot be sustained.

Mr. MORRISON—I can only say, sir, that the lamentations of Jeremiah were nothing in comparison with the lamentations of Marshall.

Hon. Mr. Young.—It may be, sir, that I concur with the hon. Financial Secretary in thinking that this question should not be made the subject of party warfare; but if the opposition accept his invitation, and unite with the government for the common weal, we shall not follow the bad example set us last winter.

Mr. PARKER.—I admire the plan and open manner in which the hon. Financial Secretary laid the documents referred to on the table, and the candor which characterised his remarks upon our present situation as respects the finances of the country. But, sir, I was indeed struck with surprise and astonishment to find that the government would find it necessary to strike off one half of our present road grant. From this point of view, our position appears precarious in the extreme, and all men who have the welfare of the province at heart, should aid and endeavour to ascertain the causes which have reduced us to such a situation. Last session the duties were raised to provide for the interest on monies borrowed to construct our Railways. The increase amounts to £24,000—and yet, sir, we are told that one-half of our road grant must go. In the mean time, where is this Railway? Well grassed over,—lying idle and unproductive. I think this state of affairs calls for some more extended information from the government.

Hon. ATTORNEY GENERAL.—I would feel it my duty, sir, to enter into this subject at length, and reply to many of the arguments urged and statements made upon the subject before the house, were it not that this is not the proper time—nor have we before us the requisite information. For these reasons I pass over the remarks of the hon. gentleman who last addressed the house, without reply. When all the facts are before the house, hon. gentlemen will be in a position to form an accurate idea of this question and not till then.

The documents were referred to the committee on Public Accounts.

Mr. JOHN TOBIN asked leave to present a bill to provide for the Registry of Warrants of Attorney, Bills of Sale, and other conveyances of personal property. The Bill was read.

Mr. TOBIN explained, that the bill was designed to prevent persons from giving warrants of attorney or other securities, which might be held in abeyance and only used after they had obtained property from other persons,—by which means the second creditor would be defrauded.

Hon. Mr. YOUNG said.—I rise, Mr. Speaker, for the purpose of requesting the government to lay upon the table for the information of the house, the following statements:

*First*—Of the time and circumstances of the appointments of the hon. Mr. Whitman and the hon. Mr. Dickey to the Legislative Council.

*Second*—Of the time and mode of the recent appointments to office of James McKeagney, Esq., as Inspector of the Mines; James R. Mosse, Esq., as Superintendent of the working department of the Provincial Railways; and Mr. William Condon to a post on the Board of Works, with all papers, documents and correspondence in relation to such appointments, respectively, and to the emoluments and salaries thereof, and the authority therefor.

*Third*—Of the names of all other Public officers appointed by the present administration, with the

emoluments or salaries attached to their several offices and the authority therefor.

*Fourth*—Of the number of Justices of the Peace who have been so appointed, distinguishing the different counties.

*Fifth*—Of the names and offices of the Public officers (inclusive of the Justices of the Peace, if any) who have been dismissed or superseded by the present administration, with the charges against such officers, or other grounds for their dismissal, and the correspondence and papers in relation to each individual case.

MR. LOCKE.—I would wish to know from the government whether it is their intention to appoint officers for the Registration of Shipping in all the Counties? I have observed, since last session, that several appointments have been made; and I should be glad to know whether the administration intend to carry out the principle—by making appointments in every County?

HON. FINANCIAL SECRETARY.—I will answer the hon. gentleman at once. The house provides £900 annually for this service, and £200 to pay the seizing officers; both grants have been largely exceeded, and without an increased vote it is impossible that other appointments can be made.

HON. PROVINCIAL SECRETARY explained that the appointments were controlled by the Imperial Government, and that in no instance had an application been made by any County for the appointment of a Registrar of Shipping without the government giving it their immediate attention.

Hon. Mr. HOWE.—There is another question connected with our Shipping interests which deserves the consideration of the government. I lately received a letter from Mr. T. Coffin, calling attention to the injurious effect of the merchant shipping laws of England upon the shipping of Nova Scotia. My attention had been previously called to this subject by some of the captains sailing out of the Basin of Minas, who stated that, however competent to conduct their business, when they essayed to engage as masters in the mother country, they were subjected to a rigid examination upon technical subjects, with which, from the nature of the trade in which they were engaged, it was impossible they could be acquainted.

Mr. CHURCHILL was exceedingly glad that the hon. member for Windsor had called the attention of the house to this subject. Many Nova Scotian shipmasters, competent to navigate vessels to any portion of the world, were thrown out of employment in England in consequence of their ignorance of certain technical formalities, which the merchant shipping laws of England made essential; and obliged to send to this province for certificates—at great loss of time and money—before they could obtain employment.

The conversation then ceased.

Mr. ESSON.—I rise, sir, for the purpose of asking the members of government whether they intend introducing any general measure during the present session, for equalising the representation. If not, I now give notice that it is my intention to introduce a bill to divide the County of Halifax.

HON. ATTORNEY GENERAL.—The subject to which the hon. gentleman has referred has received the attention of the government; and it is exceedingly likely that a measure will be submitted, during the present session, upon this subject.

Hon. J. CAMPBELL asked leave to introduce a bill to amend the act relating to the incorporation of certain bodies connected with the Wesleyan Churches in Nova Scotia. Leave was granted, and the bill was referred to the committee on private bills.

Hon. J. CAMPBELL also presented a petition from certain inhabitants of Queen's county, asking an additional polling place. He also asked and obtained leave to present a bill to carry out the prayer of the petition.

Hon. J. CAMPBELL also presented a petition from Caleb Seeley, of Queen's County, on the subject of a grant of Lands.

Also, a petition from George Merrick, asking aid towards keeping a House of Entertainment upon the road between Annapolis and Queen's Counties. The petition was laid on the table.

The House then adjourned until Ten o'clock on Tuesday.

TUESDAY, FEB. 9th.

The House met at 3 o'clock.

After the transaction of some miscellaneous business—

Hon. Mr. HOWE rose and said.—There is another subject, Mr. Speaker, to which I would like to call the attention of the house, and that of the members of government. I presume it is one of the cases alluded to in the general requisition of yesterday, still it includes some considerations, which I think requires from me early notice.—When I first came into the assembly, I had the honor and the pleasure of making the acquaintance of Mr. Gaius Lewis, then member for Cumberland, for the first time. He served with me in this assembly for five or six years, from about 1837 to 1843; in all that period he commanded my personal respect and veneration. He was of mature age, a pious man, of rigid temperance principles. He was a very determined liberal, also, as the name was understood then. He voted for all the great constitutional changes and measures of improvement which were suggested or carried through the legislature, during those six years. If one should look back, his name would be found in every division out of which grew the reform of the institutions of this country. He was always present when his voice or his vote was wanted, or when improvements then in progress required consistent and steady support. He was my friend without being my companion. I was much younger than he, and our tastes were different: he was a zealous Baptist and a temperance man. The only question on which we materially differed was that in the later stages of the discussion of the college question, he gave more uncompromising support than I did. I gave all I could. He, while he continued a member of the house, voted for all that was asked for that institution.

In 1847 or '8 I went into the government, becoming a member of the administration; it was natural that I should feel as the Attorney General felt last spring, respecting his friends. I thought that if any means should offer by which the fortunes of that old gentleman could be improved, or by which distinction could be conferred on him, that I owed to himself, to his character, and to his circumstances, to give them consideration. His views were moderate enough, his modesty was strongly marked. He never

asked for office, never sought promotion. A light house was built in the county of his residence, the emoluments of which were about £100 a-year. I had nothing to do with the building of it, and suppose that it was constructed under the direction of the ordinary committee.

It was a piece of small patronage, however, and if I remember right, I wrote to Mr. Lewis, and said, here is a small affair at the disposal of the government, will you accept of it. I understood that his prospects had been somewhat injured by elections, and that some little recompense might be of value. He accepted the situation. I may say that if he were a man of more energy, of ambition, and of fewer years, I do not know of any position in the Province that an upright honest man could hold, that he might not have aspired to. He was content, however, with that offered, and settled himself down there. It has pleased the present administration to trust that man out,—a rigid temperance man,—and to put in his place one whom I will not say drank all his life, but who did sell grog for many years. I believe there are none here, none in the County of Cumberland, acquainted with the men, who would think that they should be named for a public trust in the same breath. I make no further comment on Mr. Lewis's successor; I know little of his history, except that he was a warm partizan in the County of Cumberland of gentlemen of the government side. I wish to know, sir, particulars of this transaction,—to ask the government to bring down at an early day papers connected with the dismissal of Gaius Lewis from the situation of Keeper of Apple River Light House. I hold, sir, that every government ought to have the power of dismissing its officers; and in every case where it can be shewn that such dismissal is required by the public service, I have not a word to object. I will not say that I hope the government had any reason for dismissing Mr. Lewis, I know that nothing improper can attach to his character. I believe it above imputation; but I hope that some shadow of a shade of reason or excuse can be assigned for his dismissal. I offer no factious opposition,—this is no party question, it should not be so considered. I ask any man who hears me what would be his feelings if any old member of the house had been appointed to any such situation as that mentioned, and was thrust out in his old age, no matter who was appointed in his place, he having faithfully discharged the duties assigned to his care. If any excuse can be given for the removal of Mr. Lewis, let us hear it;—but I do not wish to wait for an answer until a late period of the session.

Hon. PROVINCIAL SECRETARY.—I will not, Mr. Speaker, enter into the general discussion of these questions at present. I was not a little astonished to hear the remarks just made by the member for Windsor, more especially as he took occasion at a former opportunity to instruct me on matters of official courtesy. Questions were put yesterday by the member for Inverness, as leader of the constitutional opposition in this house, requiring the government to bring down a list of all officers dismissed, and papers connected with their dismissal. Is the course now pursued by the member for Windsor, courteous or official? Should the statements asked for be anticipated? Should the observations just heard have been made, before the papers which are now



in the hands of the clerks, could be laid before the house?

I accepted the questions from the member for Inverness, with pleasure. I felt that the time had come when it was in the power of government to sweep away the tissue of misrepresentations that had been circulated against them. The member for Inverness will find that he has damaged his friends more than the government. In reference to him and the member for Windsor, "save me from my friends" will be the language used in the case of Gaius Lewis and others; while the vindication of the government will be perfect. It will be found that what the government hesitated to do, has been performed by the members for Inverness and Windsor, relative to urging these investigations. However rigid a Baptist Gaius Lewis may be, however pious a man—and that circumstance seems to commend itself strongly to the member for Windsor—there is abundant testimony to show that he was incompetent to hold the situation alluded to, that he did not discharge its duties aright. When in that part of the country I met numbers of my constituents, who enquired did I intend to leave him in charge of the lighthouse. They remarked that his family had given me the most determined opposition—opposition carried to disgraceful lengths, and not such as is customary. That he on one occasion had voted against me, and otherwise used influence to defeat me. I said, that is all true, but it will not enable me to remove him; neither the government nor the voice of the country would sustain me in so doing. No officer that discharges his duty faithfully, will be removed on account of his political opinions, until the constitutional expression of the house requires that such course be taken. I was met by statements showing that life and property were perilled by his inattention. That when light should be displayed, it was not, and that thus the hardy mariner, on his vessel's deck, was put in difficulty and danger. I said, show to the government that he or any man has neglected his duties and they will not hesitate to make the requisite change. It was further remarked, what was well known, that the person to whom the member for Windsor adverted—to whose business he seems to have a particular aversion—had not only largely contributed to build up Apple River settlement, but had agitated the question of a lighthouse, until the government yielded and placed one there. The government considered themselves justified in making the appointment, and the person appointed entitled to the post. It was also currently reported that the member for Windsor had offered to Mr. Fowler, that if he would give him his support he should have the lighthouse. (Laughter.) (The member for Windsor expressed some words of denial.) Provincial Secretary continued.—That may not be correct; it may be as entirely without foundation as some statements made by the member for Windsor himself. I resisted those views, however, and said that the Executive should be shown that parties had not performed their duties, before such persons would be dismissed. Such evidence was given. Among the papers which will be laid on the table of the house will be a communication from Sir H. Stewart, calling attention of the government to the improper management of that lighthouse. This, in connection with representations of parties living in the locality, will be am-

ple vindication of the course pursued by government in this particular case.

Hon. Mr. HOWE.—Concerning the promise said to have been given by me, I entirely deny. Relative to Mr. Lewis, I may remark, that he held the situation for seven or eight years, and no complaints against his conduct had come to the lighthouse committee; none had heard of any, until the individual who has succeeded him found that he could not be removed without excuse; then complaints came very quickly.

Hon. ATTORNEY GENERAL.—I would call the attention of gentlemen opposite to the irregularity of anticipating questions before they are ready for consideration. The remarks made to day may be sustained or not, but by the course pursued the house will have to hear them again at another opportunity. Thus the time of the house is wasted, and the subjects themselves not properly dealt with.

Hon. Mr. HOWE.—I spoke for the purpose of shewing cause for requirement of the papers. I was not out of order in so doing, and have not thereby disqualified myself from occasionally instructing the Provincial Secretary concerning official courtesy. I agree, that it is not well to get up several debates on the one subject, and did not intend to do so.

Hon. PROVINCIAL SECRETARY.—The member for Windsor was aware that papers had been asked for, and until government had refused to bring them down, he might have waived discussion on any one subject.

Hon. Mr. YOUNG.—The Provincial Secretary was rather out of order to-day, in not confining his reply to the case which called it forth. As to the phrase, "Save me from my friends," I may say that I do not come here to vindicate any public officer for whose dismissal there are proper grounds. The former government made a few changes; now they are by scores; and I will wonder much if many of the removed will not be able to stand with hands as clean as the administration who dismissed them from office. I would distinguish between cases; such as are guilty let them suffer the penalty which has been applied. I will be ready to condemn any public officer who has abused his functions, and call for the proper remedy; political vengeance is another affair.

Hon. ATTORNEY GENERAL.—If gentlemen opposite continue goading in this manner, reply must be made. Changes have been spoken of, but gentlemen on the other side will be found to have been at least equally flexible. It amuses one to hear the member for Inverness speaking of the necessity of government giving reasons for their conduct in these affairs, when it is considered how the government, of which he was the leader, resisted enquiry. I believe sir that we will be able to show that we have been as consistent with our professions, as he has been inconsistent relative to his avowed principles and his practice.

WEDNESDAY, Feb. 10th.

Hon. JOSEPH HOWE moved for a call of the House.

Hon. Mr. JOHNSTON said.—The occurrences which have transpired of late respecting the recent war in India—renders it necessary that this House should take some action in order to show that the people of this Province duly appreciate

the heroic efforts which have been made to uphold the honor and maintain the supremacy of England in that portion of her Majesty's dominions. The course which the government intended to pursue was in some measure anticipated by the suggestions of the hon. member for Windsor yesterday. I have now to propose, Sir, a resolution which I feel assured cannot fail to commend itself to the right feeling of this House. A native of Nova Scotia has signalised himself—and done high honor to the land of his birth—by his heroic conduct at Lucknow; and it is to pay to that distinguished military officer the tribute of respect justly due to him that I now beg leave to propose the following resolution:

“Resolved, That the Legislative Council be requested by conference to unite with this house in the preparation of a joint address of thanks and congratulation to our countryman Major-General John Inglis, on his gallant defence of Lucknow. That a conference be requested for this purpose, and a committee appointed to hold such conference, and to unite in the preparation of the address.”

I do not deem it necessary at present to move the grant of any sum of money in recognition of his services. It is well known to this House that the highest mark of respect ever conferred by the Parliament of England upon a subject of the Crown for services performed, has been a vote of thanks from the Legislature of his Country. But as this is not the time to enter into a discussion of the question, I beg leave to lay the resolution I have read upon the table, and to state that I shall move that it be adopted tomorrow.

Hon. JOSEPH HOWE said.—After what took place in the house last evening, I deemed it my duty to prepare the resolution which I now hold in my hand, and which I moved a call of the house with the intention to propose. The course pursued by a member of the government—and the speech which he delivered yesterday—occasioned me much surprise. I will do the hon. and learned Attorney General the justice to say, that I believe if he had the power to prevent it, the speech made by the hon. Financial Secretary would never have been delivered, for I have never known that hon. and learned gentleman, on any question which affected the national dignity and honor, to shrink from paying, as far as possible, sufficient mark of respect and graceful compliment to the deserving. But, sir, the speech of the hon. Financial Secretary did, indeed, astonish me; I did not happen to be present when he brought down the papers connected with our financial condition—but if I may credit what I have heard, he then made a speech much to the effect of that delivered by him last evening. If that be true, sir, it will become hon. gentlemen on all sides to consider whether the province really is or is not, in a condition so impoverished that a grant of 150 guineas, for such a service as this, cannot be spared. If in fact we are so poor that such an expenditure would seem improvident, and that, to a native of our soil we are unable to pay that compliment to which his heroic actions entitle him—then, the sooner we pull up stakes and depart for that land (so graphically described the other day by my hon. and learned friend from Inverness, where the grain grows so exuberantly that labor is almost superfluous)—the better. But, sir, let me ask;—if Nova Scotia is in such a

crippled financial condition, who is to blame? Did I not, at the last session, in view of the probable drain upon our available finances, before the railroads could be fairly got into operation, advise the government to limit our road vote to £25,000? If the advice which I then gave had been taken, the revenue would have been amply sufficient to meet all the public requirements, and our affairs could have been conducted to the satisfaction of all, to the close of the financial year, without the increase from 6 to 10 per cent. upon our advalorem duties, which the government thought necessary to impose. It was with great reluctance, also, that I consented to the increase of £4000 on our educational grant. Sir, the present administration should have foreseen inevitable results which have ensued, and provided for them; the increase in the advalorem duties was a hasty measure, adopted because the hon. Financial Secretary did not foresee, a year ago, the position in which he stands to-day.

But, sir, apart from these general considerations—when I heard it seriously urged last night that we were too poor to afford one hundred and fifty pounds to purchase a sword to be presented to a Nova Scotian who has attracted the attention of the world, and commanded the respect of his sovereign—I could not help thinking that we had arrived at a pretty condition—and were placed in a situation which demanded, at the hands of the government, some acts of skilful legislation, for which I am afraid we shall look in vain.

Now, sir, what said the speech of his Excellency with which this session was opened, with respect to Major General Inglis:

“To the people of this Province it must be exceedingly gratifying to find conspicuous among the many who have highly distinguished themselves one of their own countrymen.”

But how would any Nova Scotian have felt had the following been appended to it:—

“But I regret to say, that the Province of Nova Scotia is so poor that it cannot afford to mark its appreciation of the services of that distinguished officer, by a grant of 100 guineas for the purchase of a sword.”

Again, Sir, what said the Legislative Council?

“With no ordinary satisfaction, we notice, conspicuous among those who have distinguished themselves in the heroic efforts for its suppression, the name of Major General John Inglis, a native of this colony.”

And was not this the language of our address:

“The unequalled bravery manifested by British forces of every class will be contemplated by all Nova Scotians with especial pride, in consequence of the conspicuous position maintained by a native of this Province.”

The course taken by the hon. and learned Attorney General to-day is worthy of himself,—though the resolution he has proposed does not go far enough. He had better amend it. I wish to leave the matter in his hands. I remember how readily he, when I led the government and he the opposition, seconded an address at the outbreak of the Russian War. To that address he gave his hearty and unqualified sanction; and the united action of this house did it honor and commanded the respect of our countrymen of all political

opinions. Why should we deviate from the course then pursued in the present case? Sir, I set higher store by these marks of approbation from a Colonial Legislature than others may do; and can appreciate the feelings of one who receives from his countrymen such an honorable distinction as that which I propose. What did Colonel Inglis do? I have looked over the accounts of the siege of Lucknow, and what was it? To a handful of British troops was entrusted not only the honor of their country, but the lives and persons of English women and children; stationed in the residency,—not a walled fortress, but a mere collection of strong buildings in the heart of a huge City—for three months they were beleaguered and assailed by a vastly superior force. During that time assaults were made on them four or five times; mines were sprung, and then the masses of Barbarians which surrounded them attempted to take their position by storm. So closely was this little force pressed that cannon were planted within a pistol shot of the position they occupied. In fact, sir, during those three months it was a hand to hand fight for life and death,—for the maintenance of their country's honor and the security of the defenceless women and children whom they had in charge; and when relieved the traces of blasted mines, destroyed houses, and other marks of conflict attested the fury of the strife—the vigor of the assault, the power of the enemy and the determination of the resistance. The man who, during that trying siege, not only successfully prevented the enemy from accomplishing their object, but exhibited indomitable spirit, unconquerable perseverance and high military tactique—was a native of Nova Scotia, born upon our soil and educated in our schools. He has been promoted by his Sovereign to the rank of Major-General; his name has become a household word in England, and the despatch which heralded his triumphant efforts has been published wherever the English language is spoken. As a Nova Scotian he stands in the same category with General Williams, whose heroic efforts during the siege of Kars deservedly won for him not only the admiration of this country, but the respect of the world. If then, sir, it was just and right, if the Legislature of this Province did but their duty in presenting the hero of Kars with a sword as a testimony of their appreciation of his services—is there any reason why we should abstain from paying the same compliment to the hero of Lucknow. The hon. Financial Secretary laughs; had he done his duty he would have spared me the necessity of making the remarks which I am now addressing to the House. The hon. and learned Attorney General has spoken of an address; a wordy compliment of that kind is consigned to the bureau or the pocket and forgotten, but a sword with the name of Lucknow and the service of the gift inscribed upon it, remains an endearing monument of the worth of the recipient and the feeling of the givers.

It is no doubt the duty of the hon. Financial Secretary to check unnecessary expenses,—in that he will always have my assistance, but there is a medium between extravagance and parsimony, which that hon. gentleman would do well to observe. Of Colonel Inglis, while in Nova Scotia, I knew little or nothing, he was too young for a companion, and therefore I have no personal feeling in the course I take. I was a man when

he was a boy. Sir, I can easily understand, how, when in trying situations, the mind naturally reverts to home scenes and associations. He who has studied the lives of the great military and naval commanders of England, must know that in the hour of danger—when death stared them in the face—their thoughts were of home; and, sir, I have no doubt that many a day, when the besieging forces pressed the little garrison of Lucknow, and threatened their annihilation, the thoughts of its brave commander reverted to his native land; that the old familiar scenes of his childhood—the faces of those he had known in youth—the fragrance of his country's spruce tree, and the perfume of its mayflower, rose unbidden and were present to his mind. Just as Jessie Brown heard the slogan of her country, which sent a thrill of joy to her heart, and inspired the soldiery with new spirit, hours before those whose ears were unaccustomed to the sound, could distinguish it,—so the murmur of his country's streams—and the recollection of his native land, let us fondly hope, lent to Colonel Inglis fortitude to endure the vicissitudes of that protracted siege—and the indomitable courage which in the end enabled him to secure to those who were dependant upon his energy, foresight, and unwearrying vigilance, their lives and persons inviolate.

Then, sir, I say that if we intend to pay to Major General Inglis a compliment—and desire to mark our appreciation of his distinguished services—the Legislature of this Province should not allow any pecuniary considerations in a matter of this kind, to interfere with the object they have in view; and this, sir, the more especially, when we consider that the sum required is but 100 guineas—the expenditure of which, while it gratifies the pride of our people, cannot be felt as a burthen upon our resources. Looking, then, to this subject, as a question involving the Provincial honor, I shall feel constrained to move the following resolution, whenever the subject is taken up, although I should much prefer that it, or something like it, were moved by the Attorney General:—

*Resolved*, That his Excellency Sir J. Gaspard LeMarchant be respectfully requested to purchase a sword to be presented to Major General John Inglis, either by his Excellency or by the Nova Scotians resident in London, as a tribute of the admiration felt by his countrymen for his gallant defence of Lucknow, and that this house will grant £100 stg. for that purpose.

HON. FINANCIAL SECRETARY.—I thoroughly understand the remarks made by the hon. and learned gentleman who has just resumed his seat, appreciate the motives which prompted him, and understand the course he has taken. But, sir, in my official position I have a much higher duty to perform than to answer such a tirade as he has just delivered. Before a man talks of finance he should come here and inform himself of the facts; he should consider in all its relative bearings our financial situation. The hon. member for Windsor was not present when the papers which I submitted were brought down; and good taste should have taught him to refrain from alluding to a subject with which he was entirely unacquainted. I did not deserve to be told that the increase upon our ad valorem duties was a blunder—the consequence of which I did not foresee.



Hon. Mr. Howe.—I said that if my advice had been taken—and a reduction made in the road grant of last year—the state of things described by the hon. Financial Secretary would not have ensued.

Hon. FINANCIAL SECRETARY.—The hon. member for Windsor neither appreciates the position which he occupies, nor the responsibility attaching to the office which I fill. I have been compelled to advise caution in the expenditure of our public monies—and he is the cause. If our finances are crippled—he is to blame; and I put it to the good sense of the house whether the hon. member for Windsor should be allowed to indulge in philippics against the government, based upon assumptions which have no foundation in fact. He anticipates; the subject of our financial condition is not regularly before the house—and therefore he should have abstained from remarking upon it. The hon. member for Windsor talks of “taking up stakes and emigrating to another Country”—sir, I am too deeply and intimately connected with Nova Scotia to permit of such a course; I have, I am happy to say, managed my private affairs with sufficient economy to render my stake in this country of some value. As this Province grows in wealth my wealth will increase; as it becomes impoverished my interests must suffer; therefore, sir, I am not in that happy condition to pull up stakes—and leave my native land. The hon. member for Windsor should reflect upon the position which he and I mutually occupy, and not make these repeated attacks upon me without due and sufficient reason.

Hon. Mr. Howe.—What the repeated attacks upon the hon. Financial Secretary, of which he complains, have been, I am at a loss to imagine. I did not open my mouth upon the question of finance until he, last night, upon this question gave as a reason why the dignity and honor of this country should be sacrificed—that the government could not afford 150 guineas for the purchase of a sword. But, sir, what right has the hon. Financial Secretary to complain that I attack his public conduct—or assail the action of the government in any particular. Sir, it is my especial privilege—as well as duty—vigilantly to watch the course pursued by the government in all matters affecting the public interest—and I shall on all occasions exercise that right when it appears necessary. As respects the collection of a revenue sufficient for the exigencies of the country, I have on no occasion attempted to hamper or embarrass the government; but I do think that we are sacrificing our honor to a false economy if we refuse to grant the small sum of one hundred and fifty pounds for the purchase of a sword for a native of the Province, whose achievements have reflected high honor upon the country to which he owes his birth.

Hon. ATTORNEY GENERAL.—I think the house will agree with me that this is no time to enter into a discussion touching our financial condition; that subject will come before us in due course, and will receive from the administration the heed of consideration which its importance demands. We are now dealing with a different question,—and I do hope that honorable gentlemen upon both sides will sink all personal and party feelings and consent to unite, that the complement we desire to convey to Major-General Inglis may be rendered in a manner which comports with our own dignity and his acknowledged

merits. I must say, sir, that the unfortunate position we now occupy is owing, in a great measure, to the course pursued by the hon. member for Windsor. Had he mentioned privately to a member of the government that something should be done in recognition of the achievements of Major General Inglis—who doubts but that the government would have instantly and cheerfully acquiesced. The very mention of Major-General Inglis' name in his Excellency's speech must have proved to the hon. member for Windsor that the subject had not been forgotten. When, therefore, he rose yesterday, and without any previous intimation to the administration, publicly suggested the payment of this compliment, thereby anticipating the action of the government—I felt that his course was not such as would tend to promote harmony of feeling and unity of action. When this house paid to General Williams a similar well merited compliment, if I mistake not the subject was mentioned to me privately by a member of the administration; no adverse action was taken by the opposition of that day, but the resolution passed harmoniously and unanimously. This question is of much importance; the compliment we desire to pay to Major General Inglis is not only a tribute to his individual merit, but reflects honor upon ourselves; for there is not a Nova Scotian in existence who will not feel that the name of their country has been honorably exalted by the achievements of that distinguished officer. Sir, in olden times, nations contended for the honor of owning as a native those who had rendered their names, by heroic acts, immortal; as it was then, so is human nature now; and we would indeed be lost to all sense of our own position, and of that which is due to us as a country, if we allowed the hero of Lucknow to remain by us unnoticed.

Hon. Mr. Howe.—I have one or two brief explanations to offer. I do not hold any very intimate communication with the members of the Administration; I suggested this tribute to Gen. Inglis—openly across the table—as all such suggestions should be made; I may say to the hon. Attorney General that so far from desiring to hamper the action of government or promote discord in this House, my object has been entirely the reverse, and that I had no thought of moving a resolution, or in any way anticipating the action of the government until the hon. Financial Secretary met the proposition which I had made for the purchase of a sword, with a speech in which he pictured our financial resources as so impoverished that we were unable to afford the sum necessary for its purchase. For the credit of the province I then felt it my duty to act;—but to shew the hon. Attorney General that I am not desirous of interposing between the government and the performance of their legitimate duties; I now propose to allow the resolutions moved to lie upon the table until to-morrow; and if the hon. Attorney General will then consent to move the resolution which I have submitted or anything similar, I will be content to withdraw mine.

The discussion then dropped.

Hon. ATTORNEY GENERAL, by command of His Excellency, laid upon the table of the House copies of the returns of the General Mining Association for the year ending 31st Dec., 1857.

Hon. Financial Secretary, by command, laid on the table of the House the Account Current of the Receiver General.

Also, the Report of the Superintendent of Light Houses. Also, the Report of the Chairman of the Board of Works for the year 1857.

Hon. Mr. Young desired to understand the subject; he wished to know whether the hon. Financial Secretary desired to impute to the late hon. Chairman of the Board of Works (Mr. Bell), a charge of having misappropriated public monies.

Hon. FINANCIAL SECRETARY disclaimed any such intention; he called upon the hon. Mr. Bell to ascertain how the error had occurred, but could not obtain any information upon the point.

Hon. Mr. Howe.—Is this House to understand that the late hon. Chairman of the Board of Works has improperly expended or appropriated any portion of the public monies which he cannot account for?

Hon. FINANCIAL SECRETARY.—The hon. member for Windsor will understand that I do not intend to convey any charge or imputation against the hon. Mr. Bell; but the accounts of the Board have never been properly kept; no balance has ever been made up at the end of the year,—nor have accounts for each source of revenue been kept. Instead, for instance, of opening an account for each wrecked vessel, I find the sums derived from the sale and the expenditures connected with it carried to the general account. In this way an error has arisen, but in what year, or in what way, it is impossible to ascertain. I am far from believing that the hon. Mr. Bell has done wrong,—but there is an error some where which should be explained.

Hon. Mr. Young.—I observe by the account that during the last year the Board has expended £34,000 of the public monies; that in laying out so large a sum an error should creep into the accounts seems not at all unlikely; but it will be recollected that the accounts connected with the Board of Works underwent each year the searching investigation of the Committee of Public Accounts; and any one who knows the gentlemen who compose that committee, and have generally acted upon it for the last seven or eight years—must feel satisfied that if there was anything wrong they would not have overlooked it;—but I do not understand the hon. Financial Secretary that he prefers any charge of fraud.

Hon. FINANCIAL SECRETARY.—No. I believe that there is some error in the accounts, but have not the slightest intention of charging wilful embezzlement of the public money.

Mr. Esson explained; the committee of public accounts did not examine the books of account kept by the Board; but as the expenditure was all checked by vouchers duly laid before the committee, it was impossible that any sum could have been misappropriated.

Hon. FINANCIAL SECRETARY.—If we could have ascertained the year in which the error occurred, its cause might have been easily ascertained; but to travel over five or six years' accounts was a labor requiring more time than I had at my command. The hon. member for Inverness mistakes when he says that the Board of Works' expenditure amounted this year to £34,000; part of that sum is included in the outlay in 1856—and the amount actually expended in 1857 does not exceed £22,000.

## POST OFFICE.

Hon. PROVINCIAL SECRETARY, by command, laid on the table a communication from the Post Master General relating to the salary of Mr. Ross; the letter was referred to the Post Office committee.

## PUBLIC WHARF AT PICTOU—DISTRESSED FISHERMEN.

Mr. McDONALD said, at the request of the hon. Solicitor General, who is absent from indisposition,—I ask leave to introduce a bill to provide for the construction of a public wharf at Pictou. I may explain, sir, that no public grant is asked; but the bill gives authority to the Sessions to raise the amount, first, by applying the harbor dues collected to the payment of the harbor master, who receives £100, and appropriating the balance to the construction of the proposed wharf.

Mr. JOHN TOBIN.—It has come to my knowledge, Mr. Speaker, that many of the poor fishermen upon our sea coast are in a condition of almost absolute starvation; particularly upon the western shore of Margaret's Bay, in Terrence Bay, and other localities; and I think we should use every effort to alleviate their distress before granting public money to build wharves. The hardy fishermen to whom I refer are the producers of the material wealth of this country,—and when, from circumstances over which they have no control, distress and poverty come upon them, it is the duty of this Legislature to use every exertion, and strain every nerve, to alleviate their suffering condition.

Mr. McDONALD could not understand what the hon. member for Halifax meant. The bill he had introduced asked for no public grant, and he would inform the hon. member for Halifax that he (Mr. McD.) would be happy to afford him every assistance to raise money for the relief of the destitute fishermen in Halifax county, just as it was proposed to obtain the amount for the wharf referred to in the bill.

Mr. ESSON.—I am sorry to say, sir, that the picture given by my hon. colleague of the condition of the hardy fishermen on our western shores is over true; they are actually in a state of starvation; the failure of the catch of mackerel, combined with the high price of provisions, has created an amount of poverty and individual distress, which I scarcely venture to hope the efforts of this Legislature will be able to alleviate. But, sir, it is our bounden duty to make every effort in the season of their want to mitigate the sufferings they are compelled to endure. I therefore, hope, sir, that the subject may be brought to the notice of the house at an early day.

Hon. FINANCIAL SECRETARY.—I am sorry, sir, that the state of things in Guysborough county compels me to bear witness to the truthfulness of the picture drawn by the hon. members for Halifax of the condition of our fishermen. In some families they have not a pound of flour for their support. Sir, we sometimes hear of the duty of a member of this house and the feelings which should animate the people's representatives, when any tribute of honor is proposed to those who have achieved distinction for themselves—and thereby done honor to their country—but, sir, to my mind the subject which should affect the people's representatives most, is the position of that people; and to me I would rather assist to relieve one poor family in distress, than pay any

compliment to distinguished achievements, however deserving.

#### BILLS.

Mr. MUNRO asked leave to present a bill, entitled an act to alter the time for holding the sessions in the county of Victoria. Leave was granted, and the bill was read a first time.

Dr. BROWN presented a bill to carry out the provisions of chapter 2 of the acts of 1854; entitled, an act to authorise a loan for the construction of railways in the Province of Nova Scotia, as far as relates to the City of Halifax. The bill was received and read a first time.

#### MINES AND MINERALS.

Hon. J. W. JOHNSTON, by command, laid on the table of the House certain plans connected with the Mines and Minerals question. The first, was a plan of the Sydney, and Lingan, and Point Anconic Mines. The second, a plan of the Albion Mines, Pictou County; and third, the Mines at the Joggins and Spring Hill, County of Cumberland. The hon. gentleman explained the areas which these plans covered.

#### GENERAL INGLIS.

Hon. FINANCIAL SECRETARY said—It may be thought, sir, that I do not feel the same interest in the conduct of Major General Inglis—and the results of his efforts—which those of more pretensions do. But to shew to the House that I do feel some pleasurable emotions at the honors which the government of Great Britain has conferred upon that distinguished officer, permit me to read the following telegram, just received from New York:

“Details of the news brought by the Arabia have been received here by mail.

“General Inglis to be created Knight Commander of the Most Honorable Order of the Bath.

“The Russian Admiral at Hong Kong had offered his services as mediator between the British and Chinese, but had been *rejected*. A similar offer on the part of the American Commissioner has been made and *accepted*.”

The reading was received with applause both in the house and from the audience.

Hon. JOSEPH HOWE.—I am glad to find, sir, that the fountains of honor have not dried up, if the fountains of finance have—(*great laughter*.)

The house adjourned until two o'clock the day following.

#### THURSDAY, Feb. 11th.

Hon. PROVINCIAL SECRETARY, by command, laid on the table of the house certain correspondence connected with the presentation of a sword to General Williams. The papers were read.

#### SWORD TO GENERAL INGLIS.

Hon. ATTORNEY GENERAL said—I rise, Mr. Speaker, for the purpose of calling the attention of the House to the question under consideration yesterday; I allude to the presentation, upon the part of this Legislature, to Major General Inglis, of a testimonial in recognition of the services rendered by that distinguished officer to his country during the protracted siege of Lucknow. I do hope, sir, that the resolution and address which I hold in my hand will meet the approbation of all members of this house. There are

some subjects and occasions which demand unanimity,—and this especially requires it. The language of eulogy is here unnecessary—for nothing is left to the imagination—the mind being already filled with the magnitude of the subject. The defence of Lucknow was of that nature and character that its history must per force become a proverb, and when its name is hereafter mentioned, associated with the events that occurred during its progress, will arise naturally the ideas of endurance, courage, skill, and magnanimity. In itself it is much like the beautiful incident that marked the progress of that defence, connected with Jessie Brown; around her that incident has thrown a poetic veil which no poet could describe—because the incident was poetry itself. The language of laudation or imagery would fail to heighten the transcendent beauty of the scene. The associations surrounding it are too sublime—too deep for words. It has been asked what the defence of Lucknow was? and the question is indeed pertinent. Six or seven hundred men took hasty possession of an unfortified position—which afforded no sufficient shelter from the appliances which modern warfare can command.—To this band,—few in numbers, surrounded by a hostile force of thousands, just after the British arms had received a check in the failure of that assault during which the lamented Sir Henry Lawrence lost his life—was given in care the lives and persons of English women and children. Sir, when we consider what the character of their opponents was; when we reflect that they were barbarians indeed; savage as regards the refinements of christians, or the social sympathies which elevate human nature,—but well skilled in the art of war,—endowed with the highest physical powers, and possessed of every material element to give effect to their assaults, and armed with weapons, more particularly the musket, which rendered the usual defences against such appliances insufficient for the protection of the women or the wounded; I say, when we consider all this, does it not appear indeed a miracle that this little band should have been enabled to sustain for three months a siege so vigorously prosecuted by 50 or 60,000 men? And, sir, as if to render more hopeless the risk of their situation, they, in the excess of their magnanimity, left unoccupied dwellings in the vicinity of the Residence which were afterwards converted into places of attack,—an honorable, although, perhaps, not very wise regard for the property rights of the barbarians against whom they were contending. Imagine then, this little band, thus surrounded, thus situated, for months sustaining their position against every effort of the enemy, and eventually relieved by the soldiers sent to their rescue. Such, in a few words, sir, without colour or exaggeration, was the defence of Lucknow. The soldier, whose unwearied vigilance baffled the beleaguering force—whose indomitable energy and perseverance instilled into the minds of those under his command hopes of happy deliverance, and succeeded at last in rescuing the women and children from the imminent peril which surrounded them, we now design to pay that compliment to which his services entitle him. That soldier was then Colonel, now Major General, Inglis, K. C. B.; a native of Nova Scotia. The eyes of the world, the eyes of England, were upon him,—he felt the responsibility, dared the issue, and nobly succeeded in the end. How

would the people of England, who claim the honor of his efforts, feel if this language had been held to them?—The hero who has achieved these results, he who is entitled to this renown, is a Nova Scotian, a native of that province of which you know so little, whose very existence you, on some occasions, affect to ignore. Under such circumstances how could any hon. gentleman believe that the government were not alive to the services of Major General Inglis? How could it enter the mind of any man that the administration did not intend to act, and that promptly and fully; and, sir, in order that I may shew what the government actually did contemplate, allow me to read the following draft of an Address which I propose shall be presented to Major General Inglis as the joint address of the Legislative Council and House of Assembly:

THE ADDRESS OF THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF NOVA SCOTIA, CONVENED IN SESSION.

TO MAJOR GENERAL SIR JOHN INGLIS,

During intervals of anxious suspense, while the fate of Lucknow was in doubt, your countrymen in this province were not forgetful that the responsibility of guarding interests of a value that surpasses all estimation, rested on a Nova Scotian.

We acknowledge our gratitude to God, whose providence cast over the defenders of the Residency and their sacred trust, the shield of Omnipotence, and brought to a successful termination a contest which, judged by human calculations, was hopeless.

To you and your brave associates in arms, we, as a portion of the Empire, are indebted for the national benefits and the augmentation of national glory achieved by the defence of Lucknow.

As Nova Scotians we owe you more. Through you has been rendered again conspicuous this small province. In you another name is added to the roll of heroic men—sons of Nova Scotia—who have enobled the colony that gave them birth,—few though it be in numbers, and small though it be in importance,—to contribute to the national welfare, what is of more value than mere material wealth, men, who, in the hour of trial, can conceive, and endure, and dare all that human skill, and fortitude, and courage may achieve.

Accept, sir, the thanks and congratulations of the Legislative Council and House of Assembly of Nova Scotia,—and may you long enjoy the honors you have nobly won.

Receive, also, as a token of the esteem of your fellow countrymen, a Sword, which will be presented to you as soon as it can be prepared. In peace it may recall to your remembrance the scenes of youth, and in war bring to you the consciousness that the sympathies of your native land afford you.

In addition to the address which I have just read, permit me, Mr. Speaker, to move the following resolution, which I hope will meet with the unanimous concurrence of the house.

The hon. gentleman then read and proposed the following resolution:

*Resolved*,—That the sum of One Hundred Guineas be paid by the Receiver General in such manner as the Lieutenant Governor may direct, for the purchase of a Sword to be presented to Major-General Sir John Inglis, K. C. B., as a token of the admiration of the members of the

Legislature of his native land for the heroic defence of the Residency at Lucknow; *And Resolved*, That the Receiver General be requested to deduct the sum thus voted from the allowance paid to the Members of this House who concur in this resolution, in equal proportion, that they may thus manifest their personal respect and esteem for their fellow-countryman."

Mr. McLELLAN.—I have always thought, sir, that some tribute of respect should be paid to those who accomplished anything for the benefit of their country, but I am somewhat in doubt as to the soundness of the principle of giving grants from the Provincial funds for these purposes.

Hon. JOSEPH HOWE.—Let me say to the hon. and learned Attorney General that I have listened with great admiration to the tribute which he has so deservedly paid to the services of Major-General Inglis; nothing could be better than the address he has proposed—nor is there contained in it a single sentiment to which I do not yield the most hearty response, and which, in my opinion, will not meet with the full approbation and concurrence of every member of this house. But, sir, I do feel that the resolution he has moved is not such as might have been expected from him. If it is right to pay this compliment to Major-General Inglis at all, then it should be done gracefully; respecting, at the same time, our own position, and his honor and feelings. For the address I shall vote; to the resolution I cannot give my support,—for if a sword bought after that fashion were presented to me, I should be ashamed as a Nova-Scotian to draw it upon the field of battle. (Cheers.)

Hon. WILLIAM YOUNG.—I have not taken any part in this discussion, for more reasons than one; it arose unexpectedly, and has assumed a form which every body around these benches, both conservative and liberal, cannot but regret. What have we been discussing? The empire of India,—the gem of the British Empire,—reflecting glory upon that mighty nation, of which we form a portion, is trembling in the balance. I say the gem of the British Empire, for surely, sir, it is the pride of England that by the force of her national character she has been enabled to control 150,000,000 of human beings on the other side of the globe. Sir, this unprecedented result has been accomplished by the united efforts of Englishmen, Irishmen and Scotchmen; not by their superior physical power, or intellectual culture,—not from their better acquaintance with the art of war,—but because of the indomitable spirit which lies at the bottom of the national character.

The Empire of England in India is one of intellectual superiority. Reverting back for nearly a century, to that battle which won for Lord Clive imperishable renown,—looking to that struggle which ended in the overthrow of Tipoo Sahib, and laid the foundation of the fame which upon the peninsula the Duke of Wellington subsequently achieved for himself,—nay, sir, in the annals of our Indian Empire, from its establishment down to the present hour, we can find nothing which for heroic effort and determined courage, surpasses the defence of Lucknow. I do not mean to accord to Major General Inglis any superior honor—nor would I be understood to convey the idea that I entertained a higher sense of his achievements; than I entertain of the efforts of Sir William Williams of Kars. The efforts

they made—the courage, foresight, skill, and perseverance they evinced, entitle them to equal distinction; in my view they stand side by side—brethren in arms but rivals in renown—*par nobile fratrum*—(cheers and hear)—a couple, of whom Nova Scotia may well be proud. Now, sir, I put it to the hon. and learned Attorney General; I ask the hon. Financial Secretary—who I have often heard earnestly advocating and defending the honor of England—whether we should be justified in withholding from Major General Inglis that tribute of respectful appreciation of his achievements which we paid to General Williams. Why give from the public treasury 150 guineas to the one and withhold the grant from the other? What makes that sword valuable? Is it the gold that glitters on the handle, or the steel that flashes in the sunlight? No, sir, it is the feeling which prompts the gift and the honor intended by the givers;—it is that to his children it may descend an heir-loom illustrative of their father's achievements, and conveying to them an idea of the heroic deeds he had performed.—A few weeks since, sir, I had the pleasure of seeing two private letters touching the memorable contest to which I have been alluding; in them statements were made, not alone with respect to Sir John Inglis, but to lady Inglis also, which should make every Englishman's heart throb with exultation; and I should be sorry indeed if the packet now expected were allowed to leave our shores without conveying to the hero of Lucknow that compliment which we design to pay him.

HON. PROVINCIAL SECRETARY.—It is one of the misfortunes, Mr. Speaker, of any party who are very ably led, that they are obliged to approach a subject after it has been exhausted by the fine powers of the hon. Attorney General. In this case, I not only labor under that disadvantage, but am obliged to follow upon a theme which has exercised the varied eloquence of the hon. members for Windsor and Inverness. Yet, sir, fully as this question has been dealt with, I cannot forbear adding my tribute of admiration upon a subject which now causes one responsive thrill to vibrate in the bosom of every Nova Scotian—the heroic and successful defence of the capital of Oude by General Inglis, a native of this city. Language, sir, fails me to depict what I feel we owe to our brave countryman. The whole of our resources could not purchase that which he has achieved for us—a brilliant page in the book of undying history, where for ever the imperishable record will remain, that one of the most heroic men, one of the ablest and most successful Generals the world has ever known, hails as his home our native land.

This language will not seem exaggerated by those who read from the Division orders of Major General Sir James Outram the following:

"In the absence of these the Major-General could not with propriety have indulged in any public declaration of the admiration with which he regards the heroism displayed by Brigadier Inglis and the glorious garrison he so ably commanded, during the last three months; and he has been reluctantly obliged to defer therefore so long the expression of the sentiments he was desirous to offer. \* \* \* \* \*

"The Major-General believes that the annals of warfare contain no brighter page than that which will record the bravery, fortitude, vigilance and

patient endurance of hardships, privation and fatigue displayed by the garrison of Lucknow; and he is very conscious that his unskilled pen must needs fail adequately to convey to the Right Hon. the Governor-General of India, and his Excellency the Commander-in-Chief, the profound sense of the merits of that garrison, which has been forced on his mind by a careful consideration of the almost incredible difficulties with which they have had to contend.

"The term "illustrious" was well and happily applied by a former Governor-General of India, to the garrison of Jellahabad; but some far more laudatory epithet, if such the English language contains, is due, the Major-General considers, to the brave men whom Brigadier Inglis commanded, with undeviating success and untarnished honour, through the late memorable siege; for, while the devoted band of heroes who so nobly maintained the honour of their country's arms, under Sir R. Sale, were seldom exposed to actual attack, the Lucknow garrison, of inferior strength, have, in addition to a series of fierce assaults, gallantly and successfully repulsed—been for three months exposed to a nearly incessant fire from strong and commanding positions, held by an enemy of overwhelming force, possessing powerful artillery, having at their command the whole resources of what was but recently a kingdom, and animated by an insane and blood-thirsty fanaticism."

In the *London Times* we read:

"The defence of that place is, we believe, without precedent in modern warfare. Fortified towns defended by sufficient force have ere now repelled for months the attacks of an army, and in some cases courage and desperation have struggled against overwhelming odds; but neither Genoa nor Saragossa can rival in heroism the little Residency of Lucknow."

Feeling, as one man, as this house and the country must, on such a question—anxious as we all are that due expression shall be given to the pride and exultation which we all feel, in the reflection that we can claim Sir John Inglis, K.C. B., as a Nova Scotian, it is much to be deplored that any division of sentiment should seem to exist where in reality there is none.

This, sir, I think, is neither a question of amount or of any peculiar mode by which the object is obtained

In the old Olympian games it was not the value of the prize for which the competitors struggled, but the wreath of laurels which decorated the brows of the victor. So here, our gallant fellow-countryman will feel when he reads the chaste and eloquent address which it is proposed to send, that his valour and his worth have been appreciated, and when he wears the sword, that I trust will accompany it, he will not scrutinize the mode in which it was given, provided that it is the spontaneous and unanimous action of the Legislature of his country.

I regret to say, sir, that the course pursued by the hon. member for Windsor has not been such as his enlarged experience would teach him was calculated to secure unanimous action in this house, nor has he exhibited the delicacy which was shewn to the leader of the late government in 1856, under similar circumstances. On that occasion the name of General Williams, the heroic defender of Kars, was in every month. That he would receive some palpable mark of the



appreciation of the Legislature of his native country was felt by all, yet personally known as he was to the then leader of the opposition, it was felt that it would be indelicate to interfere with the spontaneous action of the government, who it was never doubted would move in the matter. The motion of Mr. Young was cordially seconded by Mr. Johnston, and the action of the government sustained. Not so in this instance, although a paper which supports the government, as long ago as Dec. 22nd, initiated this proposition in the following terms, which are extracted from an editorial on the subject:—

“Nova Scotians may indulge in feelings of just pride in the reflection that Colonel Inglis is one of themselves, and should he come safe out of the perils that yet surround his path, we doubt not that our Legislature will mark his heroic conduct in the same manner that they did that of our fellow countryman Gen. Williams.”

Although this was followed up by a prominent position being given in the speech of His Excellency in opening the Legislature, and in the addresses in answer from both this House and the Legislative Council,—the hon. member for Windsor, professing to be not even the leader of the opposition, without any intimation to or consultation with, any member of the government, moves in this matter in the house, and before there had been time to take it up, or all the members had arrived. Not only does he do this, but he endeavors to close in upon a passing remark from the hon. Financial Secretary relative to our financial position, and hold him up to this country in a most unworthy light. If there was a gentlemen in this house who deserved different treatment at his hands that person was the hon. Financial Secretary. Not only is he known to every member of this house, but to the people of Nova Scotia, as a man of generous and enlarged views, with his hand open and his heart free for every proper claim. But there also were some reasons which I think should have protected him from such insinuations on the part of the member for Windsor. Never has the Financial Secretary damaged the deserved hold which he has upon the confidence of the country so much as when he, with a chivalrous generosity, which it appears was not appreciated, came forward to second a vote to give the hon. member for Windsor £500. My feeling, sir, would be to give, and at once, the same amount that was voted in 1856 to purchase a sword for General Williams. One hundred and fifty guineas will make no great difference in our resources, yet it is fraught in the minds of some members with difficulty. We must not deceive ourselves, our financial position is not the same as in that year. Then we had only about £10,000 to pay for interest on the Railroad debt; this year we have to provide near £50,000 for the same service. To do this our road money must be largely curtailed. What is worse still, in consequence of a failure in an important branch of the fisheries, destitution and want stares a portion of our population in the face, and the government and members are pressed upon for relief, and embarrassed by the conviction that it will be difficult to convince these sufferers why we must deny them food, when we can spend 150 guineas for a sword. Under these circumstances there are members who, notwithstanding they appreciate most fully the bravery and heroism of our gallant country-

man, and believe that he has added a brilliant lustre to the name of Nova Scotia, which must henceforth be enrolled on the scroll of fame as the birth-place of heroes, are yet unwilling to vote a shilling of the public money for any purpose not indispensable.

To be at all complimentary, all concur that our action must be unanimous. A resolution has therefore been proposed, by which the object may be achieved and no man embarrassed. The sword will be purchased, and the cost will fall voluntarily upon the representatives of the people. This being apparently the only way in which unanimity can be obtained. If the hon. member were sincere in inviting the leader of the government to mould his resolution in such a way as to obtain united action, no valid objection can I conceive be raised to this proposition.

Hon. Mr. Howe—If it was indeed the desire on the part of the members of government to secure unanimity, and convey to Major General Inglis that tribute of respect which we all desire to confer upon him, the speech of the hon. Provincial Secretary, just delivered, is certainly ill-timed. Some of the statements which he has made, more particularly that referring to the hon. Financial Secretary, require from me instant reply. Sir, while I unhesitatingly admit the propriety of refraining from attacks upon the government, unless circumstances justify them, yet I do not hold the doctrine that the mouths of hon. members upon this side should be closed merely because the views they entertain do not comport with those held by the administration. The hon. Provincial Secretary complains that I, and not the member for Inverness, introduced this subject to the house, but has not that hon. gentleman done and said many things which would have been better and more gracefully performed by his hon. and learned leader? What was my first action? Let me be in the judgment of hon. gentlemen on all sides. Did I move any resolution? No, sir, I merely suggested to the government, which I was altogether justified in doing, the propriety of paying to Major General Inglis that compliment to which his distinguished services entitled him; it remained for the government then to move, and had they come down, communicated with the leader of the opposition, and brought in a resolution in consonance with the dignity of the Legislature, and the achievements of the Nova Scotian we desired to compliment—not one word of opposition would have emanated from my lips. The hon. Provincial Secretary says that I invaded the rights of the hon. and learned leader of the opposition; sir, he little understands the relations which subsist between my learned friend and myself, if he concludes that we have come to this time of life—and for the last twenty years having been politically connected—have learned to lead or follow each other like dumb dogs. (*Hear, hear.*) I attended a public meeting lately at which both the hon. Attorney General and the hon. member for Inverness were present; to the speeches which they then made I listened with great pleasure, and felt highly gratified with the sentiments they enunciated. I was content there, as I should have been content here had the government done its duty, to have held my peace. But was I to hold my peace when a member of the government met, by appeals to our poverty, a proposition to reward the defender of Lucknow.

No sooner had I made the suggestion than up rose the Financial Secretary and gave the proposition which I had made for presenting a sword to General Inglis his instant opposition, upon the ground that the provincial finances were in such an embarrassed condition that he could not afford a vote of one hundred guineas for such a purpose. Knowing something of the hon. Financial Secretary, I thought that if there was a man in this house who would have instantly sprung to his feet to second such a proposition, that man was the hon. member for Guysborough. His conduct on that occasion proved to me how fallacious those ideas were, and taught me that men are not always to be judged by the sentiments they express; and, sir, since the hon. Provincial Secretary has done his best to revive past discussions, and embroil us in personal disputation, let me say that, in my opinion, the mode pursued by the hon. Financial Secretary in submitting the public accounts to this house has overstepped the line of his official duty. It appears to me that the only course to be pursued is to bring down the public accounts altogether, with a general statement of our finances. Then the whole subject would be before us open for debate, and if the government design to bring before us any measure embracing a comprehensive scheme for improving the financial condition of the country, it should then be explained. But to bring the accounts here piece-meal, and to give expression in this house, and send abroad to the country a column and a half of explanations and comments every two or three days, every line of which might be contradicted or criticised, is unfair in the extreme. And, sir, when that officer—as a reason why we should not grant the paltry sum necessary for the purchase of a sword, (founding his opinion upon these papers,)—states that the country cannot afford it,—and this before hon. gentlemen have had an opportunity of investigating into the accuracy of his computations, I think I am not very far wrong when I say that he was at least wanting in that courteous consideration which should be extended by officers of government to members of this house. We are told that 150 guineas cannot be afforded by this house, and yet we are required to assent to the coal mine compromise, which at one sweep strikes away £4000 from our revenue.

In my view, sir, if we are indeed so poverty stricken, the consideration of the mines and minerals question might be safely adjourned for another year. When it is settled I will venture to predict that money enough will be found to provide for the payment of a new officer; I only hope that in this I may be mistaken—but, judging of the future from the past, I think I may safely venture on the prognostication. The hon. Provincial Secretary referred, with what taste I shall not say, to the course pursued by the hon. Financial Secretary in voting to me a sum of money. I suppose that hon. gentleman did what he thought right; but whether or not, sir, I have been always taught to believe that an Indian gift was of but little value. (Hear.) Sir, I do not believe that the hon. Financial Secretary endorsed the sentiments of his hon. colleague in the government; I felt for the Provincial Secretary, although I cannot say, and he will pardon me for the observation, that I often feel much for him—(laughter)—when he descended to refer to the vote given by the Financial Secretary on that

question—because in that reference he even sank below his own level. But, sir, after all what are we debating about? We have now spent more in debating this question than would have purchased two swords; let us cease then, and act like the representatives of a free and spirited people, by granting this vote at once; and if from the members' pay the hon. and learned Attorney General desires to subtract anything, let us appropriate a couple of days' pay to a subscription to be presented to Jessie Brown—whom the hon. Attorney General called Burns, the more appropriate appellation, from the poetic nature of the incident that has made her name known far and wide.

Hon. FINANCIAL SECRETARY said.—I do not wish to say anything further as to the sword question, which has occupied the house for two or three days. But, sir, let me ask where the hon. and learned member for Windsor got his notions of finance, and how he obtained the information with which he has just favored the house. Before he comes here and attempts to read lectures, he should at least listen to the statements upon which he bases his remarks, and not weary us with vague and indefinite assumptions that have no foundation in fact. To use a very common expression, the hon. and learned member for Windsor has put his foot in it, and should reflect before he attempts to talk to me of subjects with which I am acquainted and he is not. Sir, the papers which I laid on the table the other day comprised a clear and succinct statement of the financial condition of this country, so far as it was possible to obtain the necessary information; and here, sir, let me say, that until the outport collectors are instructed to transmit accurate returns to the government, and are paid for the performance of the duty, the house and country will never be put in possession of the information so essential to the formation of a just estimate of our condition. The hon. member for Windsor complains that I, in presenting the documents referred to, took occasion to remark upon and explain them. That I conceive to have been my duty, and in performing it I but pursued the course which I find was followed by the hon. member for Inverness, when leader of the government in the year 1856. He has evinced a vituperative spirit which it would have been well for him to avoid; he knew that in making those remarks he was wounding my feelings upon a tender point—creating unnecessary bitterness, and introducing irrelevant matter, calculated to promote strife and discord, into the discussion of a subject which should be kept entirely free from all personal or political feeling. Whatever of the gall and wormwood spirit may animate him, he will at least understand that I am exempt from it; but I will not permit him causelessly to assail me in the conduct of the public business committed to my charge. Why, sir, the hon. and learned member for Inverness, who sits opposite me, has more real knowledge of finance in his little finger than the hon. member for Windsor possesses in his whole body—(laughter)—and let me tell him that in the performance of my duty, wherever I found his signature, there was certain to be some difficulty and trouble behind it.

Hon. Mr. HOWE.—Well, Mr. Speaker, I must congratulate the house; we are certainly blessed both with a Financial and Provincial Secretary.

(*Laughter.*) The hon. gentleman mistakes me. I do not object to his presenting documents here; but what I feel is that he should not make statements and send them abroad to the country, before opportunity for examining their accuracy has been afforded to the house.

Hon. Mr. YOUNG.—I do hope, sir, that this address may pass unanimously,—and I should be sorry indeed if the hon. and learned Attorney General were to press the resolution he has moved, knowing that it could not prove acceptable to the house. I would suggest, therefore, that he withdraw his resolution and introduce one more conformable to the general wish of the house. So anxious am I to secure unanimity on this question, that if compelled to vote either for or against this resolution, I should scarcely know how to act.

Mr. WIER.—The hon. member for Inverness says he would be puzzled to know how to vote on the resolution moved by the hon. Attorney General; I would not be at all puzzled, for I should vote against it. I would consider it an insult to the people of Nova Scotia to deprive them of the honor of contributing towards such an object; the sword, if presented, should come from the countrymen of Major General Inglis—not from the representatives of the people as individuals—but as representatives. If it were to be a subscription sword I could go into the streets and in three hours, raise by private contribution, double the sum required. To subtract from the pay of the members of this house a sufficient sum to make up the required 150 guineas would be an insult not only to Major General Inglis but to the people of Nova Scotia.

Hon. ATTORNEY GENERAL.—I should be sorry, indeed, Mr. Speaker, to do anything which would have even the appearance of insult, either to the people of Nova Scotia or to this house; nor, sir, would I desire to stand between this people and the expression of their feelings upon any subject, more particularly a question like this, peculiarly their own, in which each man has an individual interest; and I am not quite sure that by the resolution of the hon. member for Windsor—the people will be enabled so to contribute. Is it not a compliment of equal value that the Legislature of his native land has contributed out of their own means the sum necessary to purchase a sword.

Hon. Mr. HOWE.—Here are two Nova Scotian soldiers, the one from Annapolis, the other from Halifax—why not pay the same compliment to the one which we have given to the other.

Hon. ATTORNEY GENERAL.—That has been so often explained that I am astonished the hon. member for Windsor does not understand it. The government took the action they did for the purpose of securing unanimity. Looking to the position occupied by this country in a financial point of view some hon. gentlemen were of opinion that they could not reconcile to their constituents any grant of public money for a mere complimentary purpose; and if this resolution is to form the subject of hostile action, it had better be withdrawn, and the address alone be presented.

Mr. MORRISON.—It is due to the hon. Attorney General that I should state that I cannot vote for the resolution in its present shape; in my view, sir, if the government had designed to injure the financial condition of the country they could not

have taken any better course to accomplish that object than by moving the resolution which has been introduced by the hon. and learned Attorney General.

Hon. Mr. YOUNG.—It really does surprise me that the government should, upon a mere question of form like this, adhere to the course they have taken. It is even yet open to the hon. the Attorney General to withdraw his resolution and move one similar in its terms to that proposed by the hon. member for Windsor. I hope for the sake of our own credit that he may be induced to adopt this course.

Mr. ARCHIBALD.—I quite agree with the views of the hon. member for Windsor and acquiesce in the statement which he has made that the moment we refuse a grant from the provincial funds and provide for the purchase of the proposed sword by private subscription, it ceases to be a national or provincial gift.

I feel quite sure, sir, that whatever the course upon which the house may decide, it cannot be regarded as a party triumph—and therefore, I think that the government would do well to move a resolution providing for the purchase of a sword out of the public funds. By so doing they will pursue the course which was followed with respect to General Williams, and pay a deserved tribute to a highly deserving officer, who has drawn upon himself the eulogy, not only of his native Province, but the whole British nation, for his heroic achievements, under circumstances of a most trying character.

Mr. WADE.—It is very unfortunate, Mr. Speaker, that this discussion has arisen; the manner in which the Government brought down the resolution was a question of taste for their sole consideration. But surely, sir, some common ground may be ascertained upon which all parties may unite to pay this deserved compliment to a gallant officer.

Hon. Mr. HOWE.—Am I to understand that the Government have, after enquiry, ascertained that there are certain people in this house unwilling to vote for the sword?

Hon. ATTORNEY GENERAL was not aware that any hon. gentleman was averse to voting for the presentation of a sword;—but the mode in which it was to be purchased had created some difference in opinion.

Mr. JOHN TOBIN had no desire whatever to interfere with the harmonious action of the house, and would be the last to oppose the payment of honorable notice to any deserving officer; but it was well known that there were many hon. gentlemen in the house who did not deem it a part of their Legislative duties, or consistent with the consideration due to the present condition of the people, to vote sums of money to be spent in extending courtesies to persons outside the Province. He could not imagine how it would prove derogatory to any individual, however high his position and distinguished his services, to receive from the members of the Legislature a testimonial purchased for him and presented by them. He would suggest, that as differences of opinion had arisen, that it would be better to allow the question to remain in its then position; that a general conference might be had among members, and the difficulties, if possible, removed.

Mr. WIER.—I object to the passage of this resolution; I desire to know who the economists are that would refuse a vote of 150 guineas for a



sword on such an occasion as this. If the address is carried, I shall test the house upon the resolution proposed by the hon. member for Windsor.

A call of the House was had and the resolution was about to be put, when—

Mr. HENRY rose and said: Before this question is put, sir, I deem it necessary to offer a few remarks for the consideration of the house. I regret to see the feeling manifested here; and can not but entertain the belief that we are lowering ourselves in the eyes of this people by the course which has been adopted. Sir, the prudence, foresight, and valor which brought Major General Inglis and his little band out of the struggle for life and death, which but recently ended at Lucknow by the relief of the garrison, cannot fail to induce sentiments of gratified pride on our part. On such an occasion, then, it is the duty of this legislature to deport themselves with a dignity becoming the occasion; to banish everything which may promote and keep alive discord, and unite to shew their appreciation of the manly conduct and consummate skill evinced by a Nova Scotian upon an occasion so trying, and attended in its ultimate results with success so complete. Looking then, sir, only to the object we have in view, regarding only the credit of this house—our dignity as representatives of the people, and the duty we owe to the distinguished Nova Scotian, for whose honor we design to pass some resolution embodying the unanimous feeling of gentlemen on both sides,—let me ask them to allow this discussion to cease; to place the whole matter in the hands of a committee drawn from both sides, who will report a resolution that may commend itself to the right feeling of every hon. gentleman who listens to me. I think it due to this house that upon such a question both the government and the opposition should yield, that unanimity may be secured.

Hon. C. J. CAMPBELL.—All parties in this house agree that some compliment should be paid to Major General Inglis, and the only difficulty that presents itself is as to the mode. When a sword was presented by the citizens of Glasgow to Sir Colin Campbell, the citizens were not allowed to give more than 1s. each so that each individual might participate in the honor of subscribing towards the testimonial. If it was not thought derogatory to purchase a sword by subscription for Sir Colin, I cannot see that any impropriety exists in paying the same compliment to Major General Inglis in the same way.

Hon. Mr. HOWE.—The distinction is obvious—in that case the sword was presented by the people of a city,—in this, the Legislature of a province, owning Major General Inglis as a native, design to convey to him a similar mark of respect. The government of England has rewarded the services of Major General Inglis with the good service pension.

Hon. Attorney General.—That is the course always pursued in England; definite sums for specific purposes of this kind are never voted, but if the government do give rewards they make them annual.

Mr. Hyde.—The hon. member for Victoria says that each individual who subscribed towards the purchase of a sword for Sir Colin Campbell was allowed to contribute a shilling only; recognizing the principle as sound, but denying its applicability to the present case, I ask if we should confine the subscriptions to only those re-

presentatives of the people of Nova Scotia who concur in the resolution of the hon. and learned Attorney General. I cannot assent to the course which he has laid down (*hear*).

The address passed unanimously.

Hon. Mr. HOWE then moved the adoption of the resolution proposed by him on a former day, previously reported.

Hon. ATTORNEY GENERAL moved in amendment the resolution before published, to the effect that a sword should be presented to Major General Inglis, to be paid for pro rata out of the pay of those members who concurred in the resolution.

Mr. WADE.—We are now placed in this position that the question before us must be decided by a party vote. I do not intend to say what course I might adopt if either of these resolutions came before the house as distinct questions; but I do not hesitate to say that as a supporter of the administration, after all efforts to secure harmony have failed, I shall feel myself bound to vote for the amendment of the hon. and learned Attorney General.

Some further desultory discussion ensued.

Mr. HENRY.—Looking at this question apart from all considerations of party, and with an eye only to the position we shall occupy, if a party vote takes place on this question; and, sir, entertaining this belief, and an anxious desire to unite all parties upon it, I beg leave to move an adjournment. By to-morrow the heat engendered by this discussion will have subsided, and hon. gentlemen on both sides will be in a condition to deal with the subject in a calmer and more temperate manner than they are to-day.

The house adjourned until ten o'clock the following day.

FRIDAY, Feb. 12th.

#### ELECTIVE LEGISLATIVE COUNCIL.

Hon. ATTORNEY GENERAL.—I rise, Mr. Speaker, to introduce a Bill to change the constitution of the Legislative Council, by rendering it elective. I intend to conform to a resolution of which I have given some intimation, in reference to avoiding premature discussions on matters which must come up for subsequent consideration, and, therefore, at this time will only explain the leading features of the measure now submitted. It is based on the principle of preserving untouched the tenure of the present council; that is essential for passing the measure. The next feature grows out of the one just mentioned,—it is the introduction into the council as now constituted, of members under the elective principle, as early as possible, without any undue overloading of that branch by a too hasty change of its mode of composition. To avoid that it has been deemed necessary to forego, for the present, that which might be otherwise thought a suitable arrangement: I mean, election by sections of the whole body periodically. The adoption of that principle, promptly, would cause a greater increase of members in the other branch, than would be found convenient. As it is desirable to give efficiency to the bill at the earliest opportunity, as well as to avoid the inconvenience adverted to, it provides that certain counties not now represented in the Legislative Council, shall, on the bill receiving her Majesty's assent, elect one member for each,

who shall form an addition to the branch as now constituted.

This would give seven new members, to be elected by Shelburne, Queens, Colchester, Sydney, Pictou, Victoria, and Richmond. This might to some extent, trench on the convenience spoken of, by causing a rather undue increase of members, it is however the lesser evil of two.—Much of the bill is of a regulatory character: the length of time for which the members should be elected, may be six or eight years; the qualification of members may be supposed not too high at £500 real estate; of electors, the well known property qualification 40s. freehold. As vacancies take place they will be supplied by elections, so as, eventually, to have the house constituted of twenty members, one for each county, and two for Halifax.

The Bill passed a first reading.

#### BILL TO ALTER REPRESENTATION.

The Hon. ATTORNEY GENERAL rose again, and spoke as follows: I have now, Mr. Speaker, to ask leave to introduce a bill touching the representation in this house. The preamble of the bill states the inequality of representation which exists between the different counties, and different portions of single counties. The proposition is—as a general standard, although it may not be practicable to carry it out minutely—to arrange representation in proportion to population; and, taking the counties as they are, a fair approximation would be made, as a beginning, by giving a member to about every 5000 inhabitants. Some counties now are represented far beyond that proportion, and some far below. Those acquainted with the history of the country, may easily account for that circumstance. Some places were settled at an early period, while others remained in a wilderness state; and the representation, naturally, arranged itself according to the settlement of the country. Colchester might be taken as an example: the townships of Londonderry, Onslow, and Truro, formed, at an early period, the well-settled portions of the province in that direction. Pictou remained in a state of comparative wilderness for some timesubsequent. Pictou now, however, is differently situated; it has grown in importance and population, and, with about 30,000 inhabitants, only sends three representatives to the house; while Colchester, with half that population, sends four. Other counties, of from 12 to 15,000 inhabitants, send four and five members; and Queen's, with 7,000, sends three. This state of things cannot be expected to continue; it is inexpedient and unjust. All will admit that a more equitable mode should prevail. By the scale proposed something like justice would be done in reference to equalizing the representation of the province, without raising the number of members at present belonging to this branch of the legislature. This equalizing would involve a reduction of the representation of some places: Shelburne would be reduced by one, Queen's by one, Colchester by one, King's one, Hants two. On the other hand, Pictou would be increased by two, Sydney by one. Cape Breton and Inverness by one each, and Halifax by one; and so, in accordance with the scale, about every 5000, or thereabouts, returning a representative. Supposing the principle adopted, the next question would be the mode in which it should be carried out. District representation, according

to existing arrangements, appears fraught with difficulty; from which county representation is free. The scale would give Pictou and Halifax five representatives each, but it appears inexpedient that any one county should have so extensive an influence as that which five members would confer. The bill proposes to divide Pictou into two districts, giving three members to one, and to the other two; so that a divided constituency would send the five. So also to divide the county of Halifax into two districts, the eastern and the western, the latter to include the city. Thus, the eighteen counties of the province would return 53 members, the number which at present constitutes the house. I do not propose this as a government measure; it would not be fair to do so; not fair to the house, and perhaps not fair to the government. It is a matter of general internal regulation, in which all are interested, and in which all should be free. The measure will require the exercise of much magnanimity from the members for counties whose representation is to be reduced; it may be supposed acceptable to those whose proportion is to be increased.

Hon. Mr. YOUNG.—I prefer that discussion should arise on the second reading of the bill.—Is the bill to be considered by members of government an open question, as regards their own part in its consideration?

Hon. ATTORNEY GENERAL.—Yes. It would be almost impossible to carry a bill of this kind in any other way, and unfair to present it on any other basis.

Hon. Mr. YOUNG.—If the hon. Attorney General happens to be in opposition again, say some ten years hence, which is not impossible, I hope that he will recollect his experience as leader of the government, and not press so hard for government measures, as he was wont to do some time since, when he stood in the ranks of the opposition. If he finds it convenient now to keep the government safe, by explanation just made, I hope that he will be more kind than he has been, in reference to the measures of another government.

Hon. ATTORNEY GENERAL.—We were a very merciful opposition;—although we thought it not well for the member for Inverness to introduce measures as those of government, and then recede from that position;—or to introduce other measures as open questions, and when members had committed themselves, to give such questions a different aspect. There are some measures which should not be treated as emanating from government, and respecting which party influence should not be invoked, but opposition is sometimes forced on a party by the conduct of others.

Hon. Mr. YOUNG.—I cannot exactly accept the excuse of the hon. member: I recollect his epithets and charges of last session; I hope at some other period he will recollect the conciliatory conduct of the opposition, so far this session.

The bill passed a first reading.

Hon. ATTORNEY GENERAL.—The Bill does not propose to divide any County, except for electoral purposes.

300 copies of the Bill were ordered to be printed.

#### MINES AND MINERALS.

Hon. ATTORNEY GENERAL.—I now, Mr. Speaker, call the attention of the house to a subject of

great importance, and which I introduce to the consideration of the house with much satisfaction. In asking the legislature to ratify the compromise recently effected in England, by delegates from this house, I believe that I propose what is highly advantageous to the Province of Nova Scotia. It would give me great pleasure, sir, to find unanimity in supporting the principles of the Bill submitted on this question. Party questions have been spoken of, and I know not in what spirit this measure is to be met by the gentlemen who oppose the government. I have a right, however, to expect from them, the most favourable consideration of the question, as I think I have a right to expect from gentlemen at this side of the house. The measure is of great moment, of deep interest, and of practical operation, as regards the welfare and peace of the country. After years of discussion, the house entrusted to the ability and integrity of two gentlemen, who were commissioned to cross the water for the purpose, the negotiation of a difficult question, which had so often disturbed the harmony of the house and affected the quiet of the country. This subject was to be settled, if possible, on satisfactory terms, and consistently with the interest and honour of Nova Scotia. Although I was one of those chosen for that mission, I consider that I outrage no sense of propriety when I say that I believe the Executive Government exercised a judicious discretion in selecting as they did, I do not mean in selecting myself or my colleague individually, but in selecting one from each side of the house, who understood the views of parties here, the difficulties to be arranged, and the advantages to be gained, by a judicious and skilful settlement.

It was the expressed opinion of the house, when authority was given to send delegates, that they should represent the sentiments of both sides; who then more appropriate to fulfil that trust, could be found on the other side of the house, than the member for Colchester, who had distinguished himself for years, as leading the discussions of the house on this subject? His name will be found as chairman of committees, as mover of resolutions and addresses, as actively engaged in all prominent measures of this kind, for the last six or seven years. Will any one acquainted with that hon. member doubt that he was well qualified for any office requiring judgement, discretion, knowledge of accounts, and care for the character and interests of the country? When I ask the house to confirm the negotiations with which that hon. gentleman was entrusted, I have a right to expect from gentlemen opposite, that they will not hastily believe that the arrangements whose acceptance are proposed, are other than beneficial and advantageous. Concerning myself, I may say, that some considerations rendered my appointment not inexpedient. The nature of the negotiation was peculiar and delicate. This house had adopted certain fixed opinions, and had thrown itself into antagonism with the Mining Association; therefore, it became necessary, while on one hand there should be a delegate whose known opinions were such as to command the confidence of gentlemen who advocated the claims of the province against those of the Association,—on the other hand it was important that one of the delegates should be able to claim the confidence and belief of the Mining Association, that when they came to nego-

ciate, they would be met in a spirit of fairness. As such delegate the executive selected myself, who had been on friendly terms with the Association, and with their agent here; and thus means were taken to secure the desired elements of the delegation.

It may be proper that I should call the attention of the house to the nature of the commission confided to us. I am the more disposed to think this requisite, from the enquiries which have been made concerning the pecuniary aspects of the present question; from the remarks thrown out as to the discrepancy that might be found between the results arrived at by the negotiation, and the terms of the address of 1856. The observations alluded to, might hold out the idea, that the delegates went home bound to carry out the letter of those terms. That was very foreign from the real position which we occupied. To suppose that, would be extremely idle. If the idea was, that the Province should decide on terms strictly, without modification, it would be a vain, unnecessary formality, and expense; to send delegates. All the house had to do, was to repeat their former action, engross a copy of the address, send it home, ask the company to agree, and receive their negative: that had been already done. The house meant something different from that, if it intended the negotiation to be conducted according to the ordinary mode of such transactions. I make these references because my intention is to treat the subject with great freedom. (Hon. Attorney General here read from the journals, and appendix, to show that the legislature contemplated possible modifications and alterations of the terms proposed, and that similar views were entertained by members of the Imperial Government, and by the Mining Association.) The hon. Attorney General continued: It will be borne in mind, that her Majesty's government occupied a middle place between the Province and the Mining Association. They had at different periods given rights to the Association which remained as obligations on the government; at the arrangement of the civil list of the province, however, the legal control of the question had passed from their hands, to the province: the imperial government were thus under engagements which it could not of itself legally carry out, but which it felt that itself and this province were both equitably bound to adopt. So deeply did her Majesty's government feel the desirableness of removing obstacles, and of favoring a settlement of the claims between the Association and the representatives of the Duke of York, that it consented to surrender the sum of £30,000, if an agreement satisfactory to the Province and the Mining Association were realized. If no such arrangement could be effected, her Majesty's government stood in the position of having agreed to certain leases of crown property, and having subsequently, by means of the civil list bill, parted with their legal right to carry out their agreement. So complicated became the subject, that the completion of an amicable adjustment became exceedingly desirable.

In looking back at the position of the question, I may call the attention of the house to the view which the legislature took of it at various times. In 1852 the member for Colchester, who recently filled the office of delegate, introduced a resolution, which was adopted, to the effect that the Executive be requested to originate enquiry

for the purpose of ascertaining on what terms the Association would surrender its claims to the unwrought mines. In the report of a committee of which he was chairman, it is stated that the committee considered the revenue drawn from the royalty a small matter, compared with the benefit which would result to the province, by the opening up of new mines and thus enlarging the field of provincial industry. No doubt that met with the full concurrence of the house at that time, and it would now meet with complete acquiescence if the question were free from the difficulties which have grown up about it. That sense of the committee was ratified by the house, when it adopted resolutions for opening negotiations. I lay that as the basis of acts of the house, to which the delegates had to look for instructions as to the manner they were to conduct themselves in their efforts towards a settlement. In 1854 a resolution passed the house requesting the Lieutenant Governor to confer with the Imperial Government and the Mining Association, with the view of effecting adjustment of the mines and minerals, subject to the ratification of both branches of the legislature. A resolution of similar import came from the Legislative Council, so that the sanction of both branches was given to the making of this question a subject of compromise. In 1855 the government was directed, by resolution of the house, to continue the negotiation which had been commenced. The instructions stated the terms, subject to such modifications as might be found necessary, and should be approved of by the Executive Council. Consent, then, was at that time given, to the conferring of power, to modify, enlarge, or change the terms of agreement. I think common sense might inter the notion of compromise from the very term, negotiation. In Mr. Young's letter, which was made the basis of negotiation, he acknowledges the advantages derived from the expenditure of capital, and from the science and skill attributable to the Association; he alludes to the jealousy caused by what he calls a monopoly held over the mines and minerals of the Province, and proposes a certain surrender of the company's privileges, in return for half the royalty to be given up by the province. He estimates that portion of the royalty at £2000; but anticipates, by increase of trade arising from the Reciprocity treaty, that soon it might amount to £5000 a year, or more. The question was received then, as it always was, as including subjects of more consequence than those of pounds, shillings and pence; in various other aspects it was a question of deep moment and great importance. In 1856 an address was moved by the member for Colchester, in which strong language was used concerning the surrender of certain rights of the Association in this Province. After speaking of the effects produced in the country by the unfortunate reservation of the mines and minerals, the existing circumstances were described as injurious to the Province in an industrial point of view, and as degrading on more elevated considerations. The address proceeded to say, that the house did not intimate that the Mining Association used its extraordinary powers, because such exercise would be destructive to its own interests: but that the wish was to have the tenure of the people based on something more secure than the generosity of a company at the other side of the water, or of two gentlemen here. The

resolution which resulted from the passage of the address, was moved by the member for Colchester, and provided that the Governor be requested to take such steps as might effect a satisfactory settlement of the question. (Hon. Attorney General read from the journals, passages explanatory of the views then entertained by the Legislature on the question.) The Attorney General continued: The house may thus perceive, that the position occupied when the delegation was determined on, was this—while the Mining Association claimed certain rights over all the mines and minerals of the province, subject only to such control as was given by the leases to the country, the Legislature, desiring to be emancipated from the effect of these arrangements, were willing to surrender a portion of the royalties, and propose terms to the Association.

Certain terms were stated as a general basis, leaving it with the government of 1855-6, to modify these terms as the necessities of the case might require,—and leaving it with the government of 1857, to pursue the same course. What were the particular objects in the question,—what were the particular grounds for complaint that existed? I find, on looking at the documents, that the people, by their representatives, complained that there had been granted away from the people themselves, to strangers, all the coal fields in Nova Scotia; thus creating, what is called a monopoly of an article of vital importance for domestic uses, and for mechanical and manufacturing purposes. They complained, also, that the monopoly included all minerals of every kind. This was considered injurious in its material effects, by preventing investigation and development of provincial resources; for who would seek to develop that, which, if made known, would be lost to the Province? These riches were represented as hidden treasure, indeed; treasures which were, in effect, to the province, as if they did not exist. Another element, of higher character, frequently urged in resolutions and addresses, was, not only the denial of material advantages, but the derogatory position in which the Province was placed. The proprietor of the soil only owned the material on which he exercised agricultural pursuits; nothing beneath that belonged to him; and this was one of the grievances stated from which the people wished to be relieved. The allowance also paid to the Duke of York's representatives was stated to be a clog on the industry of Nova Scotia, a tax on its fuel, and an export duty on coal sent abroad. The language which describes these mischiefs as resulting from the lease, is as strong as language well can be; and thus, as regards every feature of the question, this house has again and again, by majorities, pressed it on the attention of the British Government, and on the notice of their own people.

(The Attorney General read the memorial of 1856, to her Majesty. He continued:)

It was no small object, no slight difficulty, to effect the compromise of a subject that led to such complaints as these. Therefore it is that I intend treating this question from a more elevated platform than one merely pecuniary. These resolutions and addresses the delegates took with them, believing that they were to consider the interests which they had in charge as of more importance than to be weighed in reference to £100 a year, one way or the other.

(The Attorney General read from the journals, relative to numerous articles reserved to the Association, and the views held by the legislature concerning the privileges of the people. He continued :)

It is not a question of coal merely, the lease of the Duke of York included gold, silver, coal and all other mines, minerals and ores, whatsoever. An effect of this was that grants of land, passed subsequent to 1825, reserved all these mines, minerals and ores, and gave to the farmer only the mere soil, out of which he might raise his vegetable products. The Mining Association indeed did not assert all its rights; but the people had to take their grants of land on such terms as those mentioned. Canadian grants reserve mines of gold and silver only; the great difference here arises from the arrangements which have been the subject of so many complaints. The practical effect of these may be but trifling, owing to the forbearance of the Association; but I am free to say that this was the point that always affected my mind, and made me desirous of completing an arrangement for promoting the rights and dignity of the people. Is it nothing for the hon. member for Falmouth to know that the gypsum obtained from the land does not belong to the man who quarries it, or to him who brings it down for exportation, but that it is thus used by the forbearance of the company only.

The technical difficulties which apply to the coal mines, do not apply here; the Duke of York's patent rights effectually control the other minerals. Considering this part of the subject, I feel myself well justified in asking the house to look on this in its larger characteristics, as the only way in which it should be viewed. Concerning the monopoly of coal, we have been frequently told, that Nova Scotia teemed with this valuable material; but that it lay inert, because a monopoly had placed its heavy hand on the industry of the province; and from this monopoly the people sought, if possible, to be relieved. Another of the class of practical grievances of which the country complained, was the duty payable to the Duke of York's representatives, by the Mining Association. They agreed to pay the sum of eighteen-pence for every Newcastle chaldron, and ninepence for every Winchester chaldron; and the effect of this was considered to be injurious to the industry of the province. In Mr. Young's letter in 1854, it is called a heavy tax on every chaldron of coal used within the province, or exported from it. In a minute of the Council of 1854, it is described as an onerous tax, operating on all the coal consumed at home or sent abroad. So in the address of 1856, it is called a tax which the people had to pay on an article of necessary consumption, so long as the Mining Association exercised its rights. Another question of moment, was the position which the country occupied in reference to the British Government,—and that is worthy of serious consideration. The British Government, in conducting public affairs, by an act of prerogative in 1825, transferred to the Duke of York, all the mines and minerals of the province, for a period of 60 years, with certain exceptions. After some time the reserved mines were leased to the Mining Association, subject to the lease of the Duke of York, and that company became entitled to all the mines and minerals, looking to the Crown as its legal landlord, under a legal contract. If the

terms were not carried out the Crown had to be resorted to for redress. Only for the Provincial Civil List Bill, the Crown would possess the legal power to ratify and confirm all its engagements with the Association. It agreed to that bill, however, and became controlled by its regulations. The Crown was under equitable obligations to carry out its original arrangement with the Association; but its legal power was affected by that bill. It felt bound, however, to make good to the Association whatever loss ensued from that arrangement, except such loss was made good by the province. So the ministers of the Crown viewed the question, and recognized the right of the company to hold them to the bargain. They considered the province, under the circumstances, bound to carry out the agreement;—if it would not, the Crown would protect its own honor, and carry it out in some other way. This I also considered one of the aspects of the question of more importance than the mere pounds, shilling and pence consideration. It might lead to most unpleasant consequences,—and eventually place this country in an ungracious and very unpleasant condition, relative to the government of England. They might say, we have made an arrangement which we are bound to fulfil,—we have inadvertently parted with our legal right, without securing the interests of the Mining Association,—we are involved in a technical difficulty,—we must carry out our engagements by an act of parliament, and a controversy with Nova Scotia,—or, possibly looking on us as wayward children, acting ungenerously, they might resolve to pay it from their own exchequer. Is that the position we should occupy? I wish to ask you, as men, wishing to carry out the varied interests of the people,—to fulfil obligations with the British government,—to consider the other elements included, and not to dwell exclusively on pecuniary calculations. I ask the house to consider what is to be conferred by the bill on the table. You gain, in the first place, freedom from the monopoly in coal. If there are the valuable coal fields which have been spoken of,—if they can be profitably worked,—if means for mining operations exist in the country,—then you will be free from monopoly, and uncontrolled by strangers, in your own exertions. Besides, if coal happens to be on a man's property, you enable him to supply himself and his neighbours, by making arrangements with the local government. You thus, then, relieve coal from the monopoly complained of, and restore the other minerals back again to the ownership of the soil, that which has been separated from it; so that, according to a maxim of law, he who owns the soil owns all belonging to it, beneath and above.

If the Bill be ratified, I intend to introduce another, which was prepared some time ago, to restore to the people that which has been reserved since 1825, and to place the province as it would be if no intervention had taken place and without any reservation of minerals, except those of gold and silver and other valuable metals. I want the bill to pass to remove the distinction between grants prior to 1825, and since, and to free from such restrictions in future. We hear of a Shubenacadie Canal, of internal navigation, and of the gypsum and lime-stone, and other minerals to be brought, by that mode of transit, and which are expected to make the pro-



ject profitable. But are not gentlemen aware that at present not one of those articles legally belong to any but the Mining Association,—they possessing the sole legal right, under the leases to which I have referred. If the articles are used now, they are used subject to the generosity of the company alluded to. The other consideration, before spoken of, may be of higher importance than that just mentioned: I allude to the difficulty between the province and the mother country; I wish to prevent unpleasantness and possible collision in that respect. There might be some excuse formerly, but not now, if this be refused. What would the government of England say if this be rejected? To whom did you confide your views? Who made the bargain? Was it fools or scoundrels whom you sent to England? On whom do you cast stigma? Do gentlemen at the other side cast such a stigma on one of themselves? Do gentlemen at this side cast a stigma on one to whom they have confided the direction of the affairs of the province? Unworthy indeed might he be considered, if not entitled, by integrity or skill, to the conducting of a negotiation such as this. The government of England might say, did you not select gentlemen to whom you could confide your interests? And did they not settle the question, and now, by refusing to ratify that, you ask us to violate our pledged faith with the Mining Association, rather than that you waive the consideration of a few pounds, involved in the engagement! Is that the right position for the people and legislature of the province? Another consideration yet remains, of as much importance, perhaps, as any yet touched, in reference to the material interests of the country. I allude to the feelings which arise from the consciousness that a man possesses that which he ought—to the peace and satisfaction of the country. What have these questions been for years past but a source of embarrassment, and agitation and discontent? They have occupied the attention of the legislature every session for 25 years nearly. Is it of no moment to clear away this troublesome subject?—to relieve the country from this question, one which annoys and embarrasses, by indoctrinating people with the idea that they had been ill-used, that the government had acted as a step-mother to them. Is the settlement of all this of no consequence? If this negotiation be not ratified, I see nothing to quiet the agitation that has prevailed, or to bring it to a satisfactory termination. I wish the house to bear in mind the position occupied by the delegates, by myself perhaps particularly. I may not have felt, I did not feel, the force of many arguments used formerly on this question, to the extent to which they were argued.

The question of monopoly never pressed on my mind, as it did on the minds of others. I felt the injurious condition relating to our minerals, and ores,—rather as operating on the feelings, than practically; but I went to England to represent the views of the people and of majorities of this house. I was bound to consider many particulars as oppressive, because the house had again and again expressed its views to that effect; to believe the reservation of mines and minerals injurious, because the house said so; to believe the arrangements of the Duke of York's representatives injudicious and improper, because so it was decided. I went as a delegate to carry

out the views of others. If I attached value to deliverance from the monopoly of the coals and minerals,—to the allowance to the Duke of York's creditors;—if I thought these questions more important than they were, it was because as a delegate I was bound to adopt the opinions which had been so often urged here, and thought it my duty to conduct the negotiation in accordance with those views. The house, by address, expressed its willingness to pay the Association, by relieving it from a portion of the royalty tax, in return for its surrender of privileges supposed to be injurious. What is this royalty? We relieved them from the payment of money, for the right to dig coal out of the ground. Who pays this? What says the free-trader to this question? What would the members from Falmouth and Hants say, if we proposed a tax on gypsum? Why tax coal more than gypsum? We would be told that we were taxing the energies of the people. Why then tax the coal? I do not ask you to relieve it, but I show that while giving up a portion of the royalty, you were giving that, the exaction of which, is very questionable, except the country really requires it.

If companies commence raising coal, might it not be important to make the revenue arising from it at the lowest rate. Yet what we are giving is contended about, while the question might be,—have we still not taken too much?—What would be said if the wood of the country were taxed, or its gypsum? And why should the other? Coal is an article of export, it employs large sums of money, causes the exercise of skill and science, the making of railroads, and involves much expense as a product of the country. I ask consideration of the subjects brought to your notice. I have tried to explain the duties which the delegates had to perform in reference to these arrangements.

Hon. Mr. Young.—Better to adjourn. The question is of great importance, and every gentleman should be in his place, giving the requisite attention. All agree concerning the topics treated this afternoon; we have not come to the more important part yet. We are called to surrender about £150,000 of the money of the province. The house had better adjourn the debate, as on yesterday evening.

SATURDAY, Feb. 12.

#### MINES AND MINERALS.

Hon. ATTORNEY GENERAL.—In resuming my address of yesterday, I may state that I have reviewed the whole subject at length, in order that the house may understand the real position the question assumed, previous to the opening of the negotiations that recently took place between the delegates and the Mining Association; and, sir, I can scarcely wonder, if it be true, as the learned member for Inverness stated, that but a small number of members gave their attention, when it is considered that my remarks were necessarily a reiteration of the arguments which have often before been made use of in this house by the hon. member for Inverness and the other advocates of the address of 1856, and I doubt not were forcibly put. I will now proceed to the negotiations which, in connection with my co-delegate, the hon. and learned member for Colchester, have been conducted in England with the Mining Association and the British government.

Before the delegation was appointed, a despatch was transmitted by his Excellency the Lieut. Governor inviting the Colonial Secretary to urge upon the Mining Association to send to this Province a delegate on their part. This for reasons sufficiently urgent, was declined, but the Mining Association intimated their desire to meet delegates from Nova Scotia, and the house having sanctioned a delegation, the government proceeded to perform their duty in appointing the gentlemen. In choosing the persons to conduct the negotiation, the administration had a somewhat difficult task to perform; in the first place it was necessary that a gentleman should be selected thoroughly acquainted with the views and opinions of the people of this Province; conversant with the subject and acceptable to the house, and that the Mining Association be met upon amicable grounds, it was thought advisable to depute some person whose sentiments, though in all respects favorable to the interests of the Province, were yet not antagonistic in a personal point of view, to the Association itself.

The delegates having been appointed, they proceeded to England; it is not necessary that I should enter into any detailed statement of what there took place, the correspondence and reports already laid upon the table have familiarised the minds of hon. gentlemen with the transactions. Nova-Scotia had made an offer, and it was for the Mining Association to respond to it; and, sir, it is but due to that body to say that they met us at this stage of the proceedings with the utmost frankness—and without hesitation recognized the reasonableness of the proposition. Conferences took place; arguments were used upon both sides.—a spirit of mutual concession was evinced, and certain preliminary arrangements, relating to computation by weight and the consolidation of the rent into the Royalty, were decided upon. These alterations, it must be observed, were not pressed by the Association, nor am I quite sure that they originated with that body; but they naturally grew out of our own sense of their propriety, convenience and expediency.

The Association presented their proposal, and we were gratified to find that it adopted the address of 1856 as its basis, and surrendered all the minerals of every kind in the province, excepting only coal confined within certain areas of limited extent. The delegates at once felt that they were dealing with men who were earnestly desirous of concluding an amicable arrangement on just terms, and who were entitled to be dealt with, on our part, in a spirit of candour and conciliation.

We had previously refused to consent to an extension of their term or the payment of their machinery at its termination, and these proposals were withdrawn. Nothing remained to adjust but the reserved areas and the amount of royalty as respects the proposed area to be conceded to the Mining Association. I have to ask the attention of the house to the proposition made by them. They proposed that four localities should be allotted to them; namely at Sydney, Pictou, the Joggins and Spring Hill. As respects the three last mentioned, they required that the surface assigned to them should comprise each four square miles; and that the space assigned to them at Sydney should be computed not by any exact admeasurements but by certain definite

and prescribed lines of demarcation. The delegates believed that as far as the three first mentioned situations were concerned the request of the Association was reasonable. We did not doubt that coal seams, which might be worked at a profit, existed greatly beyond the areas stipulated for; and any hon. gentleman who wishes to ascertain for himself may, by glancing at the surveys upon our table, see how insignificant those spaces are in themselves. With respect to the Sydney mines it was desired that a line should be drawn from Hubbard's Point to Mill Point in Bonlarderie Island—being a portion of the coast north of Sydney harbor. We did not perceive anything objectionable in this, and the lines did not embrace certain coal works formerly commenced on the Little Bras d'Or. But it was different as regarded the proposed area on the south of Sydney harbor—the line proposed was from McPhee's ferry to the head of Glass Bay, taking in the whole coast from Lingan to Glass Bay and Cow Bay. On this point we demurred; and for a time our refusal to acquiesce in the demand of the company threatened to frustrate an amicable adjustment of this question. We were satisfied that coal fields of value existed to the south of Lingan, and therefore we refused to recede. For a time the negotiation was in suspense; but at last they yielded the point.

This will be understood better by looking at a plan on a large scale which is on the table. It will be perceived that in point of fact the Association agreed to relinquish more than one half the area they at first demanded, and we have no doubt yielding, to the province the richest deposits of available coal. It may be supposed that in conducting this negotiation the delegates were groping in the dark, while the company were in possession of accurate statistical and geographical knowledge. Such was not the case. We were not without the means of information, having procured the attendance of a gentleman thoroughly acquainted with the coal mines, both at Pictou and Lingan, from whom we received valuable and reliable information; it was from him, as well as other sources, we learned that the tract of country lying between Lingan and Glass Bay was fruitful in mineral wealth; and in order that these coal fields might be rendered available by any company which designed to work them, a clause was introduced into the agreement by which the Association agreed to allow a passage for the transportation of coal over their lands; and also to permit the erection of wharves and other conveniences necessary for shipping the coal raised.

Now, sir, I am perfectly free to admit, that the arrangements made concede something more as regards royalty, than was contemplated by the address of 1856. To all bargains there are two parties—and where differences of opinion, as to their respective rights exist, no common basis of settlement can be laid down, unless a spirit of mutual conciliation is observed. By the address of 1856, a rent and royalty was to be paid upon every chaldron of coal raised—we agreed to receive in lieu of the rent and royalty, 6d. currency per ton of 2,240 lbs., on all quantities, up to 25,000 tons, and 4d. per ton upon all over that quantity; slack coal and coal used by the workmen in carrying on the works to be free.

The Attorney General referred to calculations of the difference between the royalty under the

negotiation concluded, and under the address of 1856—shewing the amount to be about £900, including the royalty on slack coal.

The difference in the sum given up under the arrangement, and that which would have been given up under the address of 1856, is £855; but this includes the full duty on slack coal. I think the delegates were well justified in giving up the duty on slack coal, as the house will see on a view of the facts. For a number of years the Mining Association paid no royalty upon the slack coal, subsequently the matter was brought to the notice of the house, and after much discussion the legislature compelled them to pay the royalty equally upon the slack and round coal; but the price received for slack is not a great deal more than one half of that obtained for the round; and therefore it can hardly be affirmed that it was right to compel payment of an equal royalty. This was evidently felt even by the members who enforced the payment on slack coal.

In the report of 14th February, 1858, signed by the hon. member for Colchester, one of the delegates and various other members of the house the following language is used: "*Your committee willingly admit that there are reasons of some force why, as a point of policy, the royalty on slack coal should not be exacted.*" Indeed I believe that the duty on slack coal was enforced as a means of inducing the Association to compromise. Were not the delegates justified, then, in the belief which they honestly entertained that this house would for the sake of securing a satisfactory settlement of this question surrender the royalty on the slack coal? Now, sir, I yesterday referred to the allowance made by the Association to the Duke of York's representatives. Permit me to call the attention of the house to the mode in which this branch of the subject was dealt with by the hon member for Inverness in his letter of 31st July, 1854.

He calls it "*a heavy tax to be levied on every chaldron of coal consumed within the province or exported from it.*" In the minute of Council, 23rd Decr., '54, it is thus spoken of: "*This onerous tax upon the product and industry of the province, operating in fact as an addition to the price of whatever coal is consumed and an export duty upon what is sent abroad, amounted last year to £5,573 15s.*" In 1856 it reached about £6,000, and last year it amounted to £7,442. Give us then the credit of £7,742 removed from the burdens of the people. To my mind the arguments—to all those hon. gentlemen who are free traders—is unanswerable. The moment restriction is removed, and competition let in, that moment all monopoly ceases, and the Mining Association occupy the same position and stand upon the same ground as any other company carrying on business in the country. Do hon. gentlemen not perceive that just in proportion as you increase the burden upon the coal raised by the company, by imposing an additional royalty upon it; so you, if their arguments be correct, restrict and confine the trade by raising the price of the article. Impose additional royalty, and not only do you increase the price of coal to your own people, but the imposition will operate as an export duty in preventing the provincial raised coal from competing in the United States with that drawn from the mines of the Republic. Those gentlemen, then, who are free traders, will at once see how injurious such

a restriction must prove to our trade. Suppose mines other than those in the possession of the Association are worked, and a company is found willing to introduce into this province their capital and skill, who is there of us who would desire to hamper their action, cripple their trade, and perhaps drive them from the enterprise. Then I ask, sir, suppose this proposition accepted—suppose the Mining Association have control by lease over but a very small portion of our territory, and are willing to employ capital and skill and afford employment to our people in working these mines,—upon what principle is it that you would increase upon them burdens, you would not venture to subject a new company to?

In conclusion, sir, I think that after a careful review of all that has transpired heretofore; of the course pursued by the delegates—of the effect which this arrangement will have in releasing our country from a degradation which our people have felt most keenly, and securing to them those property rights to which as owners of the soil they are entitled, we may be well justified in accepting the proposition submitted. We were told that our own gypsum and lime stone and clay, everything which constituted our soil, belonged and might be used by the Mining Association. That state of things this agreement sweeps away,—it adopts the views of a majority of this house who delegated the hon. and learned member for Colchester and myself to perform a delicate duty and arrange a settlement of this question; and, therefore, sir it does appear to me that hon. gentleman by opposing the arrangement we have made will abnegate their own pre-expressed opinions and secede from the ground they occupied previous to the appointment of the delegation. With these remarks, sir, I have done,—and I resume my seat in the full hope that at last this question has been brought before us in a shape and has assumed a form that renders its permanent settlement easy—and that too in a way that must commend itself to the practical good sense of the house.

Mr. ARCHBOLD said—It will not be expected by the house, after the long and elaborate address to which they have just listened from the hon. and learned Attorney General, that I should go into the various matters of detail which he has laid before the house. Much of this—which is in the nature of a narrative of the various steps by which the subject now before the house has reached its present position—it would be neither useful nor good taste to repeat. What I apprehend the house will expect from me—what I apprehend it to be my duty to the house and country to do, is to lay before you in as succinct and precise a manner as I can, the reasons which have operated on my mind to induce me to come to the conclusion that the arrangement which has, conditionally upon your approval, been entered into by the delegates, is one which the Legislature may justly sanction and approve.

Before entering upon the consideration of this agreement, it is but right to tell the house the position which in my mind the delegates held in the mission confided to them. I consider the authority given to them by the resolution of this house was not confined to the exact terms contained in the address of 1856. If it was their business merely to go across the water with that address in their hands, and say, here are the



terms that we are willing to offer,—will you take them? there might as well have been no delegation. All that could have been done, with equal effect, at no expense, by mere correspondence. A delegation involves the idea of a negotiation, of something to concede on our part—something to be conceded on the part of those with whom we had to deal,—and no member of this assembly would have entered upon a mission where he was tied hand and foot, and which he must have known from the outset to be utterly hopeless of any useful results. But, sir, while I contend that the delegates possessed and must have been understood to possess a discretionary power to a considerable extent, I am equally clear that in the exercise of that discretion, they would have acted very unwisely, very unjustifiably, if they had not confined themselves to a large extent, *substantially* indeed, to the address which, passing this house by a majority of 3 to 1, must have been considered as an authoritative expression of the policy by which the Legislature of Nova Scotia was to be guided on this question. By that address, I considered myself, to a large extent, guided and controlled,—and it is because I deem the arrangements concluded by us subject to your sanction, as in conformity, substantially, with that address, that I believe this house and this country are in honor bound to complete the arrangements. I have listened with great pleasure to the eloquent remarks of the Attorney General upon the crippled and degraded condition which the people of this country occupy, with all their industrial resources stand over-ridden by a monopoly which claims to control, not only the higher class of minerals, but even these commoner substances, such as lime, gypsum, and clay, in which so large a part of our industrial classes are deeply interested. These are sentiments which recommend themselves with peculiar force to this side of the house. They are the sentiments which, from year to year, have been uttered from our ranks with fervent and indignant energy, and if the arrangement now proposed shall have the effect of releasing us from this condition,—if it shall elevate us to the possession of such rights of property as are essential to the dignity and the interests of a free people, it may well be considered an object worthy of some pecuniary sacrifice. While alluding to the tone of the hon. and learned gentleman's remarks, it is but right to say,—and I feel it my duty to say so distinctly and unequivocally—that from the time the leader of the government entered upon the mission entrusted to him, he seemed to forget his former position in reference to the company, and to accept, as a duty devolving upon him, under your resolution, the policy which you had marked out,—and that, in the progress of the negotiations, he made every effort to effect an arrangement coinciding with your views. Now, sir, there are some reasons, and very forcible reasons, that lead me to the conclusion that, if an arrangement was to be obtained at all, it could be obtained only by a delegation, consisting of persons who, in the discussions in this house, had represented different views. Had two delegates been sent representing the side which the opposition have always taken on this question, there might have been interviews, discussions, arguments, but there would never have been any agreement. It was necessary that the Association should be told, by one who had been

conspicuous in the defence of their claims, that those claims must be modified, reduced, to a large extent abandoned, before we could enter upon the threshold of a negotiation.

Now, sir, before we consider more particularly what the agreement is, let us consider the different parties who are concerned in it,—the different points of view from which these parties look at it, and then we shall begin to feel the difficulties by which it is environed. To this question there are four parties: the Crown, the Executors and Creditors of the Duke of York, the General Mining Association, the Province of Nova Scotia. In 1826 the Crown conveyed to the Duke of York all the Mines and Minerals of Nova Scotia with certain exceptions, reserving rents,—and, subsequently, bound itself by other agreements affecting these reserved mines and modifying the rents. In 1849, when our Civil List Act passed, the Crown conveyed to the Government of this Province all its interest in the mines, subject to the equitable claims by which the Crown was bound under its agreement. The Sovereign, therefore, is in this position: she has agreed to convey an interest in these mines to parties who, on the strength of that agreement, have erected works, and carried on mining operations at an enormous outlay, and afterward parts with her power to carry out the agreement binding on the Crown—by surrendering the property to us. She is told by her legal officers, that the Crown is responsible for damages, and must stand, as a private contractor, between the Association who hold her agreement and the Assembly of Nova Scotia who refuse to complete it. The Crown, therefore, is deeply implicated in this question, and, as its contribution towards an arrangement by which it may be relieved from responsibility, the advisers of the Crown consent to give up a sum of £40,000 cy., or thereabouts, due from the estate of the Duke of York.

Then came the Duke's Executors. By the arrangements between them and the Mining Association, they are entitled to receive a large annual rent. The hon. Attorney General in his closing remarks, put it down at £5,000 a year. While he was speaking I have made the calculation upon the returns of past years, and I find that the amount exceeds £8,000 currency a year. This running over the remainder of the time will amount to a sum of £240,000, and this claim the executors, with the sanction of the Court of Chancery are willing to give up, upon receiving a release of the £40,000 due to the crown, and an additional sum of £60,000 sterling paid in hand. To this arrangement therefore they are willing to contribute over £100,000.

Next come the Company. They claim to own the mines and minerals of Nova Scotia, under a Royal charter. They claim the reserved mines at Sydney and Pictou, under a royal agreement, and entertaining the view that the best title in the world is a Royal grant, the best security the honour and faith of the crown, they cannot be made to understand how we have a right to interfere with them. They consider our Act of 1853 as an act of spoliation, and they feel that the power we have acquired over them, by the accidental blunder by which the title passed to us from the crown, is a power which we have no right to exercise to deprive them of property which they hold by the highest of titles.

They say they have bought and paid for the privileges they enjoy. They point to your acceptance of rent for a period of 30 years, they tell you that they have paid into your treasury £180,000, that they have employed your industry, built up your population, and created for you an enormous export, and they ask if this should not entitle them to just consideration at your hands. This is their point of view.

We look at it from a totally different standing point. We consider the grant as most unconstitutional and ill-advised. We believe that in no country in the British dominions was there ever so unjustifiable an exercise of the royal prerogative. We consider that it deprives us of that which no people can be without, and yet be free. That no material advantages—no payments into the treasury—no increase of trade is any equivalent for a position which makes the great bulk of our population, habitual violators of the rights of property—which subjects them at the option of a commercial company, in the language of the address, to be “prosecuted as trespassers or indicted as criminals.”

While therefore the views of the different parties are so contradictory—it is obvious that if there is to be any accord at all, it must result from mutual concessions. If they are to give up their claims, we must give up some of ours.

Now let us inquire what *they* have conceded, what *we* have conceded.

We have long talked about a compromise, but it assumed its first definite shape in 1854. In Mr. Young's letter of July of that year, addressed to the Chairman of the General Mining Association, he states, ‘I would prefer a reasonable compromise to open warfare.

‘It is not likely that the Mines and Minerals of this Province, with the exception of coal, will be ever worked by the company. The attempts they have hitherto made have failed of success, and are not likely to invite a repetition.

‘The monopoly they hold of these Mines is practically useless to them, while it is most injurious to us.

‘We have no disposition to disturb them in the enjoyment of the Coal Mines they have opened, and would extend the area of their operations to any reasonable extent they would desire.

‘What I have to propose is this, that they should surrender their exclusive right or claim for the residue of the term of 60 years, to all the Mines and Minerals (except in the reserved Mines and within the area that might be agreed upon.)

Mr. Young then goes on to make a statement of the amount of rents and royalties, and adds: ‘I would be willing for my own part in consideration of the proposed surrender to give up one half of this royalty, that is, I would give up £2,000 a year now, and which with the increase of trade, may very shortly rise to £5,000 a year, or even more.

‘I believe that in order to rid themselves of a grievance embarrassing to the local government, and irritating to all parties, the Legislature would consent to this large sacrifice.’

So wrote my hon. and learned friend from Inverness, in 1854, but the Association were then not in a position to negotiate if they felt inclined. They were embarrassed by the claims of the Duke of York's executors. They could not give up any

thing they held, so as to relieve it from the Duke's claims, and without relief from these the concessions would be useless.

In 1856, the matter was fully brought before the Assembly. The committee on Mines and Minerals of that year, of which I had the honour to be chairman, reported an address, which after a full and ample discussion in the House, was adopted by a majority of 3 to 1 in a full house. This majority included every member of the political party with which I am associated, and a considerable number of those who were at the time in opposition.

That address enters fully into the question, sets forth the grounds on which the grant is so odious in the eyes of our people; and follows up the spirit of Mr. Young's letter, by making a renewal of the previous offer. It states:—

“We are ready and willing, we always have been ready and willing, to admit the benefits which this Province has derived from the operations of the General Mining Association. We have no desire to interfere with any mines they are working. We are willing to allow them as extensive an area around each mine as they can reasonably require for the successful prosecution of their operations. We have already, at the sacrifice of interests to which some portion of our population attached a great value, acceded to changes in our relations to the United States which have relieved from a tax of 30 per cent., the only article which the company exports, in the principal market to which it is exported. We are even willing to go further—to remit to the company one half of the royalty they pay on that part of the coal to which royalty applies, and to impose upon all other parties, who may open Coal Mines, a burthen equal to the royalty which the company will have to pay, and we will engage that no export duty shall be levied on coal. But we ask as the condition for these concessions, that they should forego a claim which is of no value to them, but of great injury to us, that they should relieve us from the sense of injury involved in the monopoly they claim, and allow us, whether we choose to exercise it or not, at least the freedom to engage in any mining enterprise which we may consider to be for our own interests, or the interests of our people.”

These then were the views of the Legislature in 1856. These were the views which your delegates in 1857 were commissioned as far as they could to carry out, and it is now for you to consider whether the arrangement they have made is not fairly and substantially the same which was foreshadowed by yourselves in the address.

My hon. and learned friend from Inverness says that the arrangement involves a sacrifice of some £150,000 for the 30 years the lease has to run. No doubt it does, but that was distinctly in my hon. and learned friend's view when he penned the letter of 1854. He says then that the remission would soon increase to £5,000 a year or even more. His prophesy has been fulfilled; it has already reached that extent, but large as may be the sacrifice, it is one which he first offered to make, and which this House fully and unequivocally adopted in its address of 1856. Whatever there is in the sacrifice, so far as the addresses goes, it is one originating with yourselves, not with your delegates.

Now, there are but two points in the arrangement concluded which can give rise to any difficulty. These are, first, the extent of the pecuniary sacrifice; secondly, the extent of the area or limits to which the Association have been confined.

Let me consider the last of these questions first.

In the Province of Nova Scotia the whole area allotted to the Association is 12 square miles, equal in extent to an area of less than  $3\frac{1}{2}$  miles square.

The space allotted to each Mine is 4 square miles. Now, sir, before I left this Province I felt it quite likely that the question of the reasonableness of the area would be one which would occasion much difficulty, and being desirous of having the best opinion that could be had this side of the water, I wrote to a friend who had given much attention to this question, and who, if I were at liberty to mention his name, would be recognized at once as a gentleman who was not only peculiarly fitted to form an opinion, but who in doing so, could not be suspected of any leaning towards the Association. I asked my friend what would be a reasonable area around the Albion Mines at Pictou. His reply I hold in my hand, and in that he tells me that he thinks it would be right to allot to the Association the tract of land intervening between the East and Middle Rivers. This space measured from the outcrop of the coal at the Mines, comprises an area of above 36 miles, or more than three times the space which in all Nova Scotia has been conceded. With this letter in my possession, and with the conviction that there could be no better judge of the question than my correspondent, I could not help feeling that the company, in confining their demand to 4 square miles at Pictou, acted reasonably—that the area which they sought there was in conformity with the address—a reasonable area. Unfortunately, we are not in a position to speak with entire certainty as to the extent of our coal deposits in this country. This house has refused to incur the expense of such a geological survey as we require, and to a large extent we must be guided by the conclusions of those gentlemen who have devoted themselves from their own taste, and at their own expense, to geological investigation. Our best authority is our celebrated countryman, now President of McGill College, Montreal. Mr. Dawson tells us that the Albion measures contain somewhat less than 12 square miles of coal to be relied upon, but he adds, that in the prolongation of the coal measures towards Merigomish and in the direction of McLellan's Mountain, there is reason to believe that workable seams exist. It is well known that at the Loading Ground, some miles outside of the area conceded, there is a vein of coal. On the Middle River it is also to be found, and indeed, Mr. Dawson, in his work on Geology, expressly asserts that there is no place surrounding the harbour of Pictou of such a character, that seams of coal may not reasonably be expected to exist. It is, therefore, absurd to suppose that any 4 miles in the neighbourhood of the Albion Mines can absorb the whole of the coal in that neighbourhood. Then, sir, as regards the Mines in the county of Cumberland, though obliged to speak with some uncertainty, there are facts which would lead to the strong belief that a very extensive deposit exists there.

On the north of the Cobequid Hills, at some distance from the foot of them, a coal seam is discovered at Spring Hill, dipping towards the north, on the same line towards Apple River, on the west; and on towards the shores of the Straits of Northumberland on the east, you find a re-appearance of the same, a similar vein dipping still towards the north. Passing over the central part of the county, you find on its northern side, first on the Joggins Shore, then again at Herbert and the Nappan, and on as far as the Straits, other seams of coal dipping to the southward, and apparently belonging to the same coal field as that already referred to at the base of the Cobequid Hills. It is impossible therefore, to resist the conclusion, that there is a vast body of coal contained in the Cumberland coal field, and it seems probable that the body of the county is a great trough of coal, of which the Spring Hill measures are the south, and the Joggins the northern margin. If this be so, it is quite obvious that no 2 portions of this area, comprising each 4 square miles, can include any but a most insignificant portion of the coal within that county.

Indeed, sir, I am well assured, and I have no doubt of the fact, that the Mining Association hesitated long whether they should not commence working the mines at the Joggins, within the area now reserved to the province at the River Herbert. There can therefore be no great advantage over us in that locality. I do not dwell at present upon the deposit at Spring Hill, because I shall have occasion afterwards to refer to it. Neither do I attach, in this argument, much importance to the mines at Salmon River, in the County of Colchester. Mr. Dawson says that they are the equivalent of the coal measures at the Albion Mines, but as no sufficient exploration has been made to justify the forming of any safe conclusion upon the value of the coal seams there,—although I feel strongly convinced that they are valuable,—I do not allow it on my own mind, nor do I expect it on the minds of members, to weigh as an important element in the consideration of this question.

Proceeding Eastward, and crossing the Straits of Canso, you find coal at Carriboo Cove. Mr. Dawson tells you the Seam is  $11\frac{1}{2}$  feet thick, but does not consider its quality good. At Little River, however, further east, he finds a vein of  $4\frac{1}{2}$  feet of good coal, within easy access of navigable water, and affording every facility for enterprise. But passing on still further east, we come to the great Sydney coal field; this extends from Cape Dauphin, on the Island of Boularderie, to Cow Bay, including the whole north-eastern coast of the Island of Cape Breton. This magnificent coal field furnishes inexhaustible quantities of the finest description, and of this the Association are allowed that part which lies to the north of Bridgeport Harbor, with a small strip on the south, including their pits; while all the rest that lies to the south, comprising more than half of the whole field, has been given up to the province.

This I look upon as containing the most valuable concession we have. The veins have already been tried and proved by the Association. It is no question of a speculative character. It is one of absolute certainty. The Association demanded the whole of this deposit. This we

refused, and for some time it seemed likely that our mission would prove abortive. What I wished—I ought to say what we wished, for the Hon. Attorney General took the same ground—was, that in the area conceded to us there should be, at all events, one place in respect to which no question could arise. We wished, when we came back to Nova Scotia, to be able to tell the people, here is one coal field of unquestionably productive qualities, with good facilities for working, now at your disposal, open it when you chose, enter if you like into competition with the Mining Association, and meet them in the markets of the world.

Why, sir, if we had chosen to give up this territory, we could easily have got Spring Hill. But how would we have been met then? Would we not have been asked—what is the value of a mine 20 to 25 miles from a navigable water—in the heart of a wilderness—remote from any population—incapable of access? Would it not have been said that the 20 to 25 miles of Railway, required to open such a mine, was an impassable barrier to its produce entering into equal competition with that of the sea shore mines. We felt this, and therefore we insisted upon the concession of the territory south of Bridgeport harbor; and if proof were wanting that we were right in doing so, I hold it in my hand at this moment. Here is a letter from a person of undoubted respectability and high character, who says at this moment,—and awaiting the decision of this house,—there is ready a capital of £60,000 to £100,000 to be embarked in the opening of these mines.

Will any gentleman, in the face of this evidence, say that we should have insisted upon Spring Hill, to the abandonment of Bridgeport? I hardly dwell upon the fact, that outside of the limits allowed to the company, are the Bras D'Or Mines, so called, which were formerly worked by the Association. These are now in the hands of the Province, and open to private enterprise. I trust, Mr. Speaker, that I have made it appear that outside of the conceded area, there is an abundance of coal, to remove at once and forever the idea of the Association monopolizing the whole. The moment they cease to be monopolists, they become entitled to the favorable consideration of the Legislature. I have looked at the extent of the exports which those operations have given to the Province, and I find that since 1827 they have sent away 2,800,000 chaldrons. (Winchester measure.) Estimating this at a very low price in a foreign market, as \$5 per chaldron, it makes in all a value of 14 millions of dollars.

Now, if there be anything in the doctrine of free trade; if it be true that the imports which you can bring into a country may be made to balance, but not to exceed, your exports, without draining and impoverishing your country, it follows that you have imported into this province \$14,000,000 worth, which, but for such operations would have been beyond your means.

If you could by any arrangements in your power call into operation another company, to add other 14 million to your exports, you would be conferring a boon of a most valuable kind upon the province. Last year the Association exported 200,000 Winchester chaldrons. This is worth \$1,000,000. Suppose we import that amount in return; and suppose the import pays

us a duty of say 5 per cent., this trade will add indirectly in this way to your revenue no less a sum than \$50,000. Add to this the direct payment of royalty, and we see how a larger contribution to our Treasury arises from this one trade.

But, without dwelling upon this view, let us consider the actual amount of pecuniary sacrifice which this arrangement involves. In 1857 the whole amount of coal raised was 101,078 Newcastle chaldrons, of which 90,235 were round, and 10,843 slack. By the arrangements hitherto in force this quantity would have paid as follows:

26,000 chaldrons, rent.....	£3,750	0	0
75,078 at 2s. royalty.....	7,507	16	0

Amounting in all to.....£11,257 16 0

By the new arrangement we should receive on this quantity, which at 3 tons to the Newcastle chaldron is equal to 270,795 tons, as follows:

250,000 at 6d.....	£6,250	0	0
20,795 at 4d.....	346	12	0

Amounting in all to.....£6,596 12 0

Deducting therefore from amount			
under old arrangement.....	£11,257	16	0
This amount.....	6,596	12	0

We have.....£4,661 4 0

As the difference between the old and new arrangements.

In our address of 1857 we offered to give up one half of the royalty,—this would be £3,753 18s.—and therefore the actual difference between what we offered to give up, and what we have given up, is £908 6s. But in the calculation the royalty counted on the slack coal amounts to £1,084 6s., which is £176 more than the amount we have consented to give up. The real state of the case therefore is this, and I wish the house to understand it clearly, that the agreement of 1857, in pecuniary sacrifice, exceeds the offer of 1856 by a sum not quite equal to the duty on slack coal. In making this calculation the weight of the Newcastle chaldron is set down at 60 cwt. In point of fact the Association have been paying their rents on chaldrons of Pictou coal at 62 cwt. and on Sydney at 58. This appears from the answers of their agent made to the committee of this house in 1854, and recorded on your journals.

In Taylor's statistics the weight of a Newcastle chaldron is in one place stated at 53 cwt. In another it is said, by the usage of trade in the American ports, the Pictou or Winchester chaldron is half of the Newcastle chaldron, and is put at 3,750 lbs., which being doubled for the Newcastle chaldron yields about 67 cwt. In this uncertainty we are driven back to the facts as they appear on our journals, and as the Association have actually been paying on the weights as returned by their agent, and this fact has, since 1855, been in the full knowledge of the house and the country, and no action has been taken on the part of the government or otherwise to vary this claim. Any calculation of the rents, to be correct, must be founded upon that which has been in existence and on which the rents and royalties have actually been paid since the commencement of the lease. In making the calculation, therefore, it would have been fair to count the Newcastle chaldron something over 60 cwt., but I have preferred to take that amount because

I would not wish to be considered as diminishing, in the smallest degree, the actual loss we are called upon to sustain, and should like that the calculations made should be such as to pass unchallenged by any gentleman, however different his views may be from mine.

We come back, therefore, to the fact, that we have surrendered the duty on slack, or the greater part of it, in addition to what we offered to give up in 1856. Now, as regards slack, it has never been contended that the duty upon that should justly be the same as that on round coal. We exacted the duty. Why? Because the Mining Association, standing on their strict rights, and insisting upon everything which their lease gives them, demanded the whole pound of flesh, we had a right in our turn to insist upon our extreme rights; but we were never insensible to the arguments against the imposition of this burden. We were quite aware that the cost of raising a chaldron of slack was the same as that of raising the same quantity of round. Yet the price was but one  $\frac{1}{2}$ . We knew that a large portion of the slack was consumed by our own people, and that the duty therefore became a heavy addition to the cost of an article of necessary consumption by the poorer classes, and now that the arrangement places the company in a different attitude to us, these arguments have a legitimate force. If, therefore, in 1856, we were willing to make the sacrifice we then offered, is the difference in amount, made up as it is of a burden of a most questionable character, such a difference as ought to influence the mind of any man to reject this arrangement? Sir, we have all felt the degrading condition in which the people of this Province have been placed by the grant. We have felt that it was one which no intelligent and free people ought to occupy. We have been willing to make large sacrifices to be rid of it, and now that our own terms are substantially accepted, are we to turn round and reject what hitherto we have with importunity solicited? In this matter, I feel that to a large extent the honor of the Province is involved. If, in truth, the arrangement now concluded is our own offer in substance, how can we recede from it without a loss of public character?

I don't pretend to control any man's judgment, but I have placed before the house the question as it lies in my own mind, as fairly and faithfully as I am able,—my mind may be biassed,—I may look at the question from a different point of view from other gentlemen in this house, but I firmly believe that the arrangement concluded is so identical with the offer of 1856, that it cannot be rejected upon any consideration, that would not have equally involved the rejection of the address. It may be said that we have done wrong in giving up the rent and substituting a royalty; but the reason for that is obvious. We are bound under the address—we are bound under the act of 1853—to place no other lease of coal mines under a less burthen than we impose on the General Mining Association.

On every application for a lease, difficulties of a serious character would arise in estimating such burthens, so long as the rent was retained, but by absorbing the whole in a royalty, the difficulties vanish. Impediments which a heavy dead rent would create, are removed at once, and a serious barrier to new enterprises is removed. But it might be said, that if we don't retain the

rent the Association are under no obligation to continue their works, but might close them at once. It is hardly worth while to argue against the supposition of such a suicidal policy. Nobody supposes that after the enormous outlay they have made—after the enormous outlay they are about to make—to buy off the Duke of York's creditors, when the works are beginning for the first time to prove productive, the company are going to be mad enough to cut off the only means in their power to compensate themselves for past sacrifices.

It is idle to argue against a notion which bears absurdity on the face of it. No, sir, what the company will do—what it will be their interest to do, will be to avail themselves of the diminished burden to reduce the price of their coal, to extend the markets for its consumption—to place it in circumstances to insure a free chance of competing with the produce of other mines, and thus reap the advantage of a greatly increased production. That this trade may enlarge in extent, and with its increase stimulate the energy and industry of this country, is, I am sure, the wish of every gentleman around these benches; and that it will do so, if you accede to this arrangement, and bring the operations of the company into harmony with the Legislature, if you give them at once the inducements to extend their operations, and confidence in the security of their investments, is to me a matter of absolute certainty.

And now, Mr. Speaker, I have to apologise to the house for the length to which my observations have extended, and I cannot resume my seat without expressing my thanks for the kind indulgence which has been extended to the very imperfect exposition which I have been able to give of the subject before us.

Mr. McLELLAN said—This question is one of great importance to the people of Nova Scotia. The acknowledged monies receivable from coal in 1857 was £11,258, by this bill it would have been £6,595, leaving a loss of £4,660, besides some thousand pounds, the difference between the royalty payable under the Duke of York's lease and that under the agreement, and the difference between paying royalty on the coal raised and that sold. The Association say a new arrangement took place, making both favorable to them; but it turns out to have only been talked of. So that from £5,000 to £6,000 a year is the loss that this province will be compelled to endure. The more trade increases the more the loss by the past increase. In a few years it will be, no doubt, advanced from £11,000 to £15,000. Looking to the gross amount of loss, it may be in 28 years in all £150,000 or £200,000. Is what is offered us worth that sum? That is the simple question. We have had two long speeches and much special pleading on this question, of which I will speak in their order. I have no objection to the delegates complimenting each other, but it reminds me of the story of the two men who had the Scotch fiddle when one said to the other, claw my back and I will claw yours—(laughter).

The burthen of the Atty. General's speech was that the gypsum, plaster, lime, slate and rocks of this province belonged to the Association; and when he called on us to assist him to pass the bill to protect persons who use these articles as their own, from the Association, it reminded me of a man standing over a dead horse, asking



help to tie his legs to protect persons from being kicked. The bill will give no more right to the people than they enjoy—and no man can vote for the bill the hon. and learned Attorney General proposes to introduce, who wishes to see mines opened, as it would hamper and obstruct the operations of companies. My honble. colleague made an excellent speech of the kind. It is easy to assume a position, and make a plausible speech to those not well acquainted with the subject. He founds his arguments mainly on two grounds, first that we are bound by our offer of 1854, and that the Bill is nearly the same,—far from it, as will be shewn by-and-by; but suppose it were, should the Association benefit by an offer they did not even answer—nothing binding in our offer unless accepted. Thus the Association has paid nearly a quarter of a million into the treasury, built a town, gave employment to vessels, sent out of the country this year a million dollars worth of coal,—that was useless to us, on which 5 per cent. must have found its way into the treasury, in duties on articles used by miners. After all this done for us we should be generous, £55,000 was enough for the company to pay. Arguments which appeared so unanswerable on a slight view of the case, threw the Attorney General's speech into the shade; no doubt it has been asked is the Attorney General failing—has he been too much hurried to look into the subject, or does he feel any interest in the bill that he has allowed this grand argument to pass him. Neither one nor the other, but because he knew too much about the origin of the question, that our Journals shew that when Novascotians were wedged out of these mines, that they would have given a larger rent and royalty, that coals were cheaper, and that the same business would have been carried on if the Association had never existed. No doubt he felt that if he used the arguments it was saying that it was more advantageous to the Province to have the Association to ship a million dollars worth of coal out of the country than if done by our own people.

We are asked if it would be good policy to tax iron. If it is unwise to put a load on the weak horse, it is no reason we should not on the strong. Profits of valuable mines of any kind should not be given to a company or individual, but at a fair value that all should benefit thereby. My hon. colleague generally chooses good ground for his arguments, that he has not now, can only be accounted for on the principle that as it is said, if a voter is coerced to vote, he becomes the warmest partizan, and that no man will fight better than a pressed man. No doubt the hon. gentleman went to England desirous to make a fair bargain, but as this was the best offer he could get, was, as it were, coerced and pressed into a compliance, has caused him to become such a warm partizan, as to cause him to neglect his usual caution. Let us see what is said to the question. The Attorney General says,—if there were mines that could be worked to advantage, and if two or three companies could be found to work them, then how advantageous it would be. One of the Association Engineers had given him much information—had no doubt but there were workable mines at Lingan. As to the four plans laid on the table, there might as well have been four pieces of birch bark, as to any information they give about coal. My hon. and learned colleague says,—that some man told him

to dig anywhere about Pictou and coal would be found. Mr. Dawson, in his work, said there was a seam of coal from Pictou to the Joggins—it was 18 inches thick at Salmon River; and it is unreasonable to suppose, says he, that there is not good beds of coal somewhere in that district; and goes on to prove, from no better authority, that there is workable mines in Cape Breton. Now, are we warranted in taking £150 or £200,000, of the people's road money, as the honble. Financial Secretary properly tells us, it must come out of that fund; especially in the face of strong presumptive evidence against us. The members of the Association, in common prudence, would take good care to examine well, all reports of surveys, to see that no coal beds were outside their lines, that could be profitably worked, as a competition would be ten times more injurious than all they would gain. If it was for the true interests of this Province—a true friend of the Association, as has been said, should be selected as a delegate,—I agree with the honble. Attorney General, in choosing himself—he made a wise choice, as the Journals shew from end to end, in this matter,—he has invariably voted in favor of the interests of the Association, and against that of the Province. I was in hopes this question would have been allowed to pass on its own merits; but no; the Attorney General feeling this measure had not sufficient merit in itself to induce us to pass it, straddles his bill and gets my hon. colleague on behind him, and says,—now you must pass it for our characters are at stake; if you don't, it is saying we are rogues, scoundrels, and fools; and my hon. colleague also fears there is not enough in the bill to carry our judgment, and appeals to our generosity,—therefore, I felt it was necessary, as there were some new members in the house, to go a little into the history of the Mining Association, although it is an old story.

It is said the Duke of York was fond of seeing several ladies—whose character it is as well not to enquire into—well ornamented with jewelry, purchased largely of Rundall, Bridge & Co., who at last sought pay; the Duke had no money, but prevailed on his brother the king to lease him for 60 years all the Mines and Minerals in Nova Scotia, except the mines at Pictou and Cape Breton; then wished for 20s. a year rent, and one shilling for every 26 cwt. of coal as royalty, which he transferred to the jewellers, receiving some interest therein, who were to pay to the crown rents and royalty, and to the Duke certain amounts. These jewellers then formed a company, which is the present Mining Association, and passed over the lease to them. This Association, although they had the whole length and breadth of Nova Scotia, was like the man in Scripture—sick because he could not get his neighbour's field; but teased, applied and wearied the British Government into giving them the reserved mines for £3,000 a year rent, and 2s. royalty per chaldron on all above 20 000 chaldron. The Association were then enabled to hold a grinding monopoly over us. Our people were no sooner driven from these mines, than the price of coal was raised, and preserving the same course of importunity, have got the two shillings made currency—the chaldron the long one in fact: every thing turned to their advantage, so that they now sell coal at 36 bushels per chaldron, and pay royalty at the rate of 72 bush-



els. There is two almost laughable affairs about this transaction. 1st, the Association pretending to pay rent and royalty, when our people in reality pay it. The Association receives it from Nova Scotia, in one hand in the increased price of coal consumed by them, and pays it as it were into the Treasury with the other. The Duke of York dies, his creditors makes a claim on the Association for the amount or bonus that was to be paid, the Duke on his transferring the lease to them, it was disputed, a suit in chancery was brought and continued until the greatest difficulty was how the costs were to be paid. It was at last concluded to make the people of Nova Scotia pay it at the rate of £600 a year for the remainder of the Association's lease, amounting in all to about £23,000, by allowing 26,000 chaldrons of coal, instead of 20,000 before royalty was payable. It was always contended,—the giving away our mines and minerals, the birthright of the people at one dash of the pen, for 60 years, without our knowledge or consent, was improvident, unconstitutional, and an opinion of eminent lawyers was decided on, and the government, by a resolution of this house, were to have a statement of the case made out and submitted. It was said the then government, Mr. Johnston as Attorney General, and Mr. Dodd as Solicitor General, was the paid attorneys of the Association, and was not denied by them, therefore unsuitable persons to manage the business. The government however had a case made out, submitted, but decided against us. Some of our best lawyers say it was not such as ought to have been sent. I had experience enough to know that men never act without some motive, and felt there was something more about the mines than was understood. On examining the subject there were found several errors in favour of the company, amounting to some 5 or £6,000. The government being made acquainted therewith, called upon the agent for pay. One of the errors was for no payment on slack coal. Mr. Cunard did not deny the legal right to pay, or contend it was paid, but met the government with Sir R. George's receipt in full. Some 3 or £4,000 however was paid in consequence of such claim. Then followed a system of handing in accounts to the Provincial Secretary's Office, containing large and small coal, then going into the Receiver General's office, where Royalty was to be paid, and handing in an account containing only larger coal, until this double account system was detected, and the Association was forced by a resolution of this house, to pay between 3 and £4,000, into our Treasury. Again the same system of holding back on some other plea, perhaps in '56 nearly a thousand pounds short, in '57 something over a thousand. The Attorney General says it is a very trifling thing. It is astonishing how small everything going into the pockets of the Association appears to that gentleman. £1,000 to people borrowing money is something. Its bare interest — £60 per year, would be of great service on many a road. In no year have the Association paid up, and this is the real cause of the agitation since the lawyers decided against us. The company have been more than twenty years boring and searching for coal. They know all, we nothing. But we do know which party so situated invariably gets shared; and that as the association's object of course to make

money, and see that they are not hampered for means. If money could be made by opening mines outside their lines they would have done so. If it could not be made by them, how is others to do so. They now propose to give us what they acknowledge by their actions will not pay a profit, consequently worthless, for 150,000 or £200,000. How generous. Yet with all this before us we are told we should be generous,—let the Association pay a much less sum than they are entitled to pay. If it ever were proved a workable mine were on the land, is there any prospect of getting a company,—and if there were, there is less that any could compete with so old and wealthy a company as the Association, labouring under so many disadvantages,—shortness of lease; new mines to open, experience to gain superior mines—and pay 50 per cent. more royalty than the Association advances, as no new company could expect to benefit by the — a chaldron. By our offer we were sure of £3,750 rent a year. Spring Hill mines are said to be about the best in the Province with a railroad on one side (as we know it will) and on the Parrsborough mine an excellent shipping place, so near the American market, a great advantage over Pictou and Cape Breton mines, and makes them very valuable. By this bill nothing is sure but a bad bargain, a difficulty with America, no market there, no coal shipped, no royalty. Independant of the advantage of a certainty over an uncertainty, and the loss of Spring Hill Mines, the loss to the Treasury over the offer of '54 would be from one to two thousand pounds, and loss increasing as the trade increases. Had never expected a gain to our treasury by hon. Mr. Young's offer, much less since no mines have been opened, under the bill of my hon. and learned colleague, we heard much about mines being here and being there, but we find there was more cry than wool. I was sorry the hon. and learned gentleman from Yarmouth, Mr. Killam, was not here. There were few men in the Province whose judgment was better entitled to consideration than his on such subjects. He thought last year there was a little doubt, but his opinion now was the same. To let the Association work their mines in peace, merely looking to them for all rent and royalty, and if any mine were wanted to be opened for the convenience of the inhabitants, it could be so done under Mr. Archibald's bill.— In which sentiment he fully agreed. The Association had proven themselves to be a grasping set of men, by obtaining the reserved mines, had raised a grinding monopoly over our heads, had acted in a most arbitrary manner, he was informed men had been prosecuted for digging a few coals on these lands at Pictou. A man at Spring Hill supplied the inhabitants, but he was ordered to quit, which was much loss to the poor man, and to the neighbourhood for many miles around, and no earthly benefit to the Association. To pass the bill would be misplacing our generosity, and throwing away our money.

Hon. Mr. Young.—I have waited, Mr. Speaker, before expressing any opinion on this complicated and important question, till both the delegates had been heard, patiently and at large. Having weighed all that has been urged, and refreshed my own recollections by a perusal of the numerous documents to be found upon our Journals—having taken pains to sit the arrangement, offered

for our acceptance, and to master it in all its details, I am now in a condition to address this house, and can promise them, I think, some information that is both new and valuable.

But let me inquire, at the commencement, in what temper are we to approach this discussion. We did not entrust the hon. and learned delegates with an unlimited power. Both their authority and the agreement they have made are subject to our ratification. This was understood, I presume, to be a reality, not a name, and with the natural and proper disposition to sustain the delegates if we can, there is no obligation upon us either of honor or of duty to sustain them, if we ought not. I listened, therefore, with regret, to the opening appeal of the Attorney General. Before the slightest opposition had been manifested, when none of us had declared, and none of us, I believe, had determined on the course he was to take, the Attorney General invoked the aid of his partizans, and in terms stronger than I have ever before heard in this hall, he told them, that they must accept this arrangement as a whole, and could neither reject or modify it, unless they were prepared to say that the delegates were fools, scoundrels, or rogues. We are to be debarred then, it seems, from inquiring into the wisdom of a bargain involving immense sacrifices, and deeply affecting our financial condition. We contemplated a sacrifice of £2000 a year. By the admission of the delegates themselves, it will amount the very first year to £4662. To that sum, as I shall presently shew, £1333 is to be added, making an aggregate of nearly £6000. With the increase of the trade we may safely assume that in five years more this £6000 will be £10,000 or over £12,000—in ten years it may be £20,000, and all this without exaggeration, and demanding, one would think, as well as justifying, the most ample inquiry. However ready some gentlemen, who seldom give themselves the trouble of thinking, may be to signify their assent and leap at once to a conclusion, the habits of my mind are different, and I shall do what I owe to the people and myself, by a full and fair consideration of this matter,—not, however, in a captious spirit. Let us fulfil every honourable obligation—let us do justice to our delegates—but let us not forget that there is a justice due also to the people.

This is an arrangement, we may be told, only for 28 years, and not for ever—a consideration that has little weight with me. Long before the lapse of 28 years the great majority of this Assembly will have been gathered to their fathers, and probably not one in ten of those who now hear me will survive. To us, then, at least, this is all-important, whatever it may be to the succeeding generation. With these views, it will be most convenient, I think, to consider this arrangement as if no negotiation had preceded it, and we were now to pass judgment on it, solely on its own merits. How far it should bind us as a matter of contract, irrespective of consequences, we will hereafter consider.

In what position, then, let me ask, does Nova Scotia stand?—Nature has endowed her with the most valuable coal mines in British America. There are none to be compared to these east of the Alleghany Mines. The quality of the coal for domestic and manufacturing uses and the production of steam is not to be surpassed, and it lies

upon the sea board, in place of being 180 miles inland, as is the case in Maryland. Here is a source of wealth and traffic which it is not easy to overrate; and as many a princely fortune in the old world has been derived from coal, so also the fortunes of the people are largely interwoven with the due appreciation and management of our mines. The rent or royalty is an important item of the revenue, transferred to us by the civil list bill, and the property of the people, as it was formerly that of the Crown. I was rather surprised at the argument of the Atty. General and of my hon. friend from Colchester, who agreed in representing the royalty on coal as equivalent to our export duty. Sir, there is no analogy whatever between the two. McCulloch, a great authority on these questions, defends an export duty on coal as sound in principle, and for a long period, as we know, it was imposed in Great Britain. But a rent, or royalty in the nature of rent, whether it be paid to an individual owner or to the government, attaches equally to the domestic as to the foreign consumer. Nowhere can there be found a coal mine of sufficient richness to make its possession an object for competition, that does not pay a rent or royalty to somebody; it seems to have been deemed right to impose some payment upon those to whom the crown conceded privileges so extensive, rights so largely beneficial. Last year I gave to the house the result of my own experience on this subject, and shewed how enormous were the profits reaped by many who engaged in mining speculation in the nations of Europe. It is needless to recapitulate what I then said; it is sufficient for me to inform the house now that there does not exist a mine in England, Scotland, France, or Belgium where the workers are not obliged to pay something in the shape of rent or royalty for the privilege they enjoy. Indeed, sir, I believe it to be a principle of political economy adopted wherever mines exist. Let me read from a work—the value of which I am sure every hon. gentleman who hears me will appreciate—I allude to Taylor's Statistics of Coal, a few passages illustrative of the idea which I design to convey.

“On the continent of Europe, the royalties press more heavily upon the coal producer than in England. In Bohemia the established right, by law, is that the “Seigneur” receives the tithe (10th) of all the coal raised: in other words, for every ten tons extracted, one tenth is the property of the lord. In the coal basin of Blanzay in France, it appears, from registers from 1528 to 1640, that the lords of the soil exacted one third, and sometimes two thirds, of all the coal raised in the mines there. They are now from 1-10th to 1-40th.

“In the English mining districts the lord's tribute varies according to the local circumstances of the mine from 1-10th to 1-32nd part of the whole produce of the ore.

“In the Isle of Man the mines pay a royalty of one-tenth.

“The general custom of Scotland provides for yielding to the landlord a royalty, proportioned upon the net amount of sales at the colliery, in conjunction with a certain or sleeping rent, payable half-yearly. The royalty is sometimes so high as 1-4th of the amount of sales; but generally speaking, it is 1-8th. Of late years, many

collieries have been let at 1-12th, and even 1-14th of the amount of sales."

From these succinct but valuable references the house will see that to establish a company to work a mine without imposing an adequate royalty upon them—sufficient to compensate for the privilege they enjoy, but not too large, so as to operate as a check upon competition, and prevent the expansion of trade and the development of the industrial resources of the country, is contrary to the experience of the whole world. Whether the mines remain in the hands of the government, or are worked by private individuals or companies, the principle is still the same, and a rent or royalty is always payable.

In New Brunswick, where no lease ever passed to a royal duke, all mines, with the exception of gold and silver, belong, under a recent enactment, to the owner of the soil; that in my view is the true principle,—but if a coal mine were discovered in that province upon the land of a private individual to-morrow, he would exact a rent for it as his natural right. No one would complain of it as an infraction of free trade or a duty on export.

I think, sir, that I have disabused the minds of all who hear me of the idea that the imposition of a rent or royalty is contrary to any principle of political economy or opposed to the well being of a country; nay more, sir, I have shown it to be just that private individuals should not enrich themselves from public grants, without yielding something in return to the revenue.

Sir, the mineral resources of this country are large; but the most valuable are confined to small areas. It has been stated that the Mining Association, by consenting to accept certain localities, have largely confined their privileges, and that we should reduce the amount they are to pay for the remaining 28 years. I deny the soundness of this proposition, and will shew, before I have concluded, that however accurate, in a general point of view, it is entirely inapplicable, when we come to consider the circumstances of this country. These localities may be found to embrace all the most valuable mines. For example, take the coal field at Pictou, where, as Mr. Dawson tells us in his *Acadian Geology*, there is one seam having at least 36 feet in vertical thickness, of good coal. How was this immense deposit formed in the alchemy of nature. It is a sublime idea, and carries our thoughts far back into the infancy of time. Some of the coal fields of Nova Scotia exhibit 14,000 vertical formations. With a luxuriance of vegetation, incident rather to a tropical region than to these northern latitudes, one hundred fossil forests have grown and perished. Before the human race was called into existence, when the only living things were the reptile and the fish, the sun warmed the earth, rain and dew descended upon it, and the same laws of nature prevailed as now. Then came another era. The mastodian, the mammoth, and the megatherium walked the earth, and these uncouth forms, which have now disappeared from the face of nature, were the lords of the creation. All this time forest after forest grew and sank into the soil, and the relics of millions upon millions of trees constituted the coal deposits, which the Almighty was gradually preparing for the use and enjoyment of man. To some these speculations may appear fanciful and

remote, but they are sustained by the clearest evidence and by the deductions of modern science.

Now, sir, having referred to the subject in its general aspect, let me ask the house to consider the tenure by which these mines are held. The act of 1853 declares that any individual giving notice for twelve months to the Mining Association, may, at the expiration of that period, work any mines or minerals, provided the Association do not engage in the work themselves. Under this law a copper mine has been leased at Tatamagouche, by an instrument which I prepared when Atty. General, and the second principle extends to every mine in the province, thus practically and to a large extent controlling the monopoly of the Mining Company.

And now, sir, that I may lay a solid foundation for the arguments which I am about to address to the house, let me ask hon. gentlemen to give me their ears while I enter into a short descriptive detail of the actual title to these mines. First, then, let me say, that thirty years since the only coal mines worked were those situate at Pictou and Sydney; they were held and worked by the lessees of the crown. The one paid a duty of 7s. 6d. per Winchester chaldron, and the other of three shillings, or thereabouts. Then came the celebrated lease of all our other mines and minerals to the Duke of York for sixty years, which was transferred to the Mining Association a few days after it passed, and the memorandum of 1828 vesting the reserved mines in the same company at a rate of £3000 stg. for the first 20,000 chaldrons, and a royalty of 2s. for every chaldron sold beyond that quantity.

The next material step was the treasury minute of 1845, which provided that the rent of £3000 sterling, or £4,750 cy., should be paid not for the first every 20,000, but for the first 26,000 chaldrons of coal, Newcastle measure, raised by the company—and that for every chaldron above that quantity raised, (whether sold or not,) the Association should pay 2s. It is to be noted that with the exception of a very insignificant quantity, some 7000 chaldrons, which appear by the returns to have been raised by the mines at Lungan, Point Aconic, and the Joggins, the whole of the coal raised and sold by the General Mining Association, in 1857, came from the reserved mines, so that the company have done little or nothing under the lease of the Duke of York. Now, sir, let me say, that whatever may be the issue of this discussion—whatever the determination to which the house may come, I shall always hereafter regard the Mining Association as occupying a position altogether different from that which they have heretofore filled. When I consider that they have entered into an agreement with our own delegates, to give up the exclusive rights which they formerly enjoyed, and release this country from the degrading monopoly which for so many years has excited the indignation of our people, I can no longer look upon the Association in the light of wrong doers,—cramping our industry, and interfering with the prosperity and rights of our people. Henceforward my mouth shall be shut as regards this monopoly; and the question assumes with me a footing entirely different and distinct from that which it occupied in years gone by.

But, sir, this House has yet to consider whether the proposition which has been made commends itself to us as a matter of policy; whether

in ratifying it we are securing to the people of Nova Scotia a solid and lasting benefit, or reducing ourselves to a worse position than we now occupy.

The Treasury minuite of 1845 directed that the Royalty of two shillings per chaldron should be paid upon all Coal raised as well as sold; this extended to slack Coal, and to all used by the Mining Association themselves. In 1851 and 1852 the amount raised was 50,000 chaldrons, it is now 100,000, just as the government of the United States reduced their import duties, so in exact proportion have the Coal exports of the Mining Association increased. In this respect Nova Scotia stands in a position from which no other Country can drive her; her Coal fields are her own; no foreign land can interfere or compete on equal terms with this branch of our industry, and its capacity for development is beyond calculation. The bituminous coal of Nova Scotia is destined by nature to supply the teeming population of New England and New York, and the extent in a very few years may rise to a million chaldrons, just as the coal branch of Pennsylvania has risen from less than 100,000 to several millions. We are dealing therefore with a trade capable of large expansion and rapidly extending.

In the year 1857 we derived from the Coal Mines a revenue of £11,257; under the proposed arrangement they would have yielded only £6,595; the difference against the Province and in favor of the Association would therefore have been £4,662. The calculation may be thus stated; the quantity of large Coal raised in 1857 amounted to 90,825 Chaldrons Newcastle, of which the first 26,000 pay as rental £3,750  
64,235 pay as Royalty 6,423  
10,843 pay as Royalty 1,084  
Revenue in 1857 under }  
present lease } £11,257

Under the new arrangement the same quantity of large Coal, computed at 60 cwt. per Chaldron, would be equal to 270,705 Tons, of which 250,000 are to

pay 6d.	£6,250
20,705 are to pay 4d.	345
	£6,595

Making a difference of £4,662, besides the loss of the duty on Slack Coal.

In this estimate, be it noted, the delegates and I agree, so that the loss is unquestionable. But, sir, there is another element affecting this calculation not yet touched on which this House should thoroughly understand. It is new to my own mind although I find that it was not altogether new to my hon. and learned friend from Colchester. Up to the year 1845, it was a question between the Province of Nova Scotia and the General Mining Association whether the coal raised should be computed according to the Winchester or Newcastle measurement; by the former the Royalty should have been paid upon each 36 bushels raised, by the latter upon each 72 bushels; the Province contended for the former admeasurement but the British Government decided in favor of the Mining Association. Upon this principle, if the above had been paid for, as they ought to have been, at the rate of 53 cwt., of 112 lbs. each, being the weight of a chaldron, Newcastle measure, then the 270,705 large coal actually raised

were equal to 102,152 chaldrons, Newcastle measure, and should have paid as follows:

26,000 as rental,	£3,750
76,152 as royalty,	7,615
Add the Slack Coal as above 10,843,	
equal at 53 cwt. per chaldron to	
12,250 paying royalty,	1,225
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And our revenue in 1857 ought to have been	12,590
Instead of	11,257
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Difference £1,333

To which if we add the sum of £4,662 before mentioned we have a clear loss which would have ensued under the proposed arrangement as compared with the sum derived from this source in 1857 amounting to £5,995. In stating these results I defy contradiction, provided the Newcastle chaldron is to be computed according to the definitions of McCulloch & Taylor, and the rule in England at 53 cwt.

When we find therefore that since 1845, for a period of twelve years the General Mining Association have been in the habit of shipping 60 cwt. at Sydney, and 62 cwt at Pictou, and paying Royalty only on 53 cwt., there is not one of us who does not feel that a grievous wrong had been done to this Province, and that a sum of money has been withheld by the Association to the extent of some 10 or £12,000. I cannot help admitting that to have permitted this does not speak very highly for the sagacity of our public men. I take my full share of the blame, and refer to it in order to mark distinctly the loss of revenue which we are legally entitled to, and are giving up under the proposed arrangement.

What then, sir, is the result to which these calculations inevitably lead? that we are called on to surrender not £2,000 a year, as was the case when I wrote my letter of July 1854, but the comparatively enormous sum of £5,995 a year, in the very inception of this arrangement, and looking to the trade as it at present exists. But will not this trade increase? If I thought the imposition of so small a royalty as 2s. per chaldron would operate to check the trade and diminish our export, all opposition on my part to a reduction of the royalty would cease. But suppose, as I have little doubt the event will prove, that the export of coal as well as the home consumption should double in the next five or six years. Suppose then that 200,000 chaldrons, Newcastle measure, were raised, they would pay under the present lease at 53 cwt. each  
26,000 rent £3,750  
174,000 royalty, 17,400  

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21,150

Under the new arrangement, and allowing the same proportion as above of Slack Coal, say 20,000 chlds., the remaining 180,000 at 63 cwt. each, would be equal to 175,000 Tons, of which

250,000 pay 6d.	6,250
225,000 pay 4d.	3,750
	<hr/>
	10,000

Difference £11,150

Brought over,	£11,150
Suppose 500,000 chaldrons raised they would pay as above—	
26,000 rent	£8,750
474,000 royalty	47,400
	51,150
Under the new arrangement, and allowing 50,000 chlds. Slack, these would pay about	24,150
Difference	£27,000

In these calculations, sir, there is nothing extravagant; nothing which the circumstances of this Country do not warrant us in anticipating. Let us recollect that in Great Britain there are annually raised 82,000,000 tons, and in the United States ten millions and a half. Why not then half a million here, or rather why not a million or more? Such then in a few words is the financial statement of this question, but, it may be objected that coal mines remain of a nature and extent equally valuable outside areas which it is proposed to surrender to the Association. The hon. and learned member for Colchester truly says that upon this point we have no reliable or precise evidence, and the House is thrown back upon probabilities; but it does so happen that some evidence not yet quoted is to be found. Some two or three years ago Mr. Dawson, whose character as a practical mineralogist stands above cavil, delivered a very remarkable lecture in the Temperance Hall, in which he stated as the result of his enquiries that the only workable coal seams in this Province were in the hands of the General Mining Association.

Independent of this, in his work upon Acadian Geology, published in 1855, he gives the matured conclusions of all his researches—from that work I ask the attention of the House to a few quotations. He states at page 189 that the Joggins main seam consists of two beds, three feet six inches and one foot six inches thick; and that of the Coal seams at Spring Hill, which he had not personally examined, one is variously stated at eight and twelve feet in thickness, and the coal of good quality. In reference to the seams described by the delegates as of so much value, Mr. Dawson at page 239 gives this remarkable testimony, that none of them at Salmon River, DeBert River, Fall River, North River, Chiganois River, or Great Village River, exceed eighteen inches of clear coal.

Now, sir, a seam of coal less than two feet in thickness will not pay the expense of working; the united experience of all mineralogists and the evidence of Mr. Brande, shew that this is the case. If these seams therefore are but 18 inches in thickness, they are useless in a practical point of view.

The most remarkable feature, again, in Pictou district, appears from Dawson to be the great thickness of the coal measures, amounting to upwards of 30 feet, from twelve to nine feet of which are worked from the upper part of the main seam. The thick seams, however, of the Albion Mines, are confined to a small area and probably do not extend beyond the reservation in this agreement.

We have been told, and with much show of justice, of the smallness of the area we are about to give up; 12 square miles as a mere question of surface are said to be too insignificant to alarm

our fears in Nova Scotia Proper. In Cape Breton it would seem that from 24 to 88 square miles have been transferred. There also the surface is small; but the subject assumes a very different aspect if we find that within these areas the whole of our coal fields capable of being worked to a profit and accessible by water, have been passed, and that the quantity of coal conveyed exceeds the most exaggerated idea we have ever entertained of the capacity of these mines.

Does the house understand, is there a man here who has calculated and knows what it is we are about to give? The Attorney General points to a map, and triumphantly asks, what a trifle we are yielding, what are a few square miles? The question so put only shews us that he is either practising upon the house a fallacy which his own judgment must condemn, or, that he has ventured on a negotiation in ignorance of the facts. What, sir, talk to us contemptuously or slightly of a square mile of coal, when it is perfectly consistent with modern science, that a very few of such miles may, and probably do, comprehend all that is valuable in the coal seams of Nova Scotia. And I ask the Attorney General, could he tell us at this moment, how much a square mile of coal may contain. Not he, indeed. Such inquiries smell of the shop, and are beneath the notice of an Attorney General and the leader of a government. They are not, however, beneath mine, and I have looked into the point to inform my own mind. The best authority, then, Bakewell on Geology, quoted approvingly by Taylor and McCulloch, assures us that in the richest coal fields of South Wales, but which are not richer than our own at Pictou, one square acre of coal will yield 100,000 chaldrons, and there being 640 acres in a square mile, the quantity rises to the enormous amount of sixty-four millions, and allowing one half for wastage, there remain no less than thirty-two millions of tons of workable coal in one square mile. Dawson himself tells us, page 259, that one square mile of the Pictou seam would yield in round numbers twenty-three millions tons of coal—an enormous quantity, he adds—“as compared with the present annual produce, but less than two thirds of the annual consumption of Great Britain.”—Have the delegates inquired then, I again demand, the extent and value of what they were surrendering. In the speeches we have heard not a syllable has dropped to enlighten the Cymnarian darkness which upon this branch of our subject is now dissolving into day. A few square miles indeed—only twelve such miles in Nova Scotia—only thirty-eight such miles in Cape Breton. It is nothing. We are told that the Association, in the thirty years they have been at work, have raised about three millions of tons. In the twenty-nine years that remain under this precious bargain, they will probably raise three or perhaps five millions more. One quarter of a square mile—one square mile at all events—would supply it all. And this is a sufficient reason for yielding up to this powerful body, debarring our own people and excluding from foreign enterprise and capital, the rich product of fifty square miles, not one fiftieth of which, as I have clearly shewn, they will ever work. Ah, sir, had the Association been dealing with a man—I will not say of greater ability or honesty, but with a knowledge of the subject, and with firmness of purpose, they would never have obtained



this surrender, or laughed us to scorn, as they may well laugh at us now. My very heart swells with indignation, and my pulse beats faster as I think of it.

And what assurance have we, I ask, that even in Cape Breton there are workable coal fields, accessible by water, and lying outside of these extensive areas? The point of Boularderie, between the Little and the Great Bras d'Or, and including Point Anconi, passes to the Association—all that is valuable on that side has gone, except the mine once opened at the Little Bras d'Or, and abandoned many years ago from the difficulty of approach by sea. We are told then of the rich seams between Lingan and Cow Bay. The coal may be there, but how is it to be shipped? From the harbor, with ten feet of water? That has been tried, and the works at Bridgeport abandoned. To deepen it would be at once precarious and costly. From the best information we can obtain nothing remains but a railway exceeding twenty miles in length to the nearest shipping place—an enterprise beyond the means of this Province, or of any company that is likely to be formed. Let us beware that by our own act we are not creating a monopoly more extensive and fatal to our interests than any we have ever denounced.

But, sir, while I am speaking, I am told that the statement I have already made as to the weight of the Newcastle chaldron, and the consequent loss to our revenue, has not been fully understood, and will probably be questioned. I go back to it, therefore, for a few minutes, and will endeavor to make it clear. By the minute of 1845 the Association was bound to pay the royalty of 2s. on the Newcastle chaldron, which is defined by Taylor & McCulloch to be of the weight of 53 cwt. The Winchester chaldron is one half, and should weigh 26½ cwt., and contain 36 bushels. But it appears that the custom of the trade has introduced at Pictou a chaldron of 30 cwt., containing 48 bushels even measure.—Taylor tells us, page 291. that 162 Pictou chaldrons, measuring at the States Custom House 7776 bushels, are equal to 216 chaldrons of their measure—the actual weight of the Pictou chaldron of 68 bushels, being 3750 lbs. Mr. Andrews, in his valuable report on the coal trade, estimates 100 chaldrons Pictou measure as equal to 120 chaldrons Boston measure, and in another place states that the coals from Cape Breton overrun the Boston measure from 18 to 20 per cwt. With this evidence, it will scarcely be denied, that the chaldron on which our royalty has been paid, being 60 cwt. in place of 53, the difference has been lost to our revenue, and this loss on the trade of 1857 was upwards of £1300.

Now, sir, it may be said that I ought not to oppose this arrangement, as being conformable to my own letter of July 1854 and the address of 1856. Had it been so, I should have felt bound to support it at whatever cost, for to oppose such a settlement would have involved a sacrifice of political consistency and good faith. But it is not so—the agreement we are called on to sanction does not comport with either of the documents to which I have referred; neither by the letter, which is the basis of the arrangement, nor by the address, did I, or this house, agree to sacrifice the large sum which, by the proposed agreement, we are to yield up. I have already shewn how large the amount is,—and, sir, let me ask

this house—let me put it to the hon. gentlemen upon all sides, whether, in view of the existing state of our finances, we can afford to give up an amount so considerable, for no earthly advantage which I can perceive. Suppose these mines were the property of a private individual, and that the Association offered to give up certain rights which could by no possibility be rendered of pecuniary benefit to themselves, upon condition that for the space of 28 years the owner should forego, an annual income of £6000, would it not be thought that the man who consented to such an arrangement was dead to his own interests, and had been strangely hood-winked and deceived. Again, sir, let me ask, how comes it that the company made it a *sine qua non* that the mines at Spring Hill should be reserved to them? Not one person who listens to my voice believes that the company intend to open or work these mines. Why then, if not for the express purpose and with the determination to put down competition, did they insist on those mines being included in the areas reserved to them? Mr. Brown is a clear-sighted, able man, who thoroughly understands his business, who has forgone no opportunity of acquainting himself with the nature and extent of the mineral resources of this province; his object evidently was to yield as little and secure as much as possible, and this he has accomplished by leading the delegates to believe that the province was to reap vast benefit, when in fact we give up an increasing revenue and a most valuable property, and get but little in return.

Viewing the subject as a mere pound, shillings and pence affair, we are not in a position to accept this arrangement. We must provide nearly £50,000 for interest upon the cost of our public works in the present year. We have heard it gravely announced by the Financial Secretary that the road vote must of necessity be reduced one-half—that our Breakwater grants must be struck off, and other expenditures, which have been hitherto regarded as essential, swept away. How then can hon. gentlemen, looking to the exigencies of the country—to the financial embarrassment which we are told must ensue,—how, I ask, can they reconcile to their own minds the surrender of £6000 of annual income. This is no trifling or insignificant sum to be easily made up from some other source. There is no other fund we can resort to. This very year it strikes off three or four hundred pounds from the road money of every county in the province. Should not this be enough to make us pause. How can it be urged that our honor is involved, when our offer in 1856 has not been accepted, but comes back for our ratification in a new shape, and cumbered with new conditions. Recollect that the loss of revenue is an admitted fact, and that the grave and material differences between the offer of 1856 and this fatal bargain in 1857 are not denied.

I little thought, sir, when I wrote my letter of July 1854, asserting the rights of my own Province, that the revolution of our public affairs could ever pervert it to such an use. Perhaps, sir, I ought not to be displeased that the overthrow of the late government has been followed up by so speedy a retribution. This is the first instalment the country have to pay for that act, and it is a heavy one. But, sir, I indulge in no recriminations, and have abstained from provoke



ing party action on this momentous subject. Seeing that the hon. Attorney General has thrust his whole soul into this debate, and appeals to his colleagues and party to sustain him, I shall leave the way open to turn or retreat honorably. I have not prepared my amendment—I abstain even from declaring how I shall vote upon this bill. The government shall be left entirely free, their sensibilities wounded by no threat of mine, and their honor untouched. But I do not disguise my earnest advice and my deliberate opinion—that we ought not too hastily to ratify this bargain—that the delay of one year at least is an act of justice due to ourselves and to the people who send us here; and if party shall prevail, and the question from the chair, that this bill do pass, be carried in the affirmative, that the men who do this deed will live bitterly to repent the infatuation and madness of the hour.

MONDAY, Feb'y. 15th.

ADDRESS TO THE EARL OF MULGRAVE.

HON. ATTORNEY GENERAL rose to move an address to the Earl of Mulgrave, Lieutenant Governor of the Province; prefacing the reading of the papers by a few remarks, relative to the unanimity of opinion, on the subject, which was desired and expected.

Hon. Mr. YOUNG seconded the proposition, and spoke as follows:—I have great pleasure, Mr. Speaker, in seconding this address. It is a happy omen, I think, that her Majesty has selected as her representative in this colony, a nobleman who has sat in Parliament, and is conversant with the theory and practice of the constitution. Under his administration we may expect the application of sound principles and the views of a practical statesman, whose mind has been enlarged by the example of his noble father, Lord Normanby, and the other eminently distinguished men with whom he has mingled freely in the Old World. When I went to Downing Street in the year 1839, as a delegate from this house, the Marquis of Normanby was Colonial Secretary, and extended to my colleague and myself many acts of courtesy and personal kindness. Among others, his Lordship gave me the opportunity of witnessing one of the most exciting and animated scenes I have ever enjoyed. Allow me to snatch a few minutes from the ordinary routine, and pourtray it as it rises now to my recollection. Lord Brougham, whom some imprudencies as Lord Chancellor had estranged from his former friends, had threatened an attack upon them in the house of Lords. He selected as the occasion the then recent Irish administration of Lord Normanby, and then one of the most popular viceroys who had ever ruled in the sister Isle. I was present in the house by his Lordship's special invitation, when Lord Brougham poured forth the vials of his wrath, enveloped by the keenest and most biting sarcasm and invective, that withered as it fell. The peroration was magnificent, and the periods as they rolled along thrilled upon the ear of the house and drew forth plaudits. He was answered first of all, I think, by Lord Plunkett, whose brilliant powers, which had earned him an European reputation, were then upon the wane. Lord Melbourne followed, and in a happy vein, peculiarly his own, eased off and blunted the edge of the satire, and turned the laugh on his opponent. The peroration, he

said, was fire, only he had seen it before, for it was borrowed from Sheridan. Then came Lord Normanby himself, and with singular skill and unflinching composure, warded off the attack and defended the acts of his government. Scenes like these, sir, train us to an admiration of the great Parliamentary models of the Mother Country. To Lord Mulgrave they have been familiar from his boyhood, and in the confidence that his Excellency will respect equally his own constitutional obligations and ours, it will be a source of pleasure to myself, and I am sure I may add, to the other members of the opposition, to render his stay among us agreeable. And I confidently hope, sir, when his term expires, that he will be found to have wielded the great political and social influence of a government in the spirit of his predecessor, and will leave our shores amid the same manifestations of good will.

The address was read and passed unanimously. It was to be presented next day at half-past three o'clock.

ADDRESS.

To his Excellency the Right Honorable the Earl of MULGRAVE, 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 Her Majesty's faithful subjects in Nova Scotia, beg leave to congratulate your Excellency on the safe arrival of your Excellency, Lady Mulgrave and family, and we offer to yourself and her ladyship a hearty welcome.

We hail the appointment of a nobleman of your Excellency's high rank and distinguished merit to represent Her Majesty in the administration of her government, as a proof of the favor with which Her Majesty reciprocates the love and loyalty of her people of Nova Scotia.

We sincerely hope that your administration will prove as agreeable to your Excellency, as we doubt not, it will be conducive to the improvement and prosperity of the Colony.

STEWART CAMPBELL,  
Speaker of the House of Assembly.

To which His Excellency was pleased to return the following reply:—

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

On behalf of Lady Mulgrave and myself, I tender to you my sincere thanks for the cordial manner in which you have welcomed our arrival in this Province.

I thank you for the manner in which you express yourself in regard to my appointment to the Government of this important Colony, and I hope that my administration of the office entrusted to me by Her Majesty may be such as to justify the anticipations you express.

I can assure you that so long as I remain in the position which I have now the honor of holding, I shall devote every faculty I possess to the service of the Colony, in the hopes that hereafter the loyal inhabitants of this country may find that my administration of affairs has been conducive to the happiness and well being of those committed to my charge.

MULGRAVE,  
Lieutenant Governor of Nova Scotia.

## TESTIMONIAL TO SIR JOHN INGLIS.

HON. ATTORNEY GENERAL.—I rise, Mr. Speaker, to bring to the consideration of the house a subject which occupied some of its attention on a former day, in relation to a complimentary address to Major-General Sir John Inglis, and the presentation of a sword to the same distinguished officer, as a testimonial from the Province of Nova Scotia. I now hold a resolution for the purpose of providing a sum of money for the purchase of that testimonial. The resolution which I moved on the previous occasion was prepared with the view of obtaining unanimity, but it failed to have that effect. Several members at this side of the house were disinclined, in consequence of peculiar claims of the places they represented, to take a sum of money from the public chest for the purpose proposed; and it was thought that the mode of defraying the charge, by those voting for the resolution, would meet with general acquiescence. Gentlemen at the other side took a different view. I did not then feel myself at liberty to concur in the proposition which came from gentlemen opposite; since then, however, my friends who approved of my former resolution, withdrew their opposition to the other course, inasmuch as that moved by me did not produce the desired unanimity, and they are now prepared to agree to a resolution as suggested by the other side, to the effect that the vote should be unqualified by any peculiar mode of providing the money. I named £100, but to meet views expressed by gentlemen opposite, I now propose that the sum be £150. The resolution is couched in the terms of that which passed relative to a similar testimonial to Sir William Williams, of Kars. The proposition ought to cause no difference of opinion, and I feel exceedingly obliged to gentlemen at this side of the house for withdrawing their opposition to the vote as now proposed. I did not, as was stated in the Summary report of proceedings, propose that the address to Sir John Inglis should go without the other testimonial. I prefaced my proposition of the address with reference to the other presentation, although I moved the address separately, and as a question on which difference of opinion was not expressed. I hope now that the proposition about to be made will meet with the agreement which is so desirable on such subjects. (The resolution was moved in precisely the same terms as that relative to Sir Wm. Williams, with the exception of the requisite change of names, &c.)

Hon. Mr. Young.—I hope, sir, that the resolution will be adopted as the unanimous expression of the house. I hope also that it will not be understood that any member at this side opposed the proposition which came from gentlemen opposite, on any other ground than the belief that such a grant should come from the people of the province generally, and not from some of the gentlemen composing this house. (The resolution passed.)

The Hon. Speaker said:—I feel happy, nay, I feel proud, that although from my position I have been debarred the pleasure of joining in the general tribute to this distinguished Nova Scotian, yet that the honour, the high honour, remained to me of propounding the resolution which has just been put, and in which the House has unanimously concurred.

WEDNESDAY, Feb'y. 17th.

## MINES AND MINERALS.

Mr. McKEAGNEY said—I do not rise to make a speech, Mr. Speaker, but to state a few facts.—The coal seams at Bridgeport have been referred to, and the hon. and learned member for Inverness seemed to entertain doubts as to their existence or value for practical purposes. I have no hesitation in saying, that there are extensive coal fields in that neighborhood. I believe they extend to the westward to near the harbour of Sydney, and to the southward to the shores of Cow Bay. Indeed, it is a well known fact, that many years ago, when the French owned Cape Breton, a shaft was sunk at Cow Bay, from which large quantities of coal were raised. Outcroppings may be perceived at different places along the shore, and across the country, between Cow Bay and Sydney. I will not speak of the financial aspect of the question, I merely state circumstances known to be correct, in reference to the existence of the mineral. Assuming that under the new arrangement between the delegates and the Mining Association, the province would own, in the county of Cape Breton, 75 square miles of a coal field; let us see how long it would last the province at 100,000 tons annually. In Mr. Dawson's Geology, it is stated that the Pictou seam contains 24 feet, vertical thickness, of good coal, which would yield at 28 cubic feet to a ton, 23,000,000 of tons per square mile. Now, taking the Cape Breton seams at but one fourth of this thickness, 75 square miles would produce the enormous quantity of 431,000,000 tons, which, at 100,000 tons per year, would yield a supply for the next 4312 years.

It is an incontrovertible fact, sir, that a great portion of the country to the eastward of the Town of Sydney is a rich and valuable coal deposit. The evidence of this is to be found in the quantities of coal that are raised by the proprietors of lands all over the country. They have never been prevented from digging coal in small quantities by the Mining Association, and I do hope that in this particular the province may be equally indulgent, in the event of the present arrangement being confirmed.

Mr. H. MUNRO said:—I have a few remarks to make on what has been said by the hon. and learned member for the Township of Sydney. He has spoken of the extensive area of the coal mines at Bridgeport, Glass Bay, and Cow Bay, and attempted to impress the house with the idea that they were of great value and importance to this province, and that in agreeing to surrender them the Association had sacrificed interests which might have been made available by them largely to increase the revenue they derive from their mining operations in this country. But the house will at once perceive the fallacy of this argument when I state that Cow Bay is situated 20 miles from any shipping port; that those at Glass Bay are almost in the same position, and that the mines at Bridgeport have been abandoned for a number of years past: so that, in fact, nothing has been conceded, while they have retained everything. We have heard much about the question of area, and an attempt has been made to induce the house to believe that a spirit of concession has been evinced by the Association. Let those who hear me judge how accurate these statements are, when I state that the

area which they have retained at Sydney mines, Low Point and Point Anconi, comprises coal fields of such extent that they will not be able to exhaust them in centuries,—and they have effectually shut out all chance of competition by including the coal seam at Point Anconi, which is the only one that could have been worked by a private company to advantage.

As far, then, as Cape Breton is concerned, no man need expect to see, in the lifetime of any member of this house, any company established to compete with the Mining Association in working mines in that Island. You now have some control over the Association; by the bill of 1854—by giving notice for a year, any company can establish themselves and commence working a mine, provided the Association do not; but, if you pass this bill, all hope of competition will be shut out. They hold possession of the only workable coal fields in the Island, commanding an outlet by sea,—they possess vast means, great information, and are now in the active prosecution of their business,—no one, then, who understands the nature of Mining operations, and the situation occupied by the Association, will venture to assert that within the next fifty years, any company can be established to compete with the Mining Association. The bill under consideration gives the company all they require, and, as I have remarked, places them in terms a thousand per cent better than they were before.

HON. CHAS. CAMPBELL.—I listened with great pleasure, Mr. Speaker, to the speech made by the hon. member for Inverness last evening. I felt both pleased and proud to witness such a display of oratory in the house. After all, however, he seemed undecided how to vote, and notwithstanding the papers submitted on the subject, concerning the coal left outside the reservations, knowing the subject so well as he did, he should have thought of those doubts previously, and should have suggested examination before the delegates went to England. This is not the time to do so. The member for Victoria says that there are not valuable mines beyond the company's lines. I differ with him; I have taken deep interest in the question, and know that at Lingan there are large and valuable tracts. The arrangement before the house gives the same liberty to the people that the Mining Association has there. At Little Bras d'Or pits of coal, worked by the Mining Association, are left open by this arrangement to private persons or companies. Beside these, there are private pits there which have been worked for years. At Bonlarderie are pits where coal is extracted every year; at the north side of Bras d'Or also, coal pits have been opened. At Mabou coal deposits are visible; also at River ———. Where is the use in talking about particular boundary lines, while the island of Cape Breton is one body of minerals, consisting of coal, iron, slate, gypsum, and other articles, and silver and gold for what I know. What is £5000 a year compared with the Province being confined as it is now, when a man can scarcely take a stone from his fields without committing trespass, except by forbearance of the Association? The learned gentleman probably would rejoice at having one of us in his clutches for trespass under present arrangements. If we have wealth in our own soil we should have command of it, and use it if we can. I wonder, sir, how any one can find difficulty in making up his

mind on this question. The member for Inverness says that the proposed settlement would cause a loss of about £1000 a year, for which the present generation would derive little advantage. But if we are off the stage when the full benefit is obtained, let us leave a legacy to our children,—let us leave them in a free country, the owners of its soil, and not bondsmen even for the sake of £5000 or £6000 a year. If the minerals of Cape Breton alone be turned to good account, the increase of trade may quadruple the £6000 a year. People now leave the country seeking profitable employment, while the materials of abundant wealth are within its own borders. I need not expatiate; the member for Inverness himself has stated those advantages in stronger language than I can.

(Hon. Mr. C. read from the Journals the views formerly expressed by Hon. Mr. Young, concerning the value of the privileges sought, and the right of the Association to reasonable reserves around their mines.)

Have they obtained more than that by the arrangement?—more than they require for satisfactory operations? Would you take from them that which they have enjoyed for the last thirty years? The chief direction to the proposed settlement seems to be the question of continuing rent, while the royalty is reduced. If so, that might be arranged by continuing the £3000 a year rent, and removing the royalty, and thus relieve exports of that species of taxation. Certainly I believe the people, if they worked the mines themselves, would not pay a tax on the export of their own products. The member for Inverness says that England pays a coal duty; but Great Britain has scarcely enough of coal for its own purposes, and in a few years may be expected to altogether stop exportation of the article. What, let me ask, has made Scotland the country that it is? The soil is as rugged and the climate as severe as that of Nova Scotia. Why, then, is she the envy of the nations of the globe? There they obtain timber, and iron, and coal, from the land; and they carry on various manufactures by these,—and now that the timber is reduced, they build magnificent iron ships. What is to prevent Nova Scotia from following her example? We have iron, and coal, and timber also. Let us do away with the monopoly, if it cost £10,000 a year,—reduce or abolish the royalty tax, and do not keep the people in much more suspense about this question. It is only wasting time. The arguments used on both sides are well known, and are not likely to influence any member's opinion. I have made up my mind that the arrangement made is a good bargain for Nova Scotia. But if it be not, we are bound to take it as it is, for good or for evil. I take it the whole matter is really settled; and gentlemen are only speaking for the public papers, without the slightest hope of carrying out their views. It is mere display and flourish. We have been here debating this question for a week, and have heard just four speeches. Now I put it to the house whether it is right to misspend our time, while the business of the country is suffering for want of our early and immediate attention.

HON. MR. HOWE.—If that is not a subject worthy of being debated, and of meeting with intense attention, then there has not been one in the history of the province.

Dr. Brown.—What is the good of delay ?

Hon. Mr. Howe.—To study the question ; to ascertain whether we are about to do what is right. We are not so certain that all are going to vote for the bill. The time is not wasted. We listened attentively to the member for Inverness last evening ; let his speech be answered before you pass to another subject.

Hon. PROVINCIAL SECRETARY.—The determination of the question seems to depend very much upon circumstances ; if I may form a judgment from indications of gentlemen opposite, and from what fell last evening from the leader of the opposition, the contingency is yet difficult to solve. After the remarks, sir, which have been made by the hon. member for Horton, I intend to be brief, and not to claim much of the attention of the house on a question which has been so amply discussed. Other members also have been longer acquainted with the subject than myself, and are better prepared to do justice to its merits. I listened, sir, with attention, to the speech of the leader of the opposition yesterday afternoon, but I felt that that speech, great as it was, important as was the subject under consideration, would not favorably compare with other efforts of the hon. and learned member. He felt embarrassed with the question, owing to the relative position which he occupied on it, as compared with former discussions. It is well known, sir, that on the change of government in 1857, one of the first acts of the Attorney General was to resign connection with the Mining Association as their solicitor. He had occasionally been retained by them ; he held views different from the majority of this house on this question ; but he felt it due to the people of the province to alter his position in reference to the company. It is well known also, that when a member of the legal profession ceases to take a retainer from a client, he may be immediately retained upon the opposite side ; and his services be as much at the command of the new client as they were of the former. The hon. and learned member for Inverness seems to have changed his position on this question with equal facility. When it was decided by the Legislature that delegates should proceed to England, for the solution of this question, it became expedient and proper that the views of both sides of the house should be properly represented. The government, therefore, selected as one delegate the leader of the government—and as another, a gentleman of the opposition, prominent as representing the views of the majority of this house. After the testimony borne by the hon. and learned member for Colchester, one of the delegates, concerning the zeal and ability evinced by the Attorney General, for the satisfactory settlement of this question, and the eagerness with which he contended for our interests, nothing more need be said on that point, no matter what his position was previously. The moment he was engaged as a delegate on behalf of the people of Nova Scotia, he gave, with his colleague, his skill and energies for the accomplishment of the desired settlement. The occasion appeared peculiarly favorable : the British government were anxious that the difficulty in which they were placed, by the passage of the civil list bill, should be removed ; and they were prepared to make sacrifices for that purpose. Difficulties also existed with the representatives of the Duke of York, and they, and the Associa-

tion also, were willing to surrender some portion of their legal claims to effect a fair adjustment. The basis of operations was, that the question should be approached in a spirit of mutual compromise and concession.

I listened attentively, sir, to the lucid and eloquent appeal made by one of the delegates, the member for Colchester. In that speech many facts were placed before us, succinctly and clearly. He proved that the delegates were not restricted as regards the exact terms of the settlement ; and showed that the letter of the member for Inverness, which was taken as part of the basis of instructions, had been accepted by the legislature, subject to such modifications as the Governor and Council should see fit to adopt. The legislature did not bind the government to any express terms laid down ; and that view was carried out by the address which the learned member for Colchester had the honor of moving in 1856. To appoint delegates under any other circumstances would be fruitless ; they could only accomplish what correspondence would effect,—enquire whether certain terms would be accepted. The address had been put before the company, and its terms were not accepted. The legislature authorised the appointment of delegates to go to England for the purpose of effecting a settlement by certain modifications. The learned member for Colchester then addressed himself to the consideration of the discontinuance of the monopoly, and the substantial advantages of the arrangement. He proved conclusively to the house that not only had they succeeded in freeing all our mineral resources, except coal, from all restriction, but that valuable workable coal fields were under this arrangement left to the province, by which wholesome competition would be introduced and the monopoly destroyed : that the Mining Association had been restricted within reasonable limits. He shewed that a much smaller area had been given at Pictou than was considered fair by a scientific gentleman there who had taken the most prominent part against the Association. The house had been informed that our delegates had not only the general information that is extant upon our coal fields at their command, but that they were aided by Mr. Poole, who had been formerly working these mines for the Association, but who had now no connection with them. It is quite true that there is not the exact information with reference to our mines that a scientific exploration of our country would give ; yet our delegates had been careful to confine the areas of the Association to such limits as would leave an abundant field for competition. At Pictou the outcrop of the coal, as shewn by Mr. Dawson, extended far beyond the limits of the area allowed. At Cumberland the continuation of the seam, now worked at the Joggins, offered equal facilities for working at the River Herbert, where the same vein beyond the limits of the area was now worked by Mr. Barnes, in the vicinity of a good navigation, and the coal equal, if not superior, in quality. A continuation of the same seam had been discovered near Amherst, and an application from gentlemen to open it was now lying, with many others of the same kind from various parts of the province, in the Secretary's office, waiting the ratification of this arrangement. At Spring Hill, although a large amount of money had been expended by the Association

in making explorations, it was not yet known that there was a workable mine or coal field that would warrant the expenditure of the £100,000 that would be required to open it and convey the coal to market. A coal bed had been discovered, but the extent was not known. If Mr. Dawson's conjectures are correct, its limits will not be confined to the area allowed by this agreement. One thing is certain, after all the money expended by the Association, they refused to open it upon receiving notice; and the parties who thus obtained the right, had allowed years to pass without expending a shilling even in examination. In Cape Breton the delegates have submitted incontestible proof that the most abundant opportunity for competition has been secured, and the monopoly effectually destroyed by a most valuable coal field being retained to the province.

For my own part, sir, I believe that the pictures drawn for many years past, on the other side of this house, with reference to our vast mineral wealth and resources are true. I believe that the day is not very remote when our small country, possessing as it does the same inexhaustible mines of coal, iron, limestone, and other useful minerals, as are found in the British Islands, will hold the same relative position to America that they do to the continent of Europe—that in fact we shall become a vast manufacturing mart for this side of the Atlantic. Our geographical position, as also our geological formation, gives us the same advantages. The next important feature to which the hon. delegate from Colchester addressed himself, and I think satisfactorily settled, was that which relates to our revenue, to the amount of royalty surrendered by us for the advantages gained. He proved conclusively that in addition to the amount of royalty offered by the address of 1856, less had been conceded than the duty paid on slack coal. The duty on slack coal this house had felt it right to demand while the Association retained fast hold of all our minerals, and demanded the exact fulfilment of their legal rights; yet he stated that it was never considered to stand upon the same basis as the royalty on round coal. That the same views were entertained by the hon. member for Inverness, is evident from his speech in 1856, when in speaking of the mode in which this question should be approached, he used the following words:—

"The Crown officers has, however, thrown out a strong opinion in favor of the equities attaching to the Mining Association. In the two letters which have passed between myself and the Secretary of State, he has intimated it as his opinion—which has been confirmed by the law officers—that we ought not to enforce royalty to the full extent to which we are legally entitled. By the lease, according to its strict literal and legal construction, we may exact the royalty on all coal raised—they think we should ask it only on coal sold, and it will be for the house, in its future legislation, to determine whether it would be wise or no to yield to this suggestion."

The moment, therefore, that the Association were willing to relinquish their demand for the fulfilment of the lease and agreement of the Crown, and yield up a large part of the possession to which in virtue of such title they were entitled, it was felt that the royalty on slack coal could not properly be enforced. The hon. delegate from Colchester, having thus shewn

that by this arrangement the monopoly has been destroyed,—great and substantial advantages acquired for the province,—but little of our revenue given up that was not offered by the member for Inverness himself—and that largely overbalanced by the expansion of trade which must follow removing restrictions from it,—may well ask his friends on that side of the house if they were sincere in the views they have been for years enforcing on the country. The hon. member for Inverness need not profess astonishment that the amount of revenue to be given up is so large. When he wrote his letter in 1854, upon which all this has been founded, he said that the £2000 which he proposed to surrender would soon be £5000. He well knew and estimated the gradual expansion of trade; and with this additional restriction removed, may we not confidently hope that his views will be sustained—that the increased operations of the Association will fully compensate for any supposed loss? Sir, able as the speech which was delivered by the hon. member for Inverness was—adorned by his usual rhetorical eloquence—distinguished as he is as a special pleader, it was neither consistent with the statements formerly made here by him, nor was it sound or tenable. Somewhat like the honble. Attorney General, he felt he was standing upon new ground, and that his former position was not a little embarrassing.—He did not grapple with this question with the vigor exhibited in his former efforts in days gone by. The hon. member for Inverness, in the somewhat singular address with which he favored the house the other night, frequently reiterated the assertion that he was sincere—that he was candid. I will not for a moment question the fact. I will suppose that he discussed this subject with his usual candor, yet I think the members of this house, naturally looking to one of its oldest and most experienced members for direction, have some right to complain that those upon whom they rely change their views so frequently. The question of the hon. member for Digby last night, when the hon. member concluded his speech by imploring this house to pause and refuse to ratify this arrangement for another year, yet declared that he had not made up his mind whether to support or oppose the delegates, was not irrelevant. Well might he ask whether in the event of his voting against this agreement he might not find the hon. Mr. Young sitting opposite supporting the delegation.

I, sir, have some reason to complain of the versatility of the hon. member for Inverness on this question. When that hon. gentleman, in 1856, first introduced the bill, which was to confirm the lease to the Mining Association, to this house, he did it in the following language, which left no doubt on my mind that he intended to support it and pass it into a law, as will be seen on the 52nd page of the debates of 1856:—

"Hon. Atty. General said:—The last packet did bring certain despatches and the draft of a lease, which will be laid on the table of the house in the course of a few days. I would be the last person to undervalue the extreme importance of this subject, or to delay its investigation.

"The documents to which I allude contain an appeal to the sense of justice of this house, and asks the assent of the legislature to acts, which I cannot help thinking, will be in the last degree distasteful to many hon. gentlemen here, and



which nothing but a strong overbearing sense of justice will induce them to support."

Well, sir, I voted to send this bill, which was thus declared by the then Atty. General to be supported by "a strong overbearing sense of justice," to a committee, that it might be seen how far it carried out the agreements by which, all admitted, we were legally and equitably bound. For doing this—for thus adopting these views of the leader of the government of that day—I was denounced by that gentleman to my constituents, and declared by him to be unworthy of their support; and to tell the truth, in that memorable campaign, I often wished the hon. gentleman who gave me a good deal of trouble, anywhere else. Notwithstanding this experience, I was again led away by the eloquence of the hon. member for Inverness, and once more became his humble follower. During the last session he addressed to this house the following stirring appeal, to which I regret I cannot do justice even in reading. His principal anxiety at that time was, that if a change of government ensued, these important questions would be postponed, and our mineral resources remain under the same galling restriction they had hitherto done—that the people would be prevented from enjoying their inalienable rights, and continue to occupy the degrading position of owning nothing but the dust beneath their feet:—

"What," said he, "is to become of the Mines and Minerals; that question requires vigorous, yet delicate handling. The course which a majority of this house is desirous to pursue, has been actively opposed by the hon. and learned member for Annapolis, and encountered serious obstacles in the mother country. It would require the united and combined interest of every true liberal in the province to secure to this people their sacred and inalienable rights. In New Brunswick an act has passed affirming the true British principle, that the mines and minerals should in all cases belong to the owners of the soil; the policy which we should pursue is identical with theirs. What is it that has laid the foundation of many a splendid fortune in the mother country? When last in England I visited Bangor, that I might study and admire those stupendous monuments of engineering skill which the genius of Stephenson has cast across the Menai Straits. But the modern castle of Penrhyn, in the immediate neighbourhood, almost as enduring and massive as the old Baronial structure of Warwick, was to me an object of almost equal admiration. I looked upon its proud battlements, its ivy-covered walls, its magnificent approach, and learned that the enormous wealth which created it all was the product of a Welsh mine. And why should not the same principle extend to Nova Scotia? The constitutional right of the proprietors of the soil to the enjoyment of these privileges is undoubted, as to has existed for ages in England, as it has been adopted in New Brunswick, so should it become the law of the land in Nova Scotia."

Carried away, sir, by this appeal. I at once declared that I would aid him to the best of my ability in carrying any practical measure, having such desirable results in view. Judge then, sir, my astonishment when a bill to accomplish as far as possible these objects is submitted by the hon. Atty. General, I hear the hon. member for Inverness almost characterise it as worthless and unworthy our attention! I mean nothing offen-

sive, sir, when I say that the speech delivered yesterday by the Hon. Mr. Young reminded me of a criticism I have seen upon a book. The critic said it contained some new things and some true things; but the new things were not true, and the true things were not new. So, sir, I think that when the new matter which the hon. gentleman says he has just discovered comes to be examined, it will be found not true; and that portion of his speech which may be relied on may be found almost verbatim in the Reporter of 1856.

Frank and candid as the hon. member has declared that he is on this question, is it not possible his interests may blind his judgment, when he is called to part with a question that has formed a favorite battle ground and a party cry for years? When reminded of his former views and declarations on this subject, and his avowed principles with reference to removing restrictions on trade, he has suddenly discovered that coal differs from all other substances, and that it pays a royalty all over the world. Why, sir, does the hon. member mean to tell us that it pays a rent or royalty in any other sense than gypsum, or limestone, or any other mineral, or, in fact, than the soil itself? Where then, I ask, is the difference? None can be shown. The member for Inverness says, that his letter of 1854 and the address of 1856, did not contemplate giving up the rent. Surely he must admit, that to carry out his own proposition, to lease coal mines to other parties on the same terms exacted from the Association, involved the rent being merged in the royalty. The speech of the hon. member presented an unusual mass of contradictions. In one breath he told us that the conduct of the Mining Association had been such, in this negotiation, that his mouth was forever closed against them as monopolists. In the next, he described them as having taken most unfair advantage of this Province in the weight at which they sold coal, by which we sustained a loss of over £1000 per annum—declared that the monopoly was as grinding as ever, and that the arrangement was fatal to the interests of Nova Scotia. If this was the way in which the hon. gentleman talked when his mouth was closed, it would be matter of curiosity to know what he would say if it were open.—This was but mere declamation, unsustained by proof. The question of weight was not new, it had been discussed and settled, and if it were, as stated by Mr. Young, it would effectually destroy his character as a public man, for who but himself was to blame for the neglect. A large array of fallacious figures had been produced, to shew what we would lose when this trade was largely expanded, but if there is any truth in the views of trade which have been submitted from that side of the house, this very expansion will be promoted by decreasing the restriction upon our exports. Competition will be induced—the price of coal will be reduced to our people, and the increased operations will leave our revenue but slightly decreased. If, by these arrangements, our exports are brought, as is stated, to half a million chaldrons, it is right that we should consider our enormous gain, instead of dwelling upon the other side of the picture. It has been admitted, that if this arrangement does not differ materially from the address of 1856, we are bound in honor to accept it. That point has, I think, fully been established by the delegates, and I believe



the country will hail with satisfaction the termination of this dispute, by which our lands will be relieved from degrading restrictions—our industrial resources from a close monopoly, and our trade from an oppressive restriction. When the hon. member for Inverness finds that those who have acted with him, were really sincere in the views they had so ably advocated for years back, he would probably conclude that the arrangement was not so unfavorable after all. If the bargain was not favorable to our interests, no man had more to answer for than the hon. member himself, as the whole thing had resulted from his agitation; and I hope, sir, he will not be much longer in doubt how to vote, but conclude to sustain the agreement, and thus share the credit to which he is justly entitled.

I listened, sir, with much attention when, at the conclusion of the speech of the hon. member for Inverness, the hon. member for Windsor arose, I soon found that that hon. member was as susceptible of the eloquence of the leader of the opposition as myself. Instead of seizing with a giant's grasp the subtle sophistries with which this question had been surrounded, and brushing away the antiquated cobwebs with which it had been enveloped, to my surprise I found that his faith had been shaken in the opinions he has from time to time advocated with so much confidence here. No one can have forgotten that when this very delegation was under discussion last year, Mr. Howe ridiculed the idea of having any royalty at all, declared that it could be viewed in no other light than an export duty; and said that royalty might with the same propriety be taxed upon the potatoes or turnips as they come out of the field, as upon coals at the pit's mouth. It will remain, sir, to be seen whether the advocates of free trade have themselves really believed the principles they have so zealously enunciated; if so, this house will with great unanimity endorse the actions of our delegates, and thus satisfactorily settle a question involving the prosperity and advancement of our country to a great extent.

Hon. MR. HOWE.—The hon. Provincial Secretary seems anxious to have the opinion of the member for Windsor, who is not in the habit of concealing his opinions on this or any other subject. Far be it from me, sir, to conceal opinions which I am bound to give to members of this house, to my own constituents, and to the country; to those who look to us all for the frank and free discussion of every public question. I may remark, that if such a question as that before the house is to be settled by such speeches as we have heard to-day, it is about time that we were all sent about our business, and that the people sent others here, to deal with subjects of commanding importance. Does the hon. Provincial Secretary believe that the men who are here, are so deficient in judgment, that they are to consider the member for Inverness answered by such exhibitions as we have had to-day? I do not say that my hon. friend from Colchester cannot answer him. I do not say that the Att'y General may not again bring his acuteness and ingenuity, his long familiarity with the subject, to bear upon the subject.—but let not the member for Horton suppose that the subject is exhausted, or that it will pass with an unanimous voice as he wishes. Let not the Provincial Secretary imagine that the

speeches of to-day furnish an answer to the luminous, I may say magnificent, argument of last evening. I feel that that fine effort should have escaped the taunt of the Provincial Secretary. I am not one of the blind followers of the member for Inverness. I have often differed with him, and with his late brother, who exerted his talents for years on this subject. I sometimes differed with them as to the action that should be taken on it; I always differed as to the value of the Company's operations. The member for Inverness sometimes commits faults, and falls into errors, but the Provincial Secretary might have spared his taunts, and spared his reference also to the changed position of the Attorney General. All felt when that gentleman came forward and said that he had thrown up the retainer of the Association, that he was free to adopt any other course of conduct, and was by no means disqualified to engage in this question; and I presume he did, as delegate, give honourable, faithful and valuable services to the duty with which he was charged, as did his learned colleague. But let not the Provincial Secretary, I say, again taunt the member for Inverness; we know what he has done and said on these questions for the last 20 years. He has been the "unfeeling counsellor" of the country, maintaining public interests on this question, in every great debate, until it has been brought to the position in which we find it now. I say nothing to lessen the standing which the leader of the government enjoys; he has acted as a man of high character would, called to the honour of conducting a government. The difference between the men however may be simply illustrated. Daniel O'Connell fought for 20 years for Catholic Emancipation, when the Duke of Wellington could not arrest the march of events, he passed the act himself. To whom was the gratitude of Irishmen due? So, if the Mines and Minerals question is brought to a position of advantage, the credit rests with the man who for twenty years fought it up, so that almost any one could in 1857 advance it another stage. Richard Cobden fought for the repeal of the Corn Laws for 10 or 15 years against Sir Robert Peel, maintaining the rights and interests of the people on that question, until Sir Robert, rather than lose office, carried the Corn Laws, as the Attorney General here is disposed to carry this. But no one would on balancing the services of those two men set Cobden on the same level with the minister. If the hon. Attorney General has arranged this question with the Association, if he has a majority to force it on the country, is there a man who would taunt the member for Inverness, who has devoted almost a life to its investigation and advance? No. Divide the blame or the praise fairly among us all. Let the man who has laboured for the public have fair acknowledgement of his labours. There is not a man in the Assembly who did not listen with delight to the speech made last evening. He defended his position before the House and the country without using one unkind, ungenerous, or offensive word. What is the question now? The Provincial Secretary said that I ought to arise and exclaim:—Away with rent and royalty, that I ought to make over again the speech which I made last session. Let me call his attention, however, to a speech made since then. What says the first

financial officer of the government concerning the state of the country? He told you that £50,000 are required to pay the interest of the railway expenditure; that you increased by £4,000 the vote for education last session,—and that the road vote must be reduced one half to meet the changed circumstances. He said also that the Receiver General found it difficult to keep afloat the £15,000 of paper last issued; that in the present aspect of commercial affairs the revenue might be expected to fall off; and that the present tariff of duties is so nearly on a par with that of Canada, that little change can be effected in our favour. In Canada each inhabitant pays about 10s. 6d., in Nova Scotia 8s. 9d. The Financial Secretary went on to show that while you had to reduce one half of your road vote, you can only put an additional half penny on tea, and a penny on sugar. If I wished to make again the speech of last session, my mouth was closed; when the government thus came down, said that money was required, that the limit of taxation had been reached, and that the road vote should be reduced, I might well deny that we could afford to sacrifice £4,000 a year without some hesitation. I may be inconsistent,—but we ought to expect from a government of a country something like consistency,—something like a thread of common sense and reason, running thro' what they express from day to day.

Concerning monopoly, some gentlemen speak as if this was the first the world ever saw, and that, therefore, there was much difficulty in dealing with it. Let me remark that I believe the bill of the learned Member for Colchester, which is now on the statute book, goes far towards remedying the Mining monopoly. I think, that when it passed, and after a year's notice, private parties might work mines if the Association would not, the existing monopoly was to a great extent destroyed. Debates have been referred to, I turned to an old volume to-day of British parliamentary debates, which gives some curious instances of monopoly,—and are we so simple here, as not to know that we may pass an act to-morrow to abate this monopoly, if it really exists. We are not bound to pass this bill on the hard terms now pressed for,—those who say so, may be supposed ignorant of history, ignorant of the rights of the Legislature, ignorant of the precedents accumulated in the mother country. Had they no monopolists there? Down to Elizabeth and the first James, monopolists had been granted by the crown for almost every purpose. The Duke of York obtained the Mines of Nova Scotia by virtue of an old prerogative, which had been exercised a thousand times to the injury of the British people. There was a monopoly for taking pilchards,—another for supplying sweet wines,—another for making leather breeches,—and another for keeping inns; every branch of business found itself thus hampered down to the period when the people obtained independence enough to deal with such arrangements. I turn to an old debate, and the Attorney General will not dispute the authority there given. (Mr. Howe read opinions represented by Sir Edward Coke, relating to English monopolies.) Thus it was in England, as it is now in Nova Scotia concerning the Minerals, until public opinion drove monopolists from their position. How did the House of

Commons deal with these matters? Did they send to negotiate with the monopolists? to enter into treaties with them? No. They restrained the prerogative, they passed acts of Parliament, and abolished such privileges. Tell me that an act of ours, to that effect, would not be passed by the Imperial government! It would not be half so difficult to meddle with such demands, as it was to deal with the clergy reserves, and the Seigniorial tenures of Canada, which have been settled and disposed of by acts of the Canadian Parliament. I start with that principle. Bound by honor are we to take this arrangement? No, neither by honor or by legal obligations. We sent home to treat with the Association. It has been said that the delegates were not tied to terms. No, who would go if they were? I respect the delegates too much to believe that they would have gone if they were so limited. Our message, if that were the case, could have gone as well by post. They were sent to negotiate, and we are now told that the negotiation is final. The learned member for Colchester did not venture to say that;—the Attorney General did not, in express terms; but it has been the gist of the argument throughout, that we had entered into a negotiation, and now it must be final! The Senate of the United States reserves to itself the right to pass on every treaty with a foreign country. The President may commission an ambassador, and send him away to arrange a treaty with Portugal. He comes back with the results, but then the senate has the right to pass on the question. So have we the right to pass on this; and to reject or adopt, as we think wise, for the good of the country. Lord John Russell was sent to Vienna to negotiate a peace. He entered on the negotiation, and a point was arrived at where he thought the interests of the country he represented would be served by accepting the terms. He returned. The Parliament did not like the terms, and although questions of great moment, they declined the arrangement, the war went on, and the result was that Sebastopol was captured, an honourable peace was effected, and England stood much higher than if she had accepted the terms of that negotiation. I might give another simple illustration:—Suppose a merchant offer 500 barrels of flour for five dollars a barrel, and that the person to whom the offer is made goes away and does not accept, is the holder of the article bound by his former terms, at a subsequent period, when the markets have risen? Assuredly not. So we offered the mining company terms in 1856 which they did not accept; and again in 1857, and the terms were not then accepted, are we to be still bound by them? In 1857, instead of accepting, they offer terms of their own, which brought by our delegates, are here for ratification. Are we, therefore, bound to accept? No. When the merchant turns his back on the offer, it ceases; if the offer be renewed, and the holder sends his clerk and makes an arrangement, conditional on ten days consideration, is he therefore bound to deliver the flour, no matter what changes in the markets occurred, in the interim? No, he may be off the bargain if he wishes. So with us, even if the Company came much nearer our terms we are at liberty at this moment to accept or negative if we please. We are told about our low finances, and calls for reduction of expenditure.

what then are we about to do? From this source of revenue we have received during the last four years £44,000. Last year it was upwards of £10,000. But we are asked, what are £10,000? Well, if we are pressed for revenue as is said, 10 or £11,000 to be obtained from this source, would pay the interest on £200,000 of our bonds, expended in railways. Is there any one here prepared to view lightly the surrender of a source of revenue, so permanent, so easily collected, so certain, as this is, for the settlement of the question just now? The Provincial Secretary seems doubtful as to how the member for Inverness is going to vote. I can say how I am going to vote. I did not make up my mind until I heard statements and arguments here. But now I confess that my vote will not be given to fasten this arrangement on the country. If I be out-voted I can not help that, let others take the credit or responsibility. I will not, at this financial crisis, as it is called, throw away this source of revenue, when I see no means of supplying it. I stated some opinions last year concerning the difference between export and import duty, and would greatly prefer to carry out the principle, and collect the revenue we require upon import duties alone. But the Financial Secretary says, that the times are such, that this source will not yield the required returns; and I will not run this risk of hazarding the credit of the country if the means are not at hand. If we are to return back to old journals and debates, I might furnish the Provincial Secretary with some curious instances of inconsistency on the other side. We listened to the Attorney General recently talking of a grinding monopoly from which we were to be freed. I could not help smiling at his remarks, although I did not admire the mode in which he acquitted himself. The learned member for Colchester spoke as a man of business, and gave the results of his calculations. The Attorney General went beyond. I think he might have been satisfied with giving a statement of the delegation, and the settlement proposed, and not have occupied days in giving a history of the past, in taunting the member for Inverness, who, up to that time, had taken no part in the debate. What will the House say to this? (Mr. Howe read from the journals a resolution moved by the Solicitor General, and voted for by the Attorney General and Provincial Secretary.) The gentlemen are very eloquent now on a monopoly, what did they say in 1856? (Mr. Howe read opinions expressed concerning abatement of the monopoly by the act of 1853.) If that was the language of gentlemen opposite then, with what face can they come now, and exaggerate the grinding monopoly which they denied had no existence. I could not help smiling to hear the Attorney General telling of the claim of the Mining Association to the coal, and iron, and gypsum, and slate, and other Mines and Minerals, under our soil. I hope when the learned member himself gets under ground, will not become petrified, else the company may own him after his death, having owned him nearly all the time he was above ground. (Laughter.) The Provincial Secretary said that the Attorney General threw up the brief of the company last session; why, sir, when a man takes a brief from the country, as one of its representatives, his duty here is to deal with questions irrespective of

other considerations than the general welfare. I hope the learned gentleman so acted, and I give him credit for preserving his integrity. The Provincial Secretary reproached our public men for not previously discovering the short payments made by the Association. I take my share in the blame, if blame attaches,—but what of himself? He was a member of the Legislature for two years, and of the government for one, why did not he find it out,—why leave it to the member for Inverness to bring it to the notice of the House, and of the country? I now ask gentlemen all around, if this Association have knowingly so acted, have we not reason to be exceedingly cautious in future in our actions with them? Instead of taking a jump in the dark, should we not come untrammelled to the settlement, and look the question deliberately in the face? Let us see that when we make an arrangement, we are not overreached and deceived. The question came on me by surprise; I was not aware that we had a right to claim any other measure than that given. The House should be cautious, else it may have cause to repent. There is reason why we should pause, and not treat the question hastily or lightly.

I come now to a point in which the entire matter to a great extent turns. We offered to give the Association the right to the mines they occupy, with reasonable areas around the pits. What do they ask? Why, sir, if party ties did not operate on this question, if gentlemen opposite were not combined by the influence of government would they not say that the area demanded should not be yielded by any Nova Scotian. I blame not the learned gentleman from Colchester who went as delegate. If any other man were taken from this side, and placed, a stranger in London, opposed on the question by the British Government and the General Mining Company, called on to exercise his own judgement, and assumed serious responsibility, he might well be expected to be sensible to the new influences, and to be not very successful in his negotiations. I take for granted that both delegates acted according to what they thought best for the country, that they conducted themselves faithfully, eye to eye, and obtained the best terms they could,—still we are here to-day, to deal finally with the question, and we should enquire carefully what we are asked to yield, what to ratify and complete. I examined Dawson's geology of the Province in reference to this subject, and the question appears to me to lie in a nut shell. We offered the Company a reasonable area for the working of the mines, a reduction of duty to sixpence a chaldron, and to ask of the Legislature to carry these views into operation. How do they meet our proposal? By asking unreasonable areas, a reduction of the royalty to 4d.—the entire abolition of rent,—and Spring Hill mine, in the centre of the fine County of Cumberland, which, if obtained, will, I believe, be closed, up to the termination of their lease. Dawson's calculation is, that a square mile of coal, such as that in Pictou County, will yield 23 millions of tons. The company, as had been shewn by the member for Inverness, has raised about 1,500,000 tons during 30 years; but they ask the right in Pictou alone of locking up from the Province about 92 millions of tons for 29 years! They ask about 12 square miles in Nova Scotia proper, independent of Cape-Breton. These may contain from 250 to

300,000,000 of tons. The arrears claimed in that Island may contain as much more. I say not a word to place the delegates in a false position; I am ready to believe that they discharged their duty to the best of their ability,—I do not come to the conclusion arrived at by the Attorney General on Monday evening, that the rejection of this would at all indicate that we thought the two gentlemen either fools or scoundrels; I know they are not the former, and do not believe that they are the latter. If the proposition be lost, they will stand no lower than they do now,—they conducted the question with skill and integrity,—but I may safely jump to the conclusion, that if we accept the terms offered, there are not five men on those benches who will not live to repent it; I do not think that there is a man in the Province, who, in deliberate review, would say that we acted right in so doing. Suppose we pass this over for 12 months,—and meantime let the Superintendent of the Mines conduct a geological survey of the Province. (Laughter.) We would then come to the question next year better prepared than we are now. If that be not a practicable suggestion, let us pause where we are,—and let the government be instructed to deal with it, as a question in which the honor and feelings of both sides are concerned. When the discussion comes to be renewed, let it be treated generally, not in the spirit of party. If the question be deferred, none will reflect on the government for not forcing it in the House at this time. Even supposing that there are mines beyond the reserves, we are asked to lock up 90 millions of tons of coal in the seams of Pictou alone. Why? Is that for the benefit of the people, for the encouragement of trade? And the Province would occupy the position of having confirmed a monopoly by legislation without having the luxury of complaining,—because the act would be done by ourselves;—if we hand over that enormous mass of wealth, to be locked up, the man who buried his treasure in a napkin would not be more foolish than we.

I have many notes of previous remarks, but will abbreviate my speech so far as not to unduly occupy the time: Allow me to turn for a few moments to Dawson's work on the Geology of Nova Scotia. The member for Victoria says that Cape Breton is a mass of minerals. I do not admit that, and I do not deny,—I hope it is so,—I hope that there is plenty of coal outside the limits, but I take the deliberate action of the Mining Association as worth an hundred such assertions. He says that Donald is digging here, and Sandy there; so they may; but I hold in my hand Mr. Logan's measurements of the coal seams of Cumberland, which accurately describes the various indications along the shores. There may be coal all about,—but what is it worth? Nothing, at present, except it happens to crop near a man's barn. How are the seams described,—one foot deep,—one inch,—seven inches,—five feet,—five inches,—and so on; there is coal in seams like these in several counties, but not in many places so as to be workable. Flour may be worth little in the region where it is raised, because it is too far from a sea port. So it is with coal; and it may be found in such small quantities that it will not pay to raise it. The distance of the Spring Hill mine from navigable water has been spoken of as some 20 miles. Dawson, I believe, states it

at 5 by means of the Maccan River, and I know it cannot be more. It is well known that much of the coals in Pennsylvania come down by navigable rivers and railroads, a long way before they reach the seaboard. So it is in Great Britain. Why should we lock up a coal mine for 80 years which we believe to be so rich, even if it should only be a source of warmth and of wealth to the noble county of Cumberland, and let me ask the House to consider the position which we occupy, for 15 or 20 years we have been asking the Association to abate this monopoly, assuming that it is one; and sending home addresses, and resolutions; and never until now have they shown a disposition to treat with us. And are we now assuming as a Legislature a becoming position?—We stated our terms, which were generous and liberal; but these were not accepted, and they make an offer in return. Are we bound by our own terms or by theirs? We might be bound by our own if they gave acquiescence, but not if they decline to accept when the offer is made. We are in the situation now of saying we decline your terms, we believe them, on reflection, to be not satisfactory to the house or the country. I admit that the expenditure of the Mining Association has been a boon to the country; but the area demanded is enormous, and the claim on Spring Hill Mine, which they have not worked, and are not likely to work, cannot be allowed. I believe that by next year our finances, and the country generally, will be in a better condition for the surrender of revenue, if that must be. I would wait therefore, and I think it probable that at next session we will obtain a better proposition than that now before the House. The Association at present seems to think that the local government is particularly anxious to settle the question when they find that the legislature is in a position to review the whole matter, and have independence enough to pause before ratifying the arrangement, they will be likely to come to better terms. The maps and plans exhibiting the nature of the demands made, have never been published. What do we know about the areas in Cape Breton? One member says that there is enough of coal outside the limits, another denies that; let us have the means of answering the question.

I wish that Nova Scotia and Cape Breton should have time to say what they think of these matters. I do not wish to show any want of respect to those who represented us in England; far from it, I can understand the responsibility which they felt, and the duties which devolved upon them. I never felt less inclined to impede the government, or to disturb the equanimity of the Attorney General, than on this question. As to the learned member for Colchester, no member of the house esteems him more than I; but I come to the conclusion that the best, the most satisfactory mode, is to let the question stand over for the present. Let the Mining Association be told that we are not disposed to allow 90 millions of tons of coal to be locked up in our country for 29 years. We may well shrink from the responsibility of voting on this at the present time. It is quite possible to vote conscientiously, and yet mischief be the result. Having heard various views and explanations, my suggestion is, that we pause on the question, prosecute enquiries, reopen negotiations, and come back next

session with information not possessed now, but much required for satisfactory settlement. Let the question be discussed in every county of the province; let the people have the opportunity of saying yes or no. If they say yes, what harm will result from the delay; if they say no, how happy would we feel that the question was not decided overhastily. I do not say that on all questions we should make such appeal; but after the discussions of 20 years, it appears to me that this negotiation ought to be submitted to the country. Suppose when we come back that we find that the revenue has not fallen off, that the coal export continues to increase, that the area around the mines are reasonable, and that satisfactory deposits are beyond the limits, then all our present objections will be given to the winds, the Attorney General will stand in the right position, and the learned member for Colchester higher than if a settlement be forced now without due deliberation. That is my advice, and it may be deserving of some consideration. On this question at least I have never taken any factious part,—have not magnified evils caused by the Association to the province, nor pressed unjust claims against them. On the contrary I have never spoken of them harshly or unguardedly; but have given them credit for the improvement which they have originated, while I have expressed my views freely of the monopoly inflicted on the province. Let us not hastily conclude without the advice of the country, that hundreds of millions of tons of coals is a matter so slight as to be handed over precipitately to a body of distant proprietors, without thought or examination. Suppose a man asks for £5, or £50, or £500, we do not grant it hurriedly or without investigation. Is there any Novascotian so assuming as to ask for such a property, to solicit a grant of districts involving such gigantic interests; I believe there is not; and if there were, he would be refused. I do not propose that the arrangement be rejected, but wait until the documents connected with it are published, till the people have an opportunity of expressing their views. I make this suggestion to government and to the member for Colchester, and I think that after all it will be the safer course to pursue. If that be resolved on, the debate might close to-morrow. Such a mode of coming to a solution of the question would be more wise than to force it to a premature conclusion now. I have to thank the house for the patience with which they have listened to my remarks; I do not pretend to the mastery of the subject possessed by the Attorney General, the member for Colchester, or the member for Inverness; but I have given it much attention, and may presume, simply and plainly, to counsel those who are not better acquainted with it than I profess to be. I rejoice the question has come to the point at which we find it to-day; I do not undervalue the services of the delegates; if I were asked, would you rather that they had not gone? my answer would be, no—I would rather that they had gone, had felt the pulse of the Mining Company, and had brought them to negotiation. There is a difference, however, between the commencement and the conclusion of a negotiation,—and I think the latter in this case, should not be unduly hastened. An ordinary Chancery suit, or a suit at law, is delayed if evidence be required. Conducting ourselves here as business men, the bet-

ter way is to pause before final conclusion, and wait until all the evidence is before us for consideration.

Mr. H. MUNRO.—We have been told that an important and valuable mine exists outside the limits of the area retained by the Association.—But it is situated on the eastern side of the entrance to the Little Bras d'Or—it is now abandoned and has been unworked for years. Some fifteen years since I visited this mine while in operation, and ascertained that it could never be made available to any great extent, because no vessel drawing more than 7½ feet of water could enter the lake through that passage. Vessels of larger size would be compelled to enter through the Great Bras d'Or, thence proceed round the Island of Boularderie to the mine, a distance approximating to 50 miles—which would occasion a great deal of delay and expense, and has been the cause of preventing the mines from being worked to advantage. Could vessels enter through the Little Bras d'Or of ordinary size—such as are engaged in the coal trade, the people of Nova Scotia would find that this mine would also be found within the area comprised in the limits which this agreement concedes to the Association. At the time the Little Bras d'Or mine was abandoned a quantity of coal raised by the Association remained above ground, and continued so for years. Subsequently it was hardly sold for \$1 per chaldron to a Mr. Lewis, then trading between Newfoundland and Sydney. That gentleman not being enabled to find a market for the article, which had become depreciated in value in consequence of exposure to the weather, abandoned the purchase. The mine there may be considered valueless, in consequence of the difficulty of approach. Hon. gentlemen have attempted to impress the house with the idea that by effecting this arrangement, the existing monopoly will be destroyed, and the mineral resources of this country opened up to free competition; the fallacy of this argument must at once strike the mind of every unprejudiced thinker, who reflects upon the wealth and power of the Association—the mines they have retained—the position those mines occupy in relation to facilities for shipment, and the difficulties which must inevitably be encountered by any company that venture to compete with them during the term of the lease.

Hon. C. CAMPBELL.—The hon. member gives one side only. There was a large quantity of coal at the place spoken of, because there was plenty of the article at the other pits, the demand was not equal to the supply, so that lay there until it became injured by the weather. If the entrance was shallow, what difficulty is there in making it deeper? A few years ago, only sloops could go to the Broomilow on the Clyde; now vessels of the largest class go there; and yet that part of the Clyde is five times as distant from the coast, as the little Bras d'Or. Saint Peter's Canal would make a direct line to the harbor. There are pits at both sides of the great Bras d'Or, and plenty of water.

Mr. MUNRO.—No human power could deepen the entrance of the little Bras d'Or, it is open to the eastern Atlantic, and has for its foundation a shelving rock.



THURSDAY, Feb. 18th.

## MINES AND MINERALS.

Mr. MORRISON said.—In rising, Mr. Speaker, to offer a few remarks upon the subject now before the house, I confess that I feel somewhat embarrassed for want of a thorough knowledge of the real state of this long and much controverted question. The Mines and Minerals of this province have passed through so many leases and sub-leases—so many minutes of council, and articles of agreement—that it would take a real practical philosopher to understand the relations and obligations which the contracting and sub-contracting parties owe to each other—to the people of this province, and the Crown, at the various stages of dispute through which this question has passed. In dealing with this question, I shall consider it entirely irrespective of party, and endeavor to put my views as frankly and fairly before this house as my humble ability will permit.

The hon. Attorney General thinks the government manifested great skill and ability in moving the resolution they did, in this house last session, which enabled them to appoint two men as delegates, of different opinions on this subject. Sir, it is my opinion, that if ever any British house of parliament stultified their own action, by an act of their own, it was this house, when they passed that resolution. What right had the people of this country to have two opinions on that subject? it was no party question—the interests of the whole people were involved in it, and, therefore, we should have but one opinion. Let the Mining Association have the other one if they pleased. I smiled, sir, when I listened to the compliments and eulogiums that were mutually passed between the two delegates here, the other day; but I could not help thinking, sir, that these encomiums were addressed to the ear and not to the sense of this house, for surely, sir, no two opinions should have been sent from this side of the water on this subject. Let us take an example for the purpose of illustration. Suppose a man wanted to send a boat across this harbour to Dartmouth in haste, and he put two men into her, the one to row towards Dartmouth and the other towards this city, would not every body laugh at him and call him a simpleton. (Laughter.) Or suppose a farmer wanted to enclose a field, and he sent one man to put the fence up and another to throw it down, would not every passer-by laugh at the simplicity of the poor man,—and yet this is exactly what our government are extolled for doing. (Laughter.) The Attorney General also thought the committee had exercised great prudence in selecting himself as one of the delegates. Sir, I think he might have spared us this reflection. Sir, I hold that the government should not only have taken a man that was honest, but they should have taken one that was above suspicion. And, sir, looking at that gentleman's antecedents, he did not occupy that position in the minds of the people of this country on this great question; for it was already known to us that although he had obtained the confidence of one of the best constituencies in this province, and sent here by them to guard and protect their interests, he at the same time accepted a fee from that very Mining Association to plead their cause here as he did do day by day, to the injury of the people

of this country; therefore, I say the government did not act wisely in choosing him.

The Attorney General adopted a very strange mode of argument in bringing this subject to the notice of the house. Instead of giving us a plain and succinct account of what he had done as our paid servant, he has ransacked the archives of this building and spent two whole days in reading old musty speeches that had been made, and letters that had been written by gentlemen on this side of the house for the last ten or fifteen years, to try to fasten them down to his bargain right or wrong, or if not, to brand them with the mask of inconsistency. I believe this is wrong; the delegates should have come here and told us, this is the best bargain we could get, now it is for you to adopt it or not, we will stand to one side and let you judge of our actions. This was the proper course for them to pursue. The Attorney General admits the Mining Association lost their legal claim by the British Government passing the civil list bill. Does he not see, then, that we have them on the broad of their back, and could drive a good bargain with them if we are not in too great a hurry?

He claims a justification of his present bargain, not from anything he has said or done himself, but by the arguments of the gentlemen on this side of the house, used on former occasions; why did he not support these arguments when they were made, if he thinks now they are sufficient to make this house adopt his bargain, which he tells us is to be a blessing to us. He says the British Government made a mistake in passing this civil list bill; they did not know that they were giving the power to the people to deal with this question. Well, what if they did make a mistake, most men have to pay for their mistakes; why not the British Government pay for theirs. The fact is the mistake was made when they swept away from this people all their mines and minerals with one dash of a Colonial Secretary's pen; and if we got them back again by mistake, I think we are about square, and we had better hold on by them now.

He says, it is not sound policy to tax any export. Why did he enter into any arrangement, then, that does tax all the coal that any other company can raise for exportation for the next twenty-eight years, at the rate of 6d. per ton.—This is one of the sacrifices we have to make to get rid of the monopoly they have held over us for the last thirty years. He dwelt eloquently upon the degradation that this monopoly has brought upon this province. When did he discover this? Why did he not tell us this before? Because it did not suit his clients, the Mining Association. His tune is turned; why is it turned? Is it from principle, or is it because he thinks he is getting a good bargain for his old friends? He thinks we are bound by our offer in 1856 to accept the present bargain. I think we are not. Suppose, for the sake of illustration, that I had offered a man a horse in 1856 for £20, and he let me know that he could not take him at that; would I be bound to let him have him in 1858 for £15? Surely not; yet this is just the argument used by the Attorney General. The hon. member for Colchester spoke of four parties to this bargain, and he, as well as the Atty. General, thought we had a right to concede a good deal in order to get a settlement of this vexed question. We did concede a *grain deal* in our proposition of

'56, and we had no right to *concede* any more. Their arguments in this particular amounts to about this—that a man that is robbed has a right to give up to the robber a part of his money to get the rest back. The member for Colchester thinks that a new company will add greatly to our revenue. A new company will not create a demand, it can only supply the demand created by others. I believe the present company will extend their works so as to meet all demands. It is certain they will if it will pay them to do it; and if it don't pay them, it won't pay any other company; therefore, the hon. gentlemen must see that his argument as to revenue is entirely groundless. Let us see how this matter stands as to pounds, shillings and pence. The Mining Association have raised this last year 91,237 chaldrons, Newcastle measure, of large coal, and 10,843 chaldrons of small coal. They have to pay £3000 sterling rent for the first 26,000 chaldrons, and they pay 2d. cy, on all the remainder.

The present arrangement then gives rent on the first 26,000 chaldron.....£3,750  
The royalty on the remaining 76,079 chaldron, at 2s. per chaldron, is.....7,607

Making a total of.....£11,357  
Under the new arrangement we would have 250,000 tons, paying at the rate of 6d. per ton royalty, which would amount to...£6,250  
And the balance would be 23,708 tons, at 4d. per ton, amounting to..... 395

£6,645

Which, being deducted from the above sum, will shew a loss to the province, if the new arrangement had been in operation this year, of no less than.....£4,712

This appears to be paying too dear for our new whistle, especially at a time when we are told that our road grant is to be so materially reduced. We had better pay for the delegation, and let the question remain as it is; they are bound up, they cannot sell out their stock in the London market if we don't give them a lease. We therefore have the whip in our own hand. We have sent our delegates, and find we cannot get a good bargain; let the matter rest here, and if the company want a lease, let them come here to us, and we will be able to get a better bargain than this out of them.

With the act of 1853 on our statute book, which gives us the power to open any mine in one year after notice is given to the company if they don't open, we can in a great measure remove the monopoly and give to our people a fair chance of competition. We have been complaining of the British Government tying our hands up for the last thirty years. Don't let us do now ourselves what we have been complaining of them doing; don't let our offspring say that their fathers complained of the cruelty of the British government, yet they had tied their own hands and the hands of their offspring for 28 years more effectually than the British government had done, and for just about one half the sum that the British government had done it for. We are told by the hon. member from Colchester that the Mining Association did not want to give up Langan; it took them three days to consider before they would consent to give them up. This is proof to me, sir, that they were not giving up anything that was wanted much in

any other place. Here there was some chance of competition with them, although not a good chance, for the harbour was shoal, and no chance of deepening it; yet they would only consent to yield them by the delegation consenting to shut up Spring Hill mines in the heart of Cumberland County. Had they known of any other valuable mine outside of their areas, they would have insisted on it being shut too. Their object is to destroy competition; and the people of this country will find, if we accept the new arrangement, that they have done it effectually.

But we are told again and again, by the delegates, that we are bound by the address of '56. Now, if we are bound by that, they must also be bound by it. A bond is no good without it binds both parties. Let us consult the language of that bond or proposition, and see what it says; it expressly says: that we will not give up the rent; but in this arrangement they have given it up. It also said: we will not give up the royalty on slack coal; but they have given it up too; and they have also given a much greater extent of area than is necessary for the company to hold locked up for their operation, for the next 28 years, and much more than any one contemplated giving by the address of '56; therefore, sir, it is plain to be seen, that if we were to be bound by the address of '56, we should not be bound to this agreement, that differed with that address in so many and in such important particulars. I must say a word or two, sir, with respect to that address. When I came here in 1856, for the first time, I was not much acquainted with the subject; and when the hon. member for Colchester penned that address he did me the honor to show it to me. I took exceptions to that part of it which conceded the half of the royalty, but as it was but two thousand then, I at length thought that to get rid of a vexed question, and give our people a fair chance to compete with the company, I would agree to it.

It is evident from all we can hear, that we have been legislating and delegating in the dark; and neither our government or our delegates are able to show us that we have one workable seam of coal, with the exception of Langan, outside of the areas held by the Mining Association. Let us pause, then, for one year, until we have a survey, and if we find we have any seams left that a company can work, we will ratify this agreement next session. But sir, to conclude, we have been told of a financial crisis, and with a meanness unexampled in our annals—were requested to withhold, from one of the most gifted and heroic of Nova Scotia's sons, a tribute which would have cost but 150 guineas, while we are now asked to strike off thousands from our provincial revenue. That benefits may be conferred upon a powerful and wealthy company, whose members have for years past enjoyed a monopoly as disgraceful to us as it was advantageous to them. How marked is the difference in the policy of the government, with reference to these two cases; how dissimilar the course they have adopted.

We have had reference after reference to musty records; but not the slightest information has been afforded by members of government with which this house was not previously acquainted. After all that has been said, the whole subject resolves itself into a very plain and practical proposition, which it does not require much ingenuity to comprehend. We are asked to give

up to the Mining Association the sum of £4,712 annually, and thereby strike that sum off our road grant, at a time when we are told that the sum appropriated for this important service must be reduced in 1858 to one half the amount granted in 1857. I have therefore to request, Mr. Speaker, that the house should pause before committing an act of impolicy so glaring in character and disastrous in effect. I ask, gentlemen, to hesitate before saddling their offspring for the space of 28 years with a burthen so grievous to bear. Why should we be asked to take this hasty leap in the dark when by remaining stationery for a short period new light may be thrown upon the question; and after a thorough investigation has taken place, who doubts but that a decision will be arrived at more conducive to the well being of the country than any which can now be obtained. We are asked by the government to take £4,712 out of the road grant, needed by the poor people of Novascotia, and put it into the pockets of a wealthy Association in England. For what? To reward them for having held a grinding monopoly over the mines and minerals of this province, for the last 32 years. Really, sir, this is a proposition too absurd for us to entertain for a moment. With these remarks, and thanking the house for the attention with which they have listened to me, I beg leave to resume my seat, hoping that this bill will not receive the sanction of the house.

Mr. HYDE.—I feel disposed, Mr. Speaker, to invite the attention of the House to a few remarks on the question under consideration. I do not agree with the hon. member for Colchester; I think that much of new and important matter has been elicited during the discussion, but even yet, every man must feel that we are only now commencing the A B C of our education with reference to the mineral resources of this country. For myself I admit that I am but a tyro in the matter, and have therefore listened with great attention that I might inform my mind and decide as to the vote which I must give.

Now, sir, the hon. and learned member for Inverness, in his address recently delivered, took occasion to inform the house at the commencement that he would startle them by some revelations of great importance. I looked in vain for any such information; the only point which claimed the attribute of novelty in his speech was that in which he referred to the difference in the weight between the chaldren of coal sold and that upon which the royalty is paid by the company, and he attempted to prove that this was the first time that such information had been submitted to the house. He stated that the chaldron sold was actually of the weight of 62 cwt. while that upon which the royalty was paid weighed but 53 cwt.

Hon. Mr. YOUNG.—I was quite aware of the document to which the hon. gentleman is about to allude. I did not say that the question was altogether new, but I did say that the Mining Association were selling a greater quantity of coal for the royalty paid, than they were entitled by law to sell.

Mr. HYDE.—In 1854 the Mining Association stated the Picton chaldron to be 31 cwt., and the Sydney chaldron from 28 to 30 cwt., Winchester measure, of 36 bushels each chaldron; so that if this be true, and the company only sell 36 bushels—no matter what the weight may be—

ample justice is done. But, sir, apart from all considerations of this nature, I take higher ground; I believe that this legislature is morally bound to adhere to the proposition formerly made by them. By constituting two delegates, drawn from the government and opposition sides of this house, to represent the people of Nova Scotia, this house became bound to sustain them in their action, so long as they did not, in any very material point, yield to the Association; and I maintain that the proposition submitted is substantially the same as that proposed by the address of 1856. It is out of the question to suppose that any two gentlemen, delegated be it remembered, to negotiate, should be bound to certain precise and minute details. If so the delegation would have been useless, as the Association were then aware of the terms proposed in the address, and had they been willing to accept them in toto, no further controversy would have been necessary. But, sir, they were not, the question was open for discussion and final adjustment; after free conference a bases of action mutually acceptable has been fixed, and I for one feel bound to agree to the settlement. Now, sir, let me say, that the outcry raised and kept up against the Mining Association has always appeared to me entirely undeserved. I could not understand why an Association, that had actually purchased and paid for certain privileges, should be precluded from enjoying them, unless the sale was illegal—and if so, by a very simple process, its validity could be tested. I never could understand why we should attempt to hamper and restrict the action of a company which employed capital, skill, and labor, to develop the resources of the country, and therefore, sir, I never joined in this outcry, nor have I sympathised with those who raised it. I regard matters of this kind in a practical point of view; what position should we have occupied but for this Association? Does any man believe that the mineral resources of this country would have been developed to the same extent they are now, if the Association had not engaged in the work? Why, sir, the very first question a capitalist asks, when requested to embark in a speculation, is, "Will it pay?" "How am I to be assured that the speculation will prove remunerative?" It is a well known fact that you could not get a shilling from a British merchant to invest in a speculation in the Spanish West India Islands, even if there was a fair probability of its yielding 50 per cent. Therefore, sir, I say it is necessary to deal with this as all other public questions, on general principles—having regard to the honor and credit of the country; and I do think that in tampering with it as we are doing, the results to this province will be directly the opposite. Let us remember that by accepting this arrangement we untrammel trade—we unletter industry—we remove a stigma which was attached to us for years, affording a fruitful source of political strife and discussion, and so regarding it, I cannot but feel that in voting for the bill I shall conserve the interests of the country. I feel, sir, that I am not in a position to enter at greater length into this discussion. The question, to my mind, has been resolved into a simple principle; and however crude my views may be, until I hear something infinitely more forcible urged against the measure than anything yet adduced, I will not deem myself justified in changing my opinions.

Mr. CHURCHILL.—I feel, sir, that on a question such as this—of such general and commanding importance, I should neither be doing my duty to my constituents or myself, were I to allow the discussion to conclude without offering a few practical suggestions upon it. In my view, it is a mere question of pounds, shillings and pence; talk of honor as you please, when you fulfil what you agree to perform in a bargain, you are entitled to the honour. Coming from a county not materially interested in the subject, and seeing it brought up for discussion day after day and session after session, curiosity led me to cast my eyes round and ascertain why it was that no arrangement could be made; and I could not help coming to the conclusion that hon. members were merely playing a political game,—knocking this subject about as I have seen them knock the ball in a racket court; and sir, I was the more convinced of the soundness of my conclusions when, listening to the remarks of the late hon. Attorney General,—which I did with great pleasure, for I admire his eloquence—I heard him after arguing strenuously against the bill, conclude by announcing that he had not made up his mind which way he should vote. From this I concluded that he was not sincere—(laughter)—that he was keeping up the game; and I may say that this is not the first time I have heard him make a display when I did not think him sincere.—(Laughter)

Mr. MORRISON—The hon. gentleman mistakes; he surely thinks he is addressing the present, not the late Attorney General. (Laughter.)

Hon. Mr. YOUNG—Do not interrupt the hon. gentleman.

Mr. CHURCHILL.—I intend to make my remarks general, not pointed.—(Laughter.)

Hon. Mr. YOUNG.—I was under the impression that some already made by the hon. member were tolerably pointed.—(Laughter.)

Mr. CHURCHILL.—Oh! well let them go for what they are worth. (Laughter.) I have reflected calmly, sir, upon every argument used and cannot help believing that the Association have given up nothing,—that they have retained all and more than all which could be of service to them,—else, why did they stipulate so strenuously for Spring Hill. But yet, sir, it appears to me that even if the delegates had succeeded in obtaining the concession of the Spring Hill mines—the Association have so many advantages from the great capital and information they possess—from the vantage ground they occupy in consequence of their long establishment—that no Company could be found to compete with them.

I cannot agree with the hon. member for Colchester, who has just resumed his seat. True, the delegates were instructed to negotiate a settlement, (but not finally to settle),—the ratification of the agreement was to be an open question, subject to the decision of this house; and, sir, I do not feel myself bound in any way by their acts beyond giving to their decision my best consideration, and acting upon it as my judgment may dictate. I believe that, from the statements made here lately by the hon. Financial Secretary, to the effect that our road vote must, of necessity, be reduced one half, it behoves us cautiously to consider every act which tends either directly or indirectly to reduce our revenue. I do not believe that the country would be satisfied with one half our road grant; the people look to this

house to provide a sufficient sum of money for the construction and repairing of roads,—and I should be sorry if from any untoward circumstances they are disappointed. But I am not inclined to regard our financial condition as so desperate,—I anticipate that our public works will shortly prove a source of emolument, or at least maintain themselves,—and under such circumstances the revenue collected under our present tariff would be amply sufficient for all our requirements.

Hon. Mr. YOUNG did not rise for the purpose of making a second speech, but merely to give a short personal explanation. He did not think that the hon. member for Falmouth had ever forgiven him for a certain Temperance speech which he (Mr. Y.) had once made; but the hon. gentleman would perceive that there was a wide distinction between inculcating the principles of Temperance and voting for the Maine Liquor Law Bill. As regards the subject under discussion, the course he had pursued was obvious; he (Mr. Y.) had given to the government all the information in his power, and had concluded his speech as stated by the member for Falmouth, because he desired to free the question from the action of party, and leave the government open to acquiesce in the postponement of the decision for a year. If, however, the administration did not take this course, and compelled a hostile vote, he (Mr. Y.) had no hesitation in saying that he should vote against the bill, as he believed it unwise and imprudent to thus hurry the house to a conclusion, and he would submit an amendment embodying his views.

Hon. ATTORNEY GENERAL did not rise to make a speech either—(laughter)—but merely to give the hon. member for Inverness a very obvious construction of the course he had pursued. When he announced his dubious state of mind in reference to the vote he should give, the hon. and learned gentleman was feeling his way. He reasoned thus—“If I can get a sufficient number of supporters I will oppose the bill; if not, I will make a merit of supporting it.” (Laughter.)

Mr. PARKER said—Being a young member of this House it cannot be expected that I should be intimately acquainted with the history of this question—but as no hon. gentleman seems inclined to occupy the floor, I take leave to offer a few words in explanation of the course which I feel inclined to adopt. First, sir, it can not be pretended for a moment that the right to accept, reject, or postpone the consideration of the proposed arrangement does not exist in this House; that argument has been answered so clearly already that I do not conceive it necessary to say another word on the subject. What then are we asked to do? To settle on the instant a question of the gravest importance; to take it for granted that there are workable coal seams outside the area retained by the Association—in absence of any information, survey, or plan, except such as come from the Association, whose interests evidently point to a settlement upon the basis of the proposed arrangement. Is it not apparent that such a course must of necessity give to the Company great advantage over the Province. I listened to the speech of the hon. and learned member for Inverness with pleasure. His figures show that we yield up some £6000 to the Association, and as the calculations he gave us remain unrefuted, I think I am justified in assuming them to

be accurate. For this we get nothing in return ;—that a Company should attempt to work any mine not reserved by the Association with the shadow of a chance of success, is I think out of the question ; we therefore give up £6000 of revenue and obtain nothing in exchange. I cannot consent, under such circumstances while we are in ignorance of the true state of affairs, to give my assent to such a bargain. I will not agree just at this crisis, when we require money most to pay interest upon our Railways, and to keep up the road vote, to give up £6,000 a year for no earthly advantage. Let us wait ; then delay is no way dangerous ; at the next session the whole question will come up in a form more likely to secure a just arrangement.

Mr. WIER.—Though I do not intend to address the House at any length,—yet, sir, I feel it necessary to offer one or two explanations as to the course which I have made up my mind to adopt. I differ entirely from those hon. gentlemen who hold that they who voted for the address of 1856 are bound to assent to the proposed arrangement. Six or seven months elapsed after the address had passed before any reply was given—that of itself I conceive to be quite sufficient to relieve me from the performance of any obligation which I may have come under to support it. The question now assumes a practical form ; it is nothing more than a pounds, shillings and pence consideration. We are asked to secure by lease to the Association certain areas of ground in various counties for 28 years, and to surrender a large annual sum of money, upwards of £6000, on consideration that the company allow the people of this country to work whatever mines remain outside the specified areas. Now, sir, must it not at once strike every candid mind, that if all the really workable coal fields are included in the lands reserved, we are giving up the sum I have mentioned for no benefit whatever.

Again, sir, the agreement proposes to commute the rent for a royalty, and in obtaining this the shrewdness of the Company shines out perspicuously. Suppose England involved in a war with the United States, to which country 4-5ths of all coal raised by them is exported, what object would the Company have in carrying on the mines ? None ; and, sir, it naturally follows then that no coal being raised, no royalty would be paid. Looking to their own interests the Association were not to blame in getting all they could, but it behoves us to be equally on the alert to prevent them from obtaining any undue advantage over the people whose interests it is our duty to protect.

Regarding the company in the light of mere commercial speculators, I have never considered their conduct so reprehensible as some hon. gentlemen would induce us to believe. I have always thought they had done more to develop the Mines of this Country than any Company or number of Companies that might have been appointed ; but at the same time I could never rid myself of the belief that they were monopolists ; that we were degraded by allowing them to hold in absolute control the whole of our mineral resources. Now, sir, the discussion on this question has already travelled over so wide a field that but little more remains to be said upon it. For my part I consider, that as there is no reason to anticipate the establishment of a Company during the present year,

and great doubts, doubts resting upon strong evidence, exist as to the extent of the concessions made to the Association—but little if any inconvenience will arise from postponing the consideration of this subject for a year,—at the end of which time we will be in a position, with all necessary evidence before us to deal with the question in a statesmanlike manner, and so finally to adjust it that both the Mining Association and the Province will receive that fair consideration to which their rights entitle them.

Mr. McFARLANE.—For my part, Mr. Speaker, I had no desire to occupy the attention of the House at any length, but as the hour of adjournment is at hand, I seize the present opportunity of putting my opinions briefly before the House. I concur with the hon. member for Windsor that this is a question requiring deep and serious consideration on our part ; it has engaged the attention for many years past of our wisest and ablest men, until at last the Mines and Mineral question, as a theme for annual discussion, has become a proverb.

It is not my intention to go over the statements made, or institute any pretended comparison with the amount of gain or loss which will accrue by accepting the proposed arrangement. We have had lengthy and elaborate addresses from the delegates who were necessitated to investigate the question thoroughly ; we have heard the hon. member for Inverness, than whom no man has studied it more, and all agree that the loss in a pecuniary point of view will be comparatively trifling. Can I then regard the loss of a few paltry hundreds as any barrier to a final settlement of this *vexata questio* ? Am I to retain the degrading monopoly so often and eloquently described in this House as operating to check the development of our industrial resources on that ground only ? No, sir. If indeed it be true that the areas given to the Association comprise all our workable coal fields, then indeed we should be but little the gainers. Quotations have been made from Mr. Dawson's work to prove this ; but allow me to assure the House that the inspection of our mineral resources made by that highly talented gentleman was anything but complete ; he went rapidly over the ground, scanning the beds of rivers and the margins of brooks, but he had not at his command either the time or means to make an actual and authentic geological survey. As respects the Spring Hill mine, let me inform the House that in the opinion of scientific men that Mine contains a large area of coal which has not been bartered away. So at the Joggins ; if the information we have received be correct, outside the four miles conceded lies large quantities of valuable coal, and it is also the opinion of scientific men that in all that section of country extending between Cumberland and Pictou valuable coalfields exist, but that track being now covered with a dense forest it is impossible to obtain perfectly accurate information as to their value and extent until a thorough geological survey is had. With respect to Cape Breton I am possessed of but little personal information ; but it did strike me the other evening, while listening to the glowing account given by the hon. and learned member for Inverness of that splendid forest, which centuries ago grew upon this soil—that that forest should have been confined to an area as limited as he would have us believe. From all the information I can gather, I have come to the con-



clusion that the area conceded by the agreement does not embrace all or anything like all the workable coal fields of our country—and believing that delay will but again involve us in new negotiations—and may end in leaving us just where we were, I have concluded to record my vote in favor of the Bill. Suppose we refuse our assent to this arrangement now; and after we have employed a competent person with a sufficient staff at large expense to investigate the subject, we find that valuable coal fields do exist, what is to bind the Mining Association? They may refuse to assent to this arrangement, and the monopoly of which we complain will continue. Let us then settle it at once. The course pursued by hon. gentlemen opposite reminds me of an anecdote. I once heard of an old gentleman who owned a shooting preserve, and was in the habit of going down for sporting purposes once a year, but could never succeed in bringing down his bird. At last he invited a friend to accompany him, but the moment he succeeded the old gentleman exclaimed in most dolorous tone, "Why you have killed the only snipe in my preserve." (Laughter.) Now it appears to me hon. gentlemen opposite are like the old gentleman; they repeatedly invite us to shoot, but when we will they complain that their only snipe has been destroyed. (Laughter.) They however, have other snipe on hand, which will afford them sport enough. Why deny us the pleasure of killing off this one.

HON. MR. YOUNG.—The hon. gentleman may find that the snipe remaining even after the death of this one have pretty long and pretty sharp bills. (Laughter.)

HON. MR. HOWE.—I don't find fault with the anecdote, but the snipe story belongs to the hon. Solicitor General. The Pictou Indian declared he never shot a dead goose; unlike him, the hon. and learned member has slain a dead snipe, one killed by the hon. Solicitor General last winter. (Laughter.)

MR. McFARLANE.—I can only say that if the anecdote belonged to my hon. friend, I was not aware of the fact.

MR. SHAW.—As the gas has pretty nearly blown off, I suppose we may look for a division upon this question soon. The able speeches delivered by gentlemen on both sides cannot fail to raise the character of Nova Scotia for learning and eloquence. They have all afforded me information, and enabled me to form an accurate idea of the merits of the subject, and decide as to how I should vote. I believe, Sir, that when the delegates went home they did their duty; they represented the whole Province, because they were selected from both sides of politics; and I have no doubt that they rigidly guarded the interests of the Province and asserted the rights of this people. We may have all desired to obtain a better bargain, but it must be recollected that there are always two sides to a question of this kind; and unless it is dealt with in a spirit of mutual concession, no hope of an amicable arrangement need be entertained. It has been remarked by an eminent geologist that Great Britain owed her unrivalled position mainly to her mineral wealth; and that Nova Scotia was more like her in a mineralogical point of view than any other Colony she had. If this be true, it may yet come when Nova Scotia will be considered the brightest gem in the British Crown.

MR. McLELLAN.—I regard this subject altogether a practical point of view. It is said that outside the area retained by the Association other valuable coal fields exist, which may be worked to advantage; but when asked for the grounds of their information, hon. gentlemen always fall back upon probabilities and possibilities. Now, how would any hon. gentleman feel if such a conversation as this were to occur between his constituents and himself: "Why did you give away £6000 of our road money to the Mining Association?" says the Constituent. "Oh! they surrendered to us valuable Coal fields," answers the Member. "But where are these fields?"—"I do not know" is the reply.—"And yet you have given the Mining Association all the known workable Coal fields in the Province absolutely for 28 years, and £6000 of Road money besides, upon the supposition that possibly other coal fields may exist outside." "But we have got a Company to work a mine;"—"Indeed?—Who are they? How long have they been formed? What profits have they divided? What coal have they raised?" These and many other equally pertinent questions the member would be obliged to answer,—and how could any man reply to them if he did what we are asked to do. I should, if questioned in this way, feel that I was in a dilemma; and also if asked in what the difference between Conservative and Liberal consisted, I should be compelled to answer that there was about as much honesty on the one side as the other.

HON. ATTORNEY GENERAL.—I protest on the part of the Conservatives. (Laughter.)

HON. MR. YOUNG.—And I on the part of the Liberals. (Renewed laughter.)

MR. McLELLAN.—But I should go on to say the great difference between them is that wherever the interest of a private individual or company conflicts with the welfare of the public, the Conservative is always sure to be found sympathising with the former. So that, although I don't feel inclined to go always with my own party, I cannot support the Conservatives. This places me in a dilemma (great laughter)—and I hope, Mr. Speaker, you will assist to help me out of it. (Laughter.)

The debate adjourned, and the House adjourned until twelve o'clock.

FRIDAY, February 19th.

#### MINES AND MINERALS.

MR. MOSES.—I do not rise, Mr. Speaker, to make any lengthy remarks at this time, as I think it would not be wise for me to do so, after the able and somewhat lengthy addresses that have been delivered by the leading members on both sides of this house, addresses to which I have listened with all the attention possible, in order that I might be put in possession of that information that would enable me to arrive at a sound conclusion, and discharge aright the duty I owe to the people of this province. I regret very much the aspect which this debate has assumed. I think, sir, that if there is any question that ought to be discussed fairly and wholly upon its own merits, it is this, and that no party feeling or bias should be allowed to influence in the slightest degree. That such has not been the case I think is, but too apparent to us all. Very contradictory state-

ments have been made by members on opposite sides of this House concerning what we are asked to give up, and what we are to receive in return. We are told by one side of the house that if we ratify this arrangement we give away all that is valuable of our coal fields, besides revenue arising from this source to the tune of from 4 to £5000 a year, and that the Mining Association would still be in possession of such advantages as would enable them to hold a monopoly and to shut out competition. If such be the case I can only say that to ratify the agreement now under consideration would be an injustice to the people of this Province, and ought not to be done.

But if as has been stated with equal candor by the advocates of this arrangement, that there is still a fair field for successful competition in this branch of industry and enterprise, I see no reason why we should not at once agree to this arrangement, and thereby settle what appears to have been a protracted and unpleasant controversy. But, sir, there is a still higher consideration, which in my humble opinion should induce us to settle this question, and that is the circumstances connected with its past history, and which has led to the appointment of this delegation, and the effecting this arrangement. We are told that the subject has occupied the minds of the ablest men in the Legislature for the last 20 years, and during that time has been discussed in all its various forms, and in every point of view of which it is capable, and frequent and voluminous has been the correspondence which has taken place between the government of this province, and the Home government, and Mining Association, relating to this subject. Terms have been offered from time to time by which we should be willing to treat, and as often refused, till at length there appeared to be a prospect for an amicable adjustment of the whole matter, consequently a delegation was authorized by this house, which has resulted so far in perfecting an arrangement which we have every reason to believe has been done in good faith, and on the part of the delegates with a view to the best interests of this Province, to ratify the arrangement made. We are advised by the opposition to postpone the ratification of this agreement for another year, in order, as they say, to get information. Such information I believe we ought to have had before this matter was so far proceeded with. But, sir, there are two sides to this bargain, we are not the sole parties concerned, as we have been justly told by the hon. delegates. We, as Nova Scotians, view it in one aspect, the people across the water view it in another; and, as was observed yesterday by the hon. member for Cumberland, postponement may lead to such discoveries as will induce the Mining Association to refuse to treat on as favorable terms as are now offered. My own impression is that if this be agreed to, it will lead to a greater development of the mineral resources of this Province, the result of which will be an extended trade, and finally a revenue derived from this source larger than we yet have had.

Mr. CHAMBERS.—It may, I think, Mr. Speaker, be in the recollection of gentlemen around these benches that last session when the leader of the government moved the resolution for appointing delegates, myself with some 3 or 4 other members

voted against it. At that time we occupied what might be thought an unenviable position; at the present time we occupy one of which I feel proud. The difficulty which loomed in the distance at that time has, to my mind, been realised to the fullest extent. We then authorised the government to select two delegates, and it did not require much foresight to discover who they would be. To illustrate my views by familiar comparison, I may enquire, Mr. Speaker, if you and I had a matter in dispute, would we select as arbitrators those who took views adverse to our interests, or those who were supposed to be impartial and unprejudiced? How was it here? I stand in a position to scrutinize the appointment of the delegates and their subsequent conduct. The leader of the government has told us that the appointment was a wise one; I beg to differ on that point. I was astonished, sir, to hear that hon. gentleman, in his speech on a recent occasion, quote the language and arguments so frequently used formerly by the member for Inverness. Having heard the leader of the government denounce these arguments, how am I to reconcile his conduct on former occasions to that of the present? I feel, like some of the members for Colchester, in somewhat of a dilemma. Are we to suppose the leader of the government while retained as the Attorney of that Association, rose on the floor of the house and opposed what he now believes to be for the interest of the country? Would the paltry inducement of a fee induce him to act so? Would he spend 15 years of his life contrary to what he now believes to be for the interest of the Province? If that be so my confidence would be much shaken concerning public men. If that be the conduct of the honorable member, what may be expected from other gentlemen? The circumstance is most astonishing to me; I cannot reconcile it to my views of propriety. Respecting the appointment of the learned member for Colchester, also, I have my doubts. It was well known that he always took a moderate view of those questions, that he did not go so far as the member for Inverness, and under that view the government, in selecting him may have acted wisely, but how that learned member could have lent his name to an arrangement such as this I cannot comprehend. Had either of them been fond of the luxuries of life, the mystery might be dissolved; but that not being the case, I am to suppose that they acted under the influence of their sober judgments, and their conduct remains unexplained. The leader of the government asked the house, did it send fools or scoundrels to England? I will endeavour to answer him on one point particularly; leaving the other to the country to decide. Fools are known by their folly; the foolish virgins took no oil in their lamps; but these learned gentlemen took abundance of oil; they took oil in handfuls. (Laughter.) What did they do? A transaction unknown in the history of the Province, they thrust their hands into the public chest, and there obtained their oil. The Attorney General takes £1250 to pay the expenses of the delegates. This may be a delicate point; sympathetic feeling may exist on it; none around me seem to question the right; but I question it; I deny the right to extract a shilling from the public chest without consulting the people's representatives. Did the member for

Inverness act so when he went on a mission to England? No. He put his hand in his own pocket. I think it high time, Mr. Speaker, that the lay members of the House should be on the alert, and not allow a finger to be placed on the treasure in such a wholesale way as this. If the member for Inverness had so acted when he was leader of the government, his own party would not have sustained him, at least, I would not. These gentlemen may think the cost of the delegation moderate. I give them notice that I will lay on the table a resolution calling on them to shew for what purpose, and how that money was expended? (Laughter.) Why not apply the same rule to that which is applied to any other grant? If £100 is appropriated for a road, before the commissioner can draw the money he must return an account specifying every particular concerning the delegation. It may have been conducted, perhaps, with prudence and fidelity, but so many statements are made, and so many things are done for which reasons do not appear, that it is not easy or properly to understand the actions and meanings of gentlemen. How a gentleman so long the advocate of the Association, and the opponent of what we believed the best interests of the Province, should be selected as one of the delegates, appears to me a very strange circumstance. The mission has been performed, however, and we have the result before us. I will not attempt to go over calculations, after the explanations which have been given by others; but there are some particulars in the agreement which do not require much common sense or wit for their investigation. One part of the agreement tends, in my judgment, to destroy the value of the entire. I allude to the Spring Hill Mine. It was never opened by the Association, and it appears that they never intend to work it, and I ask the learned member for Colchester to assign some reason why the surrender of that has been included in the arrangement? The object evidently was, to shut out competition. Gentlemen all round the benches must know that to talk of competition is a waste of time, that no company can be expected to invest capital in any mines not included in the arrangement. If there were mines beyond the reservations of the Association, what company could compete with it? The existing company possess the valuable mines of the province, and they have the requisite information in their possession. We are differently situated. Suppose two persons engaged in making a bargain, one well understanding the transaction, and the other ignorant of its proper bearing, which would be likely to have the worst of the arrangement? Why he who was unacquainted with particulars; and that is our position.

Viewing the question in a financial point of view, in the present circumstances of the Province, is there a gentleman here prepared to go before his constituents, and justify the giving up of revenue to the amount of £5000 a year, while, at the same time, a reduction of the road grant is proposed? They dare not. I would no more think of agreeing to such surrender, under such circumstances, than I would of severing my right hand. I dare not face my constituents if I did, and I doubt that any here dare, giving a fair statement of the facts. Why is the question pressed? Who would suffer by delay? One

reason for the hurry may be assigned. I believe that a government, whoever compose it, have hangers-on, and lookers-on, grasping and eager to secure something connected with their own interests. Some one outside, may be expecting to be appointed superintendent of mines, and the eagerness and perhaps threats of such persons, may be brought to bear on the Attorney General's conduct. Two or three such appointments may be tacked on to this arrangement. This may afford a reason for pressing decision at this time. We have heard of such applicants; being close at the ears of government for the last six months; and if places be not made to satisfy expectants, the government, possibly, may be in danger; and therefore at all sacrifices, even at the loss of £5000 a year, is the arrangement to be made, and the government kept in office. They may be sustained by such acts, but depend on it, when the people come to understand the question aright, no government could stand on it. It does not require much foresight to see what the result of present arrangements will be. I do not profess to have the acquaintance with this subject which others possess. It does not affect the West as much as the East, directly; but indirectly it affects the whole Province, and therefore I hope that the people of the West will give attention to the question, and seek to comprehend the present position of the Legislature. I say to the delegates with all frankness, that if they could make up their minds to allow this to remain over for a year, I do not think that the Province would suffer

Mr. ARCHIBALD said:—This is a subject of great importance. Members should fully understand it before coming to a vote, and every man is called upon by his position here to give it such a consideration as will enable him to decide with the full assurance that he is acting in accordance with his duty to the country. Much has already been said upon both sides, but I think there are still some views that may be laid before the house, which ought to have weight in the decision to which the house has to come.

Let me state at the outset, what I think I stated before, that I do not pretend to say the house is not at liberty to reject the arrangement that has been made. The house is entirely free to do so. The arrangement is dependent upon your ratification; but to be true to yourselves—to be just to the country you represent—to the delegates you commissioned, you must withhold that assent, if you withhold it at all, upon grounds different from any of those which have been pressed in this discussion. It is not enough to say that this arrangement entails loss to our revenue, that loss you have always contemplated,—nor is it enough that the arrangement is not all you could wish. Is it substantially what you offered to accept? Sir, I am very much gratified to find that the figures and calculations with which I set out are still unshaken. That they are not disputed by my hon. friend from Inverness. Let the house therefore understand this,—let there be no confusion in any man's mind on this subject. The loss which the province will sustain by accepting this arrangement will exceed the loss we contemplated, and in our address of 1856 offered to sustain, by an amount not quite equal to the duty on the slack coal.

On the returns of last year the excess would be.....£909

But as the revenue on slack coal was.....1084

We should not give up, in addition to what we offered, the whole duty upon slack coal by the sum of.....175

But suppose the events were to occur, which my learned friend anticipated—suppose we exported 200,000 chaldrons of coal, with the same proportion, 1-10th of it slack, what then? We shall lose what we offered to lose, and also part of the duty on slack, but we would still receive £633 on this quality of coal. And on 500,000 chaldrons, with the same proportion of slack, the loss would be the same, except that in that case we should get £2,123 on the slack. Therefore, increase your production as you may, you still have the same result, and you come back to the question, if it was right and proper to give up a certain portion of the royalty, to accomplish an object dear to the hearts of this people, is the additional sacrifice of the duty on slack coal, or on a considerable portion of it, such a sacrifice as should make us take a different view of what is right to do. I am sure there is no gentleman in this house will say so; and therefore, I do not think I ought to dwell on this branch of the question. Sir, I am sorry to see the calculations of my hon. friend for Inverness published in the editorial columns of a paper largely circulating in this Province, and exhibiting to the country statements of the loss the revenue was to sustain, as if this was a loss never contemplated before. Would it not have been fair, when these statements were sent broadcast over the country, to have placed side by side with them the amount which this house almost unanimously had offered to surrender? But these statements are incorrect, even in another particular, for after making out the whole extent of the loss, by calculating the duty on slack coal, it states that the result is independently of that duty, thus counting the slack coal twice over in the calculation. This is not justice to the house or the country. Let the people be told what was our offer in 1856; then let them be told what the delegates have offered in 1857; and if, with the whole matter fairly before them, they think we have surrendered too much, then be it so; but they will have the elements for forming a fairer conclusion. The learned member for Inverness has still another objection to the arrangement. He states that his attention for the first time has been turned, since the discussion commenced, to the question of the weight of a Newcastle chaldron, and that he finds on investigation, that the Association have been paying duty only upon 53 cwt. of every 62 cwt. they export; and he thinks that it is not creditable to the sagacity of our Provincial statesmen that this matter has remained undiscovered till now. Now, sir, on this subject I have had a good deal of difficulty. As long ago as 1853, I find that much obscurity surrounded the question of what it is that constitutes a Newcastle chaldron. It is everywhere stated to consist of 72 bushels, and to be double that of a Winchester chaldron, which contains 36; and in Taylor's statistics, it is stated that the British government imposing a duty upon the exportation of coal, collected it at the rate of 53 cwt. to the Newcastle chaldron. There was no means, however, from the papers on your journals, of ascertaining what weight of coal was contained in a Pictou or Sydney chaldron. It was with a view

to clear up this difficulty, that the questions put by a committee of this house in 1854, to the Agent of the General Mining Association, in reference to weight, were pressed by myself. These questions drew forth the fact that the weight of the Pictou chaldron was 31 cwt., that of the Sydney 28 to 30. It seemed to me that out of every 52 cwt. of Pictou coal, we were receiving duty upon only 53. This created in my mind a feeling that we were not properly treated, and when the subject came up for discussion in 1855, I brought the matter to the notice of the house in terms as emphatic as I could well use. Here is the printed report of what took place at that time:—

(From the Morning Chronicle, March 4th, 1855.)

MINES AND MINERALS.

Extract of Mr. Archibald's Speech.

"In 1845 they made a further advance. For the fixed rent they had up to that period the liberty of raising 20,000 Newcastle chaldrons. By the Treasury Minute of that year, made at their solicitation and against the wish of this province, they are allowed to raise an additional quantity of 6,000 chaldrons, without any addition to the rent. It has always been understood that the Association, in obtaining a right to raise by the Newcastle measure, were to be really governed by that measure. But what has been the fact? By the authority of a gentleman whose name on subjects of this kind is a guarantee for the accuracy of the information, Mr. Taylor, the author of the 'Coal Statistics, the Newcastle chaldron is stated to weigh 53 hundred weight. It has been lately understood that coal invoiced at Pictou weighs 32 hundred weight per chaldron, Pictou measure, and by the examination of the Association's Agent last year by the Committee on Mines and Minerals it is admitted that the weight is 31 hundred weight, and that the Newcastle measure is double, or 62 hundred weight. Here, then, it appears that under the Newcastle chaldron the Association have been in the habit of selling nine hundred weight more in each chaldron than they are entitled to under their lease. Let this run over the period from 1849 to 1853 inclusive, and what is the result? Why, just this, sir, that within that period the Association have saved on the round coal the sum of £7,011 3s. 0d., which should have found its way into our Treasury, if the payments had been made on the measure by which it is proposed to be regulated. I call the attention of the government to this fact. I think it is a matter of grave importance, and well it deserves their particular attention. I also call the attention of the hon. and learned gentleman for Annapolis to this fact. On this point he has been misled—the province has—every one has. In 1845, when the Crown was about enlarging the quantity which the Association were to be permitted to raise for the fixed rent, the matter was referred to the local government, of which the hon. and learned gentleman for Annapolis was leader. A representation was made by the Administration here to the Colonial Secretary, showing that in the agreement of 1828 the Association had obtained terms more favorable than those under the Duke of York's lease.

"A calculation is made to support that view, and in that calculation, which will be found in the Journals of 1845, page 10 of appendix, the

same learned gentleman states that 40,000 Newcastle chaldrons contains 96,000 tons.

"In this calculation the weight of a Newcastle chaldron is assumed to be 52 cwt., and is converted into the tons specified in the Duke of York's lease. But if the calculation had been made according to the real weight, as now claimed by the Association, the aggregate would have been 115,000 tons instead of 96,000. So that not only the house have been misled, but the past as well as the present government have been laboring under a delusion, which is putting money in the pockets of the Association at the expense of the Provincial Treasury. This matter should receive, and I hope will receive, the most thorough investigation."

Here, then, the attention of the government, of which my hon. and learned friend for Inverness was the then Atty. General—the attention of the opposition, then lead by the present Atty. General, was distinctly called to the question now raised,—and yet the Attorney General continued to receive the rents as they were received before; and in 1855, 1856 and 1857 the company continued to pay the royalties upon the same measure and weight as had been usual from the beginning of the lease. Surely, then, if the views I propounded were sound, it was the duty of the hon. member for Inverness to have acted upon them, when the interests of the province were so deeply involved in his doing so. At all events, if he did not then think the question worthy of notice, it seems almost too late now to hope to give it any importance by calculations founded upon views previously refuted or ignored. But were these views sound? I had great reason for doubt. Immediately after the speech was made I ascertained that the Sydney Colliers, who bought up their cargoes by the Mines measure, seldom or never exceeded—sometimes did not hold out, when measured by the sworn surveyors of the Halifax market. I found that in other places where the cargoes were remeasured, there was not the excess complained of; and from the best evidence I could obtain, I came to the conclusion that, after all, the grounds I had taken were fallacious—that I was dealing with a question of capacity, and counting it by weight—that everything must depend upon the specific quantity or density of the body weighed. A Newcastle chaldron contains so many cubic feet. A measure, therefore, of that capacity, filled with Newcastle coal, might weigh 53 cwt. But would the same measure, filled with Pictou coal, weigh the same? That of course depends upon the specific quality of the coal.

Newcastle coal is stated by Taylor to weigh 2136 lbs. the cubic yard.

I have no means of ascertaining the weight of a cubic yard of Pictou or Sydney coal—but I find in Taylor a statement that the average weight of a cubic yard of the American bituminous coal is 2560 lbs. There is therefore 424 lbs. more in a yard of American coal than in one of Newcastle, and as there is in a Newcastle chaldron about 74 feet, this shows that such a measure filled with American bituminous coal would be heavier by 1100 lbs. than the same measure filled with the produce of the Newcastle mines.—This, therefore, is in all probability the explanation:—the Pictou and Sydney coal are heavier in proportion to bulk than the coal of Newcastle. The Pictou is somewhat heavier than the Sydney

—and the difference between all these, is a question of weight, not of measure,—while the royalties are a question of measure, not of weight.

At all events so strongly was this view impressed upon my mind by subsequent reflection and observation,—enforced as it was by what I learned of the practical result of measuring over again the coal shipped from Pictou and Sydney, that I ceased to attach importance to it, and under any circumstances it would have been hardly fair to found our calculations in negotiating the arrangement upon premises which were never considered sufficiently certain to attract the attention of the provincial authorities.

In calculating the loss to the revenue to result from the arrangement, the learned member for Inverness has counted what would result from a largely increased product. Suppose, says he, that we sent off 200,000 chaldrons, the loss would be some £10,000. But that is not the only view to be taken of it. If we export that quantity, it enables us to import the equivalent of it and nothing else. Now suppose that 200,000 chaldrons Newcastle measure, equal to 400,000 chaldrons Winchester, at \$6 a chaldron . . . \$2,400,000 And suppose we use for domestic consumption  $\frac{1}{3}$  . . . . . 400,000

It leaves . . . . . \$2,000,000  
This sum would yield a revenue at 5 per cent.  
of no less than . . . . . £25,000  
Add to this the direct rent of . . . . . 11,000

And you have no less than . . . . . £36,000  
from this one branch of industry.

A similar calculation, based on 500,000 chaldrons, would shew an addition directly and indirectly to your revenue of no less than £87,000, which would pay the interest on near 1½ million of money.

Surely, then, if my hon. friend has a right to draw on his imagination for the losses which the revenue is to sustain, by an indefinite expansion of the trade, it is right to look at the other side of the picture. If we contemplate a possible loss, we have a right to look at what must result as an inevitable gain. My most ardent wish is, that these intimations may prove true. We may well afford to lose, where loss can only happen by an expansion of trade, which throws four-fold more into our treasury than it takes out. The real objection to this arrangement is not, ought not, to be that of the loss to the revenue. The whole duty is unsound in principle, and ought not to be collected, unless because we are dealing with people who hold a monopoly of our mines, and from whom we have a right to get as much as we can. Allusion was made the other day to the mines recently opened at Londonderry. Now, I am glad to be able to state to the house that these mines have been actively worked during the last ten years—that 1000 tons of iron, representing £10,000 worth of labour, were shipped from Londonderry. This winter there are 150 labourers engaged in cutting down the forest. Before the spring opens 500 acres of wood will be prepared for burning. &c., and in all probability during the next summer, 2,500 tons of iron will be sent away. Look at the life and animation and vigor which such an enterprise inspires through a neighborhood. The population for 20 miles around feel the benefit of it,—the labor of your operatives and artizans is turned into a valuable



export, and the dreary stagnation of the wilderness is superseded by life and industry. Is there any member here who would advocate the imposition of an export duty on iron? Who would wish to arrest, by the smallest tax, the progress of an enterprise so beneficial to the province.

I recollect in turning over the old journals some time ago to have seen the report of a committee on the subject of the export duty on gypsum. Some reformers of that day recommended the removal of such a duty—on the ground of its injurious operation upon the export trade, and I have no doubt when that report came in here, there was a great deal of the same horror at the loss of the revenue which seems so insuperable an objection to the arrangement. Yet now that it is off—who is willing in this house, or in this Province that would make the proposition to reimpose it. Put a trifling duty upon gypsum, and you will raise at the expense of that trade a large sum—who is then to say it should be put on? Some part of the opposition to this measure I can hardly understand—there is no difficulty comprehending objections from those who were opposed to the address of 1856; they thought we were giving away too much—but if gentlemen thought that we could give up £4,000 then, is the difference of a few hundred pounds more to alter their minds? I can understand the objection that we cannot afford, in the present state of the revenue, to give up any sum, but I cannot appreciate the nice distinction which makes the one we offered not too much, and the one we accepted quite too much. Neither can I understand arguments such as those of my hon. colleague.—He tells us in one breath, that competition with the Association is out of the question, even if they concede mines as good as their own, and that therefore we give up royalty, and get no competition in return. But surely this was just as true in 1856 as now. What then did my hon. friend mean by voting for the address?

He expected no competition in coal, and yet he offered to give up half the royalty. He must have meant, then, that the exemption of all the minerals other than coal from the control of the company was worth a sacrifice of a large amount; and if this was worth it then, is it not so now? He must have thought that the position which our people occupied in every industrial pursuit connected with our minerals—in every load of plaster they quarry, in every brick kiln they burn, in every operation for the manufacture of lime, by which they are infringing claims which place them in a position to be sued at law and subjected to trouble or loss,—he must have thought that exemption from such a position would be worth something, even if there was not a bushel of coal to be quarried; and he thought right. Suppose, at this moment, a party engaging in any one of these operations, were to be prosecuted for it.—and suppose my hon. friend from Inverness was called upon to defend him, I ask what defence could he put in before a Judge of the Supreme Court? Could he use, in case of any of the inferior minerals, an argument that would be inapplicable, if the offence charged was in connection with coal? He knows that he could not—that the rules of law which apply to the one, are equally applicable to the other. If, then, the settlement of this question involved no other consideration than the freeing of our people from this anomalous and degrading condition,

it would be something worthy of a considerable pecuniary sacrifice. But this is not the light in which I view it. I consider this great question as it is, to be by no means the only or the main benefit which we obtain. I believe the arrangement will place in our hands the means of competition with the Association, on fair and reasonable terms. If indeed it be true that the Association still monopolize all your coal, the arrangement is not what you had a right to expect; and with the power you possess of rejecting the arrangement, you might fairly report it on that ground. This I believe to be the real question for discussion; and therefore it is right the house should be put in possession of the best evidence which exists, to show how much in reality we have surrendered—how much we retain.

It is to be regretted that the evidence is not of the most absolute certainty; but I think it is so clear, and so convincing, that no reasonable doubt can exist, after the evidence is fairly stated. Let us first consider what is our whole coal area. Taylor, in his statistics, estimates Nova Scotia as containing 15,000 square miles, of which 2,500 are coal formation. Dr. Gesner, in his evidence recorded in your Journals, states the coal field of Nova Scotia proper at 15,000 square miles;—of this enormous extent of coal field, let us first consider that part which occupies the body of the county of Cumberland, and the northern part of the county of Colechester. Of this coal field there are two places well known to contain coal—one at the Joggins which is worked, and one at Spring Hill, which has been but imperfectly explored. The coal at Spring Hill has been spoken of in this debate as enormous in quantity, as incalculable in value. The hon. gentleman from Newport has asked, why did the Association desire to obtain that coal field, if they did not consider it of immense value. My hon. friend from Windsor says, he values one act of the Association above a thousand of their assertions, and he considers their demand of that mine as proving incontestibly the great value of the deposit there.

Now, sir, I shall not pretend to say, what is the real extent of that mine—what the thickness or area of the coal; but I am quite content that its value, as a means of inviting competition, shall be tested by the very principle which my friend from Windsor so highly esteems,—the act of the Association.

In 1854 Mr. Fraser applied for this Mine; in 12 months afterwards the power of disposing of it fell into the province under the act of 1853.—Did the Association attempt to retain it? Not they. They had no desire to do so. If they were to have competition, it was in that quarter they wished it; 25 miles of railroad they knew was an insuperable obstacle to its produce competing with theirs. They were content that it should fall into your hands,—but, to-morrow, they would be glad to give it up to you, if you will exchange for it the seaside mines which we fought for and have obtained for you. But if there be any deposit at Spring Hill, of the value supposed, it far exceeds the limits assigned to them. Dawson says of this deposit: The structure of the Cumberland coal field, warrants the expectation that “the Spring Hill seam may be traced towards the coast of Schienecto Bay, perhaps to the vicinity of Apple River,—and also in the opposite direction” (p. 191). “In like manner,”

says he, "it is a perfectly fair inference that the seams which appear on the coast section of the Joggins must extend along the northern side of the trough, far into the interior of the country," (p. 192). Gesner says, "that coal outcrops on the borders of the river Hebert, one stratum is three feet in thickness, workable, half a mile of railroad would be required to the river, which is navigable for two hundred tons burthen. There is coal on the sides of the River Philip unexplored." See Journals of Assembly.

Taylor speaks much to the same effect; indeed, every writer on the subject leads to the inevitable conclusion that there is a great body of coal in the Cumberland field. If it be so, the space we have given is too inconsiderable to be estimated as a matter of importance. Now, as regards the Pictou coal field, Dawson, in his work on geology, says: "There is no part of the country surrounding Pictou harbor of such a character that it may not contain seams of coal of workable dimensions, though such beds as those of the Albion mines cannot reasonably be expected. It is also probable that workable seams occur in the eastern prolongation of the Albion mines seams towards the Merrigomish. In this part of the district a small seam is known at McLellan's brook. Another seam appears to the south-east of New Glasgow, near the new road to Pine Tree Gut; it is of larger dimensions than that at McLellan's Brook, and good coal has been taken from its outcrop for domestic uses. Other seams no doubt exist along this tract, which is marked by a valley or depression extending to the eastward," (page 255.) "It is by no means improbable that a very valuable prolongation of the Albion Mines may be found in this direction," (page 265.) But as regards the celebrated deposit upon which the Albion works are erected, particularly described by Mr. Dawson, in his evidence on the Journals, given before a committee, he says:—"The most important coal fields contained in the central trough, is that of the East River of Pictou. The productive coal measures of this field include ten beds of coal, only one at present is worked; it is 36 feet in thickness, and contains 24 feet of good coal; 12 feet of which are at present mined. This great bed and its associated measures are cut off two miles north of the outcrop, by a fault.

"This fault cuts the outcrop of the coal measures at the distance of three miles north-west of the great mines. In the opposite direction, running to the south-east, the out crop of the coal seam runs about a mile, when it appears to be cut off by a fault. The outcrop of the coal measures of the Albion Mines, thus appear to extend 4 miles, and the area of the beds of coal must be less than 12 square miles."

Here then you have at the very central and valuable coal deposit at East River twice as much in area as you give away. While all the coal fields which without doubt abounds all round the harbor of Pictou are exclusively yours. I do not pretend to say that the Association do not possess the best—the most valuable—the easiest worked mines.

No doubt they do. But who has a better right? Surely nobody would expect that they who have created the works and spent the enormous sums they have done in that locality, on the faith of the promise of the British Crown, guaranteed over and over again in addresses and

resolutions in which we claim no right to interfere with them in their actual operation—that they would surrender their mines to us. All that we have a right to ask is—have we not allowed them too extensive an area? Now as regards that, it is easy to compute the contents of one acre of coal—one foot in the thickness yields you 1500 tons; one-third of this you throw off for pillars, this leaves you 1000 tons to the acre.

A mile square gives you 640,000 for every foot thick; multiply by the thickness of the vein, and you will have the quantity of solid contents of coal in the square mile. It will not do, however, to reckon as my hon. friend from Windsor has done.—counting the veins at Joggins, which are but  $4\frac{1}{2}$  feet thick, as yielding the same quantity as those of Pictou, which are 8 times the thickness. Neither will it do, in estimating these quantities, to be guided wholly by the cubic contents; more especially is this the case at Pictou, where the character and quality of the deposit varies exceedingly. So much so indeed that already that has been the cause of great loss and expense to the Association. The pits first sunk at Pictou were worked towards the north-west, and then towards the south-east; but in both directions the coal deteriorated so much that it was thought necessary to remove to other places. Other pits were then sunk at a large cost, some distance off, and the veins were then worked in the same way to the north-west, and south-east and were still found to deteriorate. Eventually these pits were abandoned, and the work resumed at another floor of the same vein, in the place where it was originally opened. So that it is clear that no calculation of mere area can be depended upon as exhibiting a correct idea of the available cubic contents of any coal seam.

In this inquiry it may be worth while to look at the extent of the areas demanded by the gentlemen who gave notice of a wish to open coal mines in different parts of the province. At Spring Hill Mr. Fraser asked for 9 square miles; at Point Anconic Mr. Purves asked for 16; at Lingan Mr. McKeen asked for 3. If these demands were founded on a fair estimate of what is required, it would not seem that the area of 12 square miles allotted to the Association in Nova Scotia proper, can by any principle of computation be considered extravagant or unreasonable.

But, sir, to leave Nova Scotia proper and go to Cape Breton—I pass over the coal fields at Carriboo Cove, Little River, and Port Hood; they may be valuable, and I believe they are, but I confess their value has not been so impressed upon my mind as to make me estimate them as a very important element in this question. Let us go to that magnificent coal field which forms the north-east boundary of the Island of Cape Breton.

"The coal of Cape Breton," says Taylor, "appears to have been known to the early French settlers prior to the discovery of that mineral in Nova Scotia and Newfoundland. The Abbe Raynel is among the first writers in describing the Cape Breton coal, which he said was worked in horizontal beds in open cliffs; and he says that one of the coal seams had been set on fire and burned with great fury." He adds, "the principal coal seam at Cape Breton is about six feet thick, but the roof not being good, the workmen are obliged to leave part of the coal." Again, we find Taylor describing the coal field of Sydney as follows: "It extends from Mira Bay to Cape

Dauphin, averaging about seven miles in width and occupying an area of 250 square miles." Of that portion of this coal field which falls within the area conceded to us, he says: "The Bridgeport mines are 15 miles from Sydney. The coal seam worked here is nine feet thick, of which formerly but five feet nine inches were worked, leaving the remainder for roofing. This coal, which resembles that of Sydney, is conveyed by a railroad, near two miles, to the shipping place, from whence small schooners convey it to the larger vessels, which approached within a mile."

Now, Mr. Speaker, it may be asserted that statements of the extent and value of coal fields, extracted from Text Books, afford no sufficient foundation for acting upon. There is force in the assertion,—and, if the statements stood by themselves—if they were not corroborated by the most unexceptionable testimony, they would not justify any decisive action founded upon such authority. But I will ask the attention of the house to a piece of testimony which I shall pronounce unexceptionable, which proceeds from the best possible authority, and must be entitled to great weight. I shall ask them to listen to the statements of the Association themselves, made by two of their most trusted and able agents in the province—made before the controversies had arisen which placed the Association in antagonism to the local legislature—made when the Association had no object, and could be suspected of having no object, except the fair and honest exposition of the facts as they were.

Let the house turn to the articles on the minerals of Nova Scotia, furnished by Mr. Richard Smith, and Mr. Richard Brown—published in the second volume of Haliburton's history of Nova Scotia; they will find what the Association themselves thought of the coal fields they have conceded. In speaking of the eastern coal district of Cape Breton, this is the language used:—

"This extensive and important coal district commences at the northern head of Miré Bay, and continues to the great entrance of the Bras d'Or lakes, being in length 35 miles, and averaging 5 miles in width. From a minute calculation of the area of this district, deducting the harbors, bays, and numerous indentations in the coast, it appears that there are one hundred and twenty square miles of land containing workable veins of coal. For the sake of conciseness, we shall call the above area the Sydney coal field, although the two extreme points are nearly 20 miles distant from the town of Sydney.

"If a line be drawn from Scatarie to Sydney, and thence to Cape Dauphin, it will form the south-western boundary of the Sydney coal field."

Now, let gentlemen look at the maps exhibiting the areas retained, and those conceded. When the Association in their first proposition demanded the extension of the line from Sydney Harbor to Cow Bay, they certainly did intend it to cover a very large part of this valuable coal field. Compare that line with the one eventually established, and the house will find that so far as regards area, they have conceded to us two thirds of the whole. Then, as to the value of what lies to the south of Lingan, what say these same authorities? "The two deep veins in Lingan Bay are of the best quality in the Sydney coal field. The nine feet vein which is exposed in the North cliff, dips to the N. E. at an angle of ten

degrees. The eleven feet vein on the south side dips to the east at an angle of five degrees. This difference of inclination, is caused by a fault which runs from N. E. to S. W., and may be seen on the northern cliff. A specimen of coal from the eleven feet vein has been carefully analyzed by an eminent chemist and found to contain only  $\frac{3}{4}$  per cent of extraneous substance."

Now, this is precisely the deposit which we have secured, and gentlemen will observe that while the vein is thicker than that to the north,—while the coal is of a quality almost unexampled, the very structure of the measures is such as to enlarge the bounds of the areas, within which it may be rendered productive. On the north side of the harbour, for every 9 feet horizontal measure, the coal seam descends one foot deeper. On the south, however, this dip is only one foot in 18; and therefore a pit sunk on the coal seam at five miles distance from the outcrop, will strike the vein within a workable depth,—and thus the area, within which coal operations may be conducted, is just doubled by the difference in the dip upon the two sides of the harbour.

Sir, this difference would seem to be almost enough to satisfy any gentleman; but still, it is not the whole of that on which your delegates acted. We have still further the evidence of another gentleman, qualified by long service as an officer of the Association at Sydney to speak with precision, and from his present position towards the Association, beyond any suspicion of designedly misinforming us on the subject. That gentleman's testimony entirely corroborates that of the other two of the officers of the Association. And thus with the concurrent opinion of three persons, as well qualified—probably better qualified than any other three men in existence to speak with certainty, can it be pretended that there is the shadow of a ground for believing that in the concession of the area to the south of Bridgeport harbour we possess, so far as quantity and quality, the elements for conducting a trade of any magnitude in this branch of industry. Add to all this the pertinacity with which the Association adhered to their original proposition, including this area,—the reluctance with which they acceded to our excluding it, and it is impossible to resist the conviction at which your delegates arrived when completing this arrangement.

But assuming all this, it is said—what is the value of all this deposit, if it is inaccessible by sea?—if we cannot meet the Association upon terms of such equality as to create reasonable hopes of competition? My answer is that we have the same chance at Bridgeport that they have. They have at their own expense deepened the entrance to the harbor; our agreement secures to us the privilege of that improvement.—We may run our roads over their areas, build our wharves and railways upon their lands, and ship coal along side of them with precisely the same advantages which they possess. The navigation at Bridgeport is confessedly not of the best; but the Association last year, in some way or other, shipped from that harbor, no less than 6000 chaldrons of coals; and while the Bridgeport mines were being worked, they exported by this navigation no less than 140,000 chaldrons, so that it cannot be said that this navigation is altogether valueless, and as regards it, we stand on an equal footing with the company.

Eventually, however, I may assume that if coal operations are to be conducted to any great extent at either Lingan or Bridgeport mines—the produce will find its way by rail to Sydney. The few miles from either mine to Sydney harbor, where the navigation is unsurpassed by any harbor on the coast, running as it does over comparatively level ground, will not form a permanent impediment to the opening of these mines—and when the Association are obliged to adopt that course, any new company working the Bridgeport collieries will stand on an equal footing as regards the two mines. It is true the company have the benefit of the Sydney mines within a short distance of the water,—but let me tell gentlemen that there is not at Sydney mines the immense quantity of coal that is supposed. The coal seam there, measured from the outcrop to the water, includes about two square miles. One of them is already worked over; there remains but about one square mile. Calculate this at 1000 tons to the acre of one foot thick—or 640,000 tons to the square mile, and multiply by the thickness of your seam, and you have about 3,000,000 tons of coal as its utmost limit of production. The traffic of the last year was about 150,000 tons; let it increase as it has done for the last few years,—suppose it to double, and the whole mine will be exhausted in ten years. Now, if this should be the case, where are the company to carry on their operations during the rest of their lease? Between Sydney and the little Bras d'Or the land is disturbed—the coast line is ragged and uneven—and no known valuable deposit exists which would justify the erection of extensive works.

At Point Anconi there is a valuable coal field, which affords inexhaustible material for carrying on the works; and it is to this coal field the company must look if the seam at Sydney is exhausted,—or if any accident such as has already occurred at Picton, should interrupt the works at Sydney; and, surely, it would hardly be expected that the company would give up this deposit which may at some time be so essential to their existence, unless we had the power to get it out of their hands. That power we had not. The bill of 1853 only authorises us to take possession of mines not working; these mines are not within that description, and therefore we could not be expected to demand, or if we did demand, to obtain them. To the company then, besides the mines at Sydney and the Lingan Coast, we have given in effect the Point Anconi mine. To ourselves we have secured all the rest of the Island, including seams at the Little Bras d'Or and Bridgeport, that have been actually tested and tried, and are known to be very valuable, besides an immense area which we have every reason to believe contains a great extent of workable coal seams. I ask, then, if the delegates have not, in substance, carried out the arrangement for which the Legislature have been asking for many long years. If we have, and you are convinced of that, ought we to allow financial considerations to prevent us from putting an end to a controversy so long pending. I think not. If the loss to the revenue is too great, we should have thought of it in 1856; if that was no consideration then, neither should it be now. At all events, it hardly suits those who underrated it then to overvalue it now.

In conclusion, let me express the hope that the

house, in the decision to which they are about to come, will be guided by what is due to themselves and the country they represent. If they feel that the settlement, now in our power to secure, is a fair and honorable one, I trust they will not reject it. To do so, would be to throw this question once more into the arena of political controversy. It would present us in the aspect so much to be deplored, of the Legislature of a country being in permanent antagonism to the greatest industrial interest the country contains. There may be reasons to warrant that position; but they must be grave indeed; and I do not think we would be justified in reference to this question, if we did not, when the opportunity for a fair and honorable compromise is offered to us, almost upon our own terms, do everything that in justice to the constituents we represent—in justice to the province whose rights are entrusted to us, we can do, to put an end to this painful controversy.

SATURDAY, Feb'y 20.

#### MINES AND MINERALS.

Mr. TOBIN said, as no other gentleman seemed inclined to address the house, he would make a few observations on the subject under discussion. When he first came to this house the public mind was largely occupied with the disputed question of the Mines and Minerals, and his own was to a considerable extent influenced by the views of the hon. member for Inverness, as expressed in the speeches he then delivered before the house. He had looked up a speech delivered in the session of 1855 by that hon. gentleman, in which he said that as the subject was then so completely exhausted he considered it impossible to engage the attention of the house at any great length, but when he listened to the elaborate arguments delivered by that hon. gentleman a few days since on this same subject, he was at a loss to reconcile his recent speech with the views he had previously expressed. For his part he did think the subject had been worn threadbare, as was evident from the fact that the hon. Attorney General with all his ability and intimate knowledge with the question under debate, failed to engage the attention of the house. The public mind, as also the opinions of most hon. members, was completely made up, and he felt that no arguments that he could adduce would have any effect upon the decision of the question.

In his opinion he believed that the arrangement entered into by the delegates embodied the views and principles laid down by the hon. member for Inverness in his address of 1856, in which he (Mr. T.) perfectly concurred, and he did think that after the able speech of the hon. member for Colchester (Mr. Archibald,) who was selected as a delegate to represent the views of the oppositon, that but little debate or opposition would have occurred. The hon. member for the North Riding of Colchester (Mr McLellan) said in the course of his remarks that when gentlemen laid down false premises, they would naturally draw false conclusions. If he referred to the arguments of his hon. colleague (Mr. Archibald,) he (Mr. T.) could detect nothing to warrant such a remark, as he thought the speech delivered by that hon. and learned gentleman was distinguished by sound argument which could hardly fail to convince the

House, that the arrangement entered into between the delegates and the Mining Association was in accordance with expressed opinions of this House as shown by the journals, and carrying out the principles laid down in the address of 1856, which laid the basis of the negotiation.—The hon. gentleman went on to say that he had turned his attention to the maps of the coal localities laid on the table by the Hon. Attorney General, and he was convinced from his inspection of them that if the Bill before the House was ratified, that a wide field would be left open for competition and enterprise. The small areas reserved to the Mining Association was not more than sufficient for their operations till the expiration of their lease, with the exception of Spring Hill Mine, and if we are to judge of the value of the Spring Hill Mine as a field for competition by the opinion of the hon. and learned member for Colchester, who has given the subject great consideration and attention, judging also by its geographical position, being situated at such a distance from tide-water, its importance cannot be a matter of much consideration to the Province. The hon. member for Windsor had made a most extraordinary speech. The principles enunciated by that hon. gentleman with regard to mercantile usages are not those he (Mr. T.) had been accustomed to follow. The honorable gentleman advocated a delay, and said that no harm could come of it; sir, to defer the bill is to reject the terms of agreement. What then? Are we to have again the lease sent out by the British Government as in 1855, laid on the table of the house, and the execution of it demanded by the British Government, in order to settle the claims existing between the creditors of the Duke of York and the Mining Association, that the chancery suits pending may be discharged—are we again to have such an exhibition as took place in this house on the delivery of the speech of the hon. member for Inverness, (Mr. Young) when he declared that he could not ask the consent of the house to an act which deprived the people of this Province of all its mineral wealth, leaving nothing to its inhabitants but the soil they stood on. Sir, I cannot reconcile the hon. gentleman's opposition to the ratification of the terms of agreement, because he laid the basis of these agreements, and although the opportunity of bringing them to a close has been snatched from him, still to him belongs the honour of the final settlement of this vexed question by his previous expressed opinions. Guided by his legal knowledge and experience it was brought up to the point which made the path of the hon. delegates comparatively smooth. But the hon. gentleman persists in his opposition, alleging that the delegates have given away all the coal fields. Sir, if we are to believe all the reports that have come to us through Dawson, Haliburton, and others, there must be vast fields of Mineral wealth outside the areas laid off for the Mining Association in this province. When I look on the maps on the table and see the spots marked on them. I cannot assent to the arguments of the hon. and learned member for Inverness. Outside the lines there are ample fields for enterprise and competition, and as the agreement entered into secures to the province the right to construct rail roads, team roads, and all other appliances for the transmission and shipments of coal over the coal lands of the

Mining Association, and also the right to build wharves alongside of the wharves of the Mining Company, we can apprehend no danger of being shut out from competing with the Association when we are placed on terms of perfect equality. He (Mr. T.) had heard it argued that no arrangement had been made with the Association for reducing the price of coal. This appeared to him purile—is it not for the interest of the Company to lower the price of coal at the Mines in order to secure an export demand. They must put the price down to compete with the Mining Companies of the United States. It is said that the United States have no coal equal to our Pictou coal for smelting and manufacturing purposes. The Cumberland coal of the United States, according to the report of W. R. Johnston, is estimated highly,—the demand for it has rapidly increased, it is excellent for domestic purposes, making a warm and comfortable fire, very desirable and so excellent for raising steam that it is preferred by some steamship companies, to all others in use. It is also used for smelting and manufacturing purposes, and daily coming into favour, and its consumption daily increasing. There was a time when a moral, a brave and industrious people could become a powerful nation, independent of climate and natural resources of country and climate, but this cannot occur again. Men are indeed animated by the same passions that swayed mankind in days of old, but the natives of the earth are now controlled by outward circumstances of a totally different character, and these have but recently come into existence. The invention of the steam engine and the application of its mighty power to manufacturing and commercial purposes, have made those nations the rulers of the world, which have within themselves the greatest resource for maintaining the all conquering agency of steam.

With only a superficial area of 815,000 square miles of country, and a climate by no means favorable for agricultural productions, what would England be without her valuable 9,000 miles of coal fields,—without this where would be her 10,000 woolen and cotton factories—where her 2,500 steam ships and boats, and where in her numberable railroads and locomotives? The coal fields of the United States embrace an area of 133,569 square miles; those of Great Britain and Ireland only 11,859; those of Spain 3,400; France 1,710. With the exception of the North American Colonies, which has an area of 18,000 square miles, the coal fields of all other nations are mere patches on the surface of the globe. Two-thirds of the commerce of the world is carried on by Great Britain and the United States; and as no nation can be commercially powerful now without steam ships,—and as no long voyages can be maintained without coal, the coal resources of those two great commercial nations form a well grounded basis to predict the future of their greatness and power.

According to statistical returns, there was mined in the United Kingdom in 1856, sixty-six millions six hundred and forty-five thousand four hundred and fifty tons of coal, while the total quantity mined in the United States, and sent to market since the commencement of the trade, does not exceed 77,336,544 tons. But the consumption is rapidly increasing, and in 1866 ex-



ceed 10 million tons. Hitherto the forests in North America afforded abundance of fuel for every want; but as the country becomes cleared of the primitive forest, the consumption of coal must rapidly increase, and it needs no prophet's glance to foretel that the export of coal from this province, under a free developement, will double in less than ten years. Since the United States commenced to build and run steamers, the consumption of coal has largely increased. Two lines of steam ships—8 vessels—running between New York and Liverpool, used no less than 32,000 tons of coal last year. The time has now arrived when the quantity of coal used by a nation may be taken as an criterion of its power, its commercial greatness, ocean and inland.

The privileges given to the Mining Association under the agreement, do not confer on the company anything like the privileges enjoyed by the Pennsylvania coal company. A bill, entitled the "Wyoming coal and iron company," passed both branches of the State Legislature in 1856. The capital is one million dollars, with power to increase it to a sum not exceeding \$5,000,000. The Corporation have the right to purchase and hold coal and iron ore lands in the county of Luzerne, to the number of, at any one time, 2,000 acres; and limestone and iron ore lands in the counties of Columbia and Montrose, not exceeding 300 acres at any one time, with power to mortgage, sell, lease, &c. The Corporation to pay to the State treasurer one half of one per cent. upon the capital invested in four equal instalments, &c. In the Schuylkill county there are 113 collieries, employing about ten thousand men. The thickest vein worked is at Heckscherville, which is 80 feet in verticle thickness, and at the smallest is 2 feet. From those facts we may naturally conclude, that to increase the exportation of coal from this province, we must remove all restrictions that impede the operations of the company; and by relieving the province from this monopoly. invite capital and skill to turn this valuable deposit into a profitable source of wealth to the people of Nova Scotia.

Nova Scotia is rich in mineral wealth; but her mineral wealth does not nor cannot increase her riches, by allowing it to remain locked up in the bowels of the earth. Building stone is useless till delved from the quarry, and the metals derive their value in proportion to their variety, and the consequent amount of labor expended in obtaining them. Our mineral resources, so long as they are held by the Mining Association as a monopoly, prevents their free developement and excites feelings of hostility by the Legislature and people of this country, and become vexatious and irritating to both parties. Therefore, to remove this source of agitation, and in order that all the unworked mines and minerals of the province may revert to the government, for the benefit of the whole people, he would record his vote to give effect to the agreement entered into between the delegates and the Mining Association, in order to set at rest this long vexed question, which has so long agitated the minds of the people.

Mr. McLELLAN said—From the kind of evidence we have had, it appears that if coal is at all to be found outside the company's lines, it is at Cape Breton.—the furthest from the American market and the most expensive, because the sifting, according to Mr. Cunard's statement, is

double that of Pictou. It would therefore have cost the company some £4000 more to have raised the same quantity of coal at Sydney Mines that they raised in Pictou in 1857. This is no doubt the reason why the company's operations are so much on the decline there. It is therefore evident that the only chance of competition with the Association would be at Spring Hill Mines. It has the great advantage of a safer navigation, and is only about two thirds the distance from a market; by insurance and freight alone, 5d. per chaldron would be saved. Suppose a company were to raise 70,000 chaldrons a year at Spring Hill, the advantage over Pictou and Cape Breton mines would be £17,500. Against this are some 20 miles of railway to build to reach Parrsboro' River. Suppose this to cost £50,000, the interest would be about £3,000 a year, leaving a profit against the Cape Breton mines of £14,500 annually, or about £406,000 for the twenty-eight years.

In all my experience I have never heard so many fallacious and unsound arguments propounded on any subject, as have been used in the discussion on this bill. It is, we are told, to stimulate and give more life and vigor to the trade; but all seem desirous of avoiding particulars. Will any hon. gentleman seriously assert, that if the paltry 4d. per ton is taken off, one bushel of coal more will be raised, or the price at all reduced to the people; and yet, if this argument be taken away, the whole fabric upon which this agreement is supported, tumbles to pieces.

If hon. gentlemen will at once say—the more of the public money we can spend the better, I can understand them, and appreciate the haste with which the measure before us is attempted to be forced through the house; but they are too wise to do that,—they cloak their real ideas under a professed desire to do good. If anything would justify a minority in returning to their homes and leaving a majority in their glory—or a people rising *en masse* and petitioning the Governor to dissolve the house—it would be the passage of a bill such as this, in the way it has been forced on.

After some desultory discussion—

Mr. KILLAM rose and said:—I regret, Mr. Chairman, that I have been prevented from attending here to listen to the interesting debate which I am sure must have taken place on this subject. Under the circumstances, considering the aspect which it has now assumed, I scarcely know what can be done with it. I cannot say that my opinion has much changed; having always believed that the wisest course was to let the Association alone. But, sir, from time to time we have had discussions in this house, and the matter has been agitated out of doors; resolutions and addresses have passed advocating a settlement; and when the delegation was proposed at the last session, and two hon. members of this house chosen to go home and make final arrangements, I felt that the Association would have the best of it; and I still believe that, whatever we may do, they will still have the best of it. As, however, a negotiation has been had, and a final adjustment made, acceptable both to the delegates and the Association, it appears to me that our wisest course is to accept, and make the best of it we can. Outside the prescribed limits there may be some mines that can be worked advantageously, and that a company may be form-

ed to compete with the Association, and supply some part of the demand.

It was the policy of Mr. Young and Mr. Howe, when in the administration, to get some arrangement made, and I do not see why, after their own objects have been effected, they should demur to fulfil them. On these grounds, sir, and believing that no advantage will result from delay, I feel myself justified in voting for the bill.

Dr. Brown.—I do not think it worth while, Mr. Speaker, to occupy more time in debating this question. Members around these benches are now quite competent to judge of the whole subject. In fact, it appears to me that when two delegates from opposite sides have been chosen, and have agreed on the terms to be submitted to the Mining Association,—and these terms have been accepted, it appears to me that the whole question is settled, and it is useless talking more about it. The bargain is made, and be it for good or for evil, we must abide by it. As to the advantages of this bargain, I have made up my mind that it is a good one; and I am satisfied. But no one supposes that this arrangement will not pass this house. Why, then, debate it further? The truth is, gentlemen speak in order to make a display in the public papers. Nobody's opinion is influenced by these speeches, and I even see no cause for delay, especially when the house is pressed by so immense an amount of business as is now before it.

Hon. Mr. Howe.—I feel reluctant, sir, even to seem to retard the transaction of the public business, or prevent any hon. gentleman from addressing the house; but, sir, as the hon. and learned Attorney General seems to press for a division, and no one else appears desirous of speaking just now, I shall offer my views to the house, perhaps on this measure for the last time. Sir, I ask why this extreme haste to meet the views of the Mining Association? why this anxiety to press this question at once to a conclusion? I cannot but contrast the extreme tardiness heretofore evinced by hon. gentlemen to meet this question with the undue haste exhibited now by hon. gentlemen opposite. We were told some ten days ago that fishermen were starving on our coasts; they have been left to starve; nobody has exhibited any solicitation or anxiety respecting them. But from day to day this subject has been urged, upon the ground that it was necessary for the interest of the Mining Association that this bill should pass, in order that they might complete the arrangements for the Spring. As one member of this House who has always supported everything which might lead to a settlement on a fair and honorable basis, I think hon. gentlemen are bound not to precipitate the proposed arrangement, before all the evidence necessary to lead us to a sound conclusion is before the House, with a pertinacious haste absolutely indecent. The hon. member for Yarmouth asks where is the benefit of delay? and justly goes on to say, negotiate as you may, reconsider it as you may, the Mining Association will still have the advantage, and will beat you at last. And so it is, at every turn they have taken advantage of us; on every division they have beaten us, and unless we act with firmness and decision they will do so still.

Now, sir, we have no authentic information

touching these areas. Would any man purchase a barn yard with boundaries so undefined and uncertain; would he buy a ship on such an admeasurement. It is tolerably well authenticated that when Sir George Murray made the original arrangement he was ignorant of the fact that he had transferred, not only the mines in the Island of Cape Breton, but those in Nova Scotia also.

Are we better informed as to the nature and extent of the bargain we are about to make? I think not. Even the delegates themselves do not pretend to be aware of the quantity of coal comprised in the areas surrendered, or whether any mines capable of being worked to advantage exist outside these areas. Why then should this House be denied the fullest data, the most ample information? When the bargain is once ratified, there is an end to negotiations; we may grumble and complain unheeded, because we will be impotent. What reason then can the hon. Attorney General give for denying us a year's delay, and that he may have no ground to refuse a request so reasonable and just, I am content that if, after such delay, the House should be of opinion that the proposed arrangement would conduce to the public good and ratify it, then that it should take effect from the 1st of January, 1858. Surely hon. gentlemen will not venture to assert that in adopting such a course there is any breach of faith,—any act of discourtesy; nay, sir, could anything fairer be stated by man than that? Should this proposition not be accepted? and if not, why not? I shrewdly suspect the reason to be that the more this subject is sifted and investigated, the more that information is thrown upon it, the greater the likelihood that we shall find good reason to pause, perhaps to reject this proposition altogether; and if the question be forced on to a hasty issue, I shall be neither afraid nor ashamed to record my vote against the bill.

If a public officer happen through inadvertence to make a mistake in his accounts, amounting to £200, it is printed abroad to all the world as an act of neglect, incapacity, or perhaps worse; but the Mining Association it appears has been making a series of mistakes in their own favour amounting to about £7,000. These are now discussed for a first time, yet that is nothing at all; we pocket the loss, and there is an end to it. The hon. member for Yarmouth knows well that one of their very first acts when they got possession of these mines, was to change the measurement by the substitution of one word for another; by which, and I quote from the speech of my hon. and learned friend from Colchester, they have down to this time gained an enormous advantage. Suppose the Province had entered into a contract with a private individual, and by it lost £150,000. would we not be insane to close another bargain with the same person without first investigating all the facts, and making ourselves thoroughly conversant with its nature. We come down to a later period and find that without the knowledge of this Legislature, by another change, the Association obtained the right to increase their quantity of coals raised under their lease by £6000. Again, at a later period, we discovered that they had evaded the payment of Royalty on slack coal. I shall not now stop to discuss the policy of executing it; sufficient for me that they were bound by their agreement to pay it, and without our know-

ledge or assent, withheld what was justly due to the Province.

For years, sir, by the talent and pertinacity of their advocates, both within and without this house, they, even after we became aware that Royalty had not been paid, successfully resisted our efforts to enforce it, until this house, tired of trying less harsh means, by compulsory legislation exacted it. Was not the hon. member for Yarmouth, am not I, then, justified in saying that, looking to the past, seeing how on every hand they have year by year, and session after session, beaten us on all points, that they will still have the best of it, act as we please. But that is no reason why we should not cautiously investigate the subject before us, and endeavour, if possible, to thwart them in accomplishing now what before they have so successfully achieved.

Now, sir, my hon. friend from Colchester admits candidly, and I was glad to hear him admit it, that we are not bound to ratify this agreement, that the right to review and revise does appertain to this house. If so why should we not exercise that right? Let me investigate briefly some of the most powerful and cogent arguments of my hon. and learned friend. He says a great many thousand tons of coal will be shipped to the United States after the passage of this bill over and above the quantity now exported. For the sake of argument let me admit this, and I think even then I can shew, notwithstanding that I have been accused by the hon. Provincial Secretary with making long speeches and nothing in them—that our people will not be benefitted in a ratio equal to the advantages conferred on the Association. Take the shivering old woman in one of our upper streets, sitting over the embers of an expiring fire; what cares she about questions of area, or questions of trade? To her it is a matter of little moment, while the wintry wind is howling around the crazy tenement she inhabits, whether the Association obtain 5 or 10 square miles of territory, or export, 200,000, or 200,000,000 of chaldrons; but right well does she understand the difference between paying 6d. or 1s. for that small scuttle of coal that goes to warm herself and family. (Cheers from the gallery.) On this point I contend that the delegates have entirely failed; they have speculated on an increase in trade, but have given no heed to that which more than aught else should have engrossed their attention, *the reduction in price to our own people*. But suppose they export twice the quantity now sent away from our shores; the Revenue will not be increased, for it is contemplated that the royalty shall be reduced; the price will not be reduced, for the demand always regulates the supply, and the Association will not raise or export a greater quantity of coal than they can find a ready market for. The money will not go into the Provincial chest, and the old woman will pay just as much for her scuttle of coal as she now does.

By the reciprocity Treaty, the Foreign Trade in coal was largely affected, a reduction of 4s. 6d. per chaldron was made in the United States, in favor of the Trade. Our provincial interests were sacrificed to obtain that concession. What are you about to do? Do you give our own people any boon—improve their condition or lessen their burden? No, sir, £6,000 which we require to put

upon our roads and bridges, is given to the Association while they are not restricted, from charging any price they please. Have we not good reason then to look with caution at this arrangement? are we not justified in pausing until all the elements for forming a sound judgment are before us—and thereby prove to the Mining Association that they are dealing with an intelligent Legislature, that will no longer consent to forego their rights, or allow them to be sacrificed.

I understood my Hon. and learned friend from Colchester to say last night that on one side of Sydney harbour there existed but two square miles of workable coal seams, and that these were nearly exhausted. I believed it then, but what do I find since? That in the locality mentioned the Association have reserved twenty-odd square miles. In that compass fifty farmers may live; by this Bill they are prevented from raising for their own use a single chaldron of coals. In all fairness and justice, I ask if it is equitable or right to strip them of this privilege?

Again in the County of Cumberland is situated the Spring Hill mine. We are told that it is 20 miles from navigable water; but I know that ships are built and deals are rafted within four or five miles of the place.

But even if not workable for exportation, why deny to the people the right of working a mine situate in the heart of one of your noblest Counties, from off the face of which the forest is rapidly disappearing? The members for that County are strong supporters of the Administration, and warped by their present position may support this Bill,—but if they occupied seats on the opposite side, I cannot help thinking that a good deal of information would be elicited from them antagonistic to the ratification of this agreement. Suppose the farmers upon the Macan and Nappan rivers desire the privilege of digging this coal from the soil for their own use, why should it be denied them? Sir, my impression is that the policy of the Mining Association has been, under the guise of striking off the general monopoly they possessed, in reality to retain everything that was worth having, and rivet that monopoly more firmly upon this country for the next twenty-eight years; otherwise, sir, why when they had retained some miles on one side of Sydney harbour, did they stipulate for and obtain a vast area on the other.

The Hon. Attorney General and my hon. friend from Colchester, both quoted from Haliburton's history. I believe I printed that work myself, and am of opinion that the statements touching matters of this kind, are not very accurate or reliable, having been drawn just as my hon. friend the member for Inverness drew the other day a beautiful scenic sketch of the forest which flourished on the soil of Pictou ages ago. I do not believe the information that work pretends to give is based on scientific surveys; but it was necessary that a flourishing account of our mineral resources should be sent abroad—and it was done, a good deal of it, I suspect, based on mere conjecture.

The report laid upon our table yesterday shows that the difference in the estimates of the sum necessary to complete the railroad to Truro amounts to £150,000. We may require all our resources to complete the road to Pictou. Are we in a condition, then, to throw away so large a sum as this bill contemplates? I am not inclined to give un-

necessary or factious opposition to this measure, but I do think that any man who calmly reflects upon our income and obligations will say, that we are not. With reduced royalty,—a crippled revenue,—no reduction in the price of coal, and no positive proof of increase in our foreign exports,—without the shadow of a chance of honorable competition in our mining operations,—would we not be insane indeed to accept a measure, the advantages of which are all on one side, and the disadvantages on the other?

We are now told by those who formerly regarded the matter lightly, of the shame and degradation of this monopoly. For thirty years we have felt the clank and weight of the chain. We are used to it; we can wait another year. But would the company venture to go so far as the hon. Attorney General asserts, and claim a right to the limestone rocks in Minudie, or the plaster quarries in the county of Hants? I should like to see any agent going into Hants county to enforce such a claim; I will venture to say that he would come out quicker than he went in. No company, however great their prestige, would dare attempt to enforce such a right. Since the bill of 1854, the Mining Association have no monopoly worth a farthing.

Now, sir, I put it to hon. gentlemen on all sides: there are many claims to be provided for, many petitions upon our table asking legislative aid. Is it wise, then, if the state of our finances prevent us from considering these claims, because we are unable to provide for them, to strike from our revenue some £6000 annually, while we do not secure to our own people a single benefit? I put it to the hon. and learned Attorney General: if he forces this house into a decision upon this bill, will he stand as high in the estimation of the country,—will he stand as high in our estimation (but perhaps he cares little for that), as he would if he yielded, withdrew the bill for the present, and allowed it to lie over until the next session? But yet, sir, when public men engage in political conflict, there is always an innate feeling which compels them to appreciate the esteem of honorable opponents; and if, after this discussion, he takes the honorable, the dignified course—which even the minds of many of his own supporters approve—he will elevate himself, not only in the opinion of the country, but in that of the opposition. “If, when done, ’twere well done, then ’twere well it were done quickly.” After a year’s experience we should come back to this house, the measure would be again submitted to us, and, if sound, the action of the delegates, fortified by abundant evidence, would meet our unanimous approval.

Now, sir, I have briefly given to the house the ideas which I at present entertain upon this all important question. If the delegates had been in a position to say, “For every penny of royalty taken off, so will the price of coal be reduced,” we should have stood in a very different position; but when I know that the only effect of this arrangement will be to give the Mining Association a firmer hold upon us—to add to the advantages they now possess—to diminish our revenue, and increase theirs—my voice is still for delay. I have always believed—looking to the condition of Nova Scotia, and knowing that if great public improvements were to be made, the government

must take them in hand—that questions of revenue must transcend questions of trade. Was there a man of us who, last winter, regarding only the trade of the country, would have been willing to make an advance upon our *advalorem* duties of from 6½ to 10 per cent., unless the exigencies of the country demanded the increase? Not one. But the necessities of our position, in the judgment of the administration, seemed to demand it, and we made the sacrifice. Now we are asked to throw away, within the next 28 years, £200,000 for no earthly benefit or advantage. Can hon. gentlemen reconcile such a sacrifice to their consciences? Do they believe that in accepting a proposition involving such results, upon grounds so fragile, without information, ill-advisedly and hastily, they are acting for the benefit of the country?

I had not intended to detain the house so long, taunted as I have been with making long speeches, with nothing in them; but although the hon. Provincial Secretary may proclaim to the house and country my ignorance, I think I may be pardoned for believing that I have forgotten more than that hon. gentleman ever knew. (Cheers.)

HON. C. CAMPBELL—We have been told, sir, that there is no coal outside the limits at Sydney; this I distinctly deny. I have good authority for asserting, that coal abounds there. To my own knowledge coal is now raised by private persons all round the Bras d’Or. It has also been said, that the entrance to the Little Bras d’Or is so shallow that no vessel of anything like large tonnage can find its way in. I assert, without fear of contradiction, that at the entrance to that lake, there are 9 or 10 feet of water—that vessels of considerable tonnage can navigate that passage, and that a coal mine exists of considerable extent there, extending to within two or three miles of the present shipping place, at the North Bar. In the face of such facts, how can gentlemen make such assertions. Now, sir, I believe that all the arguments used, to shew that no competition will arise after the passage of this bill, are fallacious. The hon. delegate, the member for Colchester, who has taken the trouble to inform his mind on this subject, and to whose speech I listened with pleasure, has informed the house that a company are even now ready to organise, for the purpose of working mines in Cumberland; and I have no doubt, but that so soon as the mines are relieved from the hold of the Association, other companies will spring up. It is the experience of the world that competition is the life of trade; that it tends to increase the quantity of any article produced, and as a natural consequence causes a reduction in the price. Can we doubt, then, but that as soon as other companies arise to compete with the Association, the price of the article, will decline. Coal is now sold by private individuals for less money than the company charges, (for home consumption.)

HON. MR. HOWE—The hon. member says that the inhabitants dig coal now all round the Bras d’Or; he should be careful to preserve his consistency, for the present bill goes to take away from them that privilege.

HON. C. J. CAMPBELL—I do not believe the bill contemplates taking away that privilege.—Coal is now dug by the sufrage of the agent of the Association. I want to remove all restric-

tions off coal, salt, marble, iron, and, in fact, off all material which our country is capable of producing. Make your people feel that they are lords of the soil, and free to dig or *delve*, on their own estates, without fear of being molested, and fewer will abandon your shores.

After a short conversational discussion the house adjourned.

MONDAY, Feb. 22.

MINES AND MINERALS.

The adjourned debate was resumed.

MR. McKEAGNEY—I wish to make a few observations, Mr. Speaker, in reply to the member for Victoria. He spoke of the mines of Bridgeport, and stated that in consequence of the shallowness of the harbor, vessels could not go there for coals. I wish to answer that, and am anxious, whatever arguments may be used, that facts shall be correct,—for information on this subject, applied to the most authentic sources, I called at Mr. Cunard's office, and examined the books there, and will state the results of that enquiry. In 1837 coals were shipped at that harbor to the amount of 13,006 chaldrons; 339 vessels loaded there, several of which vessels carried 345 tons of coal, while many of them exceeded 300 tons. For four consecutive years, commencing with 1837 were shipped there, 52,024 chaldrons. If that be the case—if that quantity were shipped, and if vessels of that burthen loaded there, how can the hon. member justify the statement he has made to the house and to the country?

MR. H. MUNRO—The representative of the Association at Sydney informs this house that he called at the office of the agent of the Mining Association in this city; the information he there obtained I entirely discredit. Let the house reflect for a moment—if, in the four consecutive years, commencing with 1837, 52,000 chaldron of coals were shipped from Bridgeport; if vessels exceeding 300 tons measurement could load there—how comes it that the Mining Association, having works established in that locality, have abandoned them? The answer is clear: First, no vessel of 300 tons burthen ever loaded, or ever could load, at Bridgeport, because no vessel drawing more than 10½ feet of water can load there; and, secondly, if the Association, having expended large sums of money in the construction of offices, miners houses, houses for the officers in charge, stores, a railroad to the point of the Bar and all other appurtenances necessary for carrying on mining operations on an extensive scale, is it to be supposed for an instant that, at a great loss of outlay to themselves, with all these appliances for conducting the work at hand, they would have abandoned the mines unless they had proved unremunerative, and allowed all these buildings to remain unoccupied, fall into ruin and decay; presenting a scene of desolation such as is not to be met with in America. It is a well known fact that masters of vessels were averse to shipping coals from that port, and that merchants could scarcely obtain a charter from any owner to proceed there. True, the Association did attempt to deepen the harbor by means of the steamer Baushee, but finding that all their efforts were fruitless, they abandoned the attempt without having effected the slightest benefit to the navigation of the port. The Lingan mine is a portion of the low point coal field, and the Asso-

ciation have made a commencement on a small scale in that locality during the past three years, their object being to prevent any company taking advantage of the bill of 1854 and opening the mine to compete with themselves—their intention never having been to ship from Lingan to any extent,—but at some future period, if required, to tap the harbor of Sydney by means of a railway. And, sir, in conclusion, I may say that if the Mining Association anticipated or dreaded competition from a company to be re-established at Bridgeport, they would have stipulated, as a *sine qua non*, that the mines in that locality should be included in the agreement under the bill.

MR. McKEAGNEY said that his statements had not been answered, he repeated them. The mines had been abandoned for a time, but the Lingan working had been resumed, and for the last three years 16,500 chaldrons had been shipped from the place. He believed if aid were given there, as had been at Pictou, that the harbor might be made suitable for vessels of 1,000 tons. He denied that he was influenced as an agent of the mines, and said that he acted as independently on such questions as any member in the house. He again referred to the facts which he had stated.

MR. McLELLAN remarked, that the shipments at Cape Breton had largely declined, while those at Pictou had about correspondingly increased.

MR. McKEAGNEY explained; that the qualities of the coals were different; one suited for some purposes, and the other was preferred for other uses.

MR. MORRISON enquired the depth of the harbors at Bridgeport and Sydney.

MR. McKEAGNEY.—At Bridgeport I believe the depth is about 13 feet.—the Lingan mines has the same harbor. The depth at Sydney is about 11 fathoms.

MR. MORRISON.—When I was with my vessel in the U. States, an agent wanted to send me to Bridgeport for coal. He stated the depth at 10 feet, and I declined going there except demurrage were allowed.

HON. ATTORNEY GENERAL.—Does the member for Inverness intend to speak in support of his resolution now?

HON. MR. YOUNG.—Not now; I am content to rest on my former remarks, and to hear what the Attorney General has to advance at this time.

HON. ATTORNEY GENERAL.—The question, Mr. Speaker, as debated, is replete with information, and full of instruction. We have heard the expression of very singular opinions, when contrasted with sentiments uttered here for many years past. By this, the people may learn, if they please, the value of the appeals so often made to them, when they were taught that their rights were violated, and that they were subjected to grievance and oppression. What once was represented as most injurious, is now treated as imaginary; wrongs which, at former times, were made to occupy a large space in the minds of the people, and were urged as seriously effecting their feelings and interests, now are made to shrink to nothing, compared with the consideration of a few pounds more or less in the exchequer. It becomes my duty to support the bill before the house, although, hitherto, when the people were told that they were exposed to oppression and wrong, it was my lot to differ with gentlemen who assumed to be the people's champions. My course in this house has varied ac-



ording to the position which the question assumed at various periods. At first, when the lease of the Duke of York was brought under consideration, I united in sentiment with gentlemen opposite, that the measure had been adopted by the British government without due advice and consideration; and that it was an inexpedient exercise of the prerogative,—whether it was an improvident grant, according to the legal import of the term, or not, I never ventured to say. Improvident, so applied, would, in the legal acceptation, signify, that the grant was liable to be set aside by process taken for that purpose. When the question had been agitated for some time, it became obvious that a common interest required that some termination must be made; and, to settle the question, whether the grant to the Duke of York was improvident and liable to be set aside, the house voted a sum of money for obtaining the best legal opinion in England. That was done on the advice and the concurrence of the government of which I was a member. The opinion of three eminent lawyers was obtained, who concurred in judgment that the grant was not improvident nor illegal, and could not be set aside. The member for Londonderry stated that the case submitted, on which that opinion was formed, was not properly drawn up; and he insinuated that it was prepared by the Attorney General and Solicitor General of the day, Mr. Justice Dodd and myself, who being professional agents of the company, had prepared the case unfaithfully. He is under a mistake; but I know not whether I should say *mistake*, for the fact has often been explained to him before.

Mr. McLELLAN.—I said it was a milk and water affair.

ATTORNEY GENERAL.—If it were so let the blame rest where it ought. The case was prepared by a commission of professional men; and when I name them any who are acquainted with what their professional habits and standing were, will hardly venture to say anything disparaging of their professional labors; or suppose that they prepared without due care a document to be submitted to legal minds in England of the first order. Two of the commissioners were Jas. F. Gray and John Hall. Of Mr. Gray I may remark that Nova Scotia never had a more able practical lawyer than he; or one who brought to the consideration of all questions more clear legal discrimination, or soundness of judgment, or more general efficiency. I do not concede that his superior could have been found, and for that particular duty he was especially suited, as having long been an officer of the house, and intimately acquainted with the particulars of the case. Mr. Hall was more eccentric, but was of strong mind and talent,—it surely was not his habit to deal in a milk and water way with any business; what he did touch he touched vigorously. It was my duty as Attorney General to send the case to England. A solicitor of the highest respectability was engaged, with directions to retain the best counsel, exclusive of her Majesty's Attorney General and Solicitor General, who might be supposed interested. He was instructed to employ an equity lawyer, common law practitioner, and one conversant with conveyancing and the law of real estate. These instructions were observed, and three lawyers of eminence employed: But the opinion was not accepted as entitled to much weight by the gen-

tleman in this house who entertained an opposite view; and the rights of the Mining Association continued to be the subject of controversy, and comment, and resolution, and address in this house.

I then, as Attorney General, for bringing the question to a final determination, suggested, that as the legal opinion obtained was held of light authority, a judicial decision was the only and the proper recourse left; and the government of the day offered to support a resolution to that effect. From that, however, the house shrank. Subsequently much was said and done which I thought unjust, and then it was that I altered my course in this house on the subject. The company held their title on what they believed to be a good foundation—on the same foundation on which rests every man's title who owns land in Nova Scotia,—the grant of the Crown conferred, as it is styled, of the mere motion and special grace of the Sovereign. Those who objected to this title declined a legal investigation, and yet undertaking to be judges in their own cause,—warm appeals to the people were made by members of the Legislature in their places, and thro' the press. The people were told that the lease of the Duke of York was injurious on the material well-being of the country, by locking up its mines and minerals, from gold even to lime and clay, and that it was offensive and degrading that strangers should hold the essential elements of the soil which was the natural and just inheritance of the inhabitants. But the Mining Association, although the grant to the Duke of York might have been given in the first instance without due advice and consideration, stood as any other parties might have done on their legal rights,—and, throughout all the discussions which took place, the British government steadily sustained their right, refusing to impugn a title that had its origin in a grant from the Crown. The journals shew numerous despatches from Colonial Secretaries to that effect. I will only refer to one from Lord Stanley several years ago; one from Earl Grey at a later period, and one very recently from Mr. Labouchere. That of Lord Grey, referring to complaints of the unconstitutional character of the grant, declined to give any opinion, or to take the opinion of the Attorney General and the Solicitor General of England, because these opinions had no authoritative force, and he therefore declared that there was only one way of determining the right—that of judicial decision; and he intimated that if the Legislature of Nova Scotia saw fit to litigate the question, her Majesty's government would offer no obstruction; and he then went on to use language worthy of much more consideration than has been given to it. He said, if the house refuse to test the title of the Mining Association, in the only way in which it could be tried, or if making that appeal, the decision should be adverse to its views, then he hoped the Legislature and the people would see the propriety of respecting a title which rested on the same foundation as that on which the titles to all real estate in Nova Scotia depended. Now, sir, this was just what years before I had ventured to urge upon the house, and at different times the house did in some sort respond to that sentiment. In an address of 1845 the grant to the Duke of York was denounced as unconstitutional, unadvised, derogatory to the dignity and character of the people,

and most injurious in fettering trade and industrial efforts; and yet in the same session the Crown by address was told: that nothing would be more foreign to the feelings of the people of Nova Scotia, than to ask her Majesty to do anything that would violate, in any respect, engagements made by the Crown with the Duke of York or the Mining Company. It must be borne in mind that the position which I occupied as delegate, rendered it my duty to respect, not my own opinions, but those which a majority of the house entertained; although I was not in fact called upon to violate any personal opinions, or sacrifice any individual sentiments.

The Mining Association, as sub-lessees, held the minerals of the province under the grant to the Duke of York, and they held the mines at Pictou and Sydney under a subsequent agreement with the British government, not under lease, these mines having been excepted from the Duke's lease. The passage of the provincial Civil List bill, by conveying to the people the territorial rights of the Crown, subject to the existing claims that were held under the Crown, had the effect of placing the legal title to the mines at Pictou and Sydney, in the province, although it did not alter the equitable rights and obligations of the Association and the Crown. Hence her Majesty became responsible to fulfil her engagements to the Mining Association, and, as the Crown officers of England had declared that the title must technically come from the province, application was made here to ratify certain deeds so as to place the Mining Association and the Duke of York's representatives in the position legally which they were considered to occupy equitably. This, however, this house declined to do, for the reasons stated in their address to the Queen of 1856. I wish to call attention of the house to the position occupied by her Majesty's government on that occasion. In 1856 Mr. Labouchere stated to the Lieut. Governor, in a very significant manner, what was the opinion of the British government. (Extracts were read from a despatch dated Feb. 26, 1856). Here the rights of the Duke of York and the Mining Association are recognized by her Majesty's government, and the obligation of the province, to ratify the documents necessary for confirming their rights, is spoken of as a matter of course,—a simple ministerial duty not requiring argument on the part of the Colonial Secretary, to induce this Legislature to fulfil it.

Let it be borne in mind that during those contests, this province was receiving the rents and royalties under the leases, and were enforcing all the terms of the contracts deemed to be for the interests of Nova Scotia; but in so doing it necessarily recognized the title of the other parties to the agreements. On this I always differed with gentlemen of the opposite side; it seemed inconsistent with common sense, that the part of a lease, beneficial to the province, should be sustained, while those parts were rejected which were of benefit to the other party. You cannot reasonably take rent, and at the same time deny the right of the tenant to occupy the land out of which the rent grows. Yet that was the position occupied by the people of Nova Scotia, and which I used to consider anomalous and injurious as regarded the Mining Association, and inconsistent and unjust on the part of Nova Scotia.—Let me ask the attention of the house to the

answer given by the Legislature of Nova Scotia to the appeal of Mr. Labouchere that this house should pass a law to ratify the documents necessary for transferring to the Mining Association that title which in the opinion of the Crown equitably belonged to them. Let the house listen to the extracts I hold in my hand from the address of 1856, and let members recollect that that address contained the opinions which the delegates were bound to respect and to conform to. I refer to these to show what feeling existed in this house, and as a means of testing the value of what we are called to give up, and of what we are to receive. The 5th and 6th paragraphs of the address are couched in these strong terms:—

"5th. In no colony of your Majesty's dominions have the pride and manly spirit of its population been more deeply wounded by the exercise of the Royal prerogative. The act of your Royal predecessor in 1826, disposing of all that is valuable in the minerals of a Province, equal in extent to half of England, and distinguished for many of the physical and geological features which have made England what she is, justified by no necessity of state, and sacrificing to individual interests the prosperity of a whole Province, has created in the minds of the people of Nova Scotia, a sense of injury which nothing but their loyalty and generous attachment to your Majesty's person and Crown, have prevented from ripening into feelings which none would deplore more sincerely than your Majesty's faithful commons of Nova Scotia. We are now called upon to affix, by our own deliberate act, the seal to our provincial degradation. We are required to enact that the coal which warms our people; the gypsum, the quarrying and exportation of which gives employment to thousands of our population and to much of our tonnage; even the clay and the slate and the limestone, which enters into every branch of industry, and are essential to the comfort and almost to the existence of our people—in one word, everything but the bare soil on which we tread, are to be handed over to the representatives of an individual, to be sub-let by them to a company. We are to take steps to vest in this body the right to prosecute thousands of our people, for acts in which they have been engaged all their lives; to say that every house they build, every quarry they open, every ship they load with the materials which lie in boundless profusion at their own doors, shall subject them to be prosecuted as trespassers or tried as criminals.

"6th. We do not mean to intimate to your Majesty that the Duke of York's representatives or the General Mining Association, would so use the powers they ask us to confer. We know they could not do so, because it would destroy themselves, but we wish the liberties and the privileges of our people to be held by a tenure more dignified and more secure than the generosity of two English gentlemen, or the prudential considerations of a commercial company."

We are now called on to determine whether the emancipation of the country from the evils here spoken of, is worth the comparatively trifling concessions of which we have heard so much in this debate. We have heard of figures and of calculations of royalties, but I answer that those who supported the address of 1856 must have felt

that momentous advantages were to be obtained by breaking the chains which bound the province, by removing the bonds so forcibly described, by letting the people go free from these shackles; not only making them free in their own country, which thus was to become their own once more, but removing the antagonism into which the province and her Majesty's government had been brought, and from which most unhappy consequences were inevitable, and settling those disputes and supposed wrongs, whose effects on the interests and feelings of the people were so forcibly described in the extracts to which I have referred. We are now told that too much money is given by the agreement of the delegates for this emancipation—for all those advantages. And who tell us so? They who passed that address. I was astonished at the expressions of the member for Inverness on Saturday. He, the great champion of the people's rights—the great opponent of the association,—he enquired what we gave and what we were to obtain, and spoke with contempt of all that was to be released, and of all the privileges that were to be gained, as if they were nothing compared with the mines conceded in return for them. Are these his sentiments to-day? Yet those are his recorded opinions in 1856, and for about twenty years? Has he been leading up this cause with those views for nearly a quarter of a century? and do all the wrongs and oppressions on which he has been so eloquent, now shrink to nothing? I may well enquire, whether gentlemen who now deal thus with a subject, which at one time they treated as of portentous magnitude, were sincere then, or, if they were, whether they are sincere now. It is for them to choose which shall be considered the fact. Were all their professions then a mere delusion, a fallacy, put forth to cheat the people? Was the question used as a stalking horse on which to ride to popular favor and political aggrandisement? Or was it the sincere expression of men whose hearts throbbled for the public welfare, but whose patriotic feelings have now departed? Why are we now told that former grievances are not now worth naming?—that, in fact, they were ideal—that none would venture to attack the right of the people to take gypsum, or slate, or other such materials, although the Mining Association might have the right. Where are the indignant sentiments which animated those who prepared the addresses and resolutions of the house, session after session, and supported the views of the majority on former occasions? Who then spoke so eloquently of liberties and privileges, and now weigh them in the balance against pounds, shillings and pence, and treat them as things of nought? Are those patriots now then content that the rights and privileges so often spoken of, shall indeed be held on no more "*secure and dignified tenure than the generosity of two English gentlemen,*" or "*the prudential considerations of a commercial company.*" I told you that this debate was pregnant with instruction, and that you might learn from it what value to set on professions so often made here. Is it not so? Regard now the position occupied by these would-be champions of the people's rights.

After having soon broadcast over the land the idea that this company was an overbearing monopoly—usurpers of the people's rights—encroachers upon our soil, in whom existed privileges

which would never have been conceded to any of our own people—after having breathed out reproaches against the British government and hinting that nothing but the extreme loyalty of the people preserved us from disaffection;—now that the hour for settlement has arrived; now that upon an equitable and honorable basis—a basis, too, marked out by the member for Inverness himself—this question may be finally disposed of, we find them ignoring their past action—repudiating the principles which for years they pressed on the people, disavowing terms of settlement they formerly affected to believe just, and attempting to retain this political stalking-horse. For what purpose, I leave this house and the country to determine. Surely, then, sir, I am justified in saying, that in the action of the opposition on this bill, party spirit has achieved its highest triumph, and the administration must be assailed at all hazards—every attempt made by the government to promote the interests of the country must meet with opposition—factious, determined opposition—and their efforts for the public peace and welfare, if possible, be thwarted.

Now, sir, let me ask if the hon. and learned member for Inverness—the great champion of the people upon this question—is not bound by his own acts to accept this proposition. I do not mean to say that he always was the working man, for he was in the chair, and then the Hon. G. R. Young worked it up into shape and form, and subsequently the hon. and learned member for Colchester undertook and performed that duty; but still, sir, the hon. member for Inverness always raised his voice against what was termed this monopoly—and, leaving the practical to his friends, was always ready to do the ornamental. (Laughter.) Never was there a report brought in—a resolution or address moved, but the hon. and learned member for Inverness was prepared with a speech, eloquent, forcible, telling, in which he would debate, feelingly and elaborately, on the grievances of the country and the wrongs inflicted by the Association.

We, the party who took a more moderate view of the question,—who thought that it was not worth while to assail the Association so long as we took their money and refused to try the legal title with them,—were termed the obstructives; and some of us were exposed to insinuations of a grosser character. When this measure was proposed the hon. member for Inverness had two courses to pursue. It was open to him to offer the opposition which he has. But there was another course open to him: he might have said I do not like this measure in all its details, yet, as it is substantially the same as that contemplated by the address of 1856, based on my letter to the association in 1854, it shall have my support—that the soil of this country may be relieved from a thralldom as injurious in its effects upon the development of our mineral resources, as it is degrading. Had he given expression to these—his own, oft repeated sentiments, and acted in accordance with them, he would have occupied at this moment a position infinitely prouder and higher than that he now fills. Nor am I quite sure—that up to a very recent period the hon. leader of the opposition did not intend to pursue some such line of conduct. What tended to alter that laudable intention may not be difficult to divine. When he made his first speech it was evident that he was in a state of doubt;

true, he assailed the details of the measure, and depicted certain injurious results which he informed us would flow from its adoption—but when he closed with a declaration that he had not made up his mind as to the vote he should give, and that he might possibly support the bill,—every man must have felt that the hon. gentleman was gently feeling his way; that he desired to draw out the opinions of hon. gentlemen, and then, if he thought he saw a chance of success, he would be in a better position to assail the government—while, if opposition seemed hopeless, he could gracefully withdraw under cover of his declaration that he did not know which way he should vote. Now, sir, in what aspect does this question present itself? In addressing myself to this point, I think I shall save the time of the house by confining myself to the speeches of the hon. members for Inverness and Windsor. The hon. member for Windsor was never a hearty champion of those who opposed the association; often have I heard him damn with feint praise the resolutions and addresses on this subject, moved here in former days by Mr. G. R. Young, while the countenances of his friends showed how well they liked such friendly aid. He has a peculiar mode of using phrases, not easily forgotten. The notable simile of the rotten orange in connexion with the Elective Legislative Council is one of these. Now, at the very last session he applied something of the same kind to the mines and minerals. He opposed all royalty on coal as impolitic, and declared that with equal reason might the potatoes grown on the surface of the soil be subjected to a royalty, as the coal brought up from beneath. Yet, the hon. gentleman now objects because the delegates have, he says, given up too much of the royalty. Does he hold so cheaply their emancipation from the legal lien which the association admittedly have upon the property rights of our people, that he will not consent to make free the gypsum, lime, clay, &c., to say nothing of the superior minerals, by the surrender of a part of a tax, no part of which, according to his opinion, is it sound policy to enforce! He endeavored to convince this house that the association had obtained areas embracing all the workable coal fields in the country. Before I conclude I think I shall shew him that there is not the shadow of foundation for such a presumption.

From the manner in which, on Saturday last, he spoke of the Association, one would believe that in his opinion, nothing was too bad or too base for them to do. In reference to the question relating to slack coal, he endeavoured to lead the house to the belief, that the Mining Association had purposely evaded the payment of the royalty on slack coal, which they knew to be justly due, by suppressing the returns. Nothing can be more unfounded. The Association always made, to the provincial authorities, the same returns of the slack coal raised, as of the round coal. When royalty, after many years, was first demanded on slack coal, they remonstrated, because they thought the charge hard and unequal, and did not pay until they could no longer resist without coming into direct collision with this house. But there was no concealment. He spoke of the effect of the operations of the Association as increasing the price of fuel, and in terms the most glowing depicted the shivering widow bending over the embers of her

scanty fire, and the more scanty by reason of the oppression of the Association; so glowing, indeed, that the gallery was led somewhat beyond the bounds of propriety. His language was, that the Association for 30 years has exercised this hateful tyranny over the poor. Sir, no man knows better than the hon. member for Windsor that the mines of this country, since the Association commenced operations, have been in the hands of men of probity, feeling, and honor—that they have never been unfairly exacting, or pressed beyond their legitimate bounds the ordinary rules of trade.

“Thirty years of tyranny” is the hon. gentleman’s charge against them. Now it is just about thirty years since that company has been in operation. It so happened that in 1839, and after they had been in operation for some ten years, one Mr. Fraser, of New Glasgow, complained that he was unable to use the coal which he raised on his own land, and asked the house to interpose its authority against the Association. Let me read a portion of the report of a committee on that occasion:

“The Committee conceive that the operations of the Mining Association, so far as they have traced them in the County of Pictou, have not only been highly advantageous to the Province, by the introduction into it of much science and skill,—the erection of eleven steam engines,—the establishment of a foundry on an extensive scale, where machinery may be repaired or manufactured,—the creation of a foreign trade in coals, which during the last year employed tons of shipping, and may be indefinitely extended,—and the annual expenditure in the midst of a population employed in agriculture of upwards of £50,000; and to the Town of New Glasgow, which appears to have trebled in size during the last ten years, and to the persons who have signed this petition generally, the operations of this company would appear to have been a blessing and a benefit, even admitting the charge which it contains of a rise in the price of fuel. This strong opinion the committee are bound to express; for, while they conceive it the duty of the Legislature to jealously watch over the rights of individuals, it ought in a new country to favour and encourage the introduction and employment of capital and the protection of those who are largely extending the trade and developing the resources of the province from unnecessary interruption or annoyance.”

If the association had acted the part of tyrants,—if they were the grinding monopolists—the unprincipled men—the arbitrary oppressors of the poor, which it is now sought to make them out,—how came it that this report was made and adopted after the experience of ten years. Now, sir, I will read the names of those who signed this report: JOSEPH HOWE, *Herbert Huntington, Edmund M. Dodd, William Young, and Hugh Bell.* The hon. member for Windsor is in a dilemma, according to the hon. member for Colchester’s expression,—in 1839 he eulogized as benefactors those whom it was his duty to have denounced as tyrants and oppressors, or in 1858 he has made a charge against them which is unjust and calumnious.

I turn now, sir, to the objections of the learned member for Inverness, that too much royalty has been remitted—too large areas conceded—no suitable shipping places reserved. But it must

be remembered that in remitting royalty the delegates acted upon the previous proposals of this house, and especially upon the suggestions of the hon. member for Inverness—and that, as to the areas reserved by the association, the directors of the company believed it was they who were conceding to Nova Scotia their rights over almost the whole province with the exception of a very small portion retained, and not we who were giving up to the association that to which they had no claim. This is a question in which the rights of both parties—not of one only—are to be considered. We assert our claims; but the association also assert theirs—and their title has a foundation which all the exertions of this Legislature through a long series of years have been unable to shake. In point of extent, the areas which the association claimed to reserve, are unquestionably moderate and reasonable. This the member for Inverness admits. All he questions is, whether these reserves do not contain all the workable coal fields in the province. Again, sir, it is erroneous to say, as the member for Windsor did, that the Mining Association rejected our terms and dictated their own. So far from it—when the terms dictated by this house were presented to the association by the delegates, they at once came down from the position they occupied as proprietors of the minerals over the whole territory of Nova Scotia, and adopted the principle proposed by the house, by conceding every mine and mineral in the province except coal, and reserving only the coal within the narrowest limits. The assertion, then, about rejection and dictation is not correct, although it has been advanced as a reason why the house should not be bound by the arrangements concluded by the delegates.

It will be requisite, sir, that we advert to the circumstances which preceded and led to negotiation. In 1852, by a resolution of this house, the Governor was requested to commence negotiation with the British Government and the Mining Association, for the purpose of ascertaining the terms on which the existing claims might be compromised. The address of that time contained a striking passage illustrative of the position in which the province stood. (Extracts were read.) Here the house expressed forcibly, the great importance of relieving the country from the burden of monopoly, of unfettering its enterprise, and freeing its resources. These considerations lay at the very foundation of the discussions. In 1854 the idea of compromise was followed up by a resolution which passed both branches of the Legislature, authorising the Governor and Council to pursue negotiation, for the purpose of bringing to a satisfactory settlement the claims of the Association. In 1854 the member for Inverness was in England, and there propounded to the company the terms which lie at the basis of our negotiation. In a letter to the directors, dated 30th July, 1854, in London, he proposed that they should surrender their interests in all the mines and minerals of the province, except the coal mines which they were working, with such additional area as might be agreed on; in return for which the province should give up half the royalty. A concession which Mr. Young in his letter stated, would, that year, amount to £2000, and in a few years would be equal to £5000 and more annually. Such was the proposal of the member for Inverness at that day; and

the provincial government obtained authority from this house to enter into a compromise based on it, with such modifications as might be deemed advisable. Nothing need be more clearly defined than the terms thus proposed by the house at that time, both as regarded what was desired on the one hand, and what was to be given up on the other.

In the address of 1856 the terms proposed by Mr. Young was adopted as the basis of arrangement, subject to be modified at the discretion of the provincial government; and the Queen was besought to use her powerful influence with the Association to induce them to enter into the compromise. Towards the close of 1856 the provincial government suggested the expediency of a delegation, which the Mining Association subsequently agreed to, and the Secretary of State sanctioned. Thus was introduced the resolution of 1857, under which the delegates were appointed.

From this view it will be seen that for several years this house occupied the attitude of anxiously seeking a compromise; and that while the terms were proposed, it was anticipated that some modification of them might be necessary. The house need not be reminded of the course which last session was taken by the gentlemen on the other side to ensure the faithful representation of their views on the delegation; nor that the government gave to the country the pledge which these gentlemen thought necessary, when it selected the learned member for Colchester as one of the delegates.

Examine the argument entered into by the delegates, and in what does it differ from the terms proposed by Mr. Young in 1854? It exhibits the receding of the Mining Association from their claims over all the mines in the province, with the exception of the coal mines they occupy, and reasonable areas around them, and the area at Spring Hill. Thus they yielded what has ever been especially sought. None were prepared for such ready acquiescence on the part of the Association; and surely none can truly say that the company failed to meet the proposals of Nova Scotia, or that they rejected your terms and dictated their own. In dealing with the concessions made to the Association, concerning royalty, various calculations have been made in this debate; however, they have been eventually brought down to definite understood results. The rent and royalty were amalgamated, and the member for Inverness professes to consider this to be a solid objection to the arrangement; but the rent is only given up by that name, and not essentially. The arrangement made by the delegates would give but very little more pecuniary advantage to the company, than the proposal by the legislature as contained in its address; the difference was not more than £900, including the slack coal and reckoning on the supply of last year,—while the rent was £3000. So that the latter has not been given up by the proposed settlement. But he objects that the time may come when coal may not be raised, in which case we would be entitled to rent, although not to royalty. Should such a contingency be taken into calculation?

If the time came when the Association had abandoned their works, would the member for Inverness seek rent? and if he did, could he get it? The company would have abandoned their



establishment, and the province would have to re-possess itself of its mines, and make them profitable in its own hands. The absorption of the rent into the royalty was almost necessary, with a view to future lessees who, by the agreement, are required to be placed under the same obligations as the Association. The difference in the amount given up to the Association between the agreement of the delegates and the proposal of the member for Inverness, does not warrant the house in rejecting the action of the delegates. The considerations presented to the house by my colleague in the delegation, are entitled to great weight on this point: it will appear that the amount given up by the agreement, more than that proposed by the address of 1856, would be less than the royalty payable on the slack coal raised. The exacting of duty on slack coal, it has been contended, is of harsh nature, and doubtful policy. A large portion of it is not sold, because, in consequence of the action of the weather, it becomes too fine for common use. Thus the proportions of the mines lose much of the slack coal which they raise, while it costs them as much as the larger; and the portion which is not lost is sold for little more than half the price of round coal. Hence the Association always complained of being compelled to pay any duty on slack coal,—particularly an equal duty. In a report of 1852 or 1853, the committee of the house reported, that there were not wanting reasons which rendered the exaction of the duty on slack coal injudicious; and the inexpediency on principle of laying a royalty on such coal, has been often presented to the consideration of the house, and I believe the royalty on it was only retained as a means of coercing a settlement. Thus, when the delegates, acting under the discretion given them, released slack coal from duty, they created the only difference that exists between the pecuniary stipulations of 1856 and those made by them. Certainly they exercised a very limited power in thus dealing with the question, and I believe that no gentleman will think that in this they exceeded the reasonable discretion that was necessarily reposed in them. The member for Inverness introduces another element: that of the distinction between the weight and measure of a Newcastle chaldron of coal.

[Here the Attorney General entered into explanations to prove that this was by no means a new discovery, although it was announced as if it were; that it had been brought to the notice of the house in 1855 by the learned member for Colchester; that payment had been received for years, and by the member for Inverness himself, while in the government, after the notice he received in 1855, at the measurement complained of, and without objection; that the delegates, therefore, having no instructions on the subject from the house, could only be expected to found their calculations on the measurement uniformly acted upon and recognized by the member for Inverness himself. But the Atty. General went on to show that there was, in fact, no foundation for Mr. Young's objection, because the coal was estimated by measurement and not by weight and that the Newcastle chaldron must be taken to mean a measure of capacity and not an indication of weight.]

The Atty. General continued—We have been told that the areas allotted to the company are inconsistent with justice to the province, in as

much as there is not sufficient testimony to show that that given up by the company contains sufficient coal, capable of being worked, and accessible for purposes of transport. It has been shown, however, that there is coal at Hebert River, not included in the limits of the company. Such is also the case at Pictou, as has been proved by the evidence of Mr. Dawson, who was of opinion that collieries might be established in the vicinity of the Albion mines, beyond the limits now reserved for the company; and this was corroborated by evidence of a gentleman who had been employed at the mines there for years. As to the mines to the south of Bridgeport, the delegates had the evidence of a gentleman, who, as the agent of the company, opened the first mines at Lingan and Bridgeport; and his testimony was conclusive as to the coal there being abundant and of superior character. On the maps of the company, in this locality, is the term canal coal. These maps were constructed years ago, before there was any notion of a question of this kind arising. Coal also is, at the Little Bras d'Or, accessible, and easily worked.

The objection that these mines are not in reach of navigable waters is not well founded in fact.—At River Hebert, near the Joggins, the access is little, if at all, inferior to that possessed by the Association at the Joggins. At Pictou the tracts owned by the Province would be as accessible as those worked by the Association, and from which they have had to construct a railroad six or seven miles in length. At South Bridgeport the mines are in the vicinity of a harbor, respecting whose navigation you have heard to-day, as being available for vessels of over 300 tons burthen. In reference to the assertion that the company had abandoned the working of their mines there, it does not follow that the nature of the harbor was the cause of such relinquishment. When they gave up the working of the Bridgeport mines the demand for coal had fallen off very much, and other mines gave the required supply. One fact is very indicative, however; that is, that the working has been resumed by the company; they have made a railroad, about 2 miles long, to the harbour, and were deepening the channel there. Could anything be more significant on the subject than that? At Anconi and Bras d'Or the navigable approach was available, although it might be more circuitous than that possessed by the Association. An examination of the map would exhibit the ample spaces, accessible and workable, beyond the reserves of the company. That abundance of coal is to be obtained beyond the limits, and with facilities for transport, I fully believe. But supposing the complaints to be true which have been made, that the accessible mines at Anconi, Sydney, Lingan, Pictou and the Joggins have been given to the company, and that beyond these reserves adequate facilities do not remain for the province;—supposing all this to be true, as I have shewn it is not true, yet no objection can be made to the arrangement of the delegates on that ground, because the address of 1856 engaged to secure to the Association all the mines they worked, and each one of these comes under that condition. Thus do the objections as to these areas, and as to the want of navigable access to the portions surrendered to the province, manifestly appear without foundation. (Reference was here made to the address of 1856, to shew that the delegates in their cop-

cessions had abided by its term, and had obtained the advantages that it sought.) The point which remains for consideration is the Spring Hill mine. Much inconsistency has been exhibited here. The member for Inverness, in the first part of his address, quoted Dawson's opinion, to shew that there was little prospect of coal at Spring Hill; and at another time we were told that coal was there, and that much injustice was done to public interests by allowing the company four miles square of the district. The learned member for Colchester has answered that argument by shewing that neither the delegates nor the company set much value on the Spring Hill area. What we did set value on was the coal deposit south of Bridgeport harbour; and by obtaining that, the delegates considered they were well repaid for not pressing claims at Spring Hill. But it seems tolerably evident that within them there is no valuable deposit, or if there is, it is not confined to the area allotted to the Association. Looking at the entire case, considering the position of the Mining Association,—the duty which the delegates had to perform—the areas given, and the advantages obtained,—we considered the arrangement exceedingly favorable for the province, and clearly within the instructions which governed the delegation.

Having touched various points that affect the question before the house, I will turn to that which has been kept out of view by gentlemen at the other side, who have urged their case as if it were confined to the coal mines merely.

[Reference was here made to the other minerals of which so much had been said formerly, and whose possession was sought for the people; to the power really held over these by the Mining Company; to the check which such power gave to enterprize and exploration; to the probable existence of copper and other ores at various places, the localities of which were kept concealed, because advantage could not be reaped by discoverers; to the quarrying of gypsum and lime, heretofore by forbearance of the company; to the urging of these considerations by address and resolution; to the importance of securing the advantages provided by the arrangement; and to the general opinion of the press and the people, so far as opinion had been expressed, in favor of the proposed settlement.]

The Atty. Gen. continued—The house should recollect, that it has to determine, at this opportunity, whether the bill be rejected or accepted.—it is not a question of delay merely. If accepted, it would silence forever many complaints that have been made; it would give desired opportunities relative to large fields of industrial pursuits; it would quiet an agitation that has so long prevailed; would remove that unhappy antagonism which existed on the question, between the colony and the government of the parent state, and would bring into harmony a powerful company, working as our tenants, and who, under a better state of affairs, might render many benefits to themselves and the province. If the bill be rejected what will be the position of the province. The attitude of hostility to the British government, and to the Mining Association will remain; the agitation will go on, and all the disadvantages so frequently complained of will continue. But how can you renew your complaints if you refuse this arrangement? Will you not be met by the fact, that year after

year, you sought negotiation; that you solicited the influence of the sovereign to bring about a compromise; that for years the burthen of your appeal was, let this unhappy controversy be settled on fair and liberal terms; that you sent home delegates representing the different views of the house; that the Association agreed frankly to adopt the basis of arrangement proposed by yourselves; that the delegates made an arrangement with full knowledge of the case, which they believed just and reasonable, and exercising but little their authority to modify your terms,—yet you rejected the arrangement? Under these circumstances, can you believe that your future remonstrance will be listened to,—will you be believed to be sincere when you renew the story of your grievances? No! You will at once lower the character of this house, and lose the benefits of this arrangement. You cannot prevent the British government from giving the company what they will then have an irresistible right to claim, and which Mr. Labouchere plainly intimates must be granted in some other mode, if you refuse a reasonable compliance. It is idle to suppose, if you pause now, that you will ever hold so advantageous a position again?

Delay is spoken of! Delay, under present circumstances, and rejection, are synonymous; there can be no difference; if the bill be delayed, the bill is defeated; the measure will be frustrated,—and the house will never again stand as favorably as it now does for settling this question. What arguments can be urged for delay? A geological survey has been spoken of, why was that not thought of previously, when final and immediate settlement was sought for? What does geological survey import? In Dawson's evidence it is stated, that a superficial survey may be made in one year, but that a practical geological survey would occupy two seasons. You have at present what the superficial examination would furnish, and the geological is beyond the time named for delay. Delay will have important effects; the Province of Nova Scotia is not the only party in this question. The settlement of large accounts between the Duke of York's representatives and the Mining Company is contingent on the decision of this house. The representatives of the Duke of York are not bound to wait longer than the passing of the house on this bill. The moment it is delayed for a year, they are absolved from their agreement; and it is well known that they are inclined to consider what they have conceded as more valuable than the equivalent to be obtained.—The British government, also, to effect a settlement with the Company, agreed to relinquish a sum of £30,000 to the Duke's representatives, conditional on the settlement of the dispute by this house. Here are three contracting parties, besides the province, waiting for the direct action of this house on the question. We cannot suppose that those thus interested will wait our pleasure, when we can give no reason for delay that ought not to have been urged previously to the appointments of the delegates, and I hope the house will look on the motion for delay as one having the design and all the consequences of a more direct attack on the bill. As it has been a practice of some convenience, for gentlemen to expand their views on the Journals, I purpose moving an amendment which will place my opinions on record, and which may go side by

side with that moved by the member for Inverness, so that the country may understand the different views on this question.

The Attorney General here read and moved the following amendment:—

AMENDMENT.

*Whereas*, the House of Assembly in 1845 expressed their disapprobation of the lease to the Duke of York "as improvident and unconstitutional and as injurious to the public interest, and tending to fetter the enterprize, limit the foreign trade, and impede the introduction of local manufactures among the inhabitants of the Province,"—and down to the present session a majority of the Assembly has represented, in reports of committees, resolutions, and addresses to the crown, their opinion that the claim of the General Mining Association to all the Mines and Minerals, in the Province, which had not been granted previously to the lease to the Duke of York, was injurious to the material interests and progress of the people of Nova Scotia and derogatory to their dignity and position; and public men in the colony, by speeches and through the press have not ceased to urge these considerations, in a manner calculated to excite in the public mind a deep sense of the wrong sustained.

On the other hand the government of England, under each successive administration, has resolutely maintained the rights of the Association, of which fact the despatches of Lord Stanley in 1844, of Earl Grey in 1849, of Mr. Labouchere in 1856, (among others) are significant evidence.

And the opinions of three eminent lawyers in London on a case submitted at the expense of the Province were given in favor of the legal title of the Association before the passing of the civil list act; and the opinions of the Attorney and Solicitor General of England on a case submitted by the British government were given in 1855, since that act passed in favor of their equitable title, and their consequent claims on the British government.

*And whereas* in 1845 the House in an address to the Crown gave this assurance to Her Majesty:—"We beg to assure your Majesty that nothing has ever been farther from the intention or desire of your loyal subjects in Nova Scotia than the violation of any obligation or agreement binding on your Majesty with either the Duke of York's representatives or the company." And the Assembly, while contending for the restriction of the claims of the Association, has continued to repeat similar declarations; and has also acknowledged the benefits derived by the Province from the capital and science introduced by that company; and the Provincial government, with the knowledge of this House, has throughout all the period of the controversy accepted and claimed rents and royalties under the Duke of York's lease, and the agreement between the Imperial government and the Association.

*And whereas* this state of hostility between the province and the Association was alike injurious to both, and if continued, could not fail to lead to a painful and injurious embroilment with the British Government, which it is the duty and the desire of this house, and her Majesty's loyal subjects of this province, if possible to avert.

*And whereas*, under these circumstances, no possible means could be looked to for avoiding the

evils referred to, and extricating the province from a position which the representatives of the people had declared to be alike derogatory to their honour and injurious to their progress, except an amicable adjustment on terms of mutual concession.

*And whereas* in the year 1852 a committee of the house reported as follows, "Your committee consider the revenue derivable from the royalties tho' of some account, a small matter compared with the benefit to the province that would result from opening new mines and increasing the field for the employment of provincial industry." And the Report being adopted, a resolution was passed requesting the Executive government to open negotiations with the General Mining Association for the purpose of ascertaining upon what terms they would consent to give up their claim to the unworked mines of the province.

*And whereas* in the session of 1854 both houses by resolution requested the provincial Executive to confer with the British Government and the Mining Association relative to the claims of the latter to the mines and minerals of this province, with a view to their adjustment, subject to approbation of both houses; and the hon. Mr. Young being in England and instructed by the provincial government in which he was Attorney General and leading member, to negotiate with the Mining Association, addressed to them a letter dated 30th July, 1854, in which he informed the Company that the disposition in the province was not to disturb them in the enjoyment of the coal mines they had opened, but to "extend the area of their operations to any reasonable extent they would desire," and he proposed the surrender of their exclusive right or claim to all the mines and minerals of the province, except the reserved mines; and within the area that might be agreed upon, in consideration of one half the royalty being given up, adding "that is I would give £2,000 a year now, and which, with the increase of trade, may very shortly rise to £5000 a year, or even more."

*And whereas* in the session of 1855, a resolution was passed by this House authorising the Executive Government to continue the negotiation, "and to enter into such agreement and compromise as are contemplated in Mr. Young's letter of 30th July, 1854," and "this house will confirm the same with such modifications as may be found necessary or advisable, and be approved by his Excellency in Council."

*And whereas* in the session of 1856, this house passed an address renewing the offer of compromise previously made, and engaging, if accepted, that equal royalty should be placed on any future leases of coal mines, and this house earnestly besought her Majesty "to interpose her powerful influence to close this protracted and irritating controversy," and at the same time a resolution was passed requesting the Executive government to take steps to effect a settlement, or compromise of the controversy, on the terms set forth in the address, or on such modifications thereof as the Governor in Council may approve.

*And whereas* the Executive Council has suggested, and the Mining Association having concurred in a delegation from this Province to meet the Association in London. This house, in the session of 1857, passed a resolution "that if the provincial government shall find it necessary for

effecting a satisfactory compromise of this question, to employ commissioners, this house does authorize the selection by the provincial government, of two members, prominently representing the different views held in this house, on the subject, who shall have power to effect a settlement of the controversy, provided both of the commissioners shall agree thereto, subject to the ratification of the Legislature, and this house will provide for the expense."

And delegates were appointed in conformity with that resolution, who proceeded to England, and concluded an agreement with the Association which the Bill before the house is intended to ratify.

*And whereas* the said agreement conforms essentially to the address of 1856, and modifies the terms thereof to no greater extent than might justly be expected where such large, varied and complicated interests and conflicting claims were involved.

*And whereas* the amalgamation of the rent and royalty was convenient and almost necessary in view of future lessees who were to be subject to the like burdens as the Association.

*And whereas*, the rent and royalty given up by this arrangement exceeds only by a moderate sum the amount of royalty that would have been given up under the Address of 1856, and is less than the royalty so agreed by this House to be given up, if the duty on slack coal be deducted.

That the remission of the duty on slack coal was a reasonable measure of compromise, this House being of the opinion expressed by the Committee on Mines in their report adopted by this House on the 14th February, 1855, "that there are reasons of some force why, as a point of policy, this royalty on slack coal should not be exacted": and inasmuch as the whole sum remitted to the Association beyond the terms of the Address, is not equal to the royalty on slack coal, and as the justice and policy of retaining that duty after the hostile relations between this Province and the Association should have passed away, would have been very questionable, this House considers that the modification of the Address as respects pecuniary concession, was small in itself and not entitled to consideration when viewed in the light of the great benefits obtained by this agreement effected by the delegation.

*And whereas* there is no propriety in estimating the royalty payable by the Association by assuming the Newcastle chaldron to represent a certain fixed weight, because under the argument of the Association the Newcastle measure is to be ascertained by capacity, not by weight. Were it otherwise it would affect no reason for withholding assent to the agreement of the delegates, because in the session of 1854 the agents of the Association in their evidence before the committee on Mines and Minerals published in the Journals stated the weight of the Winchester chaldron to be about 31 cwt., at Pictou, and from 28 to 30 at Sydney, and that the Newcastle chaldron was the double of the Winchester, and in the session of 1855 the identical question now raised concerning the weight of the Newcastle chaldron was on the floor of this House publicly and distinctly brought to the notice of the late Government, and yet with that notice and the knowledge afforded by the committee on Mines, they accepted the royalty for that year according to the accustomed mode without claim-

ing any addition on this ground, and passed the address and resolution in 1856 without allusion to such a claim, and therefore the delegates in estimating the sum to be given up by the Province could not justly adopt premises which neither the government nor the House had recognized.

But in the calculation of pecuniary gain and loss by the agreement is to be considered the fact that henceforth if the agreement be confirmed the annual payment by the Association to the Duke of Yorks representatives ceases, and then the Province is relieved from a large portion of what Mr. Young in his letter of 30th July, 1854, calls a "heavy tax to be levied for the benefit of the Duke's creditors on every chaldron of coal consumed within the Province, or exported from it," and of which a Minute of Council, on the 23rd December, 1854, speaks thus: "this onerous tax upon the products and industry of the Province, operating in fact as an addition to the price of whatever coal is consumed, and an export duty upon what is sent abroad, amounted last year to £5573 15s."

The address of 1853 refers to the same subject in similar terms. This payment in 1857 amounted to over £8000, and will increase in proportion to the increase of the coal raised by the Association being more annually than the whole annual amount now remitted by the Province.

In addition to this fact is the consideration that all that is given up in the way of pecuniary concessions may be expected to flow back to the people in large increase, from the competition, the reduced prices, and enlarged trade that may justly be expected as the fruits of this arrangement.

*And whereas*, this House had no right to expect that the delegates would stipulate with the Association for a reduction in the price of coal, seeing that such a stipulation is no where even alluded to either by Mr. Young or by this House, but the delegates have given to the country a security for the regulation of the price of coal more legitimate and consonant with the laws of trade in opening to Provincial industry fields of enterprise before closed and affording means of competition that had not previously existed.

*And whereas*, in considering the question of the areas reserved by the Mining Association, the subject is not to be viewed as if the Province were in possession of the whole of the Mines and the legislature had only to express its choice in concessions to be made to the Association—while in fact the Association claimed the whole under a title sustained by the British Government, and which this house, by the receipt of rent and many other acts, had done much to recognize, as is admitted in the address of 1856.

And in this view this house considers the areas reserved by the Association, to be in respect of extent not more than this House had a right to expect they would require, nor more than the delegates were justified in agreeing to. *And whereas*, as regards the location of the areas, the language of the address is clear, for it is stated: "we have no desire to interfere with any Mines the Association are working."

The Association were then and are now working Mines at Pictou, Sydney, Bridgeport Harbour and the Joggins, and the Delegates in consenting that these should be included in the reservations of the

Association, merely ratified what the House had promised.

The only other location in which the Association has reserved an area is at Spring Hill, whether there is workable coal there is uncertain, but the evidence leading to the belief that it exists, justifies also the belief that it exists over an area greater than that reserved by the Association.

On the other hand the evidence concerning the fields of coal lying to the South of Bridgeport, leaves no question as to the existence there of coal easily worked, and of great extent and of superior quality, and in securing these the delegates have given to provincial enterprise extended and promising fields of operation.

From the evidence before the House it is apparent that by the agreement there is also opened for general competition workable coal at River Hebert near the Joggins Mines in Cumberland, in the vicinity of the Albion Mines and between them and middle river in Pictou, and at mines formerly worked at the little Bas D'Or in Cape Breton.

But beyond all these acquisitions the agreement of the delegates opens for exploration not only in search of coal but of all Metals, Minerals, ores and coalse, and emancipates from the claims of the Association, the whole province excepting only the coal in the comparatively small spaces reserved by the Mining Association.

Thus affording scope for realising the sanguine opinions expressed of the great Mineral wealth of Nova Scotia, and freeing "the gypsum, the slate, —the limestone—the clay"—from the thralldom, and the people from the liability to prosecution—so forcibly depicted in the address, and giving to Nova Scotians a tenure of those things essential to their comfort and progress "more dignified and more secure than the generosity of two English gentlemen or the prudential considerations of a commercial company"—as expressed in the address.

*And whereas* as regards locations having access to navigable water, the agreement of the delegation will confirm what the Address of 1856 distinctly premised; and if it were true that by the reservations at Aconi, Bridgeport, Sydney, Pictou and the Joggins, the Association monopolize the situations accessible to navigation. That result is attributable not to the delegates, but to the fact that those mines were worked in 1856, and that the Address promised not to interfere with them. But, in fact, access to navigable water is abundantly secured as well by the situation of the mines released to the province at River Hebert, Pictou, Bridgeport and Bras d'Or, as by the stipulation in the agreement which entitles any future lessees of the province to use for making roads, building wharves, and other necessary purposes not only the areas reserved to the Association, but also their private lands.

*And whereas* this house is of opinion that the delegates, by the agreement they entered into, have settled upon honorable and prudent terms, very important questions affecting interests of great magnitude and delicacy; and that the ratification of the agreement ought not to be delayed.

In the correspondence with the British Government the province was exhibited to the colonial minister as being ready for immediate negotiation and final settlement; and no information was

sought for now which was not then equally requisite, if required at all. From the information before the house, it is evident that the adequate materials for a correct judgment on the subject are fully in its possession and knowledge.

The other parties concerned have a right to the decision of the legislature; and delay may be attended with serious injury, and may lead to the failure of an arrangement which it is for the interest of the Province to ratify.

Dependent on the ratification of this agreement is not only the arrangement by which the Duke of York's representatives give up their claims on the Association, and on which depends the power of the Association to enter into any compromise at all with the province, but also the additional engagements of the Crown with the Duke's representatives. Both of these arrangements involve the payment of large sums of money now lodged and waiting the action of this house, and the representatives of the Duke of York are not longer bound than until this house shall have opportunity of passing on the compromise at this session.

The Province has for several years sought the compromise; it has stated its own terms, and has sought the royal interposition to secure them acceptance; it has entrusted its interests to delegates chosen in conformity with the condition announced by this House, and the Mining Association has accepted the proposed terms with no essential modification, after full negotiation with the provincial delegates and the crown; the Duke of York's representatives and the Association have all conceded claims to which they believed themselves entitled, for the sake of terminating a controversy injurious to all.

These have all a right to an immediate and final answer, and the people of Nova Scotia are entitled without further delay to be freed from the disabilities and wrong of which this House has so often and so loudly complained.

*Therefore Resolved* that it is proper that the agreement entered into in London by the delegates from this Province with the General Mining Association should be confirmed without further delay; and for that purpose that the bill now read a second time be committed to a committee of the whole house.

Mr. McLELLAN addressed the house in favor of postponement; he explained in reference to some observations of the Attorney General, concerning the delegation, and read extracts from the journals relative to former opinions and proceedings on the mines and minerals of the Province, in reference to the existing claims. He said he would like to see the Duke of York's lease brought up in a court of justice; that affairs of finance should not be made party questions; that the pecuniary part of the proposal before the house was of much consequence, and that if any set of men standing as the house did at that time, was to rashly rush into the proposed contract, if anything would justify the minority in taking their hats and going home, or the people rising *en masse* to demand redress, it would be that.

Hon. Young spoke of adjourning for a while,—conversation relative to adjournment took place, subsequent to which the Attorney General withdrew his amendment, and the house adjourned for an hour.



MONDAY EVENING, Feb. 22, 1858.

MINES AND MINERALS.

The House resumed its sittings at 8 o'clock.

Hon. W. Young rose and said—The House having met at this unusual hour with the purpose of coming to a division, the privilege seems to have been conceded to me, by common consent, of closing this long debate. It may be thought, sir, after so many days have been spent on it, that nothing new is to be said, but the house need not apprehend from me any tedious or vain repetitions. I feel warmly, therefore I shall speak warmly. The time has come when false delicacies must cease, therefore I shall speak boldly. I shall appeal to the understanding and the sense of right that beats in every bosom, responsive to my own, and if there be a spark of patriotism in this House, latent or unrevealed, I will fan it into flame. It is not denied that the question is one of the deepest moment. In a pecuniary point of view, this arrangement, if completed, involves an immediate loss of £6,000 a year. The amount will rise with the expansion of the trade. During the twenty eight years, therefore, to which the arrangement extends, it is no exaggeration to estimate that loss at two hundred, or it may be, two hundred and fifty thousand pounds. It is an enormous sum for this small province. Recollect, that in these calculations there is no material difference between the delegates and myself. Six thousand pounds a year in a country where, for want of funds, the unhappy lunatic is still suffering, in our crowded poor house, horrors that make us shudder, but which a humane community can only lament without alleviating. By a mysterious dispensation of Providence, the light of reason has been darkened, and we are unable to apply the resources of modern science, and must still endure this sad reproach in our midst. The opening of the thick forest that still covers the future homes, where industry will ply her busy task, and a thousand fields will smile upon the day—the opening of the youthful mind—all the innumerable wants of a new country, dependent upon public aid, admonish us of the necessity and wisdom of husbanding our resources, and call upon us accurately and closely to review our position, ere we surrender so vast a sum, and denude ourselves, by our own act, of so large a revenue.

I listened with pleasure to the animated and able speech of my hon. and learned friend from Colchester. He painted in glowing colours the wonders that were to flow from the extended operations of the General Mining Association,—the increase of traffic and of revenue,—the demand for labor,—the employment of shipping. These anticipations may possibly be realised. Every friend of his country hopes that they will be so,—but does my hon. friend really expect us to believe that all these wonders would be wrought by reducing the royalty on coal from a shilling to six-pence per ton. Will the surrender of the £6000 a year which this reduction involves exercise any such mighty influence on the progress or expansion of the trade; and will not that trade expand and grow from other causes, independent of that small reduction, which will go only to swell the profits of the Association, or to lower the price to the foreign consumer. If this be the sound view, and the reduced royalty will have little influence, except only upon our

revenue, a large portion of my friend's appeal to our sensibilities and patriotism is answered; and much eloquent declamation must be set aside as foreign to our argument. Now, sir, the statistics of this trade demonstrate that it rises and falls, with the regularity of the barometer, along with every rise and fall of the duty levied in the United States. An immense and growing demand for our bituminous coal exists in that busy and populous region, which can only be checked by a prohibitory law; and with the removal of that duty, springs again into activity. The export of coal has doubled since 1851; and who shall set limits to its amount, now that it is admitted among the free articles in the reciprocity treaty of 1854;—a treaty for which I have been so often reproached on this floor, but which I look upon as one of the proudest trophies of my public life. So far as my own province is concerned, as I underwent most of the responsibility and labour, I may justly lay claim to the honor of that treaty. That it will rapidly and vastly expand the coal trade with America, there is no reason to doubt; but it would expand equally, whether the larger or the smaller royalty were exacted. The difference is too insignificant to affect the trade, while, as a source of revenue, it is all-important to us.

Sir, in the coal fields of this province we possess an inestimable treasure; a treasure that may be made conducive, to an incalculable extent, to the welfare and comfort of our people; inexhaustible in richness—unsurpassed in quality—by wise legislation results greatly enhancing our colonial position may be deduced from them. It is of this great natural gift that we are about to denude ourselves; we are about to hand the mines of this Province over to strangers who will reap the golden fruit—while our own people, deprived of the inheritance which the Creator designed for their use, are refused permission to dig a bushel of coal upon their own lands, within the areas comprehended in this bargain.

The hon. and learned Attorney General told us that the action of my hon. friends and myself exhibited the highest triumph of party. Sir, I am in the judgment of this house; I ask any hon. gentleman who heard me, in what tone and temper I approached this discussion? Did one syllable escape my lips calculated to provoke party action, or invite factious hostility? No, sir; I spoke as I felt, earnestly but calmly; fully sensible of the importance of the question at issue, and desirous only that the house should arrive at a just decision. Let me ask how was it dealt with by hon. gentlemen opposite. Will any man who has seen the influences brought to bear in order to carry this measure; who listened to the warm and impassioned address of the hon. and learned Attorney General, every word of which breathed a non-conciliatory spirit, entertain a doubt that the government have appealed to party and rely on it. A sacrifice to party indeed! Why, sir, I do not hesitate to say, that if for 28 years—the lifetime of a whole generation—the best, if not the only workable coal fields of the province, are to be transferred without recall, to this persuasive and powerful Association—if we give up, with our eyes open, the enormous sum I have spoken of, this will most assuredly be the costliest sacrifice ever offered to party in Nova Scotia.

But the men who offer it in despite of our

warnings and remonstrances, will live bitterly to repent it, and will feel the resentment of an outraged and indignant people, not always blind to their true interests. I participate in that resentment.—I feel and I express that indignation. The hour has come when the subdued and softened tones of my opening speech must be exchanged for the clearer and shriller notes of the clarion, when it rouses men from inactivity to life. Party, and the necessity of supporting this administration at all hazards, may create an evanescent and fatal union. My voice for the present may be raised in vain, but woe to the men who hear as if they heard not,—deaf as the nether millstone, or “the adder that stoppeth her ear.” (Hear, hear.)

And now, sir, permit me in a few short sentences to review the history of this transaction. Some 32 years since the famous lease passed to the Duke of York. This by the way is a misnomer, for the Duke of York died some three weeks after it was executed; and he had previously entered into a contract with his London creditors, stipulating that the lease should pass immediately from his hands into theirs. It was not therefore a lease for his benefit, but for that of his creditors, to whom our resources were thus pledged. In the history of the world, under the most despotic government that ever existed, I will venture to say that no precedent can be found—no instance cited, where the whole mineral resources of a country were passed out of the hands of the people to pay the debts of an individual, though that individual were a prince of the blood.

Then by agreement with the British government, the assignees of the Duke of York's lease became the holders also of the reserved mines at Pictou and Sydney, and all our coal seams centered in one and the same body. The multitude of resolutions, addresses, and remonstrances with which our journals are filled—the numerous struggles to rid ourselves of this monopoly—the successive steps in which the Assembly and Association have been pitted against each other, are familiar to this house. During this long and arduous fight, Mr. Johnston stood forth the recognised, uncompromising advocate of the Association. Until this session, when their interests lay on the other side, and it was convenient to acknowledge the wrongs done to our people, never did we hear one word of generous sympathy for them escape from his lips. During that long period of five and twenty years, were our interests too often disposed of without our knowledge or consent. A studied obscurity hung over the real parties with whom we were contending.

The representatives of the Duke of York have been frequently spoken of; we should speak of the creditors, not the representatives. The family of the Duke has nothing to do with this question. The creditors who supplied the wants, and perhaps, I might be justified in saying, the extravagances, of the late Duke, have drawn from the vitals of the province large sums,—have received ninepence sterling on every chaldron of coal that has been sold or used in Nova Scotia; and an amount has accumulated in this way, in the three per cents, amounting to £55,000. This has added to the price of every bushel of Nova Scotia coal exported or consumed.

How is that to be paid? Out of the funds of the Association? No; but out of the coal raised

from the soil of Nova Scotia. Is it not a significant fact, when we are dealing with this company, that not less than £120,000 sterling, drawn from the resources of the province, are to be handed over by this arrangement to the creditors of the Duke of York.

Under the minute of 1845, the royalty was to be paid on all coal raised as well as sold. How did the Association deal with that? Did they pay according to the terms? Not they; and another remarkable feature grows out of this enquiry. They obtained the right to raise 12,000 chaldrons more for the same money, but continued, contrary to their own agreements, to pay only for the coals that were sold,—owing a large sum for the coals raised and not sold. I have a document in my possession which has not yet seen the light in this house. I hold in my hand a letter, the contents of which I communicated to the learned member for Colchester some time ago. It is addressed to me by the same gentleman in England, to whom the delegates alluded,—and it affords evidence which ought to be known. I find by that that the coal raised, and not sold,—and on which no duty was paid, is no less than 41,841 chaldrons! This statement is drawn from the company's own books. Why was not the royalty paid on that? The right to do so was admitted on the face of the contract. But on the same principle other arrangements were effected. In every step from the beginning to the end, this powerful and talented Association has managed, within the bosom of the province, to attach some of the ablest men to their cause, and in this way to defeat the objects of the legislature. They not only refused to pay, and have not paid, for the large coal raised and not sold, but have made a difficulty concerning slack coal. Receipts in full having unconsciously passed from the officers of the province to the company, they refused to recognize the right to pay the duty on slack coal a few years ago. The amount in question at that time was only a small portion. Not one chaldron in five of this coal paid duty; and in the letter alluded to, I find that 177,163 chaldrons were disposed of. This would yield a tolerably large sum. We were entitled to royalty on it, but since 1845 the royalty of 1s. on a large portion of that coal has never been paid.

The Attorney General has read the famous report of 1839; I hope we have heard it for the last time; I never questioned the fact that the Association by its capital, and skill, and science, conferred benefit on the province. I endorse that as fully now, as in 1839 or 1854; but is that the point for settlement? A bargain has been struck, and the questions are, first, Is it our duty? and then, Is it our interest to ratify it? The Attorney General has spoken of the part which I have taken in these questions, for twenty years past; in looking among some papers a few days ago, I was amused to find, in the Cape Breton Journal of 1833, two columns and a half of my first speech on this question; and now, at the end of a quarter of a century, I am making what may possibly be my concluding appeal. The Attorney General says that my part in these affairs has been chiefly ornamental. Well, a little of the ornamental is not amiss, I suppose, in legislation; but was it the ornamental or practical which fell to my lot, when I was in London in 1854, not as a delegate for that purpose, but as has been said, the unfeared counsellor of my own province, neither obtaining

nor expecting for that 25 year's labour, a single shilling. In 1854, on entering the treasury, I found a whole pile of parchments, ready to be executed, introducing new checks and guards, and settling every question against the interests of Nova Scotia, and in favor of the Mining Association. I entered my protest against them, and the Crown officers decided that the position which I took was legal and right. That step belonged to the practical, rather than the ornamental, or perhaps was a happy union of both; it led however to the present position of affairs. And how has it come round? Is it of the free voice of the Association, or has not stern necessity brought them here? As has been explained, the Civil List act, withdrawing the right of making a new lease from the British government, has led to the negotiation. The company came here to get a title and a standing in the London market. And by the present bill you are asked to confirm arrangements, the full effect of which this house has often, by overwhelming majorities, decided not to accept or sanction.

The Provincial Secretary read an extract from a speech of mine, delivered in 1856. I thought that my action in the case referred to, was well understood, and that the colour given to it was only an electioneering movement. It is well known that when I, as Attorney General, brought down the bill referred to, I laid it on the table declaring that I was entirely opposed to it.—When the hon. gentleman read a detached sentence from my speech, he ought to have admitted as is well known in this house, that my action was consistent with itself on that occasion. The local government refused to assent to the bill sent out in 1856, and it became necessary for the Mining Association to refer to the Legislature. The Provincial Secretary said that he adopted my sentiments on this subject with satisfaction. I wish he would adopt the Scotch proverb—"The third time is canny,"—he has been my pupil twice, if he follow the third time all may be well. He and I understand each other. He applied to me the old antithesis about new things and true things; but in the opinion of his enemies at least, the greatest novelty he could give us in this house would be a little truth from himself. (Laughter.) Such being the position of this question, what is the practical effect of the amendment I have proposed?—First of all, it declares that the arrangement recently concocted in London, differs from the address of 1856, in the abandonment of the rent of £3000 sterling, for the first 26,000 chaldrons raised from the reserved mines. Can that be denied? Did not my letter, so often alluded to, declare that the rent was to remain untouched? The Reciprocity act with the United States expires in 1864; it then becomes no longer binding on either country; and unless I greatly mistake the current of opinion at Washington, in consequence of the greatly increased competition of Canada, an energetic effort will be made to repeal that act. Suppose they do, and impose a duty of so much per chaldron on our coal; where then will be our rent?

I was in Washington in 1850 and what did I find. Some of the ablest, keenest fellows whom you could meet in New England, lobbying, as it was called; soliciting congressional influence in a very effectual though discreditable way, by oiling the palms of certain members, each for his

peculiar interest. A great mercantile house has fallen in Boston within these few months, and what do its books exhibit? For the purpose of carrying the tariff on wool, that house expended immense sums, to influence congress and bribe the press. \$8000 was the item for the latter purpose paid chiefly to the press of New York; and \$79,000 for other purposes: making \$87,000 paid by one house for the purchase of such influence! Strange stories too, are told about Canada. Such transactions be it said, in honor of our own province, have hitherto been unknown here; this Legislature is free from the remotest suspicion of that kind. Were it not so, I do not hesitate to say that in a financial point of view, to carry this arrangement, the General Mining Association might do worse than expend a few thousands here. I would leave it as an open question for any two sensible men, drawn from either side, and I would rather that they were taken from the government side, to say, whether any man in his sober senses would transfer for 28 years valuable mines like these to the Association, leaving it in their power to keep all others from participation, and to shut up the mines for the whole term if they please without paying a single farthing. What would any two men say to a proposition of that kind? Suppose the United States Reciprocity act repealed, as it may be eight years hence, the province might find itself in a delightful position with these mines; it might find the establishments abandoned or paralyzed, without power to touch them.

Besides the reduction of royalty, every tenth chaldron is small or slack coal. (Extracts were read from McCulloch's Commercial Dictionary, concerning the loss sustained by slack coal.) Many, however, do not need the large coal, and will purchase the small at a low rate in preference. All screened coal is called small, and the proportional quantity may greatly increase. It may be that one fourth or one fifth may be described in that way, and not pay a shilling of duty. One tenth of the whole amount is so situated according to the returns of the Association, and the proportion may be very much greater when relieved from the royalty. If, as is proposed, coal may be raised at four pence per ton, it is almost a mockery to talk of revenue. Would any private person, having property in a mine, accept such a royalty. Show me a rich coal mine anywhere that pays so little. And shall I still be told that the difference between the address of 1856 and this arrangement is immaterial?

With reference to the weight, it is not denied that the learned member for Colchester, in 1855, called the attention of the house to this particular, and stated that the province had lost, in this way, from 1846 to 1854, the sum of £7,000. (Extracts were read from a letter previously alluded to, and statements made concerning the various species of coal and their specific gravities, and the loss sustained by the adoption of one measure instead of the other.) This very example shews the wisdom of delay. The debate of this session has brought out in vivid and bold relief the wrongs that have been done us under the old agreements. We suggested in our address of 1856, founded upon my letter of July, 1854, the terms on which we were willing to settle this controversy. Even if these terms had been accepted, some members

in the altered state of our Treasury, question our obligation to adhere to them now. The bargain not having been struck, they say, is still open, and we may reject it at will. There is, doubtless, much plausibility and fairness in this conclusion. But I have put it on a different ground. The amendment I have drawn sets out the specific differences between the address of 1856 and the arrangement of the delegates in 1857; nor have these been denied. It is argued, indeed, that the two are substantially the same; but that they are not the same is conceded and ought to be enough for us. The point of honour, on which some gentlemen, to whom such refinements one would think, are not over familiar, cannot possibly arise. We are free to act as our judgment directs. Ah, sir, if that judgment were really free, if men would speak and act on this question as they think, it would soon be settled. But the fiat has come forth. No one understands his position better than the Attorney General. With him it is a matter of life and death to carry this bill. Why it is so we may easily conjecture, and the province at large will not fail to enquire. On its own merits he felt from the first it was dubious or hopeless. Hence the watchword of party, hence the extraordinary declarations that to reject it was to proclaim him a scoundrel or a fool. It is possible he may succeed. This catastrophe, the disastrous close of the drama in which he and I have figured for so many years, is worthy of himself. He has been true to his antecedents and I to mine.

Last summer, Mr. Speaker, while travelling in the kingdom of Holland, I spent some pleasant hours in the city of Haarlem. Haarlem, famed for its organ, the largest and finest in the world, whose tones, swelling forth with the energy and power of a whirlwind, filled every nook and corner of the magnificent cathedral, while its softer notes whispered along the aisles like the murmurs of some gentle breeze; famed also for its flower gardens, whence millions of hyacinths, tulips, and other bulbs of infinite variety, and the most brilliant colours are diffused over Europe and America; famed also for its gallery of paintings, and, above all, for one picture, the gem of the collection, before which I stood admiringly. It represented a female figure, flexible and graceful, tho' somewhat masculine, with features of singular beauty, but an expression stern and severe, embracing a military personage, with her right hand elevated behind, and clutching a dagger. History tells us that she was one of the three hundred fighting women of Haarlem, who displayed the most desperate courage in defending their hearthstones and children from the Spanish invaders, and that having obtained access to the general of the besieging army, she captivated and lured him by her charms, till seizing the opportunity, while leaning on his arm, she stabbed him in the back. So have I seen the learned Attorney General, a hundred times, on the floor of this house, while a representative of the people, bound by every tie of honour and of duty to maintain their rights, clasping his own province to his bosom, and for the sake of this Association, stabbing her to the heart. The Dutch heroine, like her Jewish prototype, another Judith with another Holofernes, saved and avenged her country. Our Attorney General sacrificed his. (Cheers from the house and galleries.)

And shall it still be sacrificed? Is no breathing time to be allowed? Is the Attorney General to taunt me across the floor, and sneer at my patriotic labours as he called them, and a party in this house sustain him? Sir, I denounce them as the slaves of party, and traitors to their country.

But, above all, let the members for Cumberland reflect that there is a higher tribunal than the organised and banded party in this House, to whom they must answer. In their county is the seat of the coal fields hermetically sealed by this bill. Where are the glowing anticipations with which the deluded and good people of Parraborough have been fed. The coal seams at Spring Hill shut up and all the world purposely excluded. No busy railway, no forest of masts, no profitable export there. Their hopes have been extinguished by their trusted one. The Provincial Secretary laughs at their credulity. And Mr. McFarlane, too, is delighted with this settlement. He undervalues Mr. Dawson, who is but a young man, it seems, whose opinions should not weigh with us. I was sorry to hear the learned member to whom I generally listen with pleasure, commit himself on a subject, which he must permit me to tell him he does not understand. Mr. Dawson is one of my oldest and most valued friends, and is a rare example of true science combined with unaffected modesty. What he knows he knows thoroughly, and never pretends to know what he does not. By his own merits he has raised himself to the head of one of the great educational institutions of Canada, and has approved himself equal to that high position. Before my hon. friend, then, attempts to depreciate him for a party end, he had better enquire whether he possesses one twentieth part of his reputation or his sense. (A laugh.)

The coal mines of Cumberland, long before the lapse of 28 years might be the source of a most productive traffic and of a large income. In many parts of Europe, beyond the United Kingdom, may be seen the wonderful effects of mining operations on the industry and welfare of a people. Last August I travelled by railway from Utrecht, where the famous treaty was signed, which made Nova Scotia a British possession, to the Prussian town of Hamm, celebrated as the retreat of the Bourbons after their banishment in 1790, from their own beautiful France. We traversed the valley of the Lippe, a tributary of the Rhine, and which bears upon its bosom the coal of that productive region, for the natives who dwell upon the banks of the larger and nobler river.

It is difficult to portray to hon. gentlemen who have not visited the old world the charm which the historical associations and culture of two thousand years shed upon these scenes of beauty. The valley of the Lippe is studded with the relics of Roman grandeur, of that conquering and immortal race who have left the traces of their dominion in every corner of Europe. The country is highly cultivated, with a surface gently undulating and embellished by numerous mansions. You pass through a perpetual succession of fertile uplands, meadows heavy with grass, flourishing towns, and dominating over all, the tall chimnies of the Westphalian coal mines. The Prussian Government exacts a royalty one-tenth of the produce, and the people are thriving and contented. Why should we surrender our coal mines, far richer

than theirs, for a royalty not one-third of the Prussian? Why abandon to strangers our richest possession—nature's choicest gift—for so inadequate a return. As I sped along the valley of the Lippe, I whispered to myself, or rather to one dearer than myself, "Why cannot we realize in Nova Scotia, and create within our own country, scenes of fertility and beauty like this?" (Cheers.)

The Provincial Secretary smiles, I will not say disdainfully, but with an air of confidence, as if secure of his majority. Sir, the caucus may have done its work, but elsewhere there will be a different reckoning. Were there nothing else to characterize this bargain but the coal mines of Springhill and Anconi, on them alone would I rest this issue. The former are not, as we have been told, at a distance of 20 or 25 miles from navigable water. A railway of that extent might perhaps be necessary to connect the coal mines with Parrsborough; but Dr. Gesner tells us that they are within four or five miles of the tide waters of the Maccan river, and that barges laden with coal could easily descend to a shipping port. The coal measures, according to Dawson, belong to the southern side of the Cumberland trough. They were stated to him as varying in thickness from eight to twelve feet, and of good quality. Four square miles of this coal field, containing we may well suppose the most productive portion of it and many millions of tons are assigned to the Association for 28 years, while no obligation is imposed upon them of paying one farthing of rent or raising one chaldron of coal. Suppose these four miles, the choice of this field were owned by an individual and he had entered into such a bargain, what would you do with him? You would pronounce him incompetent to manage his affairs, put a clay cap upon his head and send him across the Harbour to the Asylum. (A laugh.) The case of the mines at Point Anconi, on the island of Boulardrie is equally striking. There the Association crosses the Little Bras d'Or and some nine or ten square miles of the richest coal field in the Province, lying close to the tide water, are surrendered to them for 28 years, besides the twenty-seven square miles in the immediate vicinity. No one will pretend that the Association will ever work one twentieth part of the areas conferred upon them by this arrangement. So far as they are concerned, too, the lease will stand good because assented to by the Crown.—But has the government or this House reflected that our own title to the remaining mines expires under the civil list act in eighteen months after the demise of Her Majesty, and upon that event reverts to the crown. To regain the control and possession of these mines we must grant a civil list, that will be acceptable to the crown, so that our title may be cut short long before the year 1886, to which period the Association is safe. It was this provision in the act of 1849 that enabled me while in London in 1854 to take a stand for my own Province. When I called in question the power of the crown, to execute the lease which had been prepared, and wanted only the sign manual to give the Association a legal standing independent of us, the solicitors of the company and of the creditors of the Duke of York seemed to think it rather an extraordinary thing that I should venture on such a step. My interference is denounced in the correspondence as exceedingly inconvenient and mischievous. (A laugh.) And

so it was to the Mining Association. I could not help being amused by the courtesies which passed between these solicitors and our delegates. I must confess I had but a small share of them myself. There were no "my dear sirs," and "yours very truly" for one. (A laugh.) They probably undervalued the opinion of a colonial lawyer, and thought themselves safe in contradicting it. They certainly argued most strenuously that the government should disregard it, and must have been rather taken aback, when the matter was submitted to the Attorney and Solicitor General of England, and these high officers decided that the colonial lawyer was after all in the right. (Cheers.) That decision, Sir, was, no doubt, gratifying to me, and reflected no discredit on my own province.—But far above all personal considerations was the vantage ground, it gave us for the first time in our colonial history. It compelled the Association to come to us. Without our assent, they could neither perfect their title nor make sale of their shares. They were in fact at our mercy, and without taking any ungenerous advantage, which was far from our thoughts, we had the opportunity of redressing past wrongs, and attaining future security. This vantage ground we have lost, and the delegates have failed in obtaining for this country, the terms they should have insisted on. I give credit to my learned friend from Colchester for a desire to fulfil his mission. I will not even question the integrity of the Atty. General but I do say that a delegate of a firmer temper and more ardent purpose ought to have been there to resist encroachment and guard the rights of our people. It has been, I fear, with this delegation as it was with the case prepared in 1847, when the interests of the Mining Association were more regarded than those of the Legislature.

The learned Attorney General referred to that case to-day, but he has not raised the veil that concealed from the public eye its true history. It was my late brother who framed and carried the resolution on which the case was prepared, so that legal opinions might be taken in England. For years, as is well known in this house, he had devoted himself to this question, and had mastered it in all its details. Now the value of the opinion depended mainly on the case or statement of facts to be submitted to counsel. But the present Atty General was then in the government, and all the world I think will agree that my late brother ought to have been on the commission for drawing up and settling the case. No one entertained a higher respect than myself for the professional and personal character of the late James F. Gray, and I am not disposed to undervalue that of John C. Hall. But it cannot be pretended that they had studied or understood the Mining question as George R. Young had done, and the Government of the day in excluding his name from the commission shook the confidence of the House in the case as well as the opinion which was ridiculed and assailed as soon as it was known.

Motley, the American historian who has lately attained so much celebrity by relating the eventful story of the frightful atrocities almost exceeding those of India which marked the infancy and early struggles of the Dutch republic, draws with inimitable skill the character of the President Viglius, a dexterous courtier, a supple & unscrupulous law-



yer, one of whose maxims was, that a good lawyer could not be a good christian. (A laugh.) I will not say that I acquiesce in this maxim as universally true, but that to a large extent it was true in the sixteenth century and is still true in the nineteenth, cannot I fear be denied. The characteristics of a good christian, fidelity, single-mindedness, disregard of self, purity of heart and motive, have not always been displayed by our lawyers in their dealings with this seductive and powerful Association.

The Attorney General taunted me to-day with a change of opinion in depreciating the value of the mineral resources to be given by this bill. There, sir, he did me injustice; but while I reiterate the opinions I have so often expressed on this floor, I cannot accept, what has been happily styled the bunkum bill of the Attorney General, as an equivalent. To surrender privileges of real value for the exemption of our lime, gypsum and clay—a claim which has never been put forward and could never be enforced—would be to follow the example of the dog in the fable, who lost the substance while snatching at its shadow as he crossed the stream.

No, Sir, I pride myself in being a practical business man, not averse it may be to ornament and literary taste, but aiming always at a sound and substantial end. What I ask of the government and the party that sustains them is not the instant rejection of this bargain. I ask only that it shall not be pressed through with indecent haste—that before they bind the victim to the horns of the altar, they shall give us time to look round. The Opposition in this House is no insignificant or powerless body. We represent tens of thousands of free born Nova Scotians and a large proportion of their intelligence and wealth. Is a year too much to allow the people's voice to be heard and this matter to be thoroughly sifted and weighed. Is it not of infinitely more importance than any party contest? It may be indifferent to the people by whom the offices of Attorney General or Provincial Secretary are filled, but it is of the deepest moment that this subject should be canvassed and understood. The majority are called upon to negative my amendment, every word of which is true and known to be so. It is true that the rent of £3,000 stg. a year has been abandoned. It is true that the royalty on slack coal, equal already to £1000 a year has been given up. It is true that the royalty has been largely reduced. It is true that we lose £5,995 by this arrangement at its very inception, and that this loss in a few years may be doubled or trebled in amount. Do the people understand, have they had any opportunity of knowing these things. If they did know them—would they allow us to pass this measure. What, Sir, with the announcement of financial difficulties—£40,000 a year for railway interest, breakwaters and agricultural societies to be broken up, our road vote reduced from forty two to twenty thousand pounds. With these evils in prospect it is surely too generous to throw away six thousand more, and by our own act impoverish ourselves.

Sir, this may be all in vain. This long struggle of five and twenty years is about to close. It is not to close as I hoped and expected it would. The Association have triumphed at last. I at least feel that I have done my duty. The emotion I have shewn is not that of a party leader, but of a

Nova Scotian contending for his country, and ere the final vote about to be taken shall pass, I solemnly call upon the members of this House to weigh all its consequences and to reflect on the indignation and reproach they will draw down upon themselves. (Loud Cheers.)

Mr. WADE.—From the very earnest appeal made by the hon. and learned member for Inverness to Nova Scotia and sons of Nova Scotia, I feel called upon to make a few remarks. I would not have risen, sir, only for some rather strange language used at the close of that hon. and learned gentleman's address,—language which this house and the country are not often accustomed to hear. I, sir, have listened attentively to this debate, extending over some seven or eight days, and the question has been so exhausted by the delegates and others, that it would ill become me to enter into statistics or lengthy arguments. But, sir, when called on by the hon. and learned member as Nova Scotians, to assert our liberty and our rights, in reference to the subject of the Mines and Minerals, I say to him that I feel I do so, in the course which I am about to pursue and the vote I intend to give on this question.

For the first time, Mr. Speaker, we have had insinuations of corruption, or to use the hon. and learned gentleman's own language, of oil being applied to the palms of Nova Scotia. I ask to whom did the hon. and learned member for Inverness apply the observation? Did he mean the learned member for Colchester, or to whom at this side of the house does the language apply? Sir, is there any around these benches with a spark of manly feeling who would not rise and repel such a charge or insinuation? Let us know what is meant, that the insinuation may be dealt with as it deserves. I do not pretend to be able to deal with this question as that hon. and learned member; but I shall take care to vindicate myself in my own way.

I feel, sir, that this question is not so hard to understand; some may mystify and make a stalking-horse of the pounds, shillings, and pence; others may allude, as the hon. member for Windsor, to the old woman being deprived of her coal by the mining monopoly, to tickle the ear. Allusion was made by the hon. gentleman, that this question was yet to be sifted throughout the length and breadth of the land. As for my conduct, let it go, from Cape North to Cape Sable; let my constituents know that I viewed this subject on the broad principle of a great public question, affecting their dearest rights, and not as a matter of pounds, shillings, and pence. Sir, upon a former occasion, when the public works of our country were first mooted, I did not hesitate to look at the introduction of those works in the same light, and although at the present moment they bear somewhat heavily on the revenue of the country, I yet feel, when once in full operation, they will lighten those burthens. I believe he who makes the present question depend upon a small pecuniary consideration, misrepresents the feelings of the people of Nova Scotia generally, while all beneath the soil of our country is as has been described in this debate, at the mercy of a distant company. I was at a loss to understand the hon. and learned member for Inverness, until towards the close of his speech, when some expressions helped to explain the difficulty. After paying the learned member for

Colchester some well earned compliments, he complained of his late brother being left off a commission on the subject, and intimated that he should have gone on the delegation instead of the hon. member for Colchester. (Mr. Young.—No.) I can put no other construction on the hon. gentleman's remarks. This question, sir, has been before the public for the last twenty years, and the cry of monopoly, grinding monopoly, has been sounding in the people's ears, and I believe it has been kept before the people to some extent, as an electioneering subject.

Far be it from me to advocate this monopoly,—but how stands the matter? In an evil hour the mines and minerals of our province were handed over to an English nobleman, and then transferred to this association; will it for one moment be contended that this company, after expending perhaps a million of money in getting into operation their works in this province, have acquired no rights, and that in the settlement of this vexed question they should not endeavor to protect their own interest? In order, then, to set at rest the controversies and difficulties of this question, both sides of this house agreed, with the exception of three or four of its members, that a delegation should go to England, and settle the dispute. That, I believe, was accomplished in good faith at the time. Delegates were judiciously chosen, and went with instructions to bring the difficulty to an equitable termination; they return, and present to this house the arrangement they were enabled to effect, and which we are asked to ratify. Now, sir, how is the bill met by those who attempt to oppose it? by asking for additional time! Time to do what? To make a geological survey of the coal fields of Nova Scotia. Is this question, which has so long agitated the Province, to be met in this way? And, by a side wind, get the go by? I believe that it should not. I feel that if the terms now offered to us be rejected, we may prepare for twenty years more of agitation. The question has now assumed this shape,—will the people of Nova Scotia, although perhaps the agreement is not such as they would wish in all particulars, agree to settle this long disputed affair? The association from its peculiar opportunities, may always have had the advantage of us, and perhaps always will, but have we not had twenty years to gather information? Will two years more of delay, accompanied by a large expenditure for surveys, get us better terms from the Association? I think not. Then why withhold assent?

This delegation, as has been stated, has now cost us Twelve hundred and fifty pounds. I may not view this question aright, but I do not believe it a mere question of time or money, provided we have anything like fair terms offered, which I believe we have by the bill before the house. I therefore vote for the bill, and for the ratification of the agreement made by the delegates, because it brings to a final termination a long and unpleasant contest; and although it may take from the Treasury for the present a considerable sum of money, by reducing the revenue from the royalty, I consider that, sir, nothing in comparison with having Nova Scotia freed from the degrading position she is now in, by having all below her soil mortgaged to a company in England, to take the manacles off the legs of the people, as the hon. member for Wind-

sor expressed it,—to have what is in the soil possessed by them, and not by a distant company. But, sir, one word in regard to this royalty tax. I have always been of opinion that this was an unfair charge, and one that should long ago have been taken off. Why not with the same degree of propriety, levy an export duty on cord wood, or any other article of like kind, that is exported from the province? These, Mr. Speaker, are my reasons for the vote which I intend to give. Why delay? If the company do obtain twelve square miles in Nova Scotia proper, what is that to the remaining portion of the broad acres of this province? In my opinion, we give nothing unreasonably away, but settle a long continued difficulty, by the bill now before the house.

Hon. Mr. Young.—The member for Digby may be delighted to know that his honor is not in danger. If I were called on to oil palms, I might think whose palms were worth oiling, and perhaps would pass him by.

Mr. Wade.—I understand that the hon. and learned member considers himself the gem of the house. I may have quite as much respect for that hon. gentleman's standing as he has for mine.

Hon. Mr. Howe.—We have heard that there is but a step from the sublime to the ridiculous and I think we have had it this evening. I hope the Attorney General is awake now as I wish to set myself right concerning some alleged expressions. The Attorney General said that on Saturday I called the Association cheats and accused them of fraud. If I were not very much excited I do not think I could have used any such language; far as my recollection goes I did not. If I did I am sorry for it. I said that they had got to windward of us, the better of us on every occasion. I used language a little stronger than the member for Yarmouth used in reference to the same company. If I did use the language stated I very cheerfully withdraw it. I have some knowledge of the character of that Association. I would not apply such language to its members, it would be contrary to the tone in which I have always spoken of them. I think the Attorney General must have mistaken my words.

Hon. Attorney General.—I am glad to hear the explanation given. I was sorry to hear what was said on Saturday, it was not consistent with the usual conduct of the member for Windsor in reference to that company.

A call of the house took place. The amendment was put and negatived, 19 to 30.

For—Geldert, Parker, Munro, Wier, Rynard, Esson, Bailey, Davidson, Webster, Morrison, Loche, Chambers, McLellan, Young, Annand, Dimock, Chipman, Robertson, Howe.

Against—McLearn, Churchill, Shaw, White, Killam, Bent, Moses, J. Campbell, Caldwell, Pro. Secretary, Martell, Bill, Ruggles, Borneuff, Finl. Secretary, McDonald. Sol. General, Archibald, Hyde, Attorney General, McFarlane, C. J. Campbell, Ryder, Tobin, McKeagney, Wade, Brown, McKinnon, Robicheau, and Fuller.

The bill was referred to committee by similar vote.

TUESDAY, Feb. 23.

The House was engaged in the transaction of routine business.

WEDNESDAY, February 24.

## RAILWAY COMMITTEE.

The Hon. ATTORNEY GENERAL reported on the preceding day, from the revising committee, lists of committees, one of which was for the examination of railway affairs. The proposed committee consisted of hon. Attorney General, hon. Provincial Secretary, Mr. Tobin, — hon. Mr. Young, hon. Mr. Howe, Mr. Archibald.

Mr. HOWE expressed a wish that his name be omitted.

Hon. ATTORNEY GENERAL urged the continuance of the name, he considered that Mr. Howe should serve on the committee so that he might understand the questions concerning the railways, and that others might understand his views. He explained the duties of the committee, and the importance of these. To the committee would be submitted questions of railroad damages, and of extra claims of contractors.

Hon. Mr. HOWE.—I dislike to withdraw my name from a committee list,—but have I not had labour and responsibility enough concerning the railways of the country? I cheerfully undertake the responsibility which should devolve on me, and am here to answer enquiries and remarks. I think that we should not treat those extra claims until they have been decided by the railway Board. (Hon. Mr. Johnston—The Board has decided.) Mr. HOWE continued—Then the government and the Legislature should sustain their decision; should assume that they had acted properly. I will try and keep as well acquainted with the circumstances of the case, as if I were on the committee. My anxiety is to do what is just and right; but I do not wish to be drawn into a committee where I would be over-ruled,—and thus have my name attached to a document which I would not feel disposed to sustain,—or to have to submit a separate dissenting report. I do not want that.

Mr. TOBIN wished his name left off the committee in consequence of Mr. Howe's remarks about being put in the wrong by a report.

Hon. Mr. HOWE explained.

Hon. PROVINCIAL SECRETARY considered that the reason given by the member for Windsor for not being on the committee, was a reason why he should be there.

Mr. ANNAND thought that the name of the member for Windsor should not be on the committee. The claims should be otherwise dealt with;—the house should not step in to relieve the Board and the government from such responsibility. The duties of the committee should be limited to the question of damages.

Hon. ATTORNEY GENERAL.—The member for Windsor speaks of being over-ruled; if he expects any improper conduct, should he not be there to expose and condemn. Would not the members for Inverness and Colchester aid him in preventing any improper over-ruling? Government responsibility has been spoken of,—but government consider that they have no responsibility in the question. The law gives the functions of responsibility to the commissioners, and the chief Engineer. The commissioners had applied to the government, again and again, for advice and assistance,—and such was afforded. The question is, shall the claims be debarred from investigation, because the Board does not admit their validity? Suppose the contractors

say that they are injured by the views of the commissioners and the chief Engineer, are you to say, in a civilized land, governed by law, and by principles of integrity, those who complain shall be denied enquiry? The house alone has the right to interpose. Will it refuse? It may cause delay, may retard the public works, but enquiry must come in some shape. The law, at present, is not accessible to the complainants;—pass a law if you will, giving them power to bring the question before a court of law, which is now denied by the nature of their contract.

Hon. PROVINCIAL SECRETARY explained the power and action of the government on the question,—and said that if the member for Windsor would agree to serve, he (the Prov. Secretary,) would retire from the committee with pleasure.

Hon. Mr. HOWE.—I sometimes happen to think aloud here, and that may account for some of my expressions. A clause of the act provides that no extra work shall be allowed, except it be submitted to the chief engineer, and obtain his certificate. Up to the time I left the Board there was no dispute on those subjects,—but here is a claim for £70,000 of which I never heard before. Is it right that I should be called to adjudicate on this? When the question comes up here, it will be seen how much or how little of these difficulties should be laid at my door.—I consider that we should sustain the officers and the Board; should we back the contractors against the commissioners? (Extracts from documents on the table were read.)

Hon. ATTORNEY GENERAL.—The application made by a contractor to the Board, and to which reference has been made, was not an application for payment, or to have the work measured, as the answer implies. He asks for papers for the purpose of showing that some of the work called extra had been recognised as within the nature of the contract,—and he is told in reply, that measurements are correct. (Extracts from correspondence were read, concerning applications to the Board, and answers thereto.) Here certain papers are asked for, and answers on other points are given. Are complainants to be told that no examination will be made of their claims? If work was performed, required by the province, should not the question of payment be subject of investigation and decision.

Hon. Mr. HOWE.—Every day illustrates the desirableness of having the railway Board represented here. The chief applicant entered into a contract, by which he was bound to make monthly returns; he does not attend to that, he violates the contract himself, by withholding materials of calculation from the Engineer. Suppose the sub-engineer to return measurement of certain work;—he did not know whether any order had been given for the work,—and even if over-payment had been thus made, of what force would that be? I do not see the propriety of the contractors being furnished by the Board, with material for a vexatious law suit. Does the Attorney General wish to put me in the position of turning round to my successor at the railway Board, and saying that he did wrong? That would be a very indelicate position for me to occupy. I have not spoken to Mr. Forman, the chief Engineer, four times, I believe, since I left the office; I have not been in his house since, and he has not been in mine but once. I have been at the railway office twice or thrice for pur-

poses of enquiry. I will be as independent as any man here, to blame Mr. Forman, if that be requisite;—but I think the action sought goes to cripple those who ought to defend the public interests. The Attorney General of the late government threw on the Board the responsibility which it should have.

Mr. WIER.—It would be indelicate to place on the committee any member of the late government, who have been arraigned over and over again by the organ of the present government. I do not understand why the Prov. Secretary should be so anxious to have the member for Windsor on the committee, after the charges which have been made. I think that something remains behind the curtain. The present government have obtained the control of the railroad, and they are in difficulty with it,—and I think they have evinced their incapability of managing it. They went into office prejudiced against it; for years they denounced it,—and the people are beginning to understand not only the incapacity, but the nature and effect of the denunciations. They spoke of it ruining the province; and I consider, if matters are conducted as they have been for the last 12 months, that it will come nigh ruining the country. Would any one commencing a heavy business and having no faith in it, be likely to succeed? I understand that some £3000 or £4000 worth of property was smashed on the road last evening, and that travelling on it has been decreasing. I believe that it is in the hands of a party not able to cope with it, and that before 12 months more that it will be demonstrated. I think Mr. Howe should not be one of the committee.

Hon. PROVINCIAL SECRETARY.—The observations of the hon. gentleman do not excite much surprise,—he has often expressed similar views. The question of incapacity, which he raises, rests with the chairman of the Board, his colleagues, and the chief Engineer. The commissioners admit that they have received every support from the government,—and the Engineer avers that all due economy has been observed. The capacity of those who conducted affairs before is not so very apparent. The most extreme views of the expense of the railroad have been realized. The reports shew that they will cost at least £9000 per mile. That would not prove the remarkable capacity of those previously in authority, in reference to former estimates of the works. Difficulties arose from contracts made when the member for Windsor was Chairman of the Board; as these drew to a conclusion, the work became heavier, and extras accumulated. The member for Windsor says that the object of the government and the house, should be to sustain the public officers,—to carry out his views, the question should be placed with the only competent tribunal, this house; except the legislature refer the applicants to a legal tribunal, and give access accordingly. The disposition is to obtain all the information possible, to place the whole question before the country, and to do what is right. The difficulty comes from the other side.

Hon. Mr. HOWE.—I deny that any such disputes arose while I was at the Board. I will give the Provincial Secretary opportunity to sustain that charge if he can. Let him go to the railway station now, and see valuable machinery which cost thousands lying about all the winter,—a regular Balaclava scene. How many

times was the chairman along the lines this summer; I believe not once, and that he knows nothing about the contracts, except as far as the cars run. I may be mistaken, but that is my opinion. Have any of those commissioners inspected the works during the summer? He says that the government aided the Board. That may be so, but the public are under a different impression; not from what I have said, for I profess to know nothing about these affairs. The chief engineer, it appears, has added £600 a mile for services not recognized by the late Board, and £200 for fencing; that makes £800 at once additional to what the late Board thought necessary. Report was promptly made to the house formerly, when anything unusual occurred, not so now; an engine, it appears, ran off the track yesterday, but no report of that is made,—answers cannot be obtained here as on former occasions.

Hon. PROVINCIAL SECRETARY.—The observation just made proves conclusively that there should be a committee, although it is contradictory to previous remarks. It was said some time ago, that the officers should be sustained, but the hon. gentleman now intimates that the Chairman of the Board and his colleagues, are unworthy of the confidence of the house.

Hon. Mr. HOWE.—It is the duty of the Government to sustain the officers, but it is not the duty of the opposition to do so.

(Subsequent to a few additional remarks, the discussion was adjourned.)

#### AFTERNOON SESSION.

Hon. ATTORNEY GENERAL asked the judgment of the house on the committee that was moved relative to Railway affairs.

Hon. Mr. YOUNG.—The questions are, shall a committee be appointed, and if so, how shall it be composed? The condition of the member for Colchester and myself, on this subject, is very different from what it was yesterday, and we feel difficulty accordingly. The railroad work was to be performed by tender and contract, slightly modified by law, which did not affect the principle. The late government acted according to that, and the former railway board accepted no tender without it having received the previous assent of the Governor and Council. If proper credentials were wanting, the work was not done. The government and the Board jointly took due superintendence of such matters. I formed the contracts with much care, making them more stringent than English contracts, because, while a Province with limited means, might be willing to accept a tender for £25,000, it might not for £30,000 or £35,000. I was very guarded that no claim could be made, legally or equitably, beyond the sum which we agreed to pay. If this were not attended to, the Province might be involved for one half more than the contracts. The difficulties which have arisen form a very delicate question to meddle with.

The Railway Board and the engineer hold office during pleasure. The late government hold superintendence over the work, and if this board gave difficulty, I would not have hesitated to issue an executive letter, taking the control from their hands. We acted harmoniously, however. We see a very extraordinary state of things to-day and I observe it with regret, in consequence of its

effect on the public interests. The leader of the government comes down, and in language and tone which show strong feeling, denounces the public action of his own commissioners; disapproves entirely of an act of the Railway Board, on a public matter touching the public interests, and disapproves in effect of certain conduct of the Chief Engineer of the railway. For a committee to step in, under such circumstances, would be both difficult and delicate. What would they be asked to decide? One of the principal officers of government and the Chairman of the Railway Board unite in thinking it right to withhold certain papers. Am I, as one of a committee, to step in and control the conduct of men, when the Province pays for guarding the public interests? If the papers should be given, why not the government call in the commissioners to do so, and if they refuse to obey, dismiss them? Some time since I defended a large claim for the British government. If those employed in that defence might do well to withhold certain papers, and that the officers whom we represented called on us to produce them, we would have said, conduct your case yourselves, gentlemen, if you please. Becoming aware of the difficulty with the Railway Board, the learned member for Colchester and myself, do not consider that we can do any good by being on the Committee, and wish our names to be removed. The House may appoint a committee, but cannot compel members to serve. The question must come on the floor of the house, and be dealt with there. I hoped yesterday that I might serve on the committee, and be able to advise the government, but the moment I found they were at issue with their own official servants, I could not see how a committee of the house could properly step in and adjust differences. For the prosecution of a great public work like that under consideration, harmony of action between the government and its paid officers, is an essential element of success.

Hon. ATTORNEY GENERAL.—I can scarcely tell what the hon. gentleman means; but he is so much in the habit of discerning hidden things, that perhaps I should not be surprised at any of his announcements. How he has made his present discerning I know not. He speaks of want of harmony between the government and the railway commissioners; if that be so, I am ignorant of it. He is in the habit of magnifying small matters until they assume a formidable aspect. He alludes to the withholding of certain papers by the commissioners, injudiciously, as I think, from one of the contractors. Does he know anything of the matter besides what is before the house? (Mr. Young—No.) The contractor alluded to sought, by his counsel, certain papers which, as is averred in the correspondence, the commissioners refused. He then applied to government. The answer was that they would not undertake to control the Board. I would have been pleased if the papers were given, and intimation was made that such was the desire, except the commissioners saw some necessity of the public service that would induce them to withhold the document. I did state that the commissioners appeared to have mistaken the object for which the papers were sought. They were wanted, not to ascertain the measurement of the work, but to show the principle on which the chief engineer

had accepted some of the work now assumed to be extra and not allowable. There appeared a mistake altogether between the parties asking for the papers and the commissioners; he sought them for one reason, and they declined to give; for another. I thought that misapprehension a matter of regret. Surely the member for Inverness must be entirely mistaken concerning want of harmony. Did I not say that the commissioners had applied to government for advice; not for the purpose of controlling their judgments, but of assisting; and that harmony of purpose always existed between them and the government? I regretted that they did not see right to give the papers; did not perceive the purpose for which they were sought. Concerning the result at which the members for Inverness and Colchester have arrived, relative to disinclination to serve on the committee, I may remark that there must be a committee for the object named; the Railway claims must be investigated; must be decided by some one. The member for Inverness says the great object of contract is to prevent extra claims; I know it; and the committee is to determine whether these are to be entertained or not. They will be likely to determine after hearing what the parties have to allege. The house has given certain power to the government and the commissioners, relative to the railways; but during the session it is for the house itself to decide on disputed points. Are the parties to have their claims considered, or to be told that no consideration will be given, save by the judgment of the commissioners and chief engineer? Without assuming any want of harmony, is it right that that state of things should prevail? The whole matter is a fair subject for consideration; and who better than the committee could be appointed to consider? The member for Windsor is acquainted with the principle on which contracts are made and carried out; and the members for Inverness and Colchester would not be likely to pass any claims without thorough investigation. If a committee be not appointed, what will you do with these claims? They have been urged on the commissioners and the government, the Board does not admit them, and the Government decline to interfere. What is to be done? Will the member for Inverness rise and say as a man of honour and a statesman, that a heavy hand should be put on these demands. The parties have no redress at law, and will you refuse to lend an ear to their statements? If they could appeal to law, I do not think that a Court of Justice would be as appropriate a tribunal as a committee of this house. The entire subject would be placed before the latter, and having investigated, they would report. What just exception can be taken to that? The two gentlemen opposite concurred yesterday, and I am at a loss to understand why they have changed their opinions since then. Let the house adopt some mode of saying to what extent, if any, the claims should be admitted; or why rejected, if that should be. To refuse this enquiry would not be to the credit of the country. Is the member for Inverness prepared to pass a Bill authorizing the contractors to go into a court of law? I stated why that would not be wise; but would he drive the house to that? or refuse all consideration and redress? Would he say to the applicants, we will refuse to hear you; we put



on you the hand of power ; if you have suffered loss unjustly, you must continue to suffer it? Is it possible that is the proposal put to the house? The difficulty has arisen from the member for Windsor declining to serve. I am sorry he did so, I wished that he should be on the committee, that he might become acquainted with all matters submitted to it, so that he might not have one view, and a committee another, and misapprehensions and contests take place on the floors of the House. His refusal has caused two other gentlemen to withdraw their names. I hope, however, that the house will form such a committee as will have its confidence, and that of the country.

Mr. MUNRO.—I ask the leader of government one question, is the Railway Board amenable to government, and if so, why has it refused any information required from it?

PROVINCIAL SECRETARY.—The Railway Board never withheld information asked for by Government. In this case the government wished the papers to be given up if that could be done without damage to the public interests. The commissioners thought well not to do so, and there the matter remained until the production of railway documents was asked for here.

Mr. ARCHIBALD.—I cannot forget the peculiar tone in which the Attorney General referred to the withholding of the papers by the Board. The general scope of his argument was in a tone of indignation, and it seemed extraordinary from the leader of the government to speak as he did about subordinate officers.

In reference to what has been said about the position of parties, I see nothing to prevent an action being brought to recover damages. The law does not prevent it. The contract in itself may present difficulties. The commissioners, who should look first to the legal and then to the equitable liabilities, are paid for attending to their duty, and if they do right should be sustained by the government. It seems to me that the Board must have formed its disinclination to allow the claims, not only on legal but on equitable ground; and their refusal affords *prima facie* evidence that the claims are not well sustained. If the commissioners, however, act wrong, the government has the remedy of appointing another Board. If the Board and the government refuse to give the proper redress, every man has a right to come here and seek it. Until these authorities, however, have done what they can, the house has nothing to do with the question. It has not come to that point; and is not legitimately before the house, it appears, not by means of petition, but on a Report, and the house is asked to decide between the government and its own officers.

Hon. FINANCIAL SECRETARY.—The member for Inverness, after going out as one of the revising committee, and agreeing to the appointment of the committee now proposed, objects to it, and refuses to serve. I heard that declaration with astonishment. Why should gentlemen anticipate what is to come before the committee? They have the right, if they do not wish to serve, to say so. Openly I can understand a position; underhandedly I do not intend to understand it. Subsequently to the second explanation of the leader of the government, gentlemen rise again and reiterate grounds which should be removed by those explanations. After gentlemen have brought in the

railway, they say now that they wish to be clear of it, and refuse to investigate its affairs! I will be much surprised if the people look on this in any other light than as a factious opposition to that which the gentlemen opposite themselves introduced.

Hon. Mr. Howe.—A few days ago the Financial Secretary announced a difficult state of the finances. The cases under consideration may be one of the causes that led to that view. The power in these questions are placed in the hands of government, and now, in a question involving many thousands, they wish to get rid of the responsibility, and fling it on the shoulders of the House. We did originate the Railway, we introduced the Bills for the work, and fought them up, and are not ashamed of the act; but those who opposed the introduction of the work, when by accident they obtained powers, one of them, sought to make them a means of annoyance and vexation; and after spending twelve months in that occupation, they come here and seek to thrust back a responsibility on us that we do not wish to assume, and will not accept. The Attorney General says that the Government and the Board are in a state of the highest harmony? But who did not hear the hon. gentleman this morning, when he spoke of the injustice of withholding papers, which these men want to justify their claims? Well may the member for Inverness wish to withdraw from giving an opinion on the question. The Attorney General, as I understood him, condemned the act of his own officers, and gave an extraordinary proof of the harmony which, as he said, prevailed. I seek not to discharge myself from responsibility in this subject; I could not if I would; here, on the floor of the Assembly, in the face of day, on every point of policy, I will be prepared to defend my conduct. I cannot understand the anxiety evinced, not to defend the interests of the country, but the interests of those who, I have reason to believe, are preferring ill-grounded claims against the country. Mr. Laurie, who has no desire to oppress these people, is not prepared to say that all the claims are well founded; but on the contrary, that if the measurements of the officers of government are to be relied on, some of the claims are incorrect. Suppose one to prefer a claim against me, which I believed to be double the right amount, should I not put myself in a position of care and caution? Should I leave in a hurry to hunt up evidence for my opponent? I think not. I hold in my hand the railway report of 1857, and find Mr. Forman then reporting the extra work for 1856 at £4500, up to the closing winter season. Is it not extraordinary that 22 miles should be opened, under numerous contracts, and all difficulties, or nearly all, be amicably adjusted, while the extra claims were stated at £4500,—and yet a few months after the old Board were broken up, and the old government superseded, we find the Railway Board reporting that the extras allowed amounted to £40,000 according to Mr. Laurie's statement, and then the contractor's coming forward with claims for £70,000 more! (The gallery expressed applause.) The Financial Secretary rose to order. The Atty. General said that the reason he wished silence was, that the gallery was strangely mistaken. (Mr. Howe proceeded.) If persons in the gallery wish to convey to distant places, an opinion un-

avourable to the province, they could not do so much more effectually than by expressing opinion in that way. I take it as no compliment to myself, but rather the reverse. I repeat again that the extras reported by Mr. Forman, at the time named, were as I say;—our own people were employed, and the extras, of which there will always be some in making railways, were kept within modest bounds; but now mark the strange change,—9 miles of open road are added, and the extras are about £110,000. I have no hesitation in saying that the resolution formed by the members for Inverness and Colchester is sound and correct; if they went in the committee, they would go to share responsibility shaken from the government.

Hon. ATTORNEY GENERAL.—The statements just heard about extras allowed, have to be received with doubts by the House. Should not a committee be had, to enquire concerning such extras; a sum of £70,000 additional has been spoken of, should not the House know how all that has arisen? Are members to fold their hands, and leave all to the commissioners and the government? Gentlemen are mistaken if they think that the government wish to back up contractors; what we desire is, that claims being made, some competent authority should say that they do, or do not, rest on foundation that warrants investigation. Is there anything unreasonable in that? Two gentlemen, having heard what the member for Windsor said, refuse to serve; what harm would be done by their being included in the committee? They could not be beguiled; if a majority be there to control them, so much the more should they be there, to be able to come here and denounce the opinions which they might think improperly arrived at. How are they acting towards the country by declining to serve? They may cast suspicion on the report by refusing to become acquainted with the circumstances. Could anything be more of party action than that,—and touching the interests of the province on a most important subject? The report of Mr. Laurie has not been read yet, while such comments on it are made. I ask for the reading of the correspondence touching the withholding of papers, and then for the reading of the report. Let the house hear what the report does say.

The ATTORNEY GENERAL moved accordingly.

Hon. Mr. YOUNG.—The hon. member has the privilege of calling for the papers,—but the report occupied about two hours of the Legislative Council recently.

Hon. ATTORNEY GENERAL.—It has to be read.

Hon. Mr. YOUNG.—I know it has, and to be read accurately and none are going to allow the question to pass through the House until it is thoroughly sifted;—but this is premature. The time that has been assumed is strange on the appointing of a committee. The Provincial Secretary took occasion to denounce the late government; while three of its members were asked to serve on committee. The Railway Board was also spoken of severely;—the impression on our minds was, that the question had assumed a new aspect, since the first announcement of the committee. We cannot enter on the consideration of the report calmly now,—the house will not be benefited by its reading.

The Attorney General insisted on the reading of the papers.

The clerk commenced; nearly two hours were thus occupied. At the close of the reading the house adjourned.

FRIDAY, February 26.

Debate on Railway committee was resumed.

The ATTORNEY GENERAL explained the action of the revising committee, and their report of lists of committees, on Laws, on the Bankrupt Law, and on Railroad affairs;—he also described the effect of such report, in reference to the members for Windsor, Inverness, and Colchester. The Attorney General proceeded.—The reason assigned by the members for Inverness and Colchester, are inadequate. If they withdrew in consequence of the views of the member for Windsor, I could understand;—but the reason given I consider inappropriate. They seem to imagine that the government and the railway Board are at issue; but they have no reason to suppose that; the tenor of my observations shewed a different feeling. I stated that the commissioners were met by the government when they wished advice, and that at such times all agreed in the opinions adopted. Concerning the papers required, I explained that the commissioners did not see fit to give them up, and expressed regret at that decision. If I used stronger language than I should, I did not intend to do so. I would be more gratified had the papers been given, for I never like to see parties at issue, refusing papers so as to prevent a question from being understood. On that subject I answered the member for Windsor in general terms, treating the question as a mere incidental matter of these affairs. However, the refusal to serve, is a question for the judgment of the learned gentlemen concerned. I will move that the committee be formed; that is requisite; although the member for Windsor desires that we should go into the discussion of railway affairs, without any due guide as to the facts of the case. Thus assertions and denials would be on both sides, without any proper balancing of facts. If that would be proper, let the house say so; but I think that none will sustain that view. Facts should be ascertained before the subject come for discussion; and that cannot be accomplished except by a searching enquiry by a committee. Subsequently, such use as might be thought well might be made of what was arrived at, but there would be something to check and guard the interests of parties. I move that a committee be formed to which shall be referred papers submitted touching the railroad,

Hon. Mr. HOWE.—Before replying to remarks of the Attorney General, let me call attention to some difficulties which we labour under in these considerations. (Mr. Howe here referred to the published routine of the house, and complained that while the remarks of the members of government were stated, his remarks and explanations were passed over, often with mere mention that such took place.) The hon. Atty. General has stated that I wish to discuss this question without the facts being before the house. How does he arrive at that conclusion? Day after day I asked for reports and returns, which are at the foundation of all enquiry on the subject. I have, by permission, conducted enquiries at the railway office, and have devoted much time and attention to this great interest of the country. I object

not to facts,—I shrink from no enquiry concerning the railway. Down to the 4th of Sept. claims made were duly recognized, but none of this sum of £70,000 was claimed up to that time. What I feel reluctant to do is to be drawn prematurely into this affair, before the facts are on the table,—to be drawn on that committee, to adjust such claims, so pressed, and so sustained. I have no objection to serve on the question of railway damages, and other matters of ordinary character; but the appointment of a committee to consider the extra claims, I thought premature and unwise, and calculated to be prejudicial to the country. I consider the duty of the house is to stand on the defensive, concerning those claims of doubtful character. I want to know more of those affairs, before commencing anything that may aid claimants in fastening them on the province; but I do not wish the question settled with injustice to any concerned. I think that I am somewhat acquainted with some of the persons with whom we have to deal,—that I know something of their skill, and perhaps unscrupulousness, in these affairs;—and I consider that I will best serve the country and my own honour by the course on which I have decided. If the question be commenced prematurely, we may compromise the public interests, weaken the hands of the public officers, and perhaps destroy our chance of successfully resisting unjust demands. The resisting of these need damage no just and fair claim. I fear that thousands will be lost, if the committee proceed to act prematurely. I think that if all the papers were before the house, that reasons for caution, and for not forcing the appointment of this committee, would appear. To force any one to serve against his will, as seemed contemplated, would be unprecedented. I consider that the appointment of the committee may serve the contractors, but not the interests of the province; that is my deliberate opinion. Facts ought to be accumulated at all events, and on these I will be prepared to meet the case.

Hon. PROVINCIAL SECRETARY answered remarks of Mr. Howe, in reference to the published routine, and said that gentlemen at that side might make similar complaints as regarded the statement of particulars, and editorial comments. Provincial Secretary continued:—The reasons given by the member for Windsor against the appointment of a committee, are to my mind reasons why it should be appointed,—and I do not see that a committee could be formed more fully and fairly than the committee proposed by the Attorney General. Papers have accumulated on the table, and a specific report should be made on them. I do not at all feel certain that the ideas of the member for Windsor would not be adopted by the committee. It might recommend that the subject be referred to a court of law. That the claims must be investigated somewhere, none will deny. Let them go to a committee, let possession of facts be obtained, and let the committee pronounce accordingly. I do not think that any member of committee would be so placed that he could not adequately defend himself.

Hon. Mr. HOWE.—For myself I require no protection; but I wish to protect the public interests. (Mr. Howe again referred to the routine reports, and complained that his reasons for serving as proposed, were not given. He also

complained of the way in which a petition that he had presented, had been alluded to in the routine.

(Hon. ATTY. GENERAL answered the remarks, and explained the nature of the reports alluded to. Members at that side frequently thought that they did not obtain a fair share of notice in the routine. It was like decision of cases by arbitration, very difficult to please both parties. He explained also in reference to editorial comments, and turned to the Morning Chronicle to prove that he also had some cause of complaint on that subject.) The hon. Attorney General said:—Concerning the question before the house, and the explanation of the member for Windsor, what I meant to say was, that the tendency of his movements in this was to suppress enquiry,—to bring forward a heated debate, with liberty to say or to deny anything, without any due check to assertions or denials. I know not when these claims were first made,—I do not want to form my judgment until investigation has proceeded. We want a committee to enquire concerning facts. The hon. gentleman has no right to assume, if so assume he does, that any one at this side wishes to give the contractors more than they ought to obtain. I desire investigation, conducted in due form, and at the proper time; he desires to drag the house into a discussion for which it is not prepared. Let us know what the nature of these claims are, when they arose,—and for that, and the consideration of papers which are on the table and others that are coming, a committee is requisite.

Hon. Mr. YOUNG.—If a committee be ordered, is the Attorney General prepared to move that it consist of the same seven gentlemen?

Hon. ATTORNEY GENERAL.—I will move first that a committee be appointed, then that it be composed of the same seven gentlemen. If those who have refused refuse again, I will, to see whether their determination is the determination of their party, move three other names of the same side. If these be withdrawn, I will consider it the result of party action, and then will take the best committee I can obtain at this side of the house.

Hon. PROVINCIAL SECRETARY.—To prove that no improper conduct is attributable to government on this question, I ask for the reading of correspondence between the Railway Board and the Government, and will ask that it be printed in the Journals as if presented before the discussion, as it has precedence in point of date.

The correspondence, dated 4th September, was read.

Hon. Mr. YOUNG.—These papers and explanations reveal a strange state of things. As one of the revising committee, I agreed that a committee should be appointed to consider of all matters relating to railway affairs, and acquiesced in the names proposed. When I came to the house, however, and heard the discussion that arose, a new state of matters appeared. To my astonishment I found the Attorney General coming forward, and using a strain of observation and a tone, in reference to the Railway Board, which I considered implied severe censure and indignant remonstrance. I was surprised, because, according to the practice of the late government, if papers were demanded by the government, and refused by the Board, such refusal would be met with dismissal. The debate went on, and the

Provincial Secretary arose, and in an address to the chair made a pretty severe onslaught on the late government, concerning railway affairs. After that, would it be right for any members of that government to be on the committee, to sit in judgment on themselves? I objected to serve in that respect of the debate, and not in consequence of the remarks of the member for Windsor, although those also might have some weight. The committee were to deal with a question of £70,000, sought to be added to the railway expenditure, which excess the late government would never have sanctioned if brought to their notice,—which the commissioners have not sanctioned, but say that it should not be paid. Then came the charge of the contractors' solicitor against the chief engineer, basing their claims on his negligence and want of skill. Who is to examine that? Whose officer is he? Is it not a first duty of government to determine on that charge openly made? Is it right that a committee of the house should form itself into such a tribunal? Where would be the authority or the justice of that? It was for the government, not a committee, to enquire into the professional character and conduct of the chief engineer. If the committee voted £30,000 or £40,000 to be paid, would the house vote the sum on any such report? Would they do justice to the people if they did so? The contracts were so drawn that the government might know what the cost of the work would be, and to prevent those extra claims. It may be easily seen that the committee was not for the discharge of the usual services, but to consider whether the Railway Board, drawing £1200 a year for attending to certain duties, and I believe doing that well,—and the engineer, who commanded my entire confidence, had acted properly. Should a committee, without power to examine witnesses on oath, decide on such items and claims as these? If the commissioners have acted wisely, sustain them; if the chief engineer's services are worth £700 stg. a year, sustain him. We are not yet in a position to examine by committee, the questions are too delicate, too important, for the consideration of such a tribunal at the present time.

Mr. WADE.—Why should party spirit appear on the appointing of a committee? Thousands of pounds are at stake, and the interests of great public works, introduced by gentlemen opposite. The questions must be settled by the house; the committee is only to enquire and report. If gentlemen opposite disagreed with the result arrived at, they might present a counter report.

Mr. McLELLAN.—How is it possible that such sums could have accumulated? I understood that the works were certified and paid for monthly.

Hon. ATTORNEY GENERAL.—I understand from the letters read, that the contractors say that they did work which was requisite, and that certain fillings in were more than the plan specified; also that the superintendent did certify to several such items and subsequently declined continuing to do so. The papers sought for by Mr. McDonald, are to show that, as I understand.

Mr. ARCHIBALD.—I listened to the papers read to see whether any enquiry had been made on these claims, by the Board of commissioners. I understand that the answer of the Board was, that under the law they were not at liberty to pay any sums without the certificate of the Engineer.

But that was not the answer required. They are officers paid for conducting this work, and if claims were made, it was the duty of the Board to have given explanation of facts; to have stated why they agreed to some claims, and resisted others. When they had done that, they would have done about what a committee would do. When they had decided and reported it would be competent for the government to sustain the Board or not. If they would not sustain it, they had an easy remedy in their own hands. If the government believed that the Board did what was right, and so declared, a party could claim consideration here. I object to the referring to a committee the responsibility which the Board should bear in the first place, and then the government. We are asked to-day to assume the functions of government.

Hon. ATTORNEY GENERAL.—Gentlemen cloak their meaning in vague terms. What functions should the government undertake? To ask the commissioners for a report? They did so, and they obtained it. What was the government to do when it had the report of the Board and the Engineer? Should they determine on that report, when the contractors say that they are not satisfied with the impartiality of the tribunal, and that their claims are based on the allegation that the surveys were not correct? Is the government to sit as judge? If so they must hear both sides as a court of law, or decide without hearing, and say that the contractors had no claim. To sit as such a tribunal was not their function. They ought to sustain their officers as far as they can. They asked for a report and obtained it, and it was inimical to the contractors; is the matter to rest there? Payments were made by the commissioners in view of such claims, and therefore the contractors say that the extra work was known. Government was not the proper tribunal for such matter; to undertake it was not their business, not their duty. It is not denied that if the commissioners and the government decline the claims, the contractors may come here and the house will be bound to hear them. Are we not squabbling about nothing?

Hon. Mr. YOUNG.—The house has been three weeks in session. Claims to the amount of £70,000 appear, yet at this moment there is not a line to show how they arose, why, and for what.

Hon. PROVINCIAL SECRETARY.—The parties were called on to state their claims; Mr. Forman reported on them, and the report was placed in the hands of Mr. Laurie.

Hon. Mr. YOUNG.—Why appoint a committee on that which is not seen? There should be a specific report from that officer.

Hon. PROVINCIAL SECRETARY.—We have got it.

Hon. Mr. YOUNG.—But we have not; the action is premature.

Mr. TOBIN.—When the railroad committee was appointed in 1856 it was not objected that there were not materials for investigation. We hear of what the commissioners and the government should do. We want to know what they have done. That is the question. We should know how matters are situated at present, and not put off enquiry by side winds. If we had a committee for these affairs, for the last three sessions, would we require the voluminous report which we have now? The contractors are seek-

ing to be paid their claims, and the people should take the matter in hand by means of their representatives. This is no silly question; it involves large public interests, and should not be frittered away for political purposes. Let the question come here.

Hon. Mr. HOWE.—I have no objection; but I do object to have the government bring the responsibility here and put it on our shoulders. I object to going out of our way to constitute a new tribunal, to press claims against the country, which claims, I may believe, ought to be resisted. Let the facts be known. The Attorney-General says that these extra works have been going on for some time.

ATTORNEY GENERAL.—I said that that statement has been made by the contractors.

Mr. Howe continued:—Would these men lie out of £70,000 except they were enormously rich? They must have abundant capital to stand such outlays. But I happen to know that one of these contractors had hardly commenced when he induced the Board to advance £500 to buy plank to do the work with; yet he is one of the claimants for £70,000. These claims had been referred to the Board, who quote law and refuse to sanction them; they were referred to the engineer, and he refused; now they are referred to another gentleman who knows little about them,—who is under no responsibility, but is here to-day and gone to-morrow. Should the house take the responsibility from those who are paid for assuming it, and interfere with these contracts? The whole spirit of legislation went to guard against such claims, and the Board and the chief engineer were the deciding parties in case of dispute. To enter on those questions prematurely and hurriedly, might cost an enormous sum to the province. Gentlemen at this side should keep clear of the difficulty. Government may assume it; they have a majority; they may order the money to be paid, come down here and vote it, and dismiss their officers; or they may refer the question to the tribunals of the country; or may form a committee of their own friends. But gentlemen on this side should not be drawn into this premature action; the entire correspondence is not yet here. I see that the Board, with a view of meeting exigencies, and with these contractors pressing on them, have paid nearly all the ten per cents, which ought to be reserved for a security to the public until the completion of the contracts; and have, in addition, given an advance of £9000 as a loan, taking security on the plant. I ask for an inventory of that plant, that we may see what it is, what its value. A new arrangement was entered into, by which the contractors agreed to open the Windsor road by a particular day; but that was not abided by, and the chairman of the Board reported that he was deceived by their promises. They have also, it appears, disabled four engines; yet we are to be pressed here to form a tribunal for the purpose of taking all these questions out of the hands of the proper authorities.

Hon. ATTORNEY GENERAL.—I never saw the member for Windsor occupying such a position as he does at present; day after day laboring to prevent the formation of a committee, which he knows is the only effectual way of letting light in on the question, while he stands in the situation of having been for years chairman of the Board. The investigation may probably go back, and

include arrangements which took place previous to the changes alluded to. Is it not strange that he should, day after day, present the spectacle of trying to stifle enquiry, of putting his foot on the only mode by which investigation may be adequately accomplished? The responsibility spoken of never belonged to the executive government; the claims must be settled by the house or by a court of law. Here is the proper place for investigation. It is not by such speeches as we have heard that these interests are to be arranged; but by cool enquiry. Would not the member for Windsor have the members for Inverness and Colchester on the committee with him, and have ample opportunities for searching examination? But he now says in effect, let all be covered by a pall of darkness; and he labors, as if his existence depended on it, against the appointment of the committee. Enough of papers are now on the table to submit to the committee, and more will be, in a few days.

Hon. Mr. Howe rose to reply.

Mr. RYDER rose to order. The member for Windsor had spoken repeatedly on the question. The discussion was premature.

Mr. ANNAND.—I think the motion for the committee premature. A committee to consider of the railway damages would be correct; but now we seem anticipating applications which are expected to be made to the house. My opinion is, that gentlemen on this side should not be members of the committee proposed. The railway Board are against allowing the extra claims; the Engineer refuses to give a certificate for them; and the committee is asked to assume the responsibility which rests with that Board and with the government.

Hon. FINANCIAL SECRETARY explained in reference to the custom of appointing committees, before all materials for their consideration were ready for submission.

Mr. MORRISON.—The Attorney General has described accurately what the duties of the proposed committee are to be. Last session, the committee did not know exactly what it was appointed for. The present position of affairs appears strange to me. Last year a number of gentlemen thought themselves better qualified to conduct the affairs of Nova Scotia than those who at that time held office, and by apparently chance circumstances the opposition then, did obtain power. One of their first acts was to break up the railway Board,—and to reconstruct, leaving two members remain and appointing a new chairman. Strange to say, though they did retain two of the former Board, yet by comments in the press, they were understood to cast numerous stigmas on them;—and now, disliking to assume responsibility, the government come here and ask a committee to transact their public business. I think they have got themselves into a hobble, and do not know how to get out of it;—and they urge three leading members of this side, to serve on the committee proposed. Why?—I think to bother the brains of these gentlemen. It is for the benefit of the country that they do not serve on the committee; they are wanted here, independent of any committee, to examine carefully all these questions. I think the member for Windsor is the man to whom the people would willingly confide their public works. I believe that the gentlemen opposite are incompetent for the task, and they appear to acknowledge that, by wanting this



committee appointed. A call of the house was moved, and took place.

The resolution for appointing a committee was moved, and passed, without division.

Hon. ATTORNEY GENERAL moved that the committee consist of the Attorney General, Provincial Secretary, Mr. Tobin, Hon. Mr. Young, Hon. Mr. Howe, Mr. Archibald,—as reported by the revising committee.

Hon. Mr. Young, Mr. Archibald, and Hon. Mr. Howe, declined to serve for reasons previously given.

Hon. Mr. HOWE remarked, that so far from wishing to suppress enquiry, he was willing that the government, having had a summer for enquiry, should have a winter also. He had had trouble and labour enough with railway affairs, and did not wish to assume any more responsibility.

Hon. ATTORNEY GENERAL.—It is for the house to say whether it will accept the resignation of these gentlemen. I move, instead of the names withdrawn, those of Mr. Locke, Mr. McDonald, Mr. McLellan.

(Mr. McDonald was absent, Mr. Morrison was named.)

Mr. Locke, Mr. McLellan, and Mr. Robinson asked to be excused from serving.

Hon. PROVINCIAL SECRETARY suggested that no member of government be on the committee.

Mr. TOBIN expressed a wish to withdraw his name.

The ATTORNEY GENERAL moved, that the committee consist of,—Mr. Henry, Mr. Killam, Mr. White, Mr. Wade, Mr. McFarlane, Mr. Ruggles, Mr. Tobin.

Hon. Mr. YOUNG called attention to two unprecedented acts of the Session,—one the abrupt conclusion of a debate, on a former day, by proposition of the government,—and now this action on the appointment of a committee.

The Attorney General said that his desire was “to hold the mirror up to nature.” The member for Inverness knew where the responsibility rested.

Hon. Mr. HOWE.—And what will the mirror show? An effort of the government to get rid of responsibility,—to pass over their own officers and the proper tribunals, and to give those contractors an opportunity, which would not be given to a poor man, of pressing for enormous sums. The exhibition which the province has now to notice is the appointment, for this purpose, of seven men who have followed the government through thick and thin for the last 12 months. The province will not require a mirror to be aware that these gentlemen exactly reflect the Attorney General. (Laughter.)

Mr. WADE.—The member for Inverness says truly, that the house exhibits a spectacle such as it never did before. But what is it? The demon of party has so far obtained possession of gentlemen opposite, so grasping are they, that they present themselves before the country in a way not at all creditable. Some members were too egotistical. The member for Windsor spoke of following the government through “thick and thin”; I deny that I have done so,—and he should be one of the last to make such charges.

Mr. TOBIN.—I do not know that the member for Windsor himself would make so very beautiful a picture, if his likeness were taken. I wished the committee drawn from both sides,—and do not wish to serve under other circumstances. Let

the names first moved be put to the house for decision.

Mr. WIER spoke against appointment of a committee to investigate the claims of the contractors, at the present time. The whole trouble, as stated by the solicitor of the contractors, is based on the mistakes of the Engineer.

Hon. PRO. SECRETARY.—No; the solicitor denies that he says that,—the contractors say so.

Mr. WIER.—Is a committee to adjudicate on that? The attempt is to remove responsibility from those who ought to bear it. A sum of £6000 a year was sacrificed the other night,—here now, is a question of claims amounting to £70,000, about to be submitted to a tribunal that cannot adequately examine and decide.

The resolution moved by the Attorney General nominating the committee, was put and passed affirmatively, 25 to 16.

#### ELECTIVE LEGISLATIVE COUNCIL.

Hon. ATTORNEY GENERAL said:—I rise, Mr. Speaker, for the purpose of introducing to the consideration of the house the bill introduced by me on a former day, having for its object an alteration in the constitution of the Legislative Council. I am free to admit that every change which involves a constitutional alteration in the system of government should be thoroughly weighed and maturely considered, because of the consequences that may flow from it. But this idea is applicable more particularly in older countries, where institutions have been tested by the lapse of years, and which, flexible in their inception, have gradually moulded themselves to the requirements and wishes of the people. It is but a few years since a vital and fundamental change in the constitution of the Upper Branch of this Legislature was made. The new system gave to that body greater political influence, and introduced a more wholesome and vigorous administration of public affairs than had theretofore appertained to it. But I have always been of opinion that the principle applied was never fully developed, and that the elements of which the Upper Branch was composed could not be made to harmonise with this house. We have been told that an Elective Council is adverse to the principles of responsible government. To that doctrine I cannot assent. If responsible government means a government by the people for the people, then every impediment taken away from the freest expression of popular will, is a step made in the right direction.

I assume it as a proposition of unquestionable truth, that if we are to have two branches—and I hardly think any public man would venture to deny the necessity for two—it is essential that each should be independent of the other, and should move in an orbit of its own. Let me ask the house to consider if this is the case now. The Executive power is wielded by a body of men having the confidence of a majority of the people's representatives in this house. Appointments to the Upper Branch are made by the Executive, who, as a matter of course, select their own friends, so that this house, having, through the government it supports, the appointment, have also a controlling influence over members of the Legislative Council. Under the present system, therefore, the second Branch is dependent upon this house; and it is to restore independence to that body, to make it what the Brit-

ish constitution intended—to take away the anomalies and incongruities of our present system—that I have moved to make the Council Elective.

It has been said that the proposed change is altogether without precedent or example; that it is opposed to the system adopted in England—upon which our institutions have been modelled. Sir, there is no analogy between the Legislative Council in this Province, and the House of Lords. The Lords are not appointed by the Crown; but mainly hold their seats, through and by virtue of their own inherent hereditary rights, conferred by the Crown upon their ancestors for services rendered to the state. Once appointed the Lords hold their seats by right,—equally independent of the Crown and the Commons. A few peers out of that large body, it is true, are elected from the noblemen of Scotland and Ireland.

How different the tenure by which the members of the Council hold their seats; nominally they are appointed for life; but virtually there is nothing to prevent the removal of a Councillor—no law exists securing the occupant in his seat. What analogy exists—what comparison can be drawn between two bodies so essentially differing in constitution, the one from the other. To illustrate this idea, I need only refer to a circumstance which transpired during the past year or two. The Crown desired to appoint a peer for life in the person of a celebrated Judge; for certain reasons, it was not deemed advisable that that appointment should be attended with its hereditary consequence. A patent was made out creating the life peerage, but the Lords, jealous of what they conceived to be an infringement of their privileges, and anxious for the preservation of their legislative independence, and the dignity of their body, contested the legality of that exercise of power; the government were obliged to give way—the patent was withdrawn, and a new one made out, conferring a peerage with the title of Lord, and accompanied with all the hereditary rights usually incident to such an honor. This one fact speaks volumes, and shows how rigidly the house of Lords guards its own privileges, and how careful they are to repel every attack upon their entire independence.

Now, sir, it has been urged—and it is the only argument against this measure that has the slightest effect upon my mind—that by making the Upper Branch Elective, you give to both houses the same origin. But I do not feel that this objection should be allowed to have any weight with us. The change proposed should be considered in the light of expediency rather than a choice. Suppose we were now called on to frame, for the first time, a constitution for this country, would any man propose to create a body such as the Council, composed of its elements,—owing its existence to this Branch of the Legislature, and by consequence dependent, if not entirely impotent? Surely not, sir. I say, then, that the fact of both branches owing their existence to a common origin does not impress me against the proposed change. The members may be elected by different constituencies—and sit for a longer term—which will obviate the objection urged. But, sir, I contend that the anticipated disadvantages resulting from the proposed change will be more than counter-balanced by the beneficial effects that must ensue, and are far outweighed by the anomalies of the present sys-

tem. Let us consider for a moment the position in which we stand. Suppose the majority in this house were opposed by a hostile majority in the Council, how could any government carry on the administration of public affairs without creating a preponderance in the Council favorable to them by new appointments? It is obvious, sir, that they would be driven to adopt some such expedient.

It is now some seven or eight years since I first brought this subject to the notice of the house. I fore-saw at that time the necessity for a change, and every succeeding discussion has tended to confirm me in the opinions I then entertained. I hold in my hand a very elaborate constitution for a colony, framed and introduced into the British House of Commons by the late Sir William Molesworth. I have also under my hand the debate upon this very New Zealand constitution, which took place in the house of Commons, in which Sir William Molesworth and Sir Frederick Peel participated. Both those gentlemen spoke strongly in favor of the Elective principle: “I find, sir, in the session of 1850, when my resolution for applying the elective principle to the Legislative Council was first moved, it was not met by a decided negative, but by an excuse for delay in the following resolution moved by way of amendment:—

“And whereas, the Legislative Council, as now constituted, has exercised its power in co-operation with this House, so as to secure our confidence, and the question of an Elective Council for a Colony having been recently suggested for the first time by the Ministers of the Crown in the House of Commons, and the views that may be ultimately sanctioned in the Imperial Parliament and the Home Government being as yet unknown.—

“Therefore resolved, that it would be premature in this House to express any opinion on so material a change in our Provincial Constitution, and that the sentiments of the People thereon ought to be first of all ascertained.”

In favor of this amendment we find recorded the names of all the members of the Government in the House. In the Session of 1851, when the question was again raised, and the House were engaged in debating it for several days, the following resolution was reported from Committee of the whole:—

“Resolved, That although the Legislative Council as now constructed enjoys the confidence of this House, the time has arrived when the Elective principle ought, in our opinion, to be extended to that Body; but as no information has been obtained as to the views of the Home Government on the qualification of the Members to be elected or of the Electors, and as the people have not been consulted on the increase of expense which would necessarily follow, this House is of opinion that it is wise to defer the consideration of so organic a change in the Constitution until the General Election shall have been held during the present year.”

“And thereupon—

“The Hon. Mr. Johnston moved that such Resolution be amended by leaving out all the words thereof after the word “Resolved,” and inserting instead thereof the following words, viz:—  
“That the present mode of appointing Members to the Legislative Council is unfavorable to the independence, usefulness, and respectability of

that Body, and the just and wholesome influence of public sentiment upon its acts; and that in the opinion of this House the Members of the Legislative Council of Nova Scotia ought to be elected by the people.'

"And it appears that this amendment was rejected 25 to 21, and the original resolution passed 24 to 22—all the members of the Government in the House voting for it."

The Hon. gentleman read several other resolutions tracing the history of the measure. He then went on to say :—

I happen to have in my possession a speech delivered by Dr. Rolph, a distinguished member of the Canadian Parliament in 1833.

(The Hon. gentlemen here read from the speech.)

This meets the argument; this house has agreed to pay the Council, and therefore they should be elected by the people.

Sir, my object is to apply the elective principle to that branch of the Legislature; as to the details of the measure, should they require revision hon. gentlemen will have an opportunity of dealing with them in committee. One of the provisions of the Bill enacts that the present Council shall not be disturbed, and the reason for taking this course is so obvious that I need only mention it to secure the approbation of every unprejudiced mind. "You cannot get the Bill without it,"—this is undeniable and therefore sir, the moment we endorse the principle as sound, it becomes our bounden duty to use every effort to carry it out. True the beneficial effects of the measure, will not be felt for some time; but it must be remembered as a celebrated English judge once said :—"all the candles are burning at once," and as each is extinguished, to the people is given the privilege of electing the successor.

Now, Sir, this subject having been discussed at length on previous occasions, hon. gentlemen are familiar with it in all its phases, and therefore I do not deem it necessary to detain the house longer; the arguments in favor of the bill may be summed up in a few words. As at present Constituted the Legislative Council is dependent—this Bill makes them independent; now they are paid by the people but appointed by the government, I desire that those who pay them should elect them. By the present system under certain contingencies the harmonious action of the Legislature may be disturbed—pass this Bill and all such evil is avoided. The qualification of the electors and elected—the tenure of members and other questions are matters of detail which will come before us more prominently in committee; I do not think it necessary longer to detain the house and beg leave therefore to move the second reading of the Bill.

After some desultory discussion,

The Hon. Mr. Howe rose and said :—I have, on former occasions, when this subject was discussed, taken some pains to make my views understood by hon. gentlemen on both sides. Occupying the position of a member of the administration, I felt it my duty to maintain the constitution intact, unless the necessity for an alteration became apparent. I deemed it my duty to administer the government according to the principles which had been battled for and obtained by the party of which I was a member. But, sir, it is to me matter of much surprise to find the hon. and learned Attorney General—the leader of the government—submitting a measure to the house,

the object of which is to overthrow and subvert the constitution of the country. While he was delivering his address, the anecdote of the negro in the West Indies rose involuntarily to my mind. Sambo, for some petty offence, was to be flogged; his master, before inflicting the punishment, took occasion to lecture him upon the improprieties of which he had been guilty—and, while he was dilating upon the heinousness of the offence, the negro started up and said—"floggee master; but don't floggee and preachee too." So with the hon. Attorney General, he has the power not only to carry his measure, but to inflict upon us harangues which we have heard session after session, until every idea connected with the subject has become patent to members on both sides of the house; and if he is to succeed in carrying the measure he has introduced, I hope he will at least spare us a repetition of the arguments used on former discussions. There was one thing, however, which struck me as being peculiar. But, sir, if, in the opinion of the hon. Attorney General, this principle of Elective Council is so valuable—he has denied the right of Election to his own county, by appointing Mr. Whitman. Does he not see the effect of that act? One week he appoints two gentlemen to the Council, and the next comes down with a bill to make the Council Elective; one of the provisions of which goes to secure the very gentlemen he so recently appointed in their seats, equally beyond the control of the people and the Crown, for the term of their natural lives. The inconsistency of such a course must at once strike even the most superficial observer.

I could not understand what he meant when he said,—“Here is the bill—regulate, alter, amend it as you please,—I am indifferent as to the details.” Why, sir, does he not know that it is in these details that he will find the difficulty? He asks us to adopt a principle, yet he refuses to shew us how that principle can be carried out. My object is to ascertain what it is that the hon. gentleman really proposes, and therefore I am content that the bill should be sent to committee. The hon. gentleman tells us that the council is a body dependant upon this house, impotent and powerless. Is this the case? Let me try the soundness of this doctrine by a single illustration. The members of that body thought themselves entitled to be paid,—this house thought otherwise,—the issue was fairly raised, and we soon found that they had some power; they refused to sanction the payment of the members of this house until we agreed to pay them; and they succeeded in obtaining what they sought. How then can the hon. gentleman assert that the Legislative Council is dependant.

Now, sir, I believe that this tinkering with the constitution is out of place; that it is the duty of the Crown officers, to preserve the form of government, unless change appears absolutely essential, and not to impose on us such a ridiculous hybrid, mongrel sort of constitution, as we shall have if this bill pass. Think of the position we should occupy in this house if half the members were elected by the people, and half appointed by the government; the hon. member from Falmouth, who sits opposite me—and myself, both have to run our elections, but suppose he had to go back to his constituency, and I had not. Would he not occupy an unfavorable position. Let us reflect then, how those hon. mem-

bers who have to run their periodical elections for seats in the Council will feel when they see 18 or 20 gentlemen sitting perfectly unconcerned—stereotyped in their seats: The idea involves such an absolute absurdity, that I wonder how it can be seriously proposed. But, sir, as the bill is not fully understood—and the mode in which the details are to be regulated, has not been explained to us, I shall reserve any further remarks I may have to make, for the discussion in committee.

Hon. Mr. Young.—The shape which this question has assumed is to me somewhat unexpected; the hon. Attorney General has committed himself to none of the details of this Bill—but has thrown himself completely and at large upon the house by declaring that he was not wedded to the details, which might be altered or amended in any way. Under these circumstances, I think it unwise to divide the house upon the second reading—but will reserve to myself the right of dealing with the whole question when we get into committee. I will therefore say but a word or two upon the subject at present; there is a naked distinction between the election of peers from their own body, and the election of peers by the whole body of the people; therefore no analogy in support of the principle of this bill can be drawn from the election by the Scotch and Irish peerage of representatives to the House of Lords,—the latter arose from the necessities of the case which required that the peers of Ireland and Scotland should be represented in the Lords, and from their numbers it was impossible to admit the whole. It therefore became necessary to take some medium course, and the system of election from the peerage was adopted. But, sir, I do not intend to enter at any length into the argument. I believe that the matter will be better discussed in committee, and therefore reserve to myself the right of dealing with the whole question, after the bill has passed its second reading.

Hon. Mr. Johnston.—I am astonished to hear the remarks which have emanated from the hon. gentlemen who has just resumed his seat. I am going to try him by himself; let the house recollect that when in 1851, the hon. and learned member introduced a resolution recognising the soundness of the principle of election to the Legislative Council, and asserting that the time had arrived for its adoption. How then can he stand here and offer opposition to the measure introduced. I believe Sir, that the principle of election as applicable to the Legislative Council is sound,—and I call on hon. gentlemen to controvert if they can this proposition. The House of Assembly controls the administration; the Executive advise the appointment of Councillors: can a body so appointed be independent of the Commons? It is clear that they cannot, for while the government that appointed the majority of the Council remain in power—the Assembly that support and sustain the government will naturally exercise a strong influence over the Council. Once attack the entire independence of any one branch of the Legislature, and you strike a fatal blow at its character and influence. But, sir, I agree with hon. gentlemen who have addressed the house,—the second reading of the bill may be taken, and it will then be open to hon. gentlemen to offer any objection to the details they please, when the bill is committed.

The bill was read a second time and committed.

MONDAY, March 1st.

After the transaction of some routine business, which has already appeared in the Summary reports, the house went into committee on bills.

LEGISLATIVE COUNCIL BILL.

Hon. Mr. Young said:—I really do not know, Mr. Speaker, in what temper I am to approach the discussion of this bill. If the members of government have arrayed their forces, and intend to carry this measure by a party vote, it is useless for this house to waste time in discussing it. Of what avail would it be were I to occupy the attention of the house and take the trouble to draw special clauses, if upon every point I am to be met with the determined adverse action of the government. It has been said that everything is cut and dried,—that the administration have settled their course of action down stairs, and that the bill will pass this branch of the Legislature. But yet, sir, I do not feel that I should perform my duty to the constituency I represent or the country at large, were I to maintain silence and allow this measure to pass without lifting my voice against it. Let me ask the house to consider the question as it now presents itself. How is the Legislative Council now constituted? It is composed of 21 members; of which Halifax has 10, Kings 2, Cumberland 2, and the Counties of Lunenburg, Guysborough, Yarmouth, Inverness, Cape Breton, Digby and Annapolis one each,—making the 21, and leaving seven Counties not represented at all.

Now, sir, the Legislative Council in this province exercises a power and wields an influence far more potent than the House of Lords. The Council in this country is a body exercising real substantial Legislative power, and although in terms the tenure by which the individual members hold office is during the pleasure of the Crown, yet in practice we all know and admit that virtually these appointments are for life; and that unless for some reason clear, obvious and constraining, no government would venture to advise the dismissal of a Legislative Councillor,—nor would the Crown assent if they did.

The effect of this bill, then, is to confer twenty-one seats upon these 21 gentlemen for life, at a cost to the province of £2100 per annum; for it is not contemplated by the bill to make any alterations in the numerical proportion of the representatives as they now stand in relation to the several counties. Hon. gentlemen had better consider the practical effect of the first clause of this bill. Let me read it:

I hope the real question here will not be evaded,—that the members of government, admitting as they must that these appointments are practically for life, will not attempt to make capital out of the fact that nominally they are only appointed during pleasure. By the first clause of the bill introduced by the hon. and learned Attorney General in 1852, it was proposed to be enacted as follows:

So that upon her Majesty assenting to the bill the Council was virtually dissolved, and each member compelled to seek a constituency. Sir, if the Elective principle is to be applied, let us have no half measures; either the principle is sound or it is not. If sound, then, it should be once adopted and applied; if not the house should

reject it. The measure now submitted differs widely from the Canadian bill. There they have rejected the old county divisions, and defined 23 distinct townships or districts, for which members are to be elected. The hon. Attorney General proposes to introduce a county representation. We all know that the representation by counties in this province is unfair and unequal; in introducing a new measure one would have thought that the hon. Attorney General would not adhere to the anomalies and inconveniencies of our present system. Is it fair that Pictou should have no larger representation in the upper branch, (which I will presently show you, will, under the proposed bill, be beyond all question the superior power in the constitution)—than a county with one half its population? What difficulty or impediment exists in the way of an equitable division, by laying out some 6 or 8 electoral districts, and giving to each its fair share, so that the whole country may be equitably represented? I can see none.

Now, sir, I ask what is it that has given to the House of Commons their dignity and power, and enabled them to keep in check the enormous influence which the prestige, position, wealth and talent of the House of Lords give them? I answer, the right of initiating money votes. Let 20 or 21 gentlemen sit in the other end of this building, beyond the control of this house,—a body created by statute which the crown has no power to dissolve,—elected by the people, they would at once claim the right of moving what votes they pleased; and, sitting for life as they will until the present members die off, will gradually usurp the functions of this branch of the Legislature and denude this house of all real practical power. To introduce a bill of this kind, founded on county representation,—the members of Council being elected by constituencies whose right to vote involves the possession of a superior franchise, is to strike a death blow at the power of this house. It may be, sir, that this bill is to pass, but I beg leave to move in amendment to the clause before the house the second clause of the bill submitted by the hon. and learned Attorney General in the session of 1853; for I feel that if this measure is to be adopted at all, we should not hesitate to deal with it manfully and boldly.

Mr. Chipman seconded the amendment.

Mr. SHAW said:—It appears, sir, that I have been mistaken in what I have heard called responsible government. The hon. member for Inverness would have us believe that by passing this bill, and giving increased power to the people, we should injure the constitution. If the doctrines propounded in former years be sound that it is just and right to confer the largest possible amount of power upon the people, then I am at a loss to know how the advocates of responsible government can oppose this bill, which gives to the people the right of electing the members of the second branch. The hon. gentleman must not undervalue the intelligence of the country. I believe that if the Speaker were to stow us all away in his gallery,—although I do not wish to disparage the talents either of the hon. and learned Attorney General, or the hon. and learned member for Inverness, the County of Annapolis could alone supply a body of representatives who would transact the business of

the country quite as well as we do, and with less waste of time in talking.

It is very pleasant for us to listen to the speeches of hon. gentlemen—but not very profitable to the country. For my own part, I like to hear an eloquent speech, such as the hon. member for Windsor delivers when he gets his coat collar well thrown back and the steam up; (laughter;) but after all, sir, I think the business would go on quite as advantageously and with much greater rapidity, if hon. gentlemen would work more and talk less.

Mr. WIER would be glad to know if the hon. gentleman considered himself a sample of Annapolis talent? (Laughter.)

Mr. SHAW hoped the hon. member was not the best specimen of Halifax ability that could be produced. (Laughter.)

HON. ATTORNEY GENERAL.—I feel it necessary, Mr. Chairman, to controvert the construction given by the hon. and learned member for Inverness, to the first clause of this bill. The tenure by which the members of the Legislative Council hold their seats now is confirmed; if they are appointed for life, then the proposed bill perpetuates that appointment.

Hon. Mr. HOWE.—They will hold by a life tenure.

Hon. Mr. YOUNG—Practically so.

HON. ATTORNEY GENERAL.—That is a different thing; does the hon. member for Inverness mean to say that the proposed bill divests the crown of its power to remove? If not, then no change is made. Sir, the bill contemplates no alteration in this respect; it is not designed to fasten the present councillors in their seats and make them independant of the crown. The argument of the hon. member for Inverness was based on a fallacy, and I meet it at once by a positive and direct denial. The hon. member is beginning to doubt the soundness of his own judgment, and well he may. He says the House of Commons have always zealously guarded the right they possess of initiating money votes. I agree with him, and the reason is self-evident. The right to dispose of monies collected from the people belongs to the people; the House of Lords is a hereditary body, non-elective, and therefore cannot share the right to exercise this privilege, but the moment you make the Council elective, the reasons which formerly existed for withholding from them its enjoyment are dissipated.

The hon. gentleman has moved in amendment to the first clause of this bill a clause introduced by me into the act of 1852, the effect of which was to disorganise and dissolve the present council, and compel the members who desired to continue in that body to seek constituencies. The answer to the action he has taken is clear; if it was possible to pass such a clause through the council it might be wise to move it, but when we know that the council would not assent to it—and that therefore even if sanctioned by this house our action would be nugatory and ineffectual—is it not worse than a waste of time to discuss it. Why should we be asked to pass a clause which would be inoperative. If the hon. member for Inverness is really desirous, as I am, of introducing the elective principle into the council, he will abandon this amendment and allow the bill to pass as introduced. It is a significant fact, which hon. members would do well to re-



fect on, that not a member of this house has ventured to oppose the principle of the bill.

Mr. McLELLAN.—I do.

Hon. ATTORNEY GENERAL.—Then the hon. member is the only one; the principle, therefore, is almost universally admitted in this house to be sound. The reason is clear; it requires no abstract reasoning to prove the adaptation of the proposed system to the necessities and circumstances of the country. The second reading of the bill, at which time, according to parliamentary usage, the principle of a measure is discussed, was taken without an amendment. It is clear, then, that hon. gentlemen oppose the details only; let them move to remodel, alter, or strike out any that will not destroy the measure, and if they improve it I will go with them; but under the guise of supporting the bill, it is hardly fair to move amendments, the real, if not the ostensible purpose of which is, to defeat it. Pass the amendment moved by the hon. and learned member for Inverness, and all our action is rendered abortive.

Mr. ANNAND said.—I have watched the discussions upon the Elective Council bill for some years past with much attention. I have always been opposed to the principle of the measure, for I felt that its introduction into our constitution would strike a fatal blow at the system of government which it cost us so much time and labor to attain. I listened with attention to the arguments urged in favor of the bill, and so far as I could perceive, but one of any weight or importance was used. It has been said that the Legislative Council should be independent; but hon. gentlemen seem to forget that although to secure independence of action in every branch of the Legislature may be thought necessary, that harmony is also essential. Pass this bill and the time must arrive when the harmony which now subsists between this branch and the Legislative Council will be destroyed, and we will not have the power to restore it. The bill provides for the continuance of the present members of Council, during their lifetime—and for the Election of certain other members; we all know the political predilections of those who compose that body. Let us suppose that a change in the administration were to ensue, and a government adverse to the present, assumed the reins of power—is it not apparent to every reflecting mind that the two bodies would be placed instantly in collision, the one with the other. The Governor has no power to dissolve the Council;—this bill does not give him the power,—virtually it is admitted, the members of that body will hold their seats for life. Does it not follow then that the Legislative Council will denude this house of its legitimate power and become *par excellence* the people's house?

Sir, I hold that there is no country in the world possessed of a constitution superior to that of Nova Scotia; the people possess the power to exercise legitimately every privilege which freemen should enjoy. Does it not seem strange, then, that her Majesty's Attorney General, whose duty it should be to conserve the constitution,—to prevent injurious innovation, should seek to tamper with a system of government which has been found during the last ten years, by practical experience, to work admirably. Pass this bill, and you will find that there is nothing to prevent an artful minister from playing off one branch of the Legislature against the other. For

these reasons, sir, I am opposed to the passage of this bill.

Mr. TOBIN.—I have to offer a very few remarks upon the bill before the house. I believe its principle to be sound, and think its operation will prove beneficial; nor can I see how all the disastrous consequences which the imaginations of hon. gentlemen have conjured up can possibly flow from the adoption of it. The hon. and learned member for Inverness tells us that it differs from the Canadian bill, inasmuch as it is based on county instead of district representation. The reason why district representation was adopted in Canada was that it became necessary to equalise the representation in Upper and Lower Canada, that the measure might be made generally acceptable in that Colony. I am of opinion, however, that the territorial representation contemplated by this bill is preferable. The principle of electing by numbers has been tried in the United States, and has not worked well; for I have heard it said, and said truly, that even the rogue had a voice in the election of the constable who was employed to catch him. I therefore feel, sir, that we cannot do better than pass this measure as it has been submitted. If it were possible to obtain a bill founded upon the principle of that introduced in 1852, I should support it, but that we all know to be out of the question.

Hon. Mr. HOWE.—The hon. Attorney General complains that he cannot find any person hardy enough to attack the principle of his bill. Let me ask how it was possible to assail that which none of us understood, which he himself had not explained? He brought down a bill and gravely informed this house that they could have it in any way or shape we pleased. We have the details before us now, and what are they? Does he act as I did in 1837-8, when I found a body as firmly fastened upon this country as the present Council; a body which I believe were acting in opposition to the welfare of the province? Did I temporise with them, and say as each of your body dies off one by one the people will obtain their rights? No, sir, I hope I will not be accused of egotism in saying that I acted with boldness, energy, and decision—the best proof of which is, that shortly afterwards that body, constituted as it then was, ceased to exist. Why, sir, if the bill of the hon. and learned gentleman pass into law, a long, long time will elapse before the Elective principle will be applied?

Does the hon. gentleman,—the aged oak—believe that though of good timber—he is going to outlive the youthful sprig, the Cumberland sapling which he recently transplanted to the other branch? Why, sir, he knows right well that as far as principle is concerned his bill is not worth five farthings or a bundle of matches. (Laughter) But I ask where is the necessity for change? Is there a petition on your table requiring it? Has the constitution we now enjoy, and under the beneficial effects of which the country has prospered been found to work injuriously? The hon. gentlemen will scarcely venture to assert that. I ask him to put his hand upon the measure of importance which has been factiously destroyed by the Council from 1848 down to the present hour? He cannot show one. Then, sir, I feel that this is but an insidious attempt under cover of the elective principle to destroy responsible government. It does seem strange to me to see the first crown officer coming down—without any

petition from the people, without any message from the crown, to ask a fundamental change in the constitution.

My opinion is that our safest and best model is the British constitution; fifty changes have taken place in the constitutions of continental kingdoms, since the glorious old charter of liberties was won for themselves by the English people; since 1688 we have seen continental thrones shattered, systems of government overturned, and scattered to the four winds of heaven; we have seen the people trodden down beneath the iron heel of power,—but the mother country has gone steadily onward in the development of its constitution, while the lives, property, and freedom of her people has been preserved.

I say, then, that this bill does not give us the security we now enjoy,—and that much of evil may be anticipated from its introduction. But, sir, our system works admirably at present,—if a change were to take place in the government tomorrow, I do not believe, although the incoming administration might have some little difficulty, that the Council would obstruct, factiously, the public business. The only measure of importance negatived by the Council to my knowledge, was the bill introduced by the hon. member for Horton, to carry out the agreement made by the city of Halifax, to take £100,000 worth of Railway stock. That bill was just and necessary: I voted for it,—it passed from this house to the other end of the building, and how was it met? By the steady opposition of the members and supporters of the present government, who succeeded in defeating it. I say then, that the cause of rejection of that measure is not attributable to the constitution, but to the fact that the legitimate power of the administration was not exercised.

Sir, it is quite evident that the hon. and learned Attorney General has not thought much about this measure, or if he has his reflections have been altogether in the wrong direction.

(The hon. gentleman went on to argue that the Council, as at present constituted, composed a large proportion of the talent of Nova Scotia.)

I believe this measure, sir, to be bad in principle, and bad in detail; you might as well stick the tail of a dog on the back of a lion, and hope to produce a good effect, as to anticipate beneficial results from the passage of this bill. I shall, therefore, vote against the first clause of this bill, for I believe it to be unsound in principle, and that it will work injuriously in practice; that it will create anomalies and inconveniencies which may cost the Legislature of this country much time and trouble to remove.

Hon. ATTORNEY GENERAL.—It is too late to answer the remarks of the hon. member for Windsor now; but I ask the house to consider the position we occupy. Why was it we had but little debate and no division on the second reading of the bill? I will answer, sir; because the names would have been taken and put before the country,—and hon. gentlemen shrunk from the responsibility of placing their names on the Journals in antagonism to this measure. Therefore, it was, sir, that we had no division on the second reading, and the opposition was reserved for committee, where, whatever the division, the names would not appear on the journals.

The hon. member for Windsor applied the term mongrel to the bill. I apprehend the meaning of the word to be incongruous, and dis-

cordant. If so, the term is not applicable to the measure, but it does apply to the present system which creates a second branch, appointed by the Crown, and dependent upon a majority of this house. Instead of such a mongrel system I desire to introduce something congruous, simple, uniform, harmonious. Sir, I implicitly believe in the soundness of the principle of this bill. Years ago, when in opposition, I introduced it; now being a member of the government I seek to have it carried out, so that hon. gentlemen must acquit me of any personal or interested motives, more particularly when you reflect that the Legislative Council now comprises a large majority of my personal and political friends.

After some desultory discussion,

Mr. LOCKE said.—I rise, Mr. Chairman, for the purpose of moving the following resolution, which I hope will commend itself to the good sense of the house:—

“Whereas, It has been proposed by her Majesty's Attorney General to alter the constitution of this Province, by making the Legislative Council Elective;—a change which, while increasing the expense of that body, already amounting to upwards of £3000 per annum, would not ensure that harmony essential to the practical working of British representative institutions. And Whereas, One Branch of the Legislature is sufficient to transact all the business of this country,

“Resolved therefore, That a Legislative Council in this province is unnecessary, and that an humble address be presented to the Crown praying that the Legislative Council in Nova Scotia may be abolished.”

It has been long in my opinion, that the exigencies of this country did not require two branches. I am still of that opinion; for I am at a loss to conceive what possible benefit can result to the public from the constitution of two branches, deriving their origin from the same source,—each being in fact but a reflex of the other. The annual cost to the province is considerable, and I do think that if abolished it would be to our advantage.

Hon. Mr. HOWE had been anxiously waiting to hear something from the members of the government. Surely the hon. Financial Secretary or hon. Provincial Secretary would not abstain entirely from expressing their opinions.

Hon. FINANCIAL SECRETARY.—The reason for my silence is clear; the time of the house is wasted with long-winded harangues, and I desire to set the house a better example than that shewn by hon. gentlemen opposite.

Hon. PROVINCIAL SECRETARY.—I have waited in vain to hear something like a tangible argument against the bill; but really, sir, in the remarks made there has been nothing to answer, and therefore I did not think it worth while to occupy the attention and trespass on the time of the house.

Mr. WIER.—That is all mighty fine; I believe that the hon. Provincial Secretary is neither prepared nor able to answer the arguments urged against the bill.

The committee then rose, and the house adjourned.

WEDNESDAY, March 3, 1858.

COUNCIL BILL.

The SPEAKER.—Mr. Chairman,—I gave notice

on a former day that in the event of the amendment of my hon. friend from Shelburne failing to receive the sanction of the committee, I would move that it be recommended to the house to defer the further consideration of this bill for the present session. From my official position, sir, I am generally debarred from the opportunity of expressing the views I hold in reference to many important questions. On the present occasion, however, that opportunity is presented; and I shall therefore, without drawing very largely on the attention of the committee, avail myself of it,—for the purpose of enunciating my opinions on the question before it, and in vindication of the notice I have given, and the vote which I propose to give. And, sir, I rejoice, for the sake of the elevated character of this house, that this question was not pressed to a division on a former evening,—and I will here acknowledge the courteous and proper interposition of the hon. and learned Attorney General in that respect. For, Mr. Chairman, if the meanest malefactor who stands at the bar of public justice has his case calmly and deliberately considered, and in a dignified manner decided, how much more should that constitution, which was settled and defined here after much political disputation and angry party conflicts,—and which I feel assured is enshrined in the hearts and affections of the people of this country,—how much more, I say, should that constitution, which is the very bulwark of our liberties, receive a patient examination, a calm inquiry, a sober decision, before we execute the justice of this tribunal upon it—before we plunge the dagger into its vitals—before we “blast its beauty, bow down its faded and its sickly head, and fling it like a loathsome weed away.”

Sir, whatever application the remark made by the hon. and learned Attorney General, that the principle of the measure had never been opposed, may have as to others, it cannot affect me. I have ever been opposed to it, and I am only reiterating to-day the opinions I avowed in 1852. In the session of that year a bill of similar principle was introduced by the hon. and learned gentleman. I voted for the amendment which led to its rejection, and on that occasion stated that I voted on the broad ground of objection to the principle of the measure. And, sir, what facts or arguments have been presented to this committee, to justify me in renouncing the opinions I then acted on? None whatever, at least as far as I can appreciate what has been advanced in support of the bill. But on the other hand, we find that a general election has taken place since the debate occurred to which I have alluded—that general election too, after the Council received their pay. I hardly think it will be asserted that the present question had any bearing on the conflicts of 1855. At least I may say, with regard to the county I represent, it was not even mooted; and I think I may assert without fear of contradiction, that the same want of interest in the question characterized the other counties of the province. In what position, then, do the people of Nova Scotia stand in relation to this measure? With the bill before us proposing a large constitutional change, we have not a single petition demanding the enactment of its provisions. Sir, if this bill were half as necessary as its friends would have us to believe, can you doubt that the table of this house would have

groaned beneath the weight of the loud and indignant appeals of the people we represent. But, sir, not one line is to be found here, to speak the language of this bill. If, Mr. Chairman, these points are worthy of notice, as I deem them to be, I feel that I stand in this position, and that every member around me is similarly situated. At our elections, we receive at the hands of our constituents, the sacred deposit of our present constitution. Pledged we all were, either expressly, or by implication, to guard and defend it; and when the day arrived for the surrender of our trust, to return it with its proportions undiminished, and its value unimpaired. Shall we do so if we pass this bill? Assuredly not. Sir, I have heard it asserted in this debate, and the declaration excited my astonishment, that the passage of this bill would tend to the augmentation of the power and liberties of the people.—Sir, I shall ever be ready to promote the welfare of the people in that respect, by any practical and effective measure; but at the same time, I shall ever oppose such speculative legislation as this, even though the name of our cherished friends, the people, be used in connexion with it. But, Mr. Chairman, this bill is not only speculative, but the argument by which it is sustained is delusive. It may hold promise to the ear, but mark me, t'will break it to the hope. Trumpet it forth as you may, that it is to give the people more power; depend upon it, it cannot add one tittle to the popular influence. The great, the inexorable power of the people is already here in this house, in all its plenitude. It is emphatically the people's house, and I trust the day will never arrive when by such legislation as this we weaken its legitimate and constitutional influence. We are told we shall have two people's houses. Sir, I reply that when a vessel is full, you may pour to all eternity, but you cannot add one drop to its contents. So with regard to this house, the power of the people through their representatives here is full and complete. You can make no addition to it by this bill. What, sir, have we seen with our own eyes? It is not many months since we saw on this very floor the power of the people exercised to the utmost extent which the most ardent imagination of the most devoted champion of popular rights could conceive. A majority here by a peaceful revolution, by a single paragraph, transferred the administration of our public affairs from the hands of the late to the hands of the present government. Had you two, or had you ten elective chambers, instead of one, could such a consummation have been more effectually achieved? What then, sir, do the people require, or rather what is required for them, beyond this, which is the very touchstone and essence of responsible government.

But, sir, I may be asked am I satisfied with the Legislative Council as it at present exists. I answer, no. It is one thing, however, to say that the city of Halifax, or any other part of the province, has too large a representation there, and another to say that that body should be Elective. My idea of what their organization should be is this—they should be nominated by the government of the day, and for that nomination it should be held strictly responsible to this house and the country. They should be taken from the several counties of the province, Halifax and the metropolis, receiving fair consideration, but

nothing more. The qualification of its members should be such as would strikingly recommend them for such honorable distinction; and last, but not least, party considerations should be forgotten in their selection. They should be men above the influences of party—they should be of broad and liberal and enlightened views; moving among and sympathizing with the people; but at the same time regulating their public conduct by an intelligent recognition of that conservative principle which is the peculiar characteristic of a constitutional upper branch. Elevated and distinguished on such a basis as this, I feel assured that the Legislative Council would be worthy of the confidence of this people.

I know it may startle some to find me advocating so slender a regard for party considerations in the selections to that board. But, sir, in this particular I am influenced by a desire to maintain its similarity to its great original the house of Lords. We have been asked if the people of England would submit to the nomination and elevation of Peers by the government. Sir, the Crown, under the advice of its ministers, constantly exercise this right. We need not go back far in the history of the present state for very many examples on this point—the recent creation of Macaulay, Parke, and Denison, are but a few of the names that might be mentioned. Do these men owe their present proud position of peers of the realm to political or party considerations? No; talent and general worth, their value to the state, were their title to nobility no less palpable than the parchments on which their patents were engraved. Sir, we are now engaged in a sanguinary and calamitous war. The illustrious chief (of whom it may be said "*haud ulli veterum virtute secundus*,") who now leads our Indian heroes, and counts his victories almost by days, will at no distant period, we trust, return in triumph to old England's shores. Think you, sir, that when that worthy successor of Clive and Wellington shall stand once more on British soil, and in the midst of the British people, when the laurels of victory which will then adorn his brow, shall come to be surmounted by the scarcely more resplendent coronet of the peerage—think you, sir, the question will be asked in any quarter, what was the hue of his political opinions, or before what altar he bent his martial form. Sir, I almost fear I have libelled the British people by such a supposition. No; from his Royal Mistress on her Throne, to the humblest pheasant of the realm, all would hasten to acknowledge that his well earned title did but illustrate and stereotype the gratitude, the glory, and the honor of his country.

Mr. Chairman, I love to think and to speak of Old England. I revere her institutions, and would wish to trace their spirit and their value here. Sir, I call upon the hon. and learned Attorney General, as the first crown officer of this country, to pause ere he takes that final and irrevocable step which is to throw into a foreign mould the constitution which modelled upon that of the parent country has now for many years existed here. In that interval our children have grown to manhood, they have become imbued with its spirit. Like ivy tendrils, they have clung around it amid the blast of the political tempest; in calm hours they have been embosomed in its branches, and beneath its peaceful shade they have held sweet converse on the

hopeful future of their native land. A few short years, sir, and these places which now know us, will know us no more. The laudable aspirations of another generation will summon them to this arena to be the champions of their country's interests. They will then be the fathers, as they are now the sons, of Nova Scotia. Mr. Chairman, in their name, if not in our own, I protest against the present measure. This strain breaks upon my ear, and I know it comes from them. Will the hon. and learned leader of the government be deaf to its entreaty?

"Woodman spare that tree,  
Touch not a single bough,  
In youth it sheltered me,  
And I'll protect it now."

Mr. ARCHIBALD.—Before this question is put, Mr. Chairman, I wish to make a few remarks. I consider it one of very serious importance, and requiring as careful consideration of this Legislature, as any act in which it is likely to be engaged. It does not concern the ordinary subjects which arose here from time to time, but is touching the constitution of the Legislature itself. When brought to our notice, such questions ought indeed to receive our calm and deliberate consideration; and great changes of the kind contemplated should only be made from the conviction that they were necessary for the best interests of the country. I look on it as one of the great vices attaching to free institutions, that there is a prevailing disposition to tinker and to change them. It seems inherent in our nature, to be discovering apparent defects in such matters,—and to seek to escape by change. So much has this been considered the feeling of human nature, that the fathers of the American constitution, tried to provide, in their system of government, against the tendency,—by deciding that when once a constitution was established, it should not be changed by any sudden gust of feeling,—but that before alteration, the change should receive the two-third vote of Congress, and subsequent to ample time allowed, the assent of three fourths of the legislatures of the various states. This was ingrafted as one of the first principles of the government of the Republic,—and if that action were necessary there, is it not worth consideration whether we should not exhibit similar caution here? The Speaker of the house called attention, in his remarks just made, to the manner in which this question appears.—Has it been submitted to the people—has it been called for by any county, or any township, or any hamlet of the land? No; we are not called on by any public declaration of any kind, to legislate on the question. When the Atty. General was in opposition, he might have considered the state of the Legislative Council one of the abuses of our system of government, and have attacked it accordingly; but he is very differently situated now; and if government is particularly charged with any one function, it is to conserve the institutions placed in their care. If meddling with such matters be hardly pardonable in an opposition, it is worse than impudent in a government to come forward unnecessarily, with propositions for such changes.

It would appear as if on accession to office gentlemen opposite were willing to disarrange almost all that they found established. Here is a bill to unsettle the upper branch, and another will soon be presented to unsettle this house!

Where are those matters to end? Some years ago, to improve the constitution of the Assembly, which then rested on the forty shilling freehold, the rate-paying franchise was introduced. How long did that stage continue? Two or three years; and then followed a change greater than was anticipated at the commencement of the march of alterations, and we landed on universal suffrage. Whatever might be the sentiment then, are there ten men here now who would not say that it would be better for the dignity, the integrity of the country, to repose on the former franchise than on the present? The Attorney General claimed credit for that change; I hope he will not have the credit of placing the country step by step in republican institutions, such as we would be sorry ever to arrive at. Beginning with the Legislative Council, we may go on by degrees to elective judges and other officers, until we have republican institutions throughout. Is the country prepared for that? If not, I give it warning on the introduction of this, as I would on the introduction of the franchise changes if I were here. If you take this bill, you are so far pledged to go on, to elect all your officers, judges, governors, and all throughout the country.

I may be told that there are advantages in republican institutions, and the principles on which my argument is founded may not appear of much force to many minds. Republican institutions, however, are distinct from those of England; argument founded on one does not apply to the other, they are not analogous. By the constitution of England the sovereign is nominally the foundation of honor;—but do any suppose that appointments from time to time have their origin in the personal sentiments of the crown?—Not at all. In point of fact the crown acts as the organ of the executive, to carry out certain objects. How is it with the President of the United States? He is independent, as one branch of the legislature; he names the cabinet ministers, the public officers, without any executive council interference. The Senate indeed has a veto,—which is only carried into effect in very rare cases. The president for the four years of his term of office is as absolute a despot as reigns in Europe; and is independent of the votes of both houses of Congress.

Another feature in the Republican system is, that under it no minister sits in either branch,—and thus the men, perhaps most fit for public business, are prevented from giving valuable services in legislation. Does any gentlemen here wish to see that introduced in constitutional arrangements of the Province? Here, the minister holds power and office so long as he commands a majority;—there, he may bid defiance to both branches, and retain his political position. They may pass votes of censure over and over again, but the President and his cabinet remain until the four years terminate. In England, as here, at the present time, the various Legislative branches exercise certain check and control, over one another. It has been said, that the house of Peers has a veto in the measures of the commons, and the Crown a power of refusing bills sent by both branches. But let us not be deluded by shadows. Are we not aware that the veto of the Crown has not been exercised since 1762? The right is theoretical, but is not carried into practice. Disputes may arise concerning measures

not affecting any large classes or interests, and the branches still harmonise. Concerning great questions, there is not a man who addresses any British constituency, but who admits that they, as represented in the House of Commons, are the origin of power. If so, are we to be lightly driven from a constitution similar in character! Here we have Legislative Councilors appointed for life,—there, the peerage is hereditary,—the analogy is maintained between the colony and the parent country, as far as is proper and possible. Complaints relative to the Legislative Council, ought to be of some practical effect; but let any gentleman put his finger on an instance in which that Council refused acquiescence to the deliberate action of this house, so far as it was considered an expression of the popular will. It may be answered that check and control are requisite,—and many instances might be given, of the due check being exercised by the upper Branch. Have not measures been carried here, under popular influences, which were expected to be checked there, and were so treated,—and which were not re-introduced here? Theoretically the Legislative Council has a voice which may be exercised with wisdom and firmness.

I would be sorry to see that branch legislating merely as a vehicle for carrying out wishes expressed here, to see by a too ready acquiescence that they were not adapted as a check to hasty legislation of this province. If, on the one side, there is a check; and, on the other, that they are not obstructive to proper legislation, why wish to do away with the good you have, and run "to evils that you know not of?" I believe that there is no adequate reason for the change proposed; and, except there is—except a strong case appears for alteration, the duty of the house is to conserve the institutions of the country. I have not taken the name of conservative; but, concerning constitutional principles, every member of the legislature is bound to feel that it is indiscreet to tamper with the public institutions,—that they should rather be conserved and valued. If called, however, to pass something of this kind, let us have that for which there is analogy elsewhere. Let us have to say that we have precedent for one action; but search where you will, and a scheme like this will not appear to have entered into a human head before. Canada has introduced the elective principle, but how? Do you find there one place electing a member, while another has a member for life? Such a measure as this has never before, I repeat, been offered to any deliberative Assembly on the face of the earth. Had any one sought to form a measure uniting all possible incongruities, this would be something like what he would light on. The bill has been described as beneficial to the best interests of the country. But who calls for it, besides the Attorney General and his colleagues? If it is sound, why was it not sound a few months ago? If the elective principle is right, why not apply it to all parts of the province? Suppose the Provincial Secretary, acting in his old professional capacity, and the leader of the government aiding him in the same line,—suppose they were called to prescribe, would they not give all similarly affected, the same doses? Suppose they prescribed medicine to every one's family but their own, would any believe them sincere? And now, one of the hon.



gentlemen prescribed the bill as a capital dose for Nova Scotia, with the exception of Cumberland,—and the other tells the country to swallow it all, but takes care that Annapolis shall get none of it? (Laughter.) I impute no motives, but if the gentlemen are sincere they take an extraordinary mode of showing their sincerity.

I never had but one idea of this measure; I believe that if introduced it would sap the vitals of the house. We have instituted Responsible Government. But suppose this bill to prevail, what would be the effect? We have now some idea of responsibility, but if this were in force, what attention would be paid to a vote of want of confidence passed here? If the other branch in consequence of its new confirmation, paid no attention to such an expression of the popular wishes, what use would there be in moving such expression? Would not the house lose its valued and important power of making or unmaking a ministry by a single vote?

This house would be liable to dissolution, but the other branch would hold its place in spite of votes, until the conclusion of the term for which it was elected. That term would be about twice the period for which the House of Assembly is chosen. If this House and that come in collision, which would yield? They, elected for the longer term, and higher but more limited franchise? or we placed under very different circumstances? On what principle are we called to divest ourselves of the power we now hold? I can understand the principle of a ministry resting on a majority here, but cannot that of having a majority here, yet resting equally on one in the other house also? In Canada they introduced the double principle of election, with reference to the upper and lower territories of that Province. For the reasons stated I am entirely opposed to this bill; I see the evils pictured by the member for Inverness; the application of the elective principle to the Legislative Council, as fatal to the institutions we enjoy. If we wish to hold those British institutions, the only mode is to adhere to the constitution which we have, and reject the bill now before the Legislature. I will be happy to second the resolution of the honorable speaker. I may be told that this opposition to the principle of the bill, should have been given at another opportunity; but it has to be met in some stage, and I may as well meet it here as any where else. If there is a majority against the bill, it may as well be dismissed in committee, on principle. I am ready to meet the question with a most direct and positive vote on its general principles.

Hon. CHARLES CAMPBELL.—The subject has been before the country for years. The member for Windsor says that if the bill pass he will be off; I admit that that is a very serious matter, and advise that we consider the question fully before we plunge into such a dilemma. If we do not weigh the question maturely, we may lose a great deal in his stories about leather breeches, and old women, and so on. We would miss that very much, but one consideration might obviate the loss we would sustain, the country would save some hundreds a year by the absence of the hon. gentleman, and that would be of some consequence in the present state of our finances. He detains this house in session about fifteen days longer than it need be, by his frequent speaking; in

proof of which I need only refer to the published debates. The expenses which might thus be avoided, reckoning both branches and the reporters, I reckon at about £2000, and that might make some amends for the absence of his eloquence. That honourable gentleman would show better taste if he refrained from speaking in the way he does, of the friends around me, and from intimating how superior he thinks himself to others. Many here who do not attempt public speaking, have more brains than he has. (Laughter.) The question has been for years before the country, it was brought by the Attorney General, who defended it while he was in opposition; now that he is differently circumstanced, he would not do justice to himself if he did not bring it again before the Legislature. Gentlemen at the other side feel annoyed that he does not act as they sometimes have, support one view while out, and another when in office. His conduct shows that he wishes to carry out what the country expects from him. To bring in such a bill by members of government proves their sincerity; a corrupt government would keep all the power they could in their own hands. But government now do not seek to keep the other branch so as to strengthen their own position, and make places for themselves and friends, but they bring in a bill to do away with that, and to give patronage to the people. What more powerful advantage could they have than the places in the Legislative Council? If they be defeated by the Bill, they will have the satisfaction of going back to the country and saying that they fell by means of the principle which they advocated for years when in opposition. The measure goes to give equal distribution of the council to the different counties of the province, by existing arrangements justice is not done, nearly one half of the members of the other branch belong to Halifax. The bill obviates that, and without regard to politics in any shape. Politics should not govern appointments to that branch. I consider it iniquitous to leave to the power of government to fill up the Legislative Council with their own supporters, without reference to other considerations. The bill takes away that power and gives it to the people, leaves it to them to carry out the institutions of the country. How is it now? Whenever a government find that it cannot carry a measure there, they choose one or two, and place them there so as to have a majority. Is this the way that this house should be treated? Last winter a measure passed unanimously, taxing the city of Halifax £6000 for arrears due to the country about the railroad affairs. What was the result? Did it pass here? No. And the Province remains out of its money, to pay which the city was understood to have been pledged when the railway bills passed. The city became pledged to take one tenth of the stock; but the bill for carrying that out was lost in the Legislative Council last year. On looking at the names I find that all who voted for throwing that out, were, with one or two exceptions, residents of Halifax. Is that just to the Province? Is the country to be governed by a few persons living in this city? In the present state of the finances, the 10 or £12,000 thus due, should not be lost sight of, and the sum would be of consequence. The railroad has swamped the revenue, and altho'

the amount named would not go far to meet demands, it would be something. When the reduction of the road vote is spoken of, it is desirable to form the council, so as that that bill may be carried there. The member for Windsor has taunted the government for not carrying that measure. What does he mean? Would it be legitimate for the government to coerce a dignified body like that, the peers of Nova Scotia? He is so accustomed to that kind of work, that he judges of others by himself. The government take a different mode, they do not like coercing the Legislature. Men from the rural districts should be in the other branch, ready to represent the rights of the people, and who would not, for the interests of Halifax, swerve from their duty. To carry the measure alluded to, in the other branch, four new members are required. A council should be formed, not swayed by the interests of Halifax. One says sweep them away altogether; thus making his party a parcel of sweepers. But that notion is not of much consequence. There is no time to lose, the state of the finances does not warrant our turning away the amount mentioned. I doubt that we could sweep away the Council altogether if that were just, but I think it would not. Why should they be so dealt with. They have grown old in the public service, and have served many years without pay. Would he turn them all adrift for one vote. Try them again and give them time to repent. (Laughter. It is easier to find fault with a bill than to produce a better one. A change is wanted, and while that Council is paid, the people should have the privilege of electing. Gentlemen would do themselves credit by not giving factious opposition to the bill, except they can give some argument in support of their conduct. The speaker says that the people have power enough already. I hardly know on what side of politics he is, whether liberal or conservative, but that does not seem to me very liberal. His speech put me in mind of a pretty girl as seen at a distance, but when you come near, you find that the beautiful appearance is in the dress. (Laughter.)

MR. KILLAM.—I rise, Mr. Chairman, under some difficulty, in consequence of the eloquence of the learned speaker, and of the learned member for Colchester; the member for Victoria, however, has cleared that away somewhat. The speaker spoke of the great change which the bill would cause in the constitution, but I believe since Nova Scotia was first settled, changes have been going on, and some think that we have not obtained yet all that is wanted. The member for Windsor says that he demolished the old council of 12; then came the present, and since that time responsible government has been established. Is there any reason to fear this additional change? One view taken is, that the people do not appear to be interested in this, they have not asked for it. I do not think that there were petitions against the Council of 12, who, with the governor, at one time represented the province. Petitions are not always waited for here; members trust their own judgments, and they are aware what the wishes of the people are, without petitions. At the last elections, no question may have been raised on the principle of the bill; other questions put it aside; but there were parties at both sides of politics in favour of the principle of the bill;

and I believe that the majority of the people are in favour of the change proposed. They take that view at the present time particularly, in consequence of so many of the Legislative Council being residents of the capital. Mr. Huntington's opinions are often quoted here, When the question was first introduced he was sick. I took down the resolutions submitted by the Attorney General, and shewed them to him, they were preceded by a preamble. His remark was, "throw away the preamble and adopt the resolutions." His opinion was in favour of an Elective Council as part of the constitution. He did not live long after that. When his opinions have been quoted against the change, I quote what I know to be correct. What great change is it after all? The learned member for Colchester argues against the amendment, rather than the bill, as if we were going at once to throw away the Legislative Council altogether, and bring in a new branch, the members of which would be unacquainted with legislation. This bill is not for that, it proposes no sudden and extensive change. It provides for three new members, for the purpose of distributing the influence there more equally over the country. The change is very moderate. Three new members now; in two years more, four others. That would give new vigour to that branch. Those who are there for life cannot well object to the change, they at least cannot have a longer tenure than they would possess under the bill. The learned member for Colchester appears afraid to trust the people, and wishes to go back to the 40s. freehold. Perhaps he might also wish for the old council to conduct the affairs of the country, and not trust the people at all with such matters. That is not my view. We have seen this house dissolved, and the people have repeatedly sent it back to attend to the public business, and the business has gone on under various changes, and will continue to do so. A member has said that he remembered no bill returned from the Council;—but I recollect many. There was one bill adopted here with scarcely a dissenting voice, to alter the settlement of the poor, which was sent back disallowed by that branch. I could easily understand the reason. It would have much effect in Halifax, and there were nine members in the Legislative Council, resident in the city. It provided that if a poor person resided for a certain time in a place he became changeable there. The bill would alter the taxes in the city in reference to the poor. At present the Asylum costs about £3000 a year, of which the treasury pays £2000, and Halifax about £1000 in poor rates. Yarmouth, which is not supposed a county noted for its poor, pays about the same. The bill would seriously alter the proportion paid by Halifax, and it was thrown out in the other house. Thus they relieved themselves of about £2000 poor tax. The expense of paying two or three of the council would be a trifle compared with that. If we had an Elective Council would the railroad bill alluded to be lost in that branch? The member for Windsor always took the view he now holds of the measure. In 1850 there was a large majority against it, when he went to England there was a majority for the bill, the members here admitted that the time had arrived when the principle should be applied. When he returned

he raised up a party to oppose the measure. That is the way measures are managed, he prompts opposition which would not otherwise appear. I have heretofore voted for the Elective principle, and have not changed my opinion, and see no reason brought against it yet. The speech of the speaker offered no argument; the member for Colchester feared to trust the people; I do not; they do what is right in the long run. It is convenient for some members to have the Legislative Council as it is. A popular measure which cannot effectually be resisted here, is allowed to pass, with the knowledge that it may be resisted there. If the people elected that branch, circumstances would change, and the members there, as here, would have to come as they were sent, representing the opinions of the people. We have no right to suppose that an Elected Council would come into collision with this house, according to the fears of some gentlemen; but rather to suppose that the new Council would do what was prudent and right. I approve of the bill, and will vote for it, hoping that its principle will be affirmed by the Legislature.

Mr. McFARLANE.—I am inclined to think, Mr. chairman, that the real object of the bill has, during the debate, been rather excluded from view. The learned member for Colchester enquires why it is sought for? I answer, that at present an anomaly exists here which is not known in any other colony of the empire. 100,000 of the people of the province are excluded from representation in one of the branches. Is that no reason for the bill? The Speaker says, will you apply a dagger to the constitution, and hearers might suppose that we were going to do some terrible thing. I tell him no, but that the law which we wish to pass, will, as we believe, reanimate, improve, and invigorate the constitution, it will simply give to the people of the country the power and opportunity of exerting a voice in public affairs, such as many think they ought to have long since had. The speaker says that he will ever be found supporting measures for the liberties of the people. Why then does he object to this? Would it not promote the political liberties of the people, to give to the inhabitants of seven counties, containing 100,000 of the people, a voice in the legislature of the country? It would give to the constituency of his county the right to say whether they shall have a voice in the other branch. Would not that extend the liberties of the people. I believe it would, and that it would be viewed by the constituencies as decidedly beneficial. I have been amused, sir, with the different opinions expressed by gentlemen opposite. The leader of the opposition says, if you pass this bill it will denude this house of power, that the talents will be withdrawn; he intimates that we would be without influence here, and that the other House would usurp our position and authority. Why? The speaker, however, contends that here is and would be, the source of power, and I believe that will be the case. Pass what bill you will, here will the public influence be experienced and continue.—We have been told that members should be chosen for that branch, irrespective of party influence and feeling. That is a very beautiful idea, which recommends itself to the house. How has it ever been acted on? Just as under responsible govern-

ment; the branch has been formed to suit the prevailing party of the day. The speaker says that a vessel once full cannot be made fuller; but if my recollection serves me, the liberal government did try to make that branch fuller than it ought to be. Even two gentlemen were appointed to one vacancy, and one gentleman had to wait for another opportunity. Thus was that house managed by the government of the day. Those reasons operated on my mind, to the effect that we should step in and try to improve, if possible. The member for Windsor enquires where are the petitions for this. But when he ran his last election for Cumberland, was not the privilege of this measure one of the issues put to the people? I consider myself returned, bound to carry out that view if it be possible. I am free to say, if I cannot obtain the measure, that the county I represent would not have as much reason to complain as other places, because under the bill, they would be the longest without obtaining its benefit. I leave that; if the government considered it essential to make certain appointments, we must submit to it. I would like to see the bill extend to every county, and to this city, ten or twelve of whose residents occupy places there. A strange objection of the opposition is, that the bill is expected to introduce a want of harmony, so that there may be a majority for government here, and a minority there, without any apparent mode of reconciling differences; and supposing that to be the case, they say that the council having the longer tenure of situation, would have more power, and that this house would give way. That argument did not convince me. I see no reason why the two branches should arrive at a dead look, as the case is called, then any more than now. May it not take place any moment? and suppose the present government in a minority here, and turned from office, what would be the position if a measure were pressed? Why, no doubt, the Council would yield to the pressure of this house, as they have done, and may be expected to do. The member for Colchester describes this as one step to Republicanism, which seems to cause awful horrors in his mind. He speaks of judges and governors being elected, and of all our affairs getting into a strange condition, worse than responsible government. I do not see any cause of such apprehensions; do any here wish to see circumstances of that kind? To see the judges, men who dispense justice between parties, and who should be kept so free from improper influences, appealing to the popular voice for election? none wish that, and I think that the learned gentleman need not be alarmed, and that the house should not, so as to prevent the carrying of this measure, by fears of that kind. I agree with much that has been said respecting the Republic. I believe we have much more liberty here than they have there; that no country has more liberty than Nova Scotia has; and I would pass this bill, believing that it would enlarge those liberties, and further improve the institutions of the Province. The constitution of Canada was spoken of; but we cannot have government by sections as they have; about half the representation of the other house is in this city. The only mode here, is to adopt county representation, giving representatives as opportunities may occur, to each county of the Province; giving each a fair share in legislation,

as should be. I believe, the measure of beneficial character, and have no hesitation in giving it all the aid in my power. When carried into effect, so far from injuring the institutions of the country, it will, I believe, have an opposite effect; and I think we will point with pride to the act, and say that parties in 1858 had removed one blot, and had realised one great improvement relative to our public institutions.

MR. McDONALD.—Though the hour is late, Mr. Chairman, yet as I perceive some symptoms of this debate soon closing, I must crave the attention of this committee for a few minutes to express my views of the present bill, particularly as they are somewhat of a peculiar character, and as regards the principle which seems to be involved in this bill, I differ from some of my friends on this side of the House. Ever since I have been able to form any opinion on matters of public policy, I have looked upon the present construction of the Legislative Council as anomalous and not suited to the wants and circumstances of our country. That body has been sought to be compared to the House of Lords at home, but we have nothing in society here, nothing in our social position similar to the elements that form the basis on which that noble branch of the British Parliament rests. We have no titled aristocracy, no enormous wealth, no peers spiritual, of vast influence and possessing large powers of patronage, all of which ought to bear on public opinion by means of the Legislature. Our population may, to use a scientific term, be called almost homogeneous. They are nearly all of the same rank socially and otherwise, none of enormous overgrown wealth, and few extremely poor. The two bodies of the Legislature should then be so constructed as fairly to reflect the feelings of the people, and for this purpose our upper branch should be modified so as fairly to suit the wants of the county, but that at the same time something of a distinctive character should be preserved in order that it may act as a check on the hasty legislation of this House.

These, sir, are my opinions on this important question. It may be my misfortune to differ from some of my friends on this side of the House, but it is not the first time I have been impelled to differ from them, acting under the impulses of my own deliberate judgment, and it may not be the last.

But, sir, when I take up the bill now before the House, examine its details and compare it with one introduced in 1852, by the Hon. Attorney General, and see that it makes no provision for remedying the injustice under which a large proportion of the Province now labours, I feel that it is not a measure to which I can give my assent. The present opposition were sneered at for bringing down an Educational Bill, an open question as regards its details, and asking the members on both sides to aid them in perfecting a measure that would be acceptable and beneficial to the country. But we now find the Hon. Attorney General laying on the table almost a sheet of blank paper. He says only allow us to have the elective principle applied to the Council. I don't care whether you commence to-morrow with it or wait till the present incumbents die off. You may elect eight additional members as the bill proposes—you may confine it to two Counties, or you

may elect none; do just as you please gentlemen, only for heaven's sake give us the elective principle. I would ask, sir, if this be a dignified or proper position for this Government to assume, in approaching a deliberative body with a measure of such importance as the present.

Before I refer to the details of the bill, I would offer an opinion relative to the sincerity of the Government and their belief in the soundness of the principle of their own measure. About three months ago or less probably, while the honorable and learned Attorney General was resolving in his own mind the introduction of this measure, they appointed to the Council two gentlemen to hold their seats for life, one for Annapolis, the other for Cumberland. They had the right to do so, but was it fair and judicious to take the step. As regards the gentleman from Annapolis, Mr. Whitman, I have no complaint to make excepting that the appointment was directly at variance with the principles of this Bill. Apart from this sir, I would say that the Government having the patronage would not have been true to themselves and their friends if they had failed to elevate that gentleman to his present dignity. He has long occupied an honourable position in this House, and I believe was deservedly esteemed by the members on both sides. The Government also did well in filling up the seat vacant by the death of a Councillor in the City, with a gentleman from the country of the standing and character of Mr. Whitman.

As regards the other gentleman, when I speak of him professionally and personally, I have nothing to say but what is respectful; but, sir, when I look at the appointment as it affects the Province generally, when I recollect that Cumberland had already two members appointed to that body, one resident in the county and the other lately removed to the city, but still having property, business and expensive interests there; when I see that county less in resources and less in population than the county of Pictou, and still having an equal number of representatives in this house, with now three representatives in the upper branch, three sitting in the same nest, and that Victoria with one third more population has now not one representative there—I am compelled to speak of that appointment as an injury to the county I have the honour to represent and an insult to its population.

But, sir, I do not speak for Pictou alone, the whole eastern part of the province has just cause of complaint. What do we find. Take all that section lying to the eastward of Cumberland and Halifax, including Cape Breton, it will be found to comprise about one half the area of the Province, and I think it is not too much to say that in intelligence, population and substantial wealth it is quite equal to the other half, if the City of Halifax be not included. Yet, sir, that whole section has only three members out of twenty-one in the Legislative Council. Did the government then fulfil its duty? had they a due respect to the rights of that section of Nova Scotia in making the appointment alluded to? and does it not prove a want of confidence and faith on the part of the Attorney General in the soundness of his own principles as set forth in his bill.

I do not complain personally, because if this selection had been made from Pictou the person

appointed would have been taken from the party opposed to mine, but I speak for the county as a whole, conceiving that great injustice has been done to it in the transaction. I feel at a loss to conceive how my hon. colleague the Solicitor General can reconcile that act with the bill now before us; if the latter be sound, then the appointment was wrong and unjustifiable. I leave him and his constituents to settle the difficulty, but I tell him now, that in supporting and justifying that act, he does that which is distasteful in the highest degree to the best men of his own side, and I believe also that it must be and is distasteful to supporters of the government, and even to members of the administration itself. That hon. and learned gentleman may have some reasons for submitting in silence to that act, he perhaps has some very substantial reasons for so doing, he may have fifty, he may have one hundred, or it may be his reasons are one hundred and twenty-five in number.

Such, sir, is the present condition of the province with regard to the present state of the Legislative Council, and I therefore feel myself compelled to say that as the bill on our table in no way provides a remedy for this gross injustice. I must vote against it. If the elective principle be a sound one it ought to have immediate effect, and the hon. Attorney General ought in order to be consistent, introduce his bill of 1852, and let us all start fair, oh! but says the hon. Attorney General we must pass a feasible bill, one that the Council will pass. But, sir, what was done 20 years ago? Was there not then a council in existence hedged round by stronger influences than the present one? Yet the hon. member from Windsor stormed that garrison, and put them to flight. What could be done before, I believe can be done now, were the hon. Attorney General's bill now on the table, it should have my support, but until the government can give some guarantee or assurance that equal justice will be done, and all parts of the province be fairly represented, I must withhold my assent from the measure.

But, Mr. Chairman, when we come to examine the details of the bill, I find various features extremely objectionable. The difference of the franchise between those who return members to the house, and those who are to vote for Legislative Councillors, is not sufficient to create in the upper branch an adequate check on the acts of the lower, the two bodies will be a mere reflex of each others opinions, and we might as well have but one legislative chamber.

But were the honble. Attorney General perfectly sincere in his County Incorporation Bill, and did he introduce it now and carry it through, having the power to do so, we should then have a new species of constituency from which an upper branch might be returned. The County Councils might well be entrusted with the selection of men to set in the Council, and we would then have a body somewhat resembling in their origin the Senate of the United States, who are elected by the local Legislatures of that state, and a body that could always give a wholesome check to the hurried action of this house.

Another objectionable feature is this, that the bill if it passes in its present shape, increases the expenses of legislation in this Province about £800 a year. We were told a few days ago that we were

so poor that we could not afford to buy a sword to present to our gallant countryman General Inglis, who had the responsibility of defending the honor and lives of British ladies in the residency of Lucknow, and the financial minister has informed this House in the most grave and formal manner that the road grant must be reduced one half in amount, that the education grant will probably be reduced, and the salaries of the river fishery wardens will be swept away, and yet, Sir, for the securing of a favorite measure we are coolly asked by the government to put our hands into the Provincial chest and pay out £800 a year for this new Council.

The members for Victoria and Yarmouth spoke of the defeat in the Council of the bill to assess the City of Halifax in aid of the railroad funds as a strong reason for altering the constitution of that body; but were these honorable gentlemen sincere in their views they would adopt my opinions and apply the elective principle to the whole body at once. The present bill does not remedy the evil, it merely perpetuates, for it allows all those members of the Council who defeated the bill in question to retain their seats till it shall please Providence to remove them by death.

Another serious objection which I have is that while the government profess to afford to all sections of the Province a fair share of representation at the Council Board, the present bill deviates from that principle. And, sir, in the very teeth of a bill before this house for equalising the representation in the lower branch, and for returning as nearly as possible in proportion to population, we find that the bill now under consideration gives a member to each county, great or small. Thus Queen's county, with its population of 10,000, will have an equal voice with Pictou County and its population of 30,000.

But, sir, to return to the general features of the bill. My idea is that the principle of elective councils if sound should have an immediate application, and that the body should be so constructed that each section of the Province should have a voice there in proportion to population; and, sir, reiterating my assertion that I would have supported the bill of 1852, because it gave immediate adoption to the elective principle, I must now conclude by saying that because this bill does not do so, and on account of details already alluded to, I must vote against the measure now before the committee.

The debate was then adjourned.

FRIDAY, March 5th.

After the transaction of some routine business which has already appeared in the summary reports, the house resolved itself into committee on the Elective Legislative Council Bill.

Mr. BROWN said—I have but a few remarks, to offer, Mr. chairman, on this question. My opinions have always been strongly in favour of this measure; I think it a step in the right direction. If a second branch be necessary, then the people should have control over it; but I would willingly go with my hon. friend from Shelburne to abolish that branch of the Legislature altogether, if I thought there was the slightest chance of effecting so desirable a consummation. In my opinion, judging from the action of the Council since I had a seat in this house, they have done more



harm than good. They have in a few instances legislated beneficially, while their adverse action has obstructed the passage of more than one good measure. True they have sometimes corrected an error in grammar, or put this house right on a mere question of form, but to counterbalance these equivocal benefits, I could, were I disposed to take up the time of the house, enumerate a large number of sins which they have perpetrated. But I may, in passing, refer to one or two of their more flagrant of the actions. Gentlemen will recollect that the Bill for the Municipal Government of Counties passed in this House four or five years ago, giving the option to four Counties, Kings, Hants, Annapolis, and Yarmouth, to accept the bill or reject it by a vote of the constituencies. What fate did that bill receive in the upper branch? They rejected it for all the four Counties, except Yarmouth; that is, a body of men, having little sympathy with the people, and over whom the people have no control, refused to intelligent electors of Kings, Hants, and Annapolis, the option observe, the option by an open vote of their constituencies to take upon themselves or reject the government of their own local affairs. Can any thing more arbitrary or more tyrannical be conceived or practised? Again, sir, on the measure to which allusion has been previously made during the debate, their action was palpably and clearly unjustifiable. I allude to the bill for compelling the City of Halifax to pay their share of the interest on their £100,000 of stock in the railway. Every body knows that the amendment they tacked to it, that the railroad should be first extended into the city, was tantamount to the rejection of the bill. It was merely an excuse to get rid of it. When that question was put in this house there was not a dissentient voice, it was rejected by the council, upon what principle, I defy any man to understand. And sir, although I have the highest opinion of the hon. members who compose that body as men, as a legislative body I believe them to be an impediment and an obstruction to the public business. Now, sir, the hon. member for Windsor without any show of reason told us that the proposed system was a mongrel system, but I could not understand what the hon. member meant by applying to it that term. He surely knows that the government of this country may not improperly be called a mongrel government. (Laughter.) Hon. gentlemen will understand what I mean. Our system is founded on that of England, and combines the elements of monarchy, aristocracy and democracy. It will not be essentially altered by this change, for I believe it quite easy to obtain an elective, as well as a hereditary aristocracy, a body standing between the crown and the whole people to prevent the arbitrary exercise of power on the one hand, and repressing the violence of the popular will on the other. I cannot understand the action of the hon. and learned member for Inverness, he has been in favor of the principle of this bill for the last six years, he has recognized its propriety in his vote on the second reading, but he is averse to the passage of any measure which secures to the present members of the council seats for life. Does he not know that no measure will pass the upper branch without some such provision being incorporated in it. He

desires a whole measure, an unadulterated benefit, he cannot get it. Surely if the honorable and learned member is sincere, he will not refuse to accept a portion of that good he desires for the present, and which will in the end have the effect of carrying out his views by making the upper branch entirely elective. Better to accept half a loaf than get no bread. But, sir, in the great variety of opinions professed and enunciated by the opposition, for you will observe their views are very various, the honorable member for Shelburne wants to abolish it in toto. The honorable members for Inverness and Pictou want the whole body elective at once, and other gentlemen have other views. I say in this strange variety of opinion, all professing to wish a change in the constitution of that branch, what am I to judge? I fear, sir, there is some insincerity. I fear they favor this change *not* because they really want it, but because they know they cannot get it. If there was any hope of abolishing or changing at once the constitution of that body, I fear they would be found opposing it in toto.

The hon. and learned member from Colchester, Mr. Archibald tells us that we should conserve the constitution. I am really at a loss to know what he means by that, does he desire that we should remain stationary. Would he desire to conserve a child by keeping it a child forever? Sir, it was under the teaching of the late hon. member for Yarmouth that I learned to break the ties of party, and vote for such measures as I thought to be just and right, it was he who first inculcated upon me the propriety of passing this measure. With regard to the appointment of the two Legislative Councillors within the last two or three months, I may say at once I disapprove of it. I thought if the government was really as anxious to pass this bill as I was, they would not have filled the vacancies until they might be elected by the people under this bill. I do not hesitate to say I disapprove of it still. But, sir, if I should assist in removing them from power, by votes against them on this measure, what am I to gain? Whom shall I find myself allied with? With those who, though they pretend to be favourable to it, and are, I am bound to believe by their acts, are really hostile to it. My choice, under these circumstances, is easy. I have learned and approve the old maxim: "of too evils choose the least," and think with the poet, "it is better to bear the ills we have, than fly to others that we know not of."

Mr. McLELLAN said this Bill declares that it is not for the true interest of this country that the government thereof should select the Legislative Councillors. Why, then, have the government as it were yesterday appointed two to that body without any urgent necessity? Either their conduct or the bill must be wrong, one is a direct censure on the other. The bill is an old customer, and has the same fault as its predecessors; the link which secures harmony between this and the other end of the building is to be broken, and no remedy is provided. The introducer studiously avoided saying one word as to how a collision was to be got over when the political complexions of this house and the Council happened to be different. All must agree that it is necessary that the Assembly and Council should work together. In special cases it might work well to be different.

For instance if we had had a liberal majority in the Council when the Road Money Plunder Bill, as it may be called, in regard of our coal mines, went up to that body a few days ago, they would doubtless have seen that in bartering away our fisheries we paid duty in the United States on the Association's coal in 1857, of about £25,000, and will at the same rate for the next 28 years pay in all £700,000 for them, which was quite enough to encourage the coal trade without, as it were, pensioning the Association for the next 28 years at the rate of about £20 per day for no better reason than for having held a grinding monopoly over our heads for a number of years, and would have thrown the bill out at once. But we must not look to special cases. Queen Victoria nominally rules England, but virtually it is the House of Commons; a majority there rules Queen and Council. So it is here, this house in local matters are all-powerful; Governor and Council are moulded to their views; you can subtract from all but no more can be added. People of a country had the power to elect a king, would it give them more to elect a second, so that one might oppose and obstruct the other. If the bill is right we should always have two Generals, two Captains, two foremen, two masters in every house. The bill, in its present shape, is to destroy the power of the people, it is a wolf in sheep's clothing; it is to sow the seeds of contention and strife between this and the other end of the building. This house is now all-powerful, as we have the famous Russel Despatch or Russell Purge as it has been called, which directs the Governor to remove any man that stands in the way of his carrying on the government harmoniously. Pass this bill and the power is gone. Shall we have a Baal raised up among us that can put Queen, Governor, Council, Assembly and people all at defiance? The introducer is consistent, when this house was powerless all was right with him, but when power was obtained all was wrong, it nearly cost him his life; he is now but trying to get a step back towards the old ground again. The Legislative Council as now constituted, is approved by none and condemned by all. Who can look at the rejection of the bill to allow the people of Halifax to fulfil their fair, honest bargain about the railroad, without disgust? We have now virtually two Legislative Councils, or ordeals for our measures to pass through, one at the other end of the building and the other in England, one more than the house of commons has. I am very doubtful if the former is worth the money. It costs us some 3,000 a year. The beauty of responsible government is that harmony is always secured between the different branches; an elective Legislative Council is therefore inconsistent with its principles. Still in the present state of our Council, crammed from the city of Halifax, if the introducer will consent to modify the bill so that the elections for members to serve in this house, and for a member from each county to serve as members of the Legislative Council, shall be held at the same time and place, and for the same term, the Governor having the same power to dissolve Council as Assembly, so that no greater burthens in regard of Elections would be thrown on the people and the power of the Governor to dissolve the Council would be a pretty good

check on their attempting improper conduct, he would then vote for his bill. But the bill in its present shape is a monster thing, burdened by present incumbents for life. £700 a year to be taken out of the treasury, and as many more thousands from the people in the expense of separate elections which are to be kept up year after year, keeping the country as it were, in hot water all the time, rob the people of power, of their road money, of much of the peace and harmony they now enjoy, continuing the preponderance for Halifax by giving it three members to one for every other county.

Mr. RUGGLES.—I do not rise, Mr. Chairman, to make a speech, but merely to assign some reasons for the vote which I intend to give. I look upon the measure before the house as one beneficial to the interests of Nova Scotia, and which should be discussed with deliberation, and apart from party bias. The formation of the council does not give satisfaction, because the counties never had fair representation there; its influence is centered in this city. The interests of the country were often deemed adverse, and the people easily fancied that affairs were transacted without due attention to the welfare of more distant districts. If the people are competent to elect members to represent them in this house, they should be equally competent to have representatives on the same principle in the other Branch. I think it only right that every one in the province should have a voice in the selection of all those who represent them in the legislature. Measures may pass in this house in reference to the well-understood wishes of the people, because gentlemen here are responsible to the constituencies; but influence may be brought to bear in the Upper house, by which action here is rendered nugatory. If the Legislative Council had to go back to the country for approval of their conduct, as members of this house have, I believe that many questions which fail there would pass with almost a unanimous voice. I think that we can scarcely give the people too much liberty in passing on the deliberations of the two branches of the legislature. As to the collision spoken of, as probable, if the bill were in operation, I do not see that; I think collision would be less likely when each branch would have to appeal to the people every four years relative to their legislative conduct. It has been said that if the people desired the proposed change, petitions would be on the table; and it is urged, because petitions are not here, that the bill is not required. I take quite a reverse view. It was well known that the leader of the government, for the last 6 or 7 years, intended to give the country this measure; and it was expected that, when he assumed the reins of government, he would act accordingly, relative to the desired change. If the people of the country, knowing this, were opposed to the bill, you would have petitions pouring in to that effect; that it is not so, is conclusive proof to me that the measure is in accordance with their wishes.

I think the provisions of the bill are only what the people should ask for, and what the house should grant. Some gentlemen who approve of the principle, object to details,—but I think the bill was submitted as it ought to be,—if the government brought it down settled in all its particulars, gentlemen would say that the opposi-

tion had not a fair opportunity of proposing such amendments as they might think desirable. Instead of that, they brought down the general principle, leaving to the house the settlement of details. There is no cause of complaint on that; and the sincerity of some may be doubted, who profess to admire the principle, but oppose on particulars. We could not well ask the upper house to commit an act of political suicide, and turn themselves out of the position which they hold. The present bill avoids that, while it provides for change. After awhile gentlemen will pass away from that house, and the people will then choose others to supply their places,—so that in some time there will be a different representation altogether, in that branch. I think the principle sound. If the measure went to lessen public privileges objection might well be raised, but I deem its effects the opposite to that;—it is for purposes of reform which I appreciate, and look on with pleasure. I see no reason why the people should not elect members for that house, as well as for this. The change would make members there more careful, and they would consider what went from this house more entitled to their respect. At present they are politically irresponsible; they hold their places for life. Suppose a change of government took place; bills passed here, by a new government, might be thrown out in that house, and various modes of thwarting the views of a majority here be resorted to. Application, in that case, might be made to the Home government, for an increase of members there,—but would that be desirable? And then, on another change taking place, further increase might be requisite, until there would be no definite limits to the composition of that house. If they were elected by the people, the members and the expense would be less, and that branch be more acceptable to all concerned. For these reasons, Mr. Chairman, I intend to vote for the bill, satisfied that the people will be pleased with the change which it professes to make, and that they will consider the measure as a boon, and not a disadvantage. I thought well to state these views, as an explanation of my vote on this occasion.

Mr. WIER.—The reasons given, coming from that source, gives me much surprise. Gentlemen opposite speak of the liberties of the people; we can remember when we had not constitutional government in this province,—when the power of the house was a nullity—when the Council could defy any vote of this branch, and when, under those circumstances, I and others recommended reforms, we were branded by such as the hon. gentleman who has just spoken, with attempting to pull down and destroy all the sacred institutions of the country. Those that raised that cry were called tories, at the time,—now the name is conservative. Heaven help us, they are more of the chameleon than conservative character; if they were like conservatives elsewhere, I would respect them more. However, we were then characterised as rebels, as incendiaries,—and in Canada so far was that kind of persecution carried, that the people were driven to rebellion to get what we, here, obtained by fair argument. Now we find him and his friends coming forward to do that which, if we attempted, in reference to the Council scheme, I believe we would have been arraigned as traitors to the Crown. We were charged with offences spoken of then,—but

we treated the accusations as the idle wind:—we knew what we wished to obtain;—we sought for the institutions of the Old Country, to assimilate our government to that of Great Britain. As the hon. gentleman alluded to motives, I may say that I think this attempt, on the part of those who opposed the principles of British government, is intended to destroy the fabric which has been raised.

The learned member for Annapolis had no hand or part in constituting the government we obtained,—and as he cannot go back, he takes a step ahead, for the purpose of damaging what he does not like. I do not like to impute motives, but I can see no other than these. He has no great love for responsible government, and this tends to prove that. We hear of an old gentleman, whom people do not always like to name, and who, we are told, can quote Scripture for his purpose. I never hear a conservative of the old school speak of his love for responsible government, without thinking of that old gentleman. We were told the other evening by the Prov. Secretary, when two “stars” of this side sat down, that they had said nothing worthy of reply. That sounded strange to my ears, for in the old time they were supposed equal to measuring weapons with the Uniackes and the Archbalds of the legislature. If they were not stars of the first magnitude, they were of the second. We have heard of comets springing up rapidly, blazing along the sky, but I never heard of what good they did to the world, except to frighten some old ladies. With all their brilliancy I believe small stars can be seen through them, which proves that their density is very slight. The Provincial Secretary, I think, is somewhat similar; and such phenomena pass away, without causing much effect. No mariner steers by the comet; it disappears, while the star remains, and the bark is guided by its light. So it will be with those whom he speaks so slightly of;—and when they go, some of the arts which emanated from them will continue and be valued. In vain may we look to his side for anything that the country will love to venerate. They have opposed the principle of responsible government from its first inception until now; and is it reasonable that he or his followers can love that system? Although they speak in its favor, they seek its injury; and I look on this bill as of that character. I reverence the constitution of England; but the effort made here now reminds me of the tinkering in 1793, in France, when half a dozen principles were advocated at once, and all pretending to be for the people. England stood firm, and under her constitution became the mistress of the world, which Heaven grant she may ever remain. The denunciations of the Attorney General sounded strangely in my ears. He called the council cumbersome and incongruous; but if so, how was it that the learned gentleman added two to the branch recently, under the old tenure. There are some inconsistent things in the world which a clever man can gloss over; but that inconsistency, in the face of this bill, cannot be glossed over satisfactorily. The learned gentleman said that the principle of the bill had been conceded by almost all; I have always opposed it, however. He says if the people are fit to elect for this house, they are for the other, whose members they also pay. Will they elect the governor likewise? We pay him; and

the judges, to whom we pay large sums? This I look on as an entering wedge to destroy responsible government. The people do not ask for this change; yet here we stand from day to day, tinkering the constitution, that required years of trouble to bring to its present state. In attending to the business of the country, the Attorney General requires all the party influence he has, to keep clear of difficulties,—to prevent events from taking place, that may otherwise astonish us. The legislature has scarcely done anything within the month, except to lop off about one twentieth part of the revenue, and give it to a company across the water. Instead of considering the estimates, and devising how we are to go on for another year, we are occupied with tinkering of the constitution, which are not asked for. Government is sustained by a few sections of the country, and has to attend to the wishes of its supporters. I believe the father of the present measure is the member for Yarmouth; and if he does not obtain his bill, he may oppose the government; other supporters must have their measures, or unpleasant consequences may ensue; and thus the leader of the government is kept in hot water. I was astonished to hear the father of the bill describe it as he did. Did his speech amount to a proper defence of an act for overturning the constitution? He spoke of the effects of a Poor Law in Halifax as a reason for passing the bill; but he must have his blow at Halifax at every opportunity. Not a word did he say about this bill not being like that of 1852. If sincere, why not introduce that? What right have gentlemen opposite to assume that the Legislative Council would reject it? Having offered to resign in 1852, was it to be supposed that for the paltry consideration of pay they would oppose the principle now, believing it be right? I do not admit that, to suppose that, would be derogatory to the other branch. But even if they would so act, why should that prevent proper conduct here? Why should persons in this house refuse to adopt a principle which they approve, and to carry it out without delay, because persons elsewhere were expected not to vote for it?

The member for Cumberland (Mr. McFarlane) is for the experiment, which goes to prevent the people from having, promptly, what he says they desire; he supports a government which deprives his own county of this great boon; which suspends the exercise of the privilege there, for some thirty years, by the appointment of three persons for life from that county, to the upper branch. There must be something behind the curtain. Relative to the working of the proposed system, we need not occupy much time in discussion. Common sense would suggest that two bodies elected in this way, would not work harmoniously. You might as well tell me, that if a steam engine were at work, and another were placed alongside, drawing away half the power of the former, that it would perform the same services as previously. If this house and the other came into collision, it would be easy to see which would give way. The upper branch could not be dissolved, as this could. Suppose dissolution of this house were to occur, and the same men be sent here again, what then? Would not the business be obstructed? Gentlemen at this side struggled for 20 years for the establishment of British institutions, and were called rebels for so

doing. Having obtained what they desired, they are now told that system is incomplete, and that a new element is requisite; a republican feature and nothing else. The language of the learned member for Annapolis proved to me that this is the entering wedge only; if you elect the Council, you will go on to elect governor and judges and other officers. I am for British institutions and hope to see them sustained.

When the barbarians entered Imperial Rome, instead of admiring the architecture of the city, or the monuments of its power, they proceeded to destroy. There was nothing there to gratify them; they had no hand in its accomplishment; its beauties were beyond their appreciation, but they had the power to destroy. I never read, however, that any Roman citizen was found aiding in the demolition. They left that to the invaders. After fighting here, for years, for British institutions, and having obtained them, I hope that gentlemen at this side will be content with what they have got, and not lend a hand to injure that which they should prize so highly. I do not expect that my remarks will convince any at either side of the house; gentlemen, probably, have made up their minds on this question; but I call on them to pause as British subjects, and not to do this act of hostility to the institutions which we enjoy; an act not called for by the people, which is contrary to their feelings, and to all right opinions as to what belongs to them under British government. If they will not refrain, I at least will keep my hands clear of the injustice.

Mr. MORRISON said.—Mr. Chairman, the bill on your table is one of a changing and denuding character—changing inasmuch as it seeks to change the constitution of the upper branch of this Legislature—changing inasmuch as it will thereby change the relations of this house with that Legislative body—denuding inasmuch as it must eventually deprive this house of that power which it has long enjoyed over the Legislative deliberations of this country, and which it does now so highly prize. This is a bill that should be considered well and re-considered, least we may unguardedly take a step in haste that we may be brought to repent of, at our leisure. Never let go of a certainty for an uncertainty, is an old adage which it may be well for us to reflect upon before we take any hasty action that is to materially change the present constitution of our country. By the present system this house has the power to control the upper branch; make that body elective and that power is gone from this house. The Legislative Councillors at present hold their office by the will of the Crown; and if it became necessary to carry any great public measure in this country, touching the interests of the whole people, and the Council thought proper to oppose it, the Crown, at the request of this house, would step in and so remodel that branch as to enable this house and the government of the day, to carry their measure through that house. But have you any certainty of getting or retaining that check or power for the people by the bill on your table? I think not; the chances, in nine cases out of ten, would be against you; therefore it is that I oppose this bill. I wish this house, sir, to retain its usual control and power over the Legislative deliberations of this province. The hon. Provincial Secretary says that the arguments of the hon. At-

torney General have not been answered yet. Sir, it is hard to answer that which do not exist. True it is, he gave us a long rigmarole, a heterogeneous mass of contrarieties, but surely, sir, there was but little if any argument in it. The hon. Attorney General tells us that every change in the constitution should be well considered; here I agree with him for once.

But pray, sir, at what stage of his political history is it that he thinks he has considered it well,—which of the many bills he has brought into this house upon this subject is the one that he claims to be the result of his gravest deliberation? All the bills he has brought differ in their constitutional form. Which is it, then, we are to take as the model bill—the old or the new one? I am at a loss to tell. We have not responsible government carried out, says he, until the elective principle is applied to the Legislative Council. If this be sound political doctrine, why not elect them all at once? Again, sir, he seems to anticipate some gentleman's argument, whom he thinks might say—if you elect them put them all into one room. When he tells us that it is a well known fact that to put men into different rooms it will make them act and vote differently. Sir, had this argument been used by one of the untutored illiterate aborigines of the north, we would laugh at the poor man's simplicity,—whilst we would admire the unshaken confidence he placed in the traditions of his fathers. He indeed might have been told by tradition that the spirits of the departed rested upon the walls of his room, or couched beneath the seat on which he rested, and that he was bound to act as impulse and tradition bade him. Wholly apart it might be from the dictates of reason, but for an Attorney General of an enlightened British province, in the middle of the nineteenth century,—for a legal gentleman of forty-five years standing at the bar, to tell us that what is reason on one side of the partition is mere rant on the other—what is truth on one side is error on the other, is really too bad. Sir, it is a sad reflection on the intelligence and reasoning faculties of our people. He us tells that the appointments were formerly made to counsel by favour; is it not so yet,—would it not be so under his bill? Appointed by the favour of the people it would be, it is true; but still they would be subject to the choice of favoritism. He admits the responsibility of the council through this house, and says that the elective principle would make them more independent. Does he not see that we ought to guard against too much independence in the council; the more independent you make them, the more independence you take from this house, and here is where the power of the people should rest. Popular feeling, he says, would make the council yield; he argues as if all the council were to be elected, while his bill does not contemplate any such thing. The moment a member gets pay, says the Attorney General, that moment he should be elected. Does Dickey get no pay, sir? Why not apply this wholesome doctrine in his case? Sir, he knows well, if he did, he would not have his pet friend in the upper branch to-day. I believe he could not have commanded more than one vote out of every four or five in his county; hence the necessity of appointing him before this bill would pass. If he thinks his bill confers such blessings and privileges upon the people, why did he deprive his

own county and the county of Cumberland from enjoying this privilege, in all probability, for the next thirty or forty years;—and surely, sir, if the people of Annapolis are as intelligent as we were told the other night they were, they ought to be favored with this privilege if any county in the province was.

We were told by the hon. member for the township of Annapolis that if the fifty-three gentlemen sitting round these benches were all swept away, or put into the speaker's gallery, that he could call up from the county of Annapolis alone by one stroke of the Attorney General's political wand, fifty-three gentlemen equally intelligent and as well qualified to do the public business as those around these benches. Well, sir, I am exceedingly glad to find that the people of Annapolis are becoming so intelligent, for scarcely has two years passed away since the hon. member from the county of Annapolis represented this same constituency here as hungry wolves and dogs. There is a great discrepancy between the statement of the one gentleman and the declaration of the other. Which am I to believe? Both statements have been made on the floors of this house, and I must leave these gentlemen to settle the matter between them.

The hon. Attorney General says that he could not carry his old bill, for the Council would not kill themselves. No doubt the hon. gentleman thought so when he appointed Mr. Dickey. My opinion is, sir, that you will get better men by the present system, than by the Elective principle; the best men are not always the most popular. Local prejudices may be brought to bear against the best men in a county, and prevent his being returned at the hustings; but now you can go anywhere in a county and take what man you please. Is not the appointment of Mr. Dickey a proof of this? They say they appointed him on account of his great ability, and yet they dare not trust him before the people.—My opinion is, that you had better not meddle with the constitution of our country; it has been found to work well, and although there is a large majority there now, opposed to this side of the house, I would rather run my chance of getting a majority there, should we come into power, by the old mode of appointment and tenure of office, than to adopt the Elective principle and experiment on our constitution without any good cause. If you make any change at all sweep the upper branch away altogether, you would still have as many checks as the people of England have in England. They have the House of Lords and her Majesty and Privy Council. Here we would have the Governor and Council, and her Majesty and Council, so that upon the whole if we are to make a change at all, we had better make a clean sweep of it. I cannot fully understand the practical working of this bill. Suppose two houses returned from the people, hostile to each other, which of those are to give way.—Suppose your Executive Council to be formed out of both houses as at present, and a vote of confidence was carried in the upper house in the Executive, would the ministry be forced to resign? Or will a man in the upper branch receiving an office have to resign his seat, and go back to the people. These are points of detail in the bill that I have not had explained yet.

We will pass away, says the hon. member, then let us leave the constitution as it is to others.



that will come after us, and who may have a stronger love for British institutions, than some of those appear to have who are here now.—He complains that he cannot do right, for there is somebody standing in the way that prevents him. Who put them in the way? The hon. member himself. Then why complain about it? He knew, before he made the late appointments, that that would be the case, then why make them? We have nothing in Nova Scotia to form a Council out of, says the hon. member, except by the Democratic principle. Now, I want to know, sir, how that is to give us better men—we must have the men before we can elect them. Now I cannot see why we cannot as well get them without election as with it. He says he wants to extend the power of the people. Why, sir, his whole political life gives a contradiction to this declaration. He extend the power of the people? As soon, sir, would I expect to find the ferocious tiger converted into the gentleness of the lamb, by the moral suasion of an alligator; (laughter,) as to find the Attorney General standing for the liberties and the rights of the people of Nova Scotia. The hon. member for the county of Cumberland tells us he is going to vote for this bill, because he thinks the people should all be represented at the Council board. Then why appoint two resident members in Cumberland, and leave Colchester, Pictou, and Sydney, three central counties, without a single representative. Sir, I think he will have difficulty to convince a majority of this house that the government acted wisely in selecting Mr. Dickey. He says that he and the Provincial Secretary were pledged at the hustings to carry out the Elective principle—how are they about to carry it out? A bill to give the two seats for life and prevent the people of Cumberland from getting the benefit of this bill for perhaps forty years,—this is carrying out your pledges to your constituencies with a vengeance. The very first opportunity you had of putting it beyond the power of your people, you have done so. According to that gentleman's own statement he has betrayed his trust, and should no longer continue to misrepresent his people.

Now, sir, I would ask what the people of Colchester have done, and especially the conservative portion of them, that they could not have a member of council when Cumberland was to have three. The people of Colchester are as loyal and as intelligent as the people of Cumberland, and are as keenly alive to their own interests and the interests of the province as any people in the province; yet they must be stepped over for a party purpose, to get one of their party into the council for life. What has Pictou done that she should be slighted? She has her men who fought for the conservative party until they have grown grey; yet they are passed over. And now, sir, I would ask if it is fair to ask Colchester to put her hand in her pocket and run perhaps five or six expensive elections, before Cumberland has to be at the expense of running one? Will the councillor for Colchester, when he is elected, feel that he stands in that body on a fair footing with his brother members? He cannot. He knows they have their seats for life, let them vote as they please; but he has to go to his constituency to answer for his conduct. Perhaps he may be found to be a little troublesome there. They went to get rid of him. A few designing

men would soon manage to make a scape-goat of him and heave him out upon the people, to be sacrificed for their political sins. Away with such a mongrel bill as this,—it is not English,—it is a piece of petty, party manoeuvring. Sweep all away, and let all stand upon the same footing. How would the hon. Attorney General like it if I were to bring in a bill to give to my hon. friend for Windsor and the hon. member for Inverness, and some ten or twelve other gentlemen on this side of the house, their seats for life, how would he like to take his hat in his hand and make his bow to these gentlemen, and then go to atone for his and perhaps their political sins, on the altar of political opinion in the county of Annapolis? Sir, I think I see him kindling into wrath, and denouncing it as unenglish; yet this is just what this bill of his calls upon the elected members of council to do. What equality of rights is here,—it is a perfect mockery.

And now, sir, how is this pet bill of his to be carried. I hope we will not see him again appealing to the party feelings of this house to carry this bill, the way he did to carry the bill on the mines and minerals. Oh, says he, don't believe them, it is a vote of want of confidence, a side wind, and if this bill don't carry, the government cannot stand. He stood here, sir, upon his pinions, and raised the party whoop, to sacrifice the interests of the province, when he found he could not do it any other way. Think you, if he had not made a party question of it, that he could have carried that bill? Not ten men in this house would have voted for it. I can point to the men around these benches who voted for it, that say it was wrong. The members from Falmouth, Queens, Clare, and Yarmouth, all know it was wrong. I can go into his own government and name the official member who says it was a bad job for Nova Scotia; yet we see it had to be done to save a weak government—and I expect to see the same game played over again, on this bill; but let hon. gentlemen be a little careful. The people of this country are not going to submit to this kind of legislation long. In conclusion, I ask you not to sacrifice your constitution, at the shrine of party; but to leave to our successors the constitution of this country as it was left to us—unchanged.

Mr. TOBIN.—I have listened to the speech of my hon. colleague, which was a contradiction from beginning to end. The hon. gentleman expresses opposition to the bill before the house, because he says it is partial, (Mr. Wier—I said no such thing), so I understood the hon. gentleman. Sir, let us calmly review our position and come back to the first principle of the bill: The bill introduced by the government provides that each county shall send a representative to the Legislative Council, that representative to be chosen by electors under the old forty shillings freehold franchise. The Legislative Council is now filled up by the executive power of the day, and its members are the nominees of a party. The time has arrived when this mode should be changed, but this cannot be done by the radical change which gentlemen of the opposition have introduced. The hon. member for Inverness told the house that no act of the government or of this Legislature would receive the sanction of the Crown that did not pass the upper chamber, and instanced the case of Canada. The bill before the house is

similar to that passed in Canada, it is conservative in its features, and introduces the change in our constitution in harmony with its principles. I have examined the bill, and I approve of its principles, because it introduces a territorial safeguard into our constitution, and takes from the political power of the day the privilege of appointing to seats of honour and responsibility partisans favourable to their own party views, to bring them political support. I am not bound to sustain any side of the house by political ties; I intend to vote for the bill, because I believe that it not only extends the privileges of the people, but will give us an improved constitution. We do not want to introduce the American system which would be unfavourable to our growth. They are tied down by parchment bandages to a constitution which was framed before they were born, or the interests with which they have to deal were known to exist on the earth. We take the outlines of the British constitution as our model, which is elastic and expands as the expansion becomes necessary. One great political tempest threw up Magna Charta, another the Reform Bill, another the Bill of Rights and a fourth Catholic Emancipation; and if a colonial political tempest will introduce an improved change in our constitution, so as to increase the privileges of the people, we cannot be accused of an innovation dangerous to the state.

The bill is opposed by the hon. member for the North Riding of Colchester, because he says that the most upright, the most honourable men in his county are not the most popular. I think, sir, this is not very complimentary to the county he represents, and leads to conclusions which I am not disposed to draw. I am not disposed to occupy the time of the house any longer on a question which has been so ably discussed by the gentlemen who have preceded me, and as there are many questions of interest yet to be disposed of, interests of great importance to the country, which will require great attention and consideration, the sooner we pass over this bill the better, as there can be but little further to be said on the question to change the views which gentlemen now entertain.

Mr. CHAMBERS said, I have to differ, Mr. Chairman with some of my warmest friends, on the principle of the bill now under discussion, and to which I have always been favourable. I consider it calculated to extend the privileges of the people, and to give them the control of their own affairs. As the present Council is constituted, appointments to it are made by the government. True that government may be, to a certain extent, under the control of a majority of this house; still that is but an indirect mode of bringing the influence of the people to bear on the other branch. If the government of the day were actuated by sound principles, as they should be, in filling vacancies of the other house, no difficulty might arise, but pressure is brought to bear, and is yielded to in many instances, and vacancies are supplied with the view of strengthening party. We had an illustration of this on a recent occasion, and it cannot be denied that the city of Halifax has a large share of the representation in that house. Thus peculiar interests are brought to bear on questions which come before the Legislature. Although I approve of the principle under consideration, I enquire does the Bill meet the

circumstances of the case? To my mind it does not. If it were similar to the measure of 1852 I would feel bound to give it my support. It differs from that bill, however, and I scarcely know why. Under this about 30 years would be required before its effect would be thoroughly felt in the other branch. Do gentlemen opposite believe that the country would be satisfied with that kind of legislation? Will it appear reasonable that we legislate for a generation not yet born, and not for our own times? If the principle be sound, why not apply it at once? If sound for the future, why not for the present? I do not wish to follow the example set of imputing motives, but I cannot help doubting the sincerity of the leader of government in moving that intermediate bill. If sincere, why delay? and why fill up two vacancies that occurred within two months, without any necessity for so doing? The government had a majority there to carry its measures, why not allow the vacancies to remain, and apply the principle of the bill to them? That would be the straight forward, manly course for the government to take, and it would place their sincerity beyond doubt. Instead of that, they take two of their warmest supporters, and place them there for life. It will require much ingenuity to satisfy the country concerning that act. Relative to one of these the question has been repeatedly asked,—who is that gentleman? where does he reside? has he filled any public situation? or represented any constituency? If satisfactory replies cannot be given, where is the justification for promoting him to a place in that house? I know of only one reason. It will be in the recollection of members that, some years ago, that gentleman was brought to the bar of the house to give some information about the public works, and he made statements concerning tubular iron bridges; but that is no proper ground for his elevation to the Legislative Council; I know of no other. If the people desire this change how is it that petitions are not here asking for it, as is the case in the other public questions? I might refer to the Maine Liquor Law, and the applications for it, but I never heard the question now before the house, mooted in the part of the country which I represent. Are the people prepared for it? is the Legislature prepared to adopt a measure which will increase expenditure to the amount of 7 or £800 a year? I would like to see any one stand before his constituents and justify that, telling them at the same time that, in consequence of the state of the finances, the road grant was to be reduced one half or more. Is this question, like so many others, to assume a party aspect? The Attorney General has urged it, and he has various screws which he may apply to secure a majority. He has ecclesiastical screws and others, of whose application we hear. After the vote on the Mines and Minerals question, however, I am prepared for almost anything. When I found gentlemen who had denounced the act come up and vote for it, what am I to think? What confidence can be placed in professions after that? Who is the father of the bill? The members of government seem not united on the question. Last year they presented a bold front. The leader of the government appears now almost its only defender; neither the Solicitor General nor the Financial Secretary is present to advocate this government measure. When the member for In-

verness, in a former session, brought an education bill, the learned member for Annapolis called it a fragment of a bill. I ask that learned gentleman what he calls this bill? It is neither one thing nor the other. Why does he not come down with a complete measure, and take his stand on it, and say "there is the bill"? Instead of that, he leaves this as an open question, supports the elective principle, and asks for details as the house may think well to give them. The government has had nine months to concoct measures, and this is the one which they present. To whom its paternity belongs I know not; but it looks more like the Provincial Secretary's offspring, and I suppose him to be the father. That the leader of the government should bring in such a bill is to me astonishing. The member for Yarmouth, the other evening, spoke of the member for Windsor causing, and leading up, opposition here at his pleasure. Does he think that gentlemen at this side are to be so led, like dumb dogs, by any man? We are here to think and speak and act for ourselves, and on many occasions we give proof of that, and will not be led against our convictions. After the hon. member for Yarmouth gave his vote on the mines and minerals question, so contrary to his former expressed opinions, he ought not to charge others with what he did himself. As regards following his leader on all occasions, and swallowing every dose prescribed, no matter how distasteful it might be, when he accepted the dose by which £5,000 a year was sacrificed, he may be expected not to refuse anything that is offered. The member for Cumberland says that there are about 100,000 inhabitants in the Province not represented in the Legislative Council. How is it that that was not thought of before the Council was crammed with members from other places? That act is attributable to him, he supports the government who did it. The member for Halifax said that he was no partizan; why I look on him as the government, and I regret that he is not its leader. I believe there is no greater partizan in the house than he is. I always find him with his party; if he left they could not stand, and he appears alike to accommodate himself to any party. I think that the house will pause before it adopts the Bill, and allow themselves to be placed, as that would place them, before the constituencies of the country. I hope that gentleman will view the subject calmly, and not be governed by mere party considerations. I will not longer detain the house, but thought it well to offer some reasons why I vote against the bill in its present shape.

Mr. McKEAGNEY.—I wish to say a few words, Mr. Speaker, in reply to the hon. member who has last spoken, and who, according to his custom in debate, instead of adducing arguments, goes out of his way to make personal allusions, offensive to individuals and to classes. He does not confine himself to remarks on the question under consideration, but alludes to the body to which I belong, relative to ecclesiastical influence, in a way which I consider cruelly unfair, and I throw the insinuation back in his face. He goes out of his way to insult a class which does not interfere with him; and he speaks of screws. I may remark that if he himself is not a screw he is the next thing to it, a bore. (Laughter.) Concerning the proposed change of the constitution, it has been said that it was not pressed on the government; but if it is right in itself it should

be accomplished; those who oppose should show that the change would be wrong—if right, its adoption is a duty. Are we to stand still? Is not every thing progressing? Change pervades the system of industry and intelligence. Away with the argument of standing still from mere fear of change. In maturing a constitution change is requisite, as is abundantly proved by the past. The government has been asked, why fill up two places in the Council a few months ago. I answer, that it was their duty to do so. By the constitution of the Province, vacancies here are filled up by election, and there by government nomination. Was it not their duty then to administer the constitution as they found it? What would be said if two or three members left this house, and no writs were issued to supply their places, because some change of the constitution was contemplated? Why should government leave the other branch in a mutilated state? They found the constitution as it is, and they acted accordingly, concerning the general argument, gentlemen have said that the people have sufficient power now, that they can control public affairs by means of this house, because they can change the executive government. But will that affect the other branch? Can not that House sit as a barrier against the popular wish? They may refuse to yield, they are stereotyped there,—they may oppose the views of the people and of this House, without any prompt and appropriate remedy for such a state of circumstances. The elective principle would augment the popular voice, and might thus be a valuable infusion of an element now wanted, and which might so control legislative functions as to cause efficiency and harmony. The partial elections which would take place, would have a moral effect on those appointed for life to that branch; they would feel the gradual pressure of the popular element, and thus would the popular privileges be enhanced. Whatever objection might exist to the principle a few years ago, now that the Members of the Legislative Council are paid by the people, the people should have some direct control on their deliberations and decisions. A parallel to this measure has been enquired for; but where will you find a legislative body paid by the people, and not amenable to them. Those who are against this change, now call themselves conservatives, and seem inclined to go back to the old regime, when a council of twelve, presided over affairs; will they also change what has been done in this interim, and adopt anew the policy of former times? There need be no doubt on the policy of this measure; but if there were doubts, if there were more of the moral evil spoken of attributable to the measure; still I would ask myself to choose between two evils, and where obliged to decide, would take the least. I understand this to be a government measure; it is so considered. Gentlemen who heretofore sustained the principle, now bring themselves out of that position, and refuse to support the measure. I have reason to believe, by the speeches and acts on this question, that if you defeat the Bill, you destroy the government. If that is to be the result, and if there is evil in the Bill, how am I to act? Accept the evil in the Bill? Or effect a change in the government, and give the reins of power to men who would rule by the wildest passions of a portion of the people? Would I do that, or rather sustain the men who govern for all? Would I

with sacriligious hand, put a dagger into the vitals of the administration, which sustains the liberty of the people without distinction? No; I am not here to hatch any such treason against the happiness of Nova Scotia; I do not conceal under my robe any stealthy dagger for the commission of treason. Instead of that, I am here to cheer on that bark of the state; on whose mast flutters, in the breeze of heaven, the banner on which is inscribed; civil and religious liberty.

Hon. Mr. Howe—The hon. member says that he is not going to strike a dagger at the present administration, but no one suspected him of any such design—he is only going to put the lancet into it—going to bleed the government, that is at the foundation of all this zeal. A new office has been created for him, to cost £300 a year, exclusive of travelling expenses, and to be paid out of the reduced royalties which we have not thrown away. He says it was right and proper to fill up the vacancies alluded to, because the Attorney General is bound to apply the constitution as he found it. Does he not know that the Attorney General, when it suits his purpose, can leave high departmental offices vacant for months? And the constitution, I presume, was then as it is now. Does any one believe that any necessity existed for the recent appointments; that any here would find fault if he left the places vacant? The conduct was not imperative at all; it was a matter of policy, and if he had not thought proper to do so, he would have found good reason why it should not be done. The member for Sydney, however, agrees with him in the course pursued. The member for Newport has been called a bore; I do not know whether it is the animal so called which is alluded to, or that overwhelming swell at the mouth of the Shubenacadie, known by the same name; but I am reminded that there is an animal which when once it gets swimming, soon puts an end to its own existence. The member for Sydney says, would you leave the stereotyped people in the other branch to violate the rights of the people, to block up and damage the cause of progress and reform? What did the member for Newport complain of, but that that was going to be done? Every one of those who now sit there are so to continue, as long as Providence allows. Yet the member for Sydney sustains the bill, and speaks of it as being requisite for the progress of public opinion; he says he must vote for the measure, else the reins of power may pass away from those who hold them, and so civil and religious liberty may be endangered. Do any believe if this bill be thrown out, that any one will have less of such liberty than they otherwise would? He knows not much of the history of the country if he cannot find some at this side who have done something for liberty, and who appreciate its value as much as gentlemen opposite. But we know the drift of the hon. gentleman's speech.

A curious specimen of debate was exhibited on an evening recently. I was amused, sir, to see, after such a man as the member for Inverness had enlightened the house, that the member for Victoria should be let off against him. I do not complain, but if that is to be the mode, it will sometimes seem very ridiculous. I remember that Doctor Johnston said, in reference to a small book with a large preface, that it was like a 24 pounder at the door of a pig sty. If gentlemen opposite considered how unequal the odds

are, and how near political annihilation the hon. member goes on such occasions, they might spare us the pain and anxiety of such exhibitions. I could not exactly understand what the member for Sydney said, but I caught a word here and there; and among the rest, he tried to make the house believe that if it only were rid of me, a saving of £1000 a year would be thereby effected; for that I took about 15 days of the session as my share. Well, perhaps that may be thought a moderate share of the time, considering the amount of information I communicate; and I do not know that the business of the country would go on much better if the member for Windsor were omitted, and such as the member for Sydney continued. Far as my constituents are concerned, I dare say they are content to allow matters remain as they are. The hon. member for Victoria spoke of a practical grievance, and I proceed to show how it may be dealt with practically. The hon. gentleman is a member of government, and the existing institutions of the province provides remedy for all such grievances. He complains that a bill brought here by the member for Horton, imposing on the city the obligation to take stock on the railroad, to the amount of £100,000, according to agreement, was rejected in the other branch, and that it was so rejected by members who resided in the city. Is that the case? (Mr. Howe referred to the Journals of the Legislative Council, to shew that three or four other gentlemen voted against the bill.) Several gentlemen there, whether right or wrong on that question, proved that they were superior to mere local influences on such subjects. But the bill being destroyed, if that was a grievance, how did the constitution provide a remedy? One or two of the colleagues of the hon. gentleman, and their supporters, voted for the rejection of the bill. But the member for Victoria should not pull down the constitution on that account,—it presented a less hazardous remedy. What could the members for Victoria and Horton have done on that occasion? The member for Victoria might have said to the leader of the government,—my colleague has helped to destroy a bill which I consider valuable, and which was sustained by a large majority of the house of Assembly, and either he or I will walk out of the Executive Council. His plain duty was, with the views he held, to insist on the repairing of that damage, or to resign. By the constitution of the country I charge the loss of that bill on the hon. gentleman himself, because he merely continued to hold his place, according to his own statement, in violation of the constitution, and of the principles by which he professed to be influenced. He sat for 12 months, with a member who committed the injury of which he now complains; he declined to take the remedy which the constitution afforded, and comes now to upset that constitution.

Yesterday Mr. Huntington's opinions on this question were referred to. Let me say, sir, that Herbert Huntington's opinions ought to have some weight with me. We sat for 10 or 12 years as colleagues and friends in the legislature, and I respect his opinions and his memory. I will not aver, that the words uttered by him, on the occasion alluded to, have been erroneously reported or exaggerated, by those who held him in high regard; even if, with his mental powers

broken down, and his body racked by disease—he had, a short time before his death, expressed a hasty opinion, under circumstances perhaps of some annoyance at the intrusion of such subjects,—are we to be bound by such expression, or by what he did here, when in the regime of his intellect? What did he then? In the flower of his life, in the bloom of his manhood, that noble man assisted me in building up this constitution; he fought for it day and night; he risked all his prospects as a public man for its establishment and consolidation. Am I to take what he did then, rather than what he may have said, on a political question, under the very different circumstances. He may or may not have used the words as reported,—but I take the public work of the man's life and will stand by it as long as I can. As his example has been quoted, let me give gentlemen opposite the benefit of it on another occasion. He differed from his colleagues on the railway policy. Did he wait until the bill passed, and make it a reason for overturning a branch of the legislature? No; he refused to remain any longer as a member of the government,—he resigned his office, and so expressed the strong dissent which he entertained. That is an illustration of how the constitution may be worked, as it is. Could not the government carry the bill whose loss is complained of, in the Legislative Council, if they so desired?—if they could, and if they can, shall we overturn a branch of the Legislature to do that which can be otherwise accomplished?

Some members of the Legislative Council may not exactly like the Mines and Minerals bill; but there is no danger of it there, because the government wish it to pass. If the member for Horton had a bill which he considered valuable, and were to say if it did not pass he would withhold his support from government, does he not know that it would be carried, because the government cannot spare his vote? I do not like differing with the member from Yarmouth. I believe, whether his views be right or wrong, that he is sincere; and I take for granted that he considers this bill of valuable character; but I do not think that he has given much study to the constitution. Relative to building a ship or fitting one out for a voyage, I would take his opinion much more freely than on a question of building up, or fitting out a constitution. He speaks of another bill, concerning the poor-rates of the city, which did not pass in the Legislative Council. Who ever heard of that before as a grievance? If the bill be of value and consequence, the Attorney General has a majority in that branch, and can have it passed if he wishes. The right kind of influence can be brought to bear there as in this house,—influence which we see around us here on many occasions; and the member for Yarmouth can demand the exercise of that influence in reference to the bill if he so desires, and expresses his mind accordingly. The member for Cumberland speaks of the principles of this bill having had some effect on the elections for that county on a former occasion; and seems to imply that because he was returned, and I was not, therefore the question in favor of the necessity was decided there. I advise him not to say much about that election. I was absent in the United States, and did not arrive in the district until some five or six days before the contest, and had scarcely time to gallop

over one-fifth of the county, and I was beaten. I took my defeat good humouredly; but the Elective Council bill had as much to do with that contest as the fifth wheel of a coach had with my journeys over the roads of the district. The Maine liquor law, however, had much to do with it. That was worked up by the Attorney General and Provincial Secretary. I do not know that Mr. McFarlane had much to do with it; he took votes from both sides. If it is so requisite now to upset the constitution to carry a measure that none seem to think much about, I ask him where is the Maine liquor law?—that panacea for the ills of all our constitutions. Why does not that take precedence of every other measure? I do not believe the people of Cumberland now feel much interest in the elective council question, except that the dose of appointments they had to swallow lately may have operated on the political system of the county—may have brought perturbation there as elsewhere. I do not believe the measure before the house had any thing to do with his success, or my defeat. I feel, however as if the subject were worn threadbare; and proceed to call the attention of the house to what seems to be the gist of the argument used.

The Attorney General said that the House of Peers was hereditary; and although from time to time new peers were appointed, that was only a very delicate and rare exercise of the prerogative of the crown. The hereditary principle was well discussed yesterday; and it gave me pleasure, sir, to see the learned Speaker, the learned member for Colchester, the learned member for Sydney, and others, occupying the position they did, to see those four or five young men standing up advocating the constitution of the country, with earnestness and ability. I do not say that this side has a monopoly of the talent of the house, but I do say that up to this time, with the exception of the remarks by the Attorney General, hardly the shadow of a shade of argument has appeared to justify this measure. I listened with much pleasure to the member for the county of Sydney. It was said by Grattan that he had stood beside the cradle of his country's constitution, and had followed it to its grave. The member for the county of Sydney has also stood by the cradle of this constitution, and I am happy that no political ties will induce him to follow it to its grave. One argument used by that honorable gentleman was more valuable than much that has been said on the other side. In answer to the remarks on the hereditary principle, he replied that talent and virtue were not hereditary; is the "tenth transference of a foolish face" better than the man who wins his way up to honorable position, and dignity?

I have sat in the House of Lords,—I have listened to the learning and the wit of that Assembly, but after all, out of that assemblage of four or five hundred gentlemen, how many inherit the talent of their fathers and grandfathers? There are many able men among them, but the learning and talent of the house is limited, considering its name and opportunities. Application of the principle of selection, if properly conducted in a province like this, gives about as fair an infusion of talent as the country can afford. The learned member did not mean to say that you would not find men there trained to higher points than we are,—trained in great schools of diplomacy and public life, to which we have not access; but he



did say, taking us according to our opportunities, that we obtain as many able men as we would under the hereditary principle. I asserted the other day, that the practice of Great Britain sustained our principle of selection; and that was not admitted, except to a very small extent. But it will be found that in 1837, when Queen Victoria came to the throne, there were four hundred and fifty peers; since then were created seventy, and in four years about forty. I would show then first, as to analogy, there were chances of obtaining as good men by selection as by the hereditary principle; and that where the hereditary system prevails, new creations take place on the principle of selection. How many have been selected, since Lord Melbourne's administration, I do not say. (Atty. General—I believe not half a dozen.) The branch may be so crowded that there is not room for new appointments. Let me say another word or two to the member for Cumberland. Suppose we did run on the Elective Council Bill, and that he triumphed on that, was it this bill? No; but a bill for applying the elective principle instantly, for making it applicable to the entire body, and at once. His argument, therefore, on that point, is not worth a rush. I say to the Attorney General that in proposing so important a measure as this, time should be given to consider its probable results. Referring to the constitution which guards the liberties of our neighbors across the line, what do we see? I speak of that people with respect. I am free to admit that they have worked out much good, with great skill; and I find that, for alterations of the constituency, a vote of two thirds of both houses may propose amendments, and that when three fourths of the legislatures of the several states declare for such amendments, they may come into operation. These are the checks provided there. If the Attorney General carry this measure by a small majority, but I hope he will not have that majority, but supposing he should, and thereby overturn the constitution of the country, he will accomplish that unrighteous act without precedence from our experienced neighbours.—Let him not use his chance majority, for this rash object; if he copies from the American system, let him copy that that is valuable, by using some of the caution which they observe; let him publish the bill, and wait for the expression of public opinion; and then if he can carry by a two third vote, he may imitate the example across the lines. I do not wish to speak offensively concerning the measure; I have survived the desire to give offence, if ever I had it; I wish to discuss the question good humouredly; but I consider that he proposes a measure, unlike any thing, as far as I know, in any part of the world. I might turn to the Legislatures of the State of Maine, Massachusetts, New Hampshire, Vermont, and other places, in proof, that as regards mode and qualifications, and other particulars, their constitutions differ from that which would be provided by the bill before the house.

I hope that I have made my meaning plain, on two or three points, that I have shown that the present constitution provides a remedy for difficulties and evils that may arise; and that the power of selection may be fairly, and not unwisely used, in reference to the second branch. It would not be well for me to occupy more time now, on this question. A large amount of pub-

lic business yet remains untouched, and which we must promptly attend to, unless we mean to sit here until the first of May. Who knows, while we are debating this bill, but that some one may get up at the other end of the building and propose that this house be abolished. Why not? What is to prevent them from applying some double elective principle to us? Following our example, they also may set to work at tinkering the constitution. I am sorry that our time has not been occupied with something more called for, and valuable; but we have had to debate it, when the measure is urged on our attention, and we believe it objectionable.

Mr. McKEAGNEY.—The member for Windsor says that I have got the lancet; I have not yet learned to bleed old Blue-nose, who has a pretty tough skin, but the hon. gentleman himself is a good bleeder, and has used his skill copiously; if I want a lesson I may go to him.

Hon. PROVINCIAL SECRETARY.—As the debate, Mr. Chairman, has assumed somewhat of an unpleasant character, it may be well that some one, more under the influence of good nature, should try to pour a little oil on the troubled waters. The member for the city of Halifax, (Mr. Wier,) takes particular exception to the government going a little too far with liberal measures; but I remark, that we may be allowed to take this step forward, to which he objects, for the purpose of perfecting the institutions received from him and his friends. I may say, at the outset, that every argument advanced in opposition to the bill, by gentlemen at the other side, has not only been answered, but effectually and thoroughly answered, and by the same side of the house. If no arguments were offered from this side, on this question, gentlemen opposite, leaving the debate to themselves, need have no difficulty as to determining how they ought to vote.

The hon. gentleman (Mr. Wier) also appears somewhat offended at my comparing the leading members of the opposition to stars. There certainly does not seem to be much of an offensive character in the simile. No one will deny that the hon. and learned member for Inverness is a star, and one too of the first magnitude; and as to the hon. member for Windsor, why I think if we called him a full moon it would be a more apt comparison. But I think every one will agree with me, that however brilliant is the star of the hon. member for Inverness, he has been completely eclipsed by the efforts of the hon. member for the township of Halifax—eclipsed, too, by the intervention of a perfectly opaque body. Everything the hon. member said—all the arguments he brought forward—went to prove the unsoundness and inconsistency of the views and principles propounded by his learned leader—for the hon. member for Inverness admitted the correctness of the principle of the bill before the house, and only differed as to the mode and time of its application; while the whole scope of the arguments, (if they can be called such,) of the hon. member for Halifax, went to shew, that if this bill was passed, we would sap the foundation of constitutional and responsible government.

I admit my respect for the powers of rhetoric and argument possessed by the hon. member for Windsor, and great indeed they must be when they were able to draw cheers from the galleries when standing between the poor starving widow and her perishing children; for curtailing her hand-

ful of coals, the price of which it was the object of the government to reduce.

Already has the price of coal been reduced, in consequence of the passage of the Mines and Minerals bill, which the hon. member for Windsor used his best endeavours to defeat. By that bill the tax on that branch of industry has been reduced, and consequently the price diminished; yet those who have tried to increase the cost, pretend to be the friends of the poor.

The member for Windsor made uncalled for remarks on the position of the member for the township of Sydney, Mr. McKeagney. He should have recollected the undertaking introduced by himself,—the system of provincial railway making, which is drawing the vital fluid from Nova Scotia, depriving the roads of their usual grants, and leaving the poor without the means of education. He ought to be one of the last men to point invidiously to any one taking office, particularly when the office was requisite for carrying out a great public measure, and to allude to remuneration for such services. The member for Windsor made an unwarrantable attack on the member for Victoria, also, in charging him with meanly continuing one of the government, in reference to a vote given elsewhere, on a particular bill. But, although the members of government here did not assist that measure, they were by no means pledged to carry it out. The member for Victoria might turn to the preceding session, and enquire whether any such circumstances then caused a retirement of any of the government. It was matter of history, recorded on the journals, that a measure matured by the government in 1856 was defeated in the other branch,—members of government there divided on it. But did the member for Inverness insist on any person retiring on that occasion? When members of the government voted against him here, did he demand that they should go out of the government? No; but he put in the mouth of the governor, at the close of the session, the following language:

(Extracts from the journals were read.)

That was the mode in which the question was dealt with. The member for Windsor denied that the election for Cumberland was any test on this subject; if not there can scarcely be any test. There was no public question more thoroughly discussed by the constituency than this,—and he was charged with doing injury to the principles introduced by himself—the principles of responsible government—by opposing the elective proposition. The sweeping measure suggested by some gentlemen opposite, in reference to the Legislative Council, would be inappropriate and impracticable, under the existing state of things. The hon. member for Windsor himself urged the pay of the Legislative Council, which was not sought for by themselves at the time, although subsequently they demanded it. Why did he do so? Because it struck in effect a serious blow at any plan to make that body elective;—he knew that that branch had addressed the Queen—that they had passed a resolution affirming the principle of this bill, so that that branch might be made elective;—and his skill taught him that the way to check-mate that proposition, was to provide the pay, and so give inducement and opportunity of changing their position, and defeating the bill.

Concerning complaints made about supplying recent vacancies in that branch, explanation has

already been given. It was the duty of the Executive to administer its functions under the law as they found it. Suppose vacancies to occur here, would any one sanction undue delay, because the government intended at some future time, to bring in a bill to reduce the number of representatives in such county? The government may have erred in supplying the vacancies; if they did, it was in the way of discharging what they considered an executive duty. They, however, did not attempt to fill vacancies until vacancies had occurred. Had they done this they would have precedent for it from the other side. The hon. gentleman also took some liberty relative to members at the other end of the building. If he disparaged some, he gave rather fulsome adulation to others, who were present at the time. He may have been warranted in the compliments paid to a legal gentleman in that body, but I was at a loss to know how he has distinguished himself as a public writer, so as to deserve the eulogy pronounced. I made research accordingly,—and found that within the last few years that gentleman appeared prominently as a public writer three times. The first occasion to which I allude, was a letter to assure the people of Nova Scotia, that he was not the writer of certain articles called Parliamentary sketches. I do not see that that denial was called for, as none of his acquaintances would suspect him of writing anything half so clever. I believe one of the messengers of this house, also thought it necessary to assure his friends, that the use of his name on that occasion was unfair. In that denial I fail to see any evidence which would mark the gentleman alluded to, as a distinguished public writer. The next effort, was an attack on the integrity of the venerable translators of the authorised English version of the Scriptures, charging them with interpolation, &c, and intimating that they deserved all the plagues in that book. Another writer, however, who had pretensions to Biblical criticism, proved that the hon. gentleman did not exactly understand what he was writing about. Since then the hon. gentleman has figured as a writer on Marine Insurance,—ridiculing the folly of throwing away money by insuring railway property. Owing, however, to their having disregarded his warning, the government saved £19,000 during the summer of 1857, by insuring such property. The member for Windsor referred to the chairman of the Railway Board also, on the occasion to which I allude. He declared that that gentleman was second to none, as a financial and a public officer; and I was glad to hear this testimony, as he had been assailed by the hon. gentleman a few days before as a person incompetent for the duties of his situation. The member for Windsor then condemned, with faint praise, another member of the Legislative Council,—Hon. Mr. Dickey,—and enquired what he had done to entitle him to a place there. When the able report of the delegates to England was read, and which the hon. gentleman complimented,—the compliments, I believe, being taken back in the press, gave this piece of information: that the need of success was not to be judged by the result. Estimated by that maxim, the hon. Barry Dickey had done good service, and had proved himself a valuable public man. On the threshold of this gigantic undertaking, that now presses so heavily on the province, trammelling the resources, and mort-

gaging the revenues of the whole people, for the more peculiar benefit of these counties, Mr. Dickey put the hon. member in the right in my hearing, and the hearing of hundreds of the yeomanry of Cumberland, in reference to the expenses of the work and the right construction of Mr. Hawe's letter. If that gentleman's advice had been taken then, Nova Scotia would have been saved a special session, and other difficulties under which we now labor. The views then put by him before the country have proved true. His information and study on this subject enabled him to speak with prophetic accuracy. I do not say now, that the government was right in making that appointment; but they did what they believed to be their duty,—their duty not only to a part, but to the entire people of Nova Scotia,—whose interest required that a legal mind, and one acquainted with public business, should be placed in that branch. The member for Colechester illustrated his argument on a late occasion, by referring to medical practice; but suppose we had an important case coming before a court of law, would you choose a layman for your advocate, or an able lawyer, acquainted with the forms and maxims which governed proceedings?

The government, I again admit, may have erred in supplying the vacancy which occurred,—but they acted under the constitution as they found it, and in the way which they deemed beneficial to the people generally. I do not feel exactly called upon to answer the member for Inverness, because in principle he is on this side; only he goes too far and too fast. I would not be surprised if he tried to run away with us, and upset the coach. He said that the principle was near his heart, and he illustrated that with the ability which he can bring to any question. The hon. gentleman praised responsible government, and said it was a blessing. Well, we want the country to be doubly blessed;—this bill is to extend the principle of that responsibility to the upper branch as well as to this house. The amendment proposed goes a little too far;—it would amount to an insult to the Legislative Council, as the mover well knows. A proposition to sweep away the branch, would, under these circumstances be treated as an insult, and would have no good practical effect. With more propriety might the house adopt the resolution moved by the learned Speaker, and seconded by the member for Colechester, that the bill be deferred; and in effect the former amendment was tantamount to that.

The speech of the hon. Speaker abounded much more in rhetorical flourishes, than in sound argument. He spoke against the bill, and with comparison to institutions of the Mother Country. But he was well answered by the member for the county of Pictou, who showed that you might as well compare the willow with the gnarled oak, as Nova Scotia with Great Britain. The Speaker argued that those selected for the Legislative Council, should be of no party, but men of peculiar disinterestedness, and high character, and of a description which it might be very difficult for any government to discover. Indeed, sir, I do not know how the vacancy in that body could be filled, by the selection of a no-party man, without depriving this house of its noble and learned Speaker. Can those who have taunted the leader of the government, as being recreant to the con-

servative principles which should guide him, have read the parliamentary debate concerning elective councils in Canada, in an article in the London Times, on the same subject? In parliament, some of the first statesmen declared that Elective Legislative Councils were essential to the working out of responsible government in the colonies. The principle had worked well in Canada. The member for Inverness suggests that we should write to Canada on the subject; that may be very well for those who seek delay, but it is not requisite. I saw a letter recently from a gentleman of the first character in Canada, who stated that the working of the Elective principle was giving general satisfaction there, as it would here. If the government have done any injustice by supplying vacancies in that branch, will not the people rectify that, when opportunity appears,—as they do concerning this house when difficulties occur? Relative to the collision spoken of,—there would be more probability of that taking place between an elective branch, whose members sat for life,—than where both would have to go back to constituencies for consideration of their conduct. The learned member for Colechester has intimated that minorities only should move in questions of this kind—but the member for Inverness holds different language,—and if matters are to have real practical effect, should they not be dealt with by those who advocated them when forming part of a minority, and who subsequently obtained power to carry them into operation? The member for Windsor, on a former occasion, said, that to divide the old Council, for the purpose of giving us one such as we possess, would be like dividing a rotten orange to improve its flavour. To carry out views then announced by him, and still held by the member for Inverness, the government comes forward with this bill, whose principle they advocated when not in a position to give it effect. The member for the township of Pictou doubts the sincerity of gentlemen here;—will not his constituents doubt his sincerity, when he declares that the principle is sound and right, and complains that gross injustice has been done to the country, and yet opposes the bill by which, next summer, they may elect a member for that branch of the legislature.

I have thus, Mr. Chairman, passed a few points rapidly in review. The subject has been pretty well exhausted in debate, and by the press, and the people; they have been led to the belief that there was no occasion to petition for the measure, in consequence of the declaration in a former session, that the time had come for the adoption of the principle; and in consequence of the action of the Legislative Council itself. The principal objections have, as I before intimated, been answered even by gentlemen at the opposite side, and I do not consider that I should trespass any longer, at this opportunity, on the time and attention of the house.

Mr. McLELLAN said—We have been told that the crown of England has no power whatever over the House of Lords, and that it is therefore entirely different from our Legislative Council, who are the mere shadows of the government and ought to be made elective, so as to assimilate them to the house of Lords, by making that body independant of the crown or government. We have heard some clever sounding speeches on that ground, but they destroyed and upset themselves

by arguing that the crown had not only the power to add members to swamp the House of Lords, but had done it.—clearly proving that the Lords are not altogether independant. The house of Lords feel that it is better to yield with a good grace, than to be forced into compliance, and therefore the powers of the crown is seldom resorted to. The hon. and learned introducer of this bill tells us the crown appoints persons to the House of Lords not because they belong to this or that party, but because they have rendered some special services to the country. The hon. and learned Provincial Secretary tells us that Mr. Dickey was appointed because he had rendered the country a special service in explaining Mr. Jackson's contract to build Rail Roads in New Brunswick. Nothing, it appears to me, after all, can be nearer alike than appointments to the House of Lords and appointments now made to our Legislative Council. The hon. gentleman was telling us something about a doctor the other day—he would be called a poor doctor who came to see a wounded man, who examined every part of the patient but the wounded part. That's the way the learned gentleman treats this question. Speaks of every part but where the difficulty is. When a collision takes place, which is to give way, this house or the Council? And if in the event of a dissolution the same men come back, what then? This house passes a vote of want of confidence—the Council passes a vote of confidence, what then? If a man was to go for a doctor, and say haste, haste, to see a poor wounded man, on being questioned about the wounds, he were to say they were old ones, except two fresh ones he had given the patient just before he started for the doctor, which would be the worst to deal with? The doctor would be very apt to kick him out of the house. I do not say the introducer of this bill ought to be served so, but I do say there is hardly another man in the Province who would have had the face to bring in such a bill immediately after appointing two young men to the Council, when there was no necessity therefor. To say the least of it, it is an insult to this house and the country. This question had not been spoken of in an economical point of view, which there was much need for, in our present situation. He had stated the other day that the present government was running the Province in debt.

Mr. WILKINS.—What has that to do with this bill.

Mr. McLELLAN.—The bill is to take £700 a year out of the treasury unnecessarily, and what, I am saying has something to do with that. I was going on to say, my statement was contradicted by the hon. Financial Secretary who was asked to lay a statement of the expenditure and income for the past year on the table, but there is no appearance of his doing so, and every movement of the government has been to spend more and more. He (Mr. McLellan) had prepared a statement showing the amount of revenue and expenditure of the province, including interest only of the money borrowed for the Rail Road, for 1857, by adding or subtracting from amount of the Receiver General's account, such items as are or are not chargeable as revenue or expenditure for that year. Amount of payments by Receiver General's account including the present balance and interest

on money borrowed for the Rail Road	£205,046
Less, balance in hand	£6593
Paid Wreck money	2595
“ Savings Bank	6500
	15,688
Amount received including old balance	£189,358
Less recd. old balance	£22,384
Cash from Savings Bank	12,800
Wreck money	2595
Coppers	1500
	39,275
	165,767
	£23,591

Balance in hand £4,593. Difference in road in favor of 1857 over 1856, £1,005. Amount due by Board of Works, £1,545, £9,143, £2,843. Deficiency for the year, £20,748, or a daily sinking of £56.

Suppose we had no Railroad or ten per cent duties, it would have stood thus:—Interest paid on Railroad money, £27,133; increase of duties by the  $\frac{3}{4}$  per cent £24,000; balance £3,133; deficiency in the year of £17,615, or a daily sinking of £48. Suppose out duties had remained at 6 $\frac{1}{4}$  per cent, and our government had expended no more than their income, exclusive of interest for Railroad money, it would have stood thus:

Old	£22,384
Balance of money from Savings'	
Bank	6,300
Coppers	1,500

301,84

Interest on railroad money £27,133; difference in advances and Board of Works as above £29,683; balance in Treasury £501. If there is more or less paid on other items in 1857 on grants in previous years than remains unpaid of the grants of that year, it should be added or subtracted, but can be of little amount and is just as likely to be one way as the other. Could there be a greater imposition practised on a people than to be burthened with a ten per cent, duty to pay interest on railroad money, and have it squandered away otherwise?

The hon. Financial Secretary tells us our road vote must be sliced down; I give him notice that the Road Grant is the last thing I will consent to see reduced, unless actually compelled to do so. The people gave the government money enough to allow the usual grant for the roads, had public affairs not been managed in a spendthrift manner. If the Legislative Council is abolished, there will be a saving of some £3000 a year; but if it is thought better to have one, let each County elect two members to this House, and one member for the Legislative Council; then the Council would have eighteen members, this House thirty-five, who would do the business just as well, and in much less time, and save some £2000 a year. There are plenty of ways to save money; but our government have no apparent taste for anything but to spend money.

SATURDAY, March 6.

ELECTIVE LEGISLATIVE COUNCIL BILL.

Mr. WADE said—I rise, Mr. Speaker, for the purpose of offering a few remarks upon the bill before the house. With the manner in which the first few days of this debate was conducted, I felt much gratified; there was evinced a calmness of reasoning, which should ever appertain to the discussion of questions of this kind, in vol-

ving material alterations in the constitution. Subjects such as this should always be met and discussed on their own merits, independent of party or faction. I was sorry, however, to hear the extraneous remarks subsequently introduced; for with all, I feel a desire—natural and fervent to discuss this question, involving as it does a vital change in the organisation of our governmental system—with that equible temper and in that spirit which can alone conduce to a right decision. This subject has been before the house for years,—and it has been discussed freely and fully; its principles are perfectly understood, because on many former occasions we have had elaborate discussion—involving the time of the house. It is my intention now, Mr. Chairman, to trace the history of the question from its inception down to the present time. The first attack made upon the upper branch was by Judge Haliburton; he compared them to twelve old women.

The hon. member for Windsor followed up the attack by moving an address, the object of which was to remove the Lord Bishop and others from seats in that body, on the ground that they had no right there. After a time the proposition was successfully carried out, and the proposed removals made. Again, it will be in the knowledge of the house and country that when the late hon. Dr. Grigor was appointed to the Council, it was well known that it was filled up for a purpose; that a measure had been introduced into this house by the then government, which it was necessary to pass, that a majority of the Council as then constituted was opposed to its passage, and that the party first nominated not arriving in time, it became essential to appoint the late Dr. Grigor. From that time the people of this country began to feel that some change in the upper branch was absolutely necessary. I have the journals of the Council in my hand; of the 21 members who compose that body it is well known that not more than four or five had political opinions coincident with those entertained by the opposition. Suppose then that any change should occur, and that to-morrow the present government were displaced, what position would the incoming administration occupy? They would be met by a hostile majority in the upper branch, crippling their action and preventing the well understood wishes of the people, as expressed by their representatives, from being carried out. We have been told that the council would bend; that this house under any circumstances would prevent them from carrying out their opinions. If so, the principle of independence is gone at once; all power is taken away from the council and they are reduced to the condition of nonentities.

We have heard a good deal of the expense which the present bill will cause; sir, I regard this question in a light entirely different from that in which it is viewed by hon. gentlemen who thus reason: It far transcends all questions of expense; when we come to consider matters relating to the constitution of the country—other subjects at once sink into insignificance because we are legislating not for the hour or the day, but for all coming time.

The present bill—or a bill similar to it in its main provisions, was introduced by the hon. and learned leader of the administration in 1852. At

that time I had not given it the attention which its importance deserved,—my action on that occasion was dictated by the views, which upon the issue of the moment I expressed. I based my opposition to the measure on the argument that the bill would create two houses each similar to the other—each a reflex of the other; owing their existence to the same source, and therefore reflecting the same views and opinions. This difficulty I still feel,—but it appears to me that it is better to create two such bodies working harmoniously but independently of each other, than to allow the Upper Branch to exist as now constituted, having power to defeat the legislation of the commons, or involving the necessity of swamping its independence by making appointments to counteract the votes of those now constituting that body.

The hon. and learned speaker has said that we should not attempt to mutilate the old tree; I agree with him, I would not mutilate the tree, if the branches were not rotten. I go for no sweeping or radical change,—I do not advocate the views of the hon. member for Shelburne. But I have made up my mind that some change is essential, and I feel it my duty to try the elective principle, if it can be obtained.

Sir, it will not be denied that the principle of the measure has been over and over approved by this house; and being so, I ask if any more favorable opportunity than the present could be found for bringing it into operation. If after fair trial it is found not to work well, abolish it, but I cannot go for so sweeping a change at this time.

Mr. LOCKE said—As the discussion on this bill progresses, I feel more and more impressed with the soundness of the principle which I some days since moved—to abolish the Legislative Council altogether. In effect it is of no practical benefit; its legislative action does not materially benefit the country—while the loss to the province amounts to some £3000 per annum, a sum which by the abolition of that body we would at once save to the country. Sir, I may have been called a chartist, and a sweeper—but at least it cannot be denied that my action has been uniform and consistent. In 1852—when this question was first introduced, I made a motion similar in effect to that which I have now introduced; at that time one hon. member voted for my resolution, but has since taken his seat in the Legislative Council; the hon. member for Horton argued in favor of my resolution, but I think that timidity on his part prevented his voting for it. The same principle may induce him to oppose it now, although there is no doubt but he entertains a conscientious conviction of the soundness of the principle of my resolution.

I do not expect to carry this measure in a day; all reforms require time to effectuate them—but I have implicit faith in the principle and have no doubt but that in the end it will be adopted. The hon. member for Windsor—when he attempted to remove that black spot—the old Council of 12, from the face of the constitution—was obliged to struggle for some time before he effectuated his object; I do not expect to be more fortunate, but I have no doubt but that the day will come when the bill I have introduced will be adopted by the unanimous action of this house. The Legislative Council as now constituted I hold to be of no practical utility;



The house of Lords, in England, is the embodiment of the wisdom of the realm, is composed of the aristocracy—a body of which we have no prototype in this country,—most of the speakers in that body are, to say the least of them not inferior to those in the Commons—while from their training at the best collegiate institutions in the country, they are enabled to bring to bear on all questions submitted to them—the results of a matured experience and an intimate acquaintance with the necessities and requirements of the country. Does the Legislative Council in this country occupy that position?

I think not; this house may without flattery be said to possess as much of wisdom as the Upper Branch. There exists no disposition to trench upon the constitutional action of the crown, deriving their origin from the people, but admitting and sustaining the Queen, this house in conjunction with the representative of majesty, is quite capable of conducting the business of the country.

For these reasons, sir, I believe that the Legislative Council is an unnecessary element in the constitution and should be abolished.

HON. SOLICITOR GENERAL said—We have under discussion, Mr. Chairman, the first clause of a bill introduced by the hon. and learned leader of the government, to reconstruct the constitution of the Legislative Council. To this clause an amendment has been moved by the hon. and learned member for Inverness, to the effect that the whole council shall at once be swept away, and the elective principle applied to the creation of the whole body. Upon this amendment the hon. member for Shelburne has in accordance with one of the rules of the house, submitted a resolution to the effect that the Legislative Council is a nuisance, and as such should be abolished.

It is my duty as the second Crown officer, to explain to the house and country, the views I entertain on this momentous subject. I have had the misfortune to be charged on many occasions, with hostility to responsible government. To give the most decided reutation to this charge, I would observe, that as well could a man, who possessed the most perfect organs of vision, object to the light of the glorious sun, which sheds his brightness on every part of our system, as could a man of education, and possessing a knowledge of the fundamental principles of the British constitution, find fault with a responsible government. No, sir, I was ever the decided advocate of a system of responsibility, and opposed the constitutional changes contemplated by the hon. member for Windsor, and those who participated with him in the agitation, which gave birth to the present system, because I foresaw exactly what has occurred, that instead of a responsible government, they were manufacturing an arbitrary tyranny.

We have been informed, in accents of glowing eloquence by the learned and hon. Speaker, that the responsible government we now enjoy, is like a magnificent tree overshadowing the Province, its branches bending gracefully beneath the weight of abundant fruit, of the most exquisite flavor. But I would inform the learned Speaker, that the Executive Council are the gardeners of that domain, in the centre of which this noble tree is planted. He must remember also, that the finest trees require the care of the husbandman, whose duty it is, by a judicious use of the pruning-hook,

to remove all unsightly excrescences, to lop off decayed and broken limbs, and for the preservation of its health, and to encrease its productiveness, to dig about the roots and impart to them the fertilizing manure of constitutional freedom, and to water them with the invigorating element of civil liberty, drawn from the fountain head of all legitimate power, the people themselves.

Let me now examine the present system of miscalled responsible government. In describing it I shall do it no injustice. I shall speak of it as it is, and as the poet says, "in naught extenuate nor set down aught in malice." We have then sir, an Executive Council, created by, and holding their offices at the will of a majority of this house. The Legislative Council are created by, and hold their seats, at the will of, the Executive Council. This branch of the Legislature therefore are an entirely dependent body, existing at the will of the government. If therefore the Executive Council have an influence over the House of Assembly, and possess an absolute control over the Legislative Council, they are supreme, and we have all the blessings of an oligarchical despotism. If on the other hand, the majority in this house possess an actual influence over the Executive Council, and this Council holds the existence of the upper branch in its hands, then, sir, we possess the blessings of a democratic and party tyranny. The minority of the people are under the yoke of the majority.

The hon. and learned member for Colchester has challenged us to show anything in the world, like the system, we are desirous of producing; may I not ask him to produce, within the whole range of the civilized world, a constitution bearing the most distant analogy to that which it is the object of government to reform. The excellence of the British constitution has been lauded, in no measured terms, by several speakers in this debate; our system is intended to be the antitype of that, of which the people of England so proudly boast, and which is the envy of the surrounding nations. Let us contrast it with ours. The great beauty, and the admirably working properties, of the British constitution proceed from that balancing or checking power, which is inherent in a system, composed of three equally and co-ordinately independent branches of legislation. The Queen, the Lords, and Commons, each independent of the other, ready at all time to act together, and in perfect harmony, for the attainment of the general good, but able and prepared to check, and control, each other, on the least attempt to disturb the public welfare.—The absolute independence of each of these branches, constitutes the most prominent excellence of this noble political fabric.—Each of these branches possesses its peculiar attributes, and no one of these bodies can trespass upon the rights of another, as the third is ever ready to interpose its weight, to keep the balance even. The house of Lords, with which our Legislative Council is intended to correspond, may be looked upon as the backbone of the British constitution; by throwing its weight either to one side, or the other, it is at all times able to keep the balance even.—Take away the Peers, and the contest would not be long between the people and the crown, for these two bodies can never balance each other, and if the crown prevailed over the people, we should have an autocratic despotism, if the people prevailed over the crown, a democratic tyranny. If

is the House of Lords, and its entire and absolute independence, that prevent the occurrence of either of these calamities to the people of England.

To be at all analogous to the Peers, the Legislative Council must possess the power, and independent authority, to check the action of the administration on the one hand and the violence of faction in this house on the other. The moment this independence of the upper branch is invaded there ends all resemblance between the constitution of this, and that of the mother country.

The governor of the province for the time being represents the legislative authority, the power and dignity of the Queen, and administers the government under the advice of a Council of nine drawn from the other branches of the Legislature. His Council are intended to be responsible to the people of the colony, to whom he is not responsible, being to that extent like the Sovereign, incapable of doing wrong. Unless the executive Council are sustained by a majority in this house they must resign.

That the Legislative Council have no independence, both the hon and learned leader of the opposition, and the hon. member for Windsor well know. By the royal instructions, which they have often seen, the Governor is authorised to appoint 21 persons to seats in that Council, *during the will and pleasure of the Crown*. The Executive Council, therefore, are not only the manufacturers of the upper branch, but have the power to cut them off at a moment's warning.

On this subject the hon. member for Windsor did certainly make one of the most killing admissions I ever heard fall from the lips of a statesman. He observed that the Legislative Council had imprudently rejected a measure, passed by this house last session, relating to the city of Halifax. He then remarked, that it was the duty of the member for Halifax, to have gone to the leader of the administration, and required him to command the Legislative Council forthwith to assent to the measure, on pain of the leader forfeiting the support of the hon. member for Halifax. Is the hon. member then prepared to claim for the Legislative Council one particle of independence? Surely he cannot, and with this admission of his, every argument against the proposed change in the constitution, falls to the ground.

The hon. member for Windsor was not long in noticing the gentle smile which irradiated the countenance of the hon. and learned Attorney General, when this imposing admission was dropped by the hon. member. That smile reminded me of the satisfaction which lights up the face and features of an old experienced fisherman, who, after casting his flies upon the stream, has at last tempted a fat salmon to seize the fatal hook—(laughter.) This unfortunate confession was death to the opposition, and the old sportsman at once saw and felt, that his fish was hooked in the right way, and that it would not be long before he would be landed and bagged.—(Laughter.) It is therefore conceded that the Executive Council governs the Legislative Council, and that a majority in this house creates and destroys the Executive. This house is therefore, in that sense, supreme—the upper branch is a nullity, and we have the misfortune to live under a democratic tyranny, or something worse—an oligarchical despotism.

Which of these infamous systems we are cursed with is a subject of some speculation. Nominally, the Executive Council are the responsible servants of the majority of the representatives of the people in this house. But what is the real state of the case? If the Executive are really the servants and the majority masters, there is something very like "high life below stairs" occasionally,—and the respective parties have a somewhat singular method of manifesting their relation to each other as master and servant. The servants, as is not usually the case, occasionally offer sumptuous entertainments to the masters. The servants are a good deal wiser and better informed than the master, who generally come to the city with their heads like coconuts, filled with milk rather than brains, which, by the influence of a few bottles of sparkling champagne, poured into them by their obsequious servants, becomes crdled like cheese, and it is not surprising that such an article should soon engender nothing but maggots and corruption.

As I before remarked, I have been charged with hostility to responsible government. If by responsible government is meant a system conferring upon the people, under due and defined limits, the control of their own affairs, I am by no means an enemy of rational liberty; but if the system at present in operation is to be continued, I have no hesitation in repeating, what I have before remarked, that the inhabitants of this country were better governed when power was in the hands of the sachems, who, gathering around their fires, smoked the pipe, and tossing their tomahawks into the air, decided on the affairs of their nation, and declared war or peace with the surrounding tribes, according to the impulses which influenced them in matters affecting their national welfare. It cannot, sir, be denied that under the present constitution eight or nine artful men, by judicious combination, may effectually rule over the destinies of the country, set the people at defiance, and provide for their own interests at the expense of the province.

The hon. and learned Speaker dwelt, in glowing terms, on the excellency of this glorious tree of responsible government, and deprecated any interference with its majestic proportions:

"Woodman spare that tree," &c.

He well knows that, on high authority, we are taught that the tree is known by its fruit. Let us examine this tree then by this infallible test. What then does responsible government actually mean? In my apprehension it signifies a government deriving its authority from, and answerable for the use or abuse of that authority to, the people, according to their well understood wishes, as expressed by a majority of their free and independent representatives. If the government, as at present constituted, has operated in direct opposition to the will of the people, then this responsible government is a misnomer.

The hon. member for Windsor, in order to alarm the house, read from the constitution of the United States of America a clause to the effect that it could not be changed, unless by a vote of at least two thirds of both branches of their Legislature. Well, sir, might the Americans guard their constitution by such a provision; but did they ever create such a constitution as we have? Did they give to their Executive Council the power to create, to control and to

dismiss one of the branches of their Legislature? They had too much good sense. The men who framed the American constitution knew well what they were about. They had witnessed the oligarchical tendency of the British constitution, under the influence of the borough system, which conferred undue power on the administration; and they took good care to place the branches of their Legislature beyond the reach of Executive influence. They knew the constitution of the human heart, and that men naturally love power for its own sake,—that there is a tendency in men to usurp dominion,—that having obtained it, they are ever disposed to enlarge it, and are ever prone to augment and increase it. Knowing this, they studiously set bounds to Executive authority, and wisely apprehending that the power of governing might fall into the hands of such men as have for the last ten years controlled the affairs of this country, they resolved to limit their capacity for evil, by incorporating in their constitution the provision that it should not be altered except by the consent of a great majority of the nation.

Permit me now, sir, to refer briefly to one or two cases which sufficiently prove the supremacy of the Executive, and the utter impotency of the Legislative Council, under our present constitution. It will be remembered, that sometime previous to the year 1849, a bill called the Departmental Bill, passed this house. The Colonial minister, who disapproved of the measure, sent it back to be re-considered by both branches of the Legislature. It was accordingly submitted to the Legislative Council. A majority of that branch were opposed to the measure. If ever there was a time when that body should have been permitted to exercise a free and independent judgment, that was the occasion. But how were they treated? An address was moved against the passage of the bill: upon a division there were 9 for the address and 8 against it. So the measure was defeated; but the Executive Council were not discouraged; and how did they get out of the difficulty? Why, sir, by a very simple process. Their first step was to cause the President of the Council to leave the woolsack, and vote with the minority, contrary to all previous practice, and then the numbers were equal, 9 to 9. According to a rule of the house, when the votes were equal "*semper presumitur pro negante*," and the measure was still defeated. The Executive Council, however, were not to be foiled; and about 9 days afterwards they manufactured another Legislative Councillor for the occasion, and, in violation of another rule, that a measure once defeated could not be revived in the same session, they moved and carried a resolution in favor of the bill. In this case, therefore, the independence of the Legislative Council was trampled upon, and the Executive Council manifested their absolute authority.

The next case I refer to, in proof of the complete independence of the Executive Council, of all popular control, is the pension of John S. Morris, Esq. Nobody will pretend to assert, that the people were desirous of having a good and efficient officer like Mr. Morris discharged, and the office filled by a gentleman who was physically incompetent, and this with an increase of expense. And yet, to carry out an executive job, a perfectly competent, healthy man, was permitted to retire and spend abroad three hun-

dred pounds annually, during his life, while an incompetent and unhealthy man was introduced into the office. Thus the people were compelled to pay nine hundred pounds, to have the work badly done, instead of the six hundred they paid when it was well done. In this case, therefore, we see the oligarchy trampling upon and despising the rights of the people, and they persist in calling it "*Responsible Government*."

Again, sir let me briefly call attention to the subject of the railroad, as illustrating the entire irresponsibility of the Executive Council. Mr. Jackson proposed to construct our roads, on his own account, and provide those important public works, at his own expense and risk. When this proposal was made, he had complete ability to perform it. Can it be supposed that it was the will of the people, that such an offer should be rejected, and a debt of a million sterling incurred by them, for the construction of railways? Of course not; but Mr. Jackson's plan did not suit the ambitious views of the Executive Council, who coveted the patronage and other advantages which the handling of a million would confer upon themselves, and so Mr. Jackson's proposal was rejected, and a debt has been fixed upon the province, the interest of which will absorb a great part of the revenue for all time to come. This, sir, was done in defiance of the people, and serves to illustrate the danger of an irresponsible Executive Council. Will any man pretend to assert that a Legislative Council, elected by the people, would ever have consented to the construction of railroads out of the revenues of the province? Would an independent Legislative Council, composed of men representing the 18 counties, and elected by the people, have ever listened to the proposal to borrow and incur a debt of a million of money, to make a railroad for the city of Halifax? To encourage such an iniquitous proceeding, it required a council composed of men selected by the executive, and resident in the city. But the people have been imposed upon, by the instrumentality of an irresponsible Executive Council.

Let it not be supposed, from these remarks, that I am an enemy to the railroad. I opposed its inception, but ever since it was determined upon, I have done everything in my power to promote its completion; and I am happy to say, that every member of the Executive Council, is actuated by a sincere wish to press forward the work as fast as possible.

I think, sir, I have clearly shown, that under the existing constitution, the Executive Council is omnipotent, and that the upper branch of our Legislature, so far from possessing the independence essential to that body, may be regarded as a mere creature or tool of the executive. There can be, therefore, no just or reasonable objection to the adoption of the elective principle, in the creation of the Legislative Council. We can have no hereditary peerage, nor have we the materials out of which such a body can be created. We must, therefore, do the best we can, with the materials we possess. The simple question then is:—Shall the upper branch of the Legislature be appointed by the Governor in Council or by the people?—In other words, Shall they be the servants of the people, for whom they are to make the laws, by which their lives and liberties are affected? or shall they be the servants of the Executive Council? Shall

they wear the livery of the Governor, while they are paid by the people; or shall the people who pay them appoint and take them into their own service? (Hear, hear.) This, sir, is a simple question, and I will thank same of the opposition to prepare to reply to it.

I will now, sir, briefly notice the arguments urged against this measure, and it will soon be seen that there is very little in them. The leader of the opposition is apprehensive that all the talents will find their way into the upper house and all the asses into this. This is a sorry compliment to poor Nova Scotia. Does the hon. member really think there are only twenty-one sensible men in the Province? What a *scandalum magnatum* of the literature and intelligence of the province! Why, sir, there are single counties that can produce three times the number of competent men for either branch; but I perceive the hon. and learned member smiles, nay, he even blushes for his own argument, which proves there is a little grace left in him yet. Again, he fears they will claim the origination of money votes. This difficulty a short clause in the bill will effectually obviate. Again, he thinks it wrong that the large county should have no greater representation in the upper house than the smaller counties. If he looks at the constitution of the United States, he will find that Rhode Island, with its trifling population of thousands, has as many representatives in the Senate as New York with its millions. The senators are intended not to represent the people of the Union, but the sovereignty of their respective States, and in like manner our Legislative Councillors will represent rather their several counties than the people, who are here represented by us, and so the size or population of the counties is a matter of indifference.

The hon. member for Windsor is afraid the election of councillors will destroy responsible government. It will certainly very materially affect that species of responsible government that has captivated his affections; but that it will weaken the influence of the people over their legislature and government I deny. To say that to give the people the privilege of electing the councillors will weaken them would be as wise as if the hon. member, on meeting one of those mountains of hay the farmers of Hants are in the habit of bringing to the city with a team of three horses, should say to the waggoner—"Sir, you may get to the town with your three horses, but if you add three more to your team, depend upon it you'll stick at the first hill you come to."

The learned and hon. Speaker, who I think would have acted more prudently, if he had not taken part in the debate, considering his position in reference to the parties in this house, is desperately afraid of injuring the proportions of the stately tree of responsible government. In the most pompous tones of deprecation, and solemn warning, he says "beware of change"; "changes are always dangerous." I would say to the learned Speaker, that changes are inevitable. There is nothing under the sun that does not change. The sun himself changes; the moon changes; the stars change; the earth changes; the mountains, the rocks and the rivers, all change. Nay, sir, the hon. Speaker himself changes. How long sir, was he in this house, before he found it convenient to change, from the dry, barren and unproductive pastures of opposition, to the rich

and luxuriant clover fields of the administration. There, sir, he has reposed under the grateful shade of the noble tree, and partaken of its golden fruit. Change, sir, was the life of the Speaker, and if so, why should not change infuse vitality even into responsible government itself. When the learned Speaker closed his labored address, in which he most adroitly managed to steer clear of every imputation of an argument, altho' I sincerely hope he is not on his last legs, either physically or politically, I could not for the life of me help thinking of the dying Chatham, protesting, with his latest breath, against the dismemberment of the empire.

The hon. and learned member for Colchester, has requested us to shew him, the like of such a constitution as we propose. I will refer him to the United States, where the upper branch is elective. In Canada also they have, at this moment, the same constitution we propose to adopt. Nay, sir, I would refer him to the British constitution itself, which is infinitely more nearly allied to that which we would introduce, than that deformity we would abolish. The peers it is true, are not elected by the people, but what are they? Why, sir, they are the people themselves, or rather, the most influential part of the people, being the principal land owners of the realm. The Queen does not create them, as a Legislature. They hold their coronets by the same title that the Queen wears her crown, by the consent and for the benefit of all the people and the state. The Queen sometimes enobles men, as the reward of distinguished merit;—their legislative authority follows as an incident of their elevation to the peerage. She does not elevate them as legislators, but they become legislators as a consequence of their elevation to the peerage. There is also another wide distinction between the selection of peers in England, and the creation of Legislative Councillors, under our wretched system. When the Queen has made a peer, there her power ceases, she cannot unmake him again, but he remains as independent of the crown, as the crown is of him.

Again this learned and hon. gentleman who possesses a most extraordinary system of logic says "If we elect our Legislative Council, we must also elect our governor, our judges, &c." He might as well say to his neighbour—"Sir, if you eat potatoes, you must also eat artichokes; if you eat eels, you must eat snakes also, or be a Frenchman; if you eat frogs, you must also eat toads."

I never listened to a more remarkable speech than that of the hon. and learned member for Pictou. The constituency which he represents, he says, were indignant that a gentleman residing in Pictou, was not selected to fill the vacancy, occasioned by the lamented death of Mr. Crichton, we now offer him an opportunity of having an individual elected in that county within three months, and yet the learned member will vote against the measure, and why? Listen to his reason, because he wants all the members of that council elected, he will vote against the election of seven. He reminds one of a spoiled brat who throws away the slice of bread and butter, because his mother will not give him the whole loaf. He professes himself an advocate for the elective principle, but he has not moral principle enough to vote for it, in opposition to his party. The people of Pictou will try the hon. member

by his actions without much regard to his professions, and I feel assured he will meet with such a reception from his constituents as makes it unnecessary for me to take further notice of his remarks.

I was astonished, sir, at the opinions enunciated by the hon. and learned member for Sydney, particularly as he is a lawyer by profession, and might be expected to entertain more correct views of the British constitution. He says the crown has the same authority over the peers, that our Executive Council has over the Legislative Council, and that the government has, on several occasions, coerced the Lords. There can be no more erroneous view on the subject. The Queen has no more control over, or influence upon, the house of Lords, than the learned and hon. member himself has, and no attempt was ever made by the crown, upon the independence of the Peers, except once in the reign of Queen Anne, and that violation of the constitution, is in my estimation, one of the greatest blots on the page of English history. To show in what light the insulted Peers viewed that infamous attack on their independence, an anecdote has accompanied the historical fact to posterity, that the Lords, looking upon the new creation of Peers as a death blow aimed at the constitution, actually demanded of the new batch, as they entered the house—gentlemen, do you speak for your foreman?—the question then asked of a jury, on trials for capital offences, when they returned into court with their verdict. The plain English of the question being—“gentlemen, have you come here with a sentence of death to the British constitution?” This, sir, was the solitary occasion, on which the crown dared to assail the independence of the Peers, and for the honor and safety of England, let us pray that it may be the last. It was a direct and flagrant violation of the constitution, and can no more be relied on as a precedent, than could the levying of shipmoney by Charles the First, be construed to authorize the taxation of the people, without the consent of their representatives.

It filled me with astonishment to hear the hon. member for Shelburne move a resolution to abolish the the upper Branch of the Legislature, as a useless and expensive body. A very trifling knowledge of the history of constitutions will satisfy us that a single legislative body cannot exist, with safety to liberty, as the majority must of necessity trample upon and overrule the minority—thus establishing a party tyranny.—The experiment has been tried on several occasions. Look at England, when the parliament, as they called themselves, voted the Lords a nuisance, and sent them home to their estates.—How long did the nation enjoy its freedom after that event? Not for an hour; and what became of your famous House of Commons, after the Lords were dispensed with? Why Oliver Cromwell knowing the company they were fit for, soon sent them all to the devil, and took the supreme power into his own hands. France also tried a single branch, and how did it operate there? Why the majority first trampled upon and then guillotined the minority, and the gutters of Paris had to be enlarged to draw off the rivers of human blood that were shed. The men who composed that finest constitution ever framed by human hands, the American constitution, fully discussed this subject of a single house of legis-

lation, and they discarded the idea as utterly impracticable.

How then, sir, stands the Government before the people, in this imposing debate? and how stand the opposition? The Executive Council are here voluntarily offering to relinquish an important privilege, conferred upon them by the existing constitution of the colony, because in their conscience they believe its exercise dangerous to the liberty of the people, and because they know that in the hands of others it has really proved so. They are offering voluntarily to resign the power of doing evil, in order that those who succeed them may not have the means of doing it. They know that the people are the only source of all lawful power and authority, they feel that it is unjust to the people to withhold from them the privilege of electing the men who are to rule over them, and make laws, affecting their lives, their liberty, and their property.—Those gentlemen who are opposing this bill, having once tasted the power, which a grievous fault in the constitution conferred upon them of controlling the Legislature, and moulding it to their own ambitious views, and now anticipating an early return to office, are straining every nerve to preserve a system of barefaced corruption and injustice to the people. We are endeavoring to confer on the people the power of effectually controlling the administration. They having imposed upon the people a tyranny under the guise of responsible government, are attempting to perpetuate it. Let the people therefore judge between them and us.

MONDAY, March 8th.

House in Committee resumed the debate on the Legislative Council Elective Bill.

Mr. KILLAM.—I suppose, Mr. Chairman, that all parties may take a reasonable view of the question under consideration, and that much more time need not be occupied in its discussion. When the Council was constituted, the best policy might have been to have it composed as at present; and there may be difficulty in changing now, as some hon. members aver. I may remark, however, that none here wish to have that branch continue exactly as it is, constituted just to suit the government for the time being. If a member were wanted there for Lunenburg or Colchester, how would the gentlemen like to see a man selected against the views of the members who represent the county in this house? I think that that branch should be independent, and should not include any who hold office under government. Its members should be so situated, that a government could not force a measure through that house whenever it wished to do so. There is party enough here, without carrying it into that branch also, where they should be above party influences. We would rather see it elected, than of partizan character, and there need be no fear in trusting the people with the choice. At present, some are placed there after being rejected by constituencies, altho' that may have occurred merely because some one else more approved of offered for the suffrages; a man may belong to a minority to-day and a majority to-morrow. I would keep the Legislative Council clear of party if I could. This discussion, however, has been sufficiently protracted; discussion is not likely to alter the views of the majority.



and the public interests are suffering for want of attention.

Hon. Mr. Howe.—Much that I have to say at this time, Mr. Chairman, will consist of a reply to the Solicitor General's remarks of Saturday. At the outset, I may give that hon. member the credit of much good humour. He does not often intrude on the attention of the house, but when he does take part in debate, he generally contributes some satire, some information, some classic taste, and much good humour. If he does not convince, he is listened to with pleasure. The position which he holds in the Province, and the length of his observations on Saturday entitle him to an answer. I will try to imitate his good humoured tone, while I meet his arguments, point by point, and show how unsound his conclusions are.

The hon. gentleman told us that all things in the world change, that the flowers, and the green field, and the rocky mountain,—all the face of nature, and even the speaker of the house change. Notwithstanding that, it appears to me that there is something stable, that may be said never to change; something that we can anchor by, that does not vary and has no sign of changing, and that is the hon. gentleman himself. He opposed responsible government, consistently, from its introduction down to the present hour. He argues in any form, at any time, provided always that he aims at undermining and overturning that system. When Huntington fought for that kind of government, he opposed it. When Gaius Lewis, recently expelled from charge of a light house, sustained improved institutions, he was the same opponent; when the original resolution and address passed he supported the minority, still striving against the new principles; here and elsewhere I expect to find him as to-day, taking the same side and contending for the same views. I did not, however, expect to hear him repeat the old joke about the Indian Council fire, and to aver that the system was not so good as that which governed the wigwams of the native tribes that formerly roamed over the Province. There is one perceptible difference, they sat round the fire and smoked in Council, our smokers retire to the committee room, and leave the fathers here, without listening to their wisdom. The Indian chief Tecumseh, at one time found that his son had been misleading the tribe and breaking through the laws of the nation. He sent for him, and the offender was brought into the centre of the national assembly. He reproached him with his guilt, asked him to give a last proof of his obedience, and to bow his head to receive condign punishment. He did so, and vengeance was inflicted. I am glad that such terrible retributions are not practised now; but I could imagine a venerable man standing over the hon. member, and saying, "Martin, my son, you are misled, and you mislead others, bow to your fate." And I can imagine the punishment inflicted, and the passing away for ever of the offending man. (Laughter.) I am glad, however, that he is not subject to the penalties which those whom he admires visited on their enemies. Let me look to the argument by which he seeks to mislead the house. I do not say intentionally mislead, because I think that he himself is wandering astray.

He enquired, does the government pay the Councillors whom they appoint; and if not, should

not the people who do pay, elect? That sounds plausible enough; but let me ask, do the people appoint any officer, except by the ordinary forms? Do the government directly pay any officer,—and yet who appoints the judges and all those who carry on the public business of the country? The people pay them, and if it be right to say because the governor does not pay the Legislative Council, he ought not to appoint,—then the objection applies to all officers of the state. Does the governor pay himself? The people pay, and if the argument be good, why not that officer also be elected? The argument, however, is good for nothing. The people pay, and the governor appoints, because the province is subject to British forms, and to the spirit of the British constitution. But do not the people exercise power over appointments? Take the appointment of Mr. Dickey; for that the government were responsible to the people, and the responsibility was enforced at the commencement of the session; the Government finding themselves in such a position, that they could barely stave off defeat, in a resolution on the address, finding fault with that. In 1844 the Attorney General appointed persons—perhaps suitable enough but the wrong side—and the effect was to change the complexion of the parties in the country. The Solicitor General must see, that altho' the Government may appoint, the power of the people may be so brought to bear as to cause much caution how the prerogative is exercised.

The Solicitor General resumes the story of the Railway operations. He said that the worthy man Mr. Jackson, was willing to come and make the roads, but we would not let him; and that the present system had gone on with the aid of the Legislative Council. But the country waited a year for Mr. Jackson; we passed the law he wanted;—and he did not come to make a mile of the Railroad, and would not till now, if we waited all the time. What had the Legislative Council to do with that? The question was settled here by a majority chosen by the people. New Brunswick arranged with Jackson, and with what effect? They had to spend £90,000 to get rid of his contracts! He went to Canada and persuaded them that he would make their roads almost without money;—but we know that they had to advance £3,000,000 stg. to him and his company, for which they had no security. Therefore, the hon. gentleman's argument on that was not founded on fact, and did not apply to the measure before the House.

Another illustration given by the hon. gentleman was, that Mr. Tobin, when President of the Legislative Council, exercised a peculiar right of voting on a particular occasion, and therefore he would sweep the body away. If that exercise were wrong, would not a short bill settle the matter? Could not the Executive Government arrange it in the Legislative Council itself, where his friends have a majority? Why should the constitution be changed to guard against that? I always contended that Mr. Tobin had the right to exercise the double vote, and that he exercised it at the right time, for the good of the Province. Now that the Solicitor General holds his position by means of a combination of his friends with Mr. Tobin's friends, I supposed that that old error, if it was one, would be forgiven; although at one time the conduct was pretty sharply criticised.

now, I presume, it would be all right. The Solicitor General may give a chance shot, but the late President's sins of the past may be supposed entirely forgiven, in virtue of support which he now gives to the government.

One observation of the Solicitor General might have been spared: Speaking of the late chief of the land office, he described him as unfit, and incompetent for the discharge of its duties. Under present circumstances that surely might have been left unsaid. Those who recollect James B. Uniacke, as I do, one of the most eloquent, able, and valuable members that ever sat in this house, will think that the Solicitor General might have let him pass, without at the present moment, one unkind word. He said more than he meant to say; more than was delicate. James Uniacke was for years a leader of the conservatives in this house; he led the liberal party also, and led them well. He discharged the duty of Crown officer for years—I do not say as well as the Attorney General does now, or the member for Inverness has—but that he was an extremely able, well-informed Nova Scotian, none who are competent to give an opinion will deny. I do not believe that he was unfit to do the duty of the Land office, when he was appointed, or down to the period when the hand of Providence lay heavy on his frame and his intellect. If the Sol. General goes back fairly and runs his eye over the affairs of the department, he will come to the time when the Crawleys and Morisses had control over all the public lands in the country, and absorbed nearly all their proceeds. Then all was right in the view of the Solicitor General's party, and responsible government should not touch the system. But, through the action of the liberal party, the departments were consolidated, the revenues increased, and improvements introduced. In this way a sum of about £1000 a year was saved, even while two pensions were paid. I do not believe that it was an injudicious act to put James Uniacke into the office, under the circumstances in which he then stood. The present government meditated putting one gentleman there and has put another; I say nothing disparaging to either, when I aver that neither of them, in his best days, was, or could be considered equal to James B. Uniacke; that they were not superior to what he was, perhaps both of themselves would voluntarily concede. I again say to the Solicitor General that he might have spared that thrust; and that his argument on it would be proved unsound, if carried to its final conclusion.

He tells us that we have not got responsible government at all, but if we were about building that fabric by means of this bill, I would look across the house and see who were to be its builders. I see the Sol. General, the Atty. General, the Financial Secretary, who have been consistent in opposition to such government, and I take for granted, that if we wish to select those who would be least likely to advance the principle they would be those who always opposed it. The member for the City of Halifax (Mr. Tobin) acquiesced in the government established, down to a certain period; now, for some reason he seems to think that it may be improved. I say to the house, that those who have vindicated the system and have been faithful to it, are they whose support of it ought to be most relied on; while those who opposed it

ought to be watched carefully by every one who had hand or part in its construction and establishment. We are told not to expect to gather grapes of thorns, or figs of thistles; and I would as soon expect to do so as to obtain responsible government in any intelligible form, from gentlemen opposite. The Sol. General says we have no responsible government; but I would like to get a majority of one or two against his government, and we would try the conclusion with him. We would make him acknowledge the stringency of the principle, which he knows right well, is all pervading in the system—that is now admitted by both parties. He enquires is not the American constitution like this which his party proposes? Suppose that it be so, my answer is that we do not want them; the British constitution is better. Under responsible government the people have more power and more liberty than in the United States. As has been remarked that under our system we can turn out a bad government in a night; under the American a government can hold its position during its term, irrespective of both houses of Congress. If the Sol. General's argument be sound, that is an approach to the American system, that is reason enough why we should be opposed to it. All officers are elected there. According to British system, the Sovereign and the great officers of state are not elected. This is neither American nor British. There is another peculiarity in our system which distinguishes it from the United States. In all the States of the Union, the revenue arising from import duties goes into the general treasury of the Nation; ours flow into our own treasury.

The State of Maine, for instance, has a large revenue, but it goes to swell the general treasury; we being relieved by the parent state from national expenditure, have a surplus revenue, which, if the Elective principle prevailed, would tend to cause a scramble and bring the two branches into collision. We are told that there is no fear of such collision, and that the Elective Council would keep within due bounds. But will they? We go into committee of ways and means now, and do not allow them to touch questions of revenue; we go into committee of supply, but we do not allow them to touch money votes. Could that position be maintained with another body, founded as this is, on the Elective principle? In point of fact we are not copying the American system; if we are, we ought not, having a better one; one more suited to our habits and circumstances.

Let me refer to a team of horses,—and a member for Windsor may speak on that subject,—horses being appreciated in that part of the Province. The hon. gentleman says, that in the other branch three more members are requisite; but I say, that we are now going on smoothly, and even if the other three draw as kindly as those in harness, we have enough already,—and it is bad economy to have six, where three are sufficient. When the others are put in, also, may they not become breachy, and kick? We now travel smoothly; and if difficulties occur, the power of dissolution may intervene, and the whole Elective team be sent about its business. The Sol. General, however, is going to tackle in horses that cannot be thus unharnessed, which will hold their places for eight or nine years, without the power of taking them out of the shafts.

The hon. Solicitor General gave the speaker a

hit or two in his remarks, and, alluding to a former time, said that he had changed and that he went over into rich government pastures. I was cognizant of most of the negotiations that went on since he assumed the position which he occupies; and may say with all fairness, that he never pressed on the party when he had the power of urging his claims; he might have had high office and be more richly remunerated; but he chose to consider the chair of the house a high position, as I think it is, and to be content with that honour. The Solicitor General must acknowledge that that hon. gentleman fulfils the duties of the chair with ability and delicacy. He did not like his speeches however, and thought it not well that a speaker should meddle in debate. The house has often listened with pleasure to the late speaker, who used to come down into debate almost every day, and seldom allowed any question of importance to pass without giving his opinion. I had the honor of holding that position two years, and did not consider myself the silent slave of the situation. I was the Speaker of the house, and was a representative of the people also, and had not only a right to express my feelings, but an obligation to do so, when that seemed requisite. The speaker should be in the position of a representative of the people, with perfect right to come down on the floor and give his opinions on great questions.

The Solicitor General remarks, that some at this side avers there should be a two third vote to carry such a proposition as that before the house, and he enquires had we such a majority when we overturned the former Council. I answer in the affirmative; the address of 1837, in reference to that Council, and almost every resolution, was carried by nearly such proportion, and at the final vote, but four members recorded their names against the address. If he examines he will find that there were commanding majorities on all these great questions. I was amused at another of his similes; he compared the Attorney General to an expert angler, and me to a magnificent fish, and intimated that he had me nearly bagged and landed safely. The remark reminded me of the verse of Peter Pinder, who denounced the gentle piscatory tribe, and exclaimed, "O give the gentle trout the power to pull the rascal in;" and sometimes when the Attorney General thought that he nearly had me bagged, he found that he had caught a tartar; like the Irishman who called out to his officer, "I have caught him, sir." "Bring him along then," was replied. "I can't, sir," "Come yourself then." "He won't let me." (Laughter.) I did not say that the leader of the government should go up to the Legislative Council, and turn out those who defeated the Halifax Railway bill last year; but English practice makes harmonious action imperative on the ministry there. Members may recollect the great case, in which Huskison undertook to give an independent vote, when the Duke of Wellington was Premier. He said he acted as an individual member. The Duke replied "you may possess your opinion, but my paymaster must vote for the government." If the question alluded to here was not a government measure, members had a right to exercise their judgment on it: if it were, the Attorney General had a right to say, gentlemen I may not interfere with your free action as members of parliament, but I must keep

you together, and take care that members of the government act on a uniform system. It will be no answer to me if the Provincial Secretary turn, as he has turned, to what the member for Inverness did when he was leader of the government; if a bill were lost then and he did not apply the constitution to the case, that is his concern; and does not affect the general argument, that a government may properly use its influence to carry measures through both houses of the Legislature. The Solicitor General said, in reference to the existing system, that we lived either under an oligarchic tyranny, or a democratic despotism. I ask him to cast his eye on the opposition benches, and see there the member for Inverness and his political supporters. Is that evidence of an oligarchical tyranny? Are not they those who administered the government a year ago? If we were under a tyranny could they be displaced, and so easily? Their very position proves that no such tyranny exists in this country. Power now is at the other side of the house. And are they an oligarchy whom we cannot dispossess? None of them imagine so, even in their sleep. The Solicitor General may have made up his mind that if chaos did come again, the chances are five to one that a man of his talent, and size, and good humour, would be likely to raise to the surface, and therefore he is not very solicitous about the matter. (Laughter.) If he consults his colleagues however, he will find that they do not believe that they hold the tenor of any such oligarchy; they do not suppose that their claims to authority cannot be upset and overturned by a vote of want of confidence.

Let us look, Mr. Chairman, to the guards and checks which we have here. First, this house must go back to the people every four years; check the first meanwhile any member whose conduct is disapproved of by his constituency, may be called to resign; that is check the second. The Legislative Council, such as it exists, also exercises a controlling power, that is check the third. The Executive Council is responsible to this house and the people, check the fourth. And then the Lieutenant Governor, as a branch of the State, presents, by no means, a trifling check. It may be supposed that he is denuded of power under our present system; I differ from that view. To a large extent he exercises a controlling, guarding power, and a reasonable check, only used for good purposes generally. I ask the Solicitor General have we not another check? He heard his colleague, in urging the Mining arrangement, ask again and again, what would the British government think of your propositions? That implies another check, and a powerful one. The house will not run wild on any question, without weighing the power of public opinion across the water; and an additional check of like character, is the power of public opinion in British North America. The Provinces are not united yet, but the power of public opinion runs over all, and is acknowledged in each.

I will give the Solicitor General an illustration, of the power possessed, as a check to legislation here, by the British Government. Last year we passed a Bill giving certain privileges to an Atlantic Telegraph Company. The measure went to England, and met with objections from Her Majesty's Council. It came here recently, with a despatch, stating reasons of its disallowance; and we

amended accordingly. Take our system, from first to last, and there are abundant checks and guards, and at the same time, immense appliances, in favour of British liberty.

I was amused at what the honourable gentleman said, concerning some eight or nine artful men, as governing the Province. He could not mean us; we are not the government; we recline in the cold shades of opposition. Where did he see the artful men? It must be at his own side, and he may be excused for exclaiming, "save the country from me and my friends." Unless I am mistaken, however, there are not so many as he reckons. That there are two or three pretty artful I admit; but that the others have not got so much art, or skill, as to frighten people, some of us have come to the conclusion. That there are two or three, artful enough, and that the others follow, like a flock of sheep,—we agree. The Sol. General knows that an appointment made to the Legislative Council recently, was unwise and improper; that it was made by the artful ones; and the Solicitor General finds the hook in his jaws, and cannot move. He knows it was wrong, and who did it; he got hooked that time, and cannot help it. If he is not a big fish, such as he alluded to, he is a pretty large member for Pictou, with that hook in his jaws. (Laughter.) He says much is done here by means of champagne. Down come the unsophisticated country members, he says, but here they become corrupted, by champagne and similar appliances. I hope that is not the case. We understood, that the leader of the Government, and the Provincial Secretary, were members of temperance societies; were advocates of the liquor law; and it is impossible they could be accessory to the pouring of champagne into the heads of people opposite. When the Mines and Minerals question passed, I thought that something had got into their heads, but had no idea that it was what the honourable gentleman alludes to. Far as I know, no one attempts to corrupt any at this side, after that fashion; and I suppose it to be confined to the gentlemen opposite. I did hear of a celebration, towards the close of last session, and of champagne flowing then, but I hoped that the fumes had gone out of their heads since, and that the corruption spoken of from that source, was not to be expected at present. If a glass of champagne, however, had the corrupting influence described by the Solicitor General, would there be a bit of himself left here, would he not actually have crawled off these benches? He may have a maggot or two in his head, but I do not think he is in such a state of corruption, as his own words might indicate. He says the Government are very powerful; we do not think so. We do not think they have more power than would do them good, if they made a right use of it. Here they have kept us five weeks, and scarcely done anything, except to decide one question with difficulty. He says, that they are afraid to trust themselves with power; we may share that sentiment with them; after what they have done, they ought to be afraid. Any who observed how they have abused their power within the last twelve months, may well be afraid to trust themselves with power,—we may share that sentiment with them; after what they have done they ought to be afraid. Any who observed how they have abused their power within the last twelve

months will be afraid to trust them with more. When we come to discuss their various exercises of authority, we will have reason good for that, if I mistake not, and we may agree that it is time some other checks were applied to such demonstrations. He may find, bye and bye, when we come to discuss principles and practice, that there is much which he did not allude to to justify his opinions. He says that they offer to give up power, but the opposition will not allow. What is to hinder them from resigning to-morrow? The artful fellows to whom he alludes may throw up that exercise of power which he thinks to be so unwisely given.

The hon. member handled his colleague rather roughly, and intimated that he might be expected to be whipped with scorpions when he went home. Why? What has he done? Whom should the people of Pictou be angry with? Was it not with those who took the second member from Cumberland? Who did it? I do not say that the Solicitor General did, but his political position makes him responsible for it; McDonald is not. Whom ought the County whip with scorpions? Him, or the man who had nothing to do with it? He says that in a few months the Legislative Council might have a member for Pictou. I say Providence has again interposed; there is another vacancy now, and Pictou may have a representative in one day. The Solicitor General knows that to-morrow he can have a representative if he wishes. He can, and if he do not, the County will know which of its representatives here are to blame.

The learned gentleman paid me a compliment; I may draw a little, but do not profess to be a good artist. He spoke of my white-washing, and wished that the member for Windsor should white-wash him as he did the member for the County of Sydney. But if I did put the brush on as he wished, it would be like painting the lily, or gilding refined gold. I fear, however, by the accounts he gives of his colleagues, and the bad company he appears to have got into, that bye and bye the Sol. General will require much white-washing; and that, unless he flies off the wicked, and gets away from the artful men, before I should have concluded with him, he would turn the Gulf of St. Lawrence into the Black Sea. (Laughter.)

One argument does require an earnest answer. He says that the Sovereign of England has not power over the House of Lords, and does not influence it. I might give illustrations that the Sovereign does possess power to influence that house, and the opinions held there. Several of the offices of the household are in the House of Peers; and it includes many of the land holders and aristocracy, men looking to rank and station and likely to be influenced by the Sovereign of the kingdom. Fox's India Bill was a measure for transferring power, similar to that talked of in modern times. It had been sustained in the People's House, and a determination existed to press it through parliament. When it arrived at the Lords, George the Third determined to defeat the measure, and to turn out the ministry; and he did so by influence exercised on that house. That is an illustration that the Sovereign may exercise power there to a large extent. The general scope of the learned gentleman's argument I admit to be correct. That House may claim high political

characteristics of independence and intelligence, which entitle it to the respect and confidence of Englishmen, down to the present day.

I do not feel called to discuss the resolution of the member for Shelburne. He seems to have said, "If you are going to overturn the constitution, to upset the second branch, let us all have a trial; here is my plan, and it will save about £3,000 a year." Why should they who advance and support such views be blamed, when government sets the example? This measure, I think, should not have come from that side. The ministry might have waited till the change was introduced and pressed by the majority of the house; they should not invite discussion on a speculative point like this. If I were disposed to try out conclusions in favour of the resolution of the member for Shelburne, much might be said; but it is not requisite to defend a measure for which I do not intend to vote. Much has been said of the American system, but I repeat that a majority here can turn out the government to-night; while a dozen hostile votes might be recorded against the American Cabinet, and they continue to hold their position. There is no analogy between our constitution and theirs, and I believe ours the superior. The Queen has the power to reject a bill brought up from the two houses, but that right has not been exercised for nearly two centuries. Under responsible government here, it has not been exercised for a series of years. But if we turn to the records of the United States, we will find that hardly a session passes that the President does not veto a bill passed by the representative branches. We prefer our system, because it gives us more liberty; and is more in accordance with the institutions of the mother country. Before this measure be pressed, you ought to give the people an opportunity of judging it for themselves.

I hope, Mr. Chairman, that in dealing with the arguments of the Solicitor General, I have not transgressed the proper bounds of debate, have not taken undue liberties with his speech, nor departed from the courtesies that ought to mark discussions of this house.

The member for the township of Digby favoured us with a speech which I was at a loss to understand. He gave us some stale views, not very interesting or correct. He told us that about £1000 would be added to the expenses of the country, if we did not pass the bill. I did not exactly understand that, but he has gone from under my wing, and probably nothing that I say has much weight on his mind. I will, however, give him the opinion of one, for whom he expresses much respect. I ask his attention to a few paragraphs taken from a speech made by a learned gentleman on a certain occasion. (Mr. Howe here read from a published speech made on a former session, by Mr. Wade, in favour of responsible government, and against the Elective principle, as applied to the Legislative Council in the Bill of 1852.—Mr. Wade—Read the last clause.—Mr. Howe continued:) Yes, there are many last clauses to such displays, but that is the able and powerful speech made by the member for Digby himself in 1852; incomparably more able than that which we heard on a late evening. There is a saving clause, in which he says that though these were his sentiments then he might possibly change his mind. I impute no motives for the

change, but hereafter when I want an argument against the Elective Council Bill I know where to seek it; and I do not consider that so able an argument has been made for the measure at this opportunity.

Some misapprehension exists as to the vote of the Legislative Council on the Halifax Railway Bill. The members resident in this city did vote for the amendments to the bill; it was sent here, the house adhered to its view and sent it up with the amendments rejected, and then two residents of Halifax withdrew their opposition and voted to reject the bill. The member for Victoria and I, therefore, may both be right or both wrong according to the particular time referred to; it does not make much difference, however. That gentleman has made some gross insinuations in reference to me: He says that because he voted against a gift which the house chose to give me, in reference to what they thought a public service,—therefore, I laugh at him occasionally. 13 members of the house voted against that, and not one of them I hope, but himself, supposes me capable of referring to it in the way to which he alludes. He talks about being bullied. I stood here as a member of government for years, with a majority at my back, and did I bully any during that period? I may from time to time indulge in railery, but I do not desire to take any improper advantage. See, he says, the "Great Joe," "Governor Joe." He may not be aware of it, but the highest title that might be conferred on me to-morrow, I would not be more proud of, than of the old title. It is known in every county; there is not a part of the Province where "Joe Howe" is not known for good or evil. (Laughter.) That name is not likely to die in a hurry, in this part of the world. I may never reach the elevated rank he confers on me; but I feel that if others have acquired position so may I. It is not in mortals to command success, but it is something to deserve it. If any ever should find me in the Gubernatorial chair, it would not cause as much surprise as to see him in the Executive Council. It reminds me of the fly in amber—"we know the thing is neither rich nor rare, but wonder how the dickens it got there." (Laughter.) After what we have seen, the camel going through the eye of the needle, may not be such a wonder as it once was. (Laughter.)

I now ask attention of the house to a few scraps of doctrine and argument volunteered by the Prov. Secretary. I am glad that he is becoming well understood in the province. He took liberties in debate last winter; and last summer I rather think he rushed into print, at some disadvantage to himself. The probability is that by this time he has found that dabbling with the press is not so amusing and so creditable as he thought. He may have found that all the Tupperts in the western country put together, are not more than a match for the gentleman whose knowledge he still seems to disparage. He took me to task at an early part of the session, and said that the member for Windsor had occupied the time of the house for an hour and a half, without giving any information. I felt rebuked; but I have sat here for five weeks, waiting for his enlightenment and waiting in vain. Compared with the masterly argument of the member for Colchester, on a late occasion when he sustained the government,—or the eloquence of the member for Inverness,—



or the elegant appeal of the Speaker, what did we hear from the Prov. Secretary worth a moment's consideration? I may not instruct the house, but one thing is evident, that if we have no greater instructor than he, we would sit here for a long time before we had sufficient information for carrying on the business of the Legislature. The learned member for Sydney made one matter pretty plain,—that when the Provincial Secretary jockeyed him out of his office, he did not out of his brains. I would take that gentleman's one speech for all the Prov. Secretary may say to the end of the chapter. We all admit that the leader of the government has talent.—the Sol. General good humour,—but will any say that we are under any obligation for information or argument, or valuable statement, on any subject, to the Provincial Secretary? I think not; and it behoves him not to rise as he does, adverting to others, with considerable bad temper and not much good taste. He spoke of the moon and the stars, but it appeared that his knowledge of these was about as great as on other subjects more familiar to the house; and I thought that if I were going to name a star after him, I would call it scorpio; he seemed to be wandering about the milky way, but without much of the milk of human kindness. He alluded to the member for Windsor seeking for cheers by alluding to the poor woman suffering in consequence of the price of coals,—and went on to assert that the price of coal had come down. But, I ask, are not the prices of all articles down? Mackerel, flour, molasses,—all have lowered in price, and why should not coal too? Does he mean to say that the Mining Association has brought down the price? (Prov. Secy.—Yes). They will regulate their concerns according to their own interests,—if coal fall in the United States, it will fall here,—but the company will not give it to you cheaper than they can sell it elsewhere; except that while they were fluttering between two bargains, they may have done something to quiet public fears in the province. The reduction in coal arises from general causes which operate on the commerce of the world. I fear that the old woman is not really going to have her coal cheaper, without competition takes place, and I see little chance of competition under the bill recently passed here. A majority thought otherwise, and I hope that their views will be realised, in reference to the interests of the province. The Prov. Secretary alluded to a bill lost in the other branch, and on which members of government there did not agree. But did the member for Inverness, the then leader of the government turn round and say, that because that happened he would overturn the Legislative Council? No, and the argument therefore does not apply. The Prov. Secretary speaks of a vacancy occurring here, and enquires would delay in supplying it be made. I answer no, because government would be restricted by the law; the issue of a writ would be considered obligatory;—but in reference to the other house, no law applied, and the appointment became a question of policy. They might have waited at least until their supporters came together. A few years ago the chancery court was abolished,—but I believe if the Atty. General were at the head of that Court, much as he and I differ in politics, that it would be in existence now. Much depends on the man. By

some means public opinion was brought to bear against that branch; a gentleman is placed there without the sanction of any constituency,—or of the house,—and the next step is to see the people rising and moving that it be abolished,—that it be swept away,—that it be made elective;—anything to get it out of the way as at present composed. The Prov. Secy. spoke the other evening of the valuable services of Mr. Dickey, as qualifying him for a place in the other house. When I contested the county of Cumberland, I met that gentleman, but after one day's fight I did not see him again on the field;—and at the hustings his display of ability would not exactly qualify him for a seat with the Grand Jury. (Prov. Secretary.—On the hon. gentleman's way to Canada, did he not meet Mr. Dickey, and did he not then discuss public questions for hours with him?) Mr. Howe continued—It may be so, but he did not convince those who heard him. My private letters were spoken of,—I did not care to go back to them,—but may remark, that a single one of them published in England, satisfied persons there and here that I did not speak without book. I say that no discussion with which I am acquainted, entitled that gentleman to any particular niche in the institutions of the country. I remember when he came before a committee of the house, and made statements concerning Mr. Jackson's contract with New Brunswick which were afterwards found to be mistakes. I do not wish to refer to that unnecessarily, but the Prov. Secretary must not lug everything he can concerning Cumberland into these questions, except he wishes us to be here until June.

Another point which he thought proper to introduce, was the subject of Insurance; and if we were about to insure the government from being overturned, to ensure the tenor of the other House, the topic would be appropriate. But why bring it into this discussion, except to give color to the charge and the slander against Mr. McCully, and to try to make it appear that that gentleman was accountable for the iron lost in the Bay of Fundy. I know, as the Prov. Secretary does, that Mr. McCully was no more to blame on that subject than any other member of the Board. But he says, we insured and saved the Province £19,000 during the summer. Indeed!—is that the case; is the credit due to the present government? I sent to-day for the letter to Messrs. Baring, by whom the Railway iron is shipped,—and I find general instructions from the Board, ordering that all iron sent across the Atlantic for the Nova Scotia Railway, be insured;—and by whom was that letter signed?—why by Jonathan McCully, in the absence of the Chairman of the Board. And yet his name is to be drawn into this debate, as chargeable with the loss alluded to, and as if in spite of his views, the government had recently saved, by insuring, the sum of £19,000. If that were sent by the Messrs. Baring without insuring, it would be contrary to the order signed by Mr. McCully;—concerning iron going coast-wise, insurance was left optional with the Board. We are told that government has insured the Lunatic Asylum; if all we hear is true, they ought to insure it against tumbling down—but I call attention to a view of some importance. We may value this Province Building at £100,000,—Government House and furniture, £50,000, which, with Light houses and other buildings, would amount to

nearly £200,000 worth of property on land. To insure that at one per cent., would come to £2000 a year; and in a half century such outlay would amount to £100,000, which would be lost to the country, on the principle of applying insurance to the public property. The Provincial Secretary would find some difficulty in convincing the public that his policy on that subject was the best. We had a yacht, also, for about 30 years, valued at about £1000, uninsured. Taking that and the other property, I venture to say, that the Province has gained, by not insuring, an amount that would astonish those who have not made the calculation. I might also allude to the property coming from Sable Island, uninsured; and when the amount of insurance payed on Railway property, comes to be understood, the house may have some doubts as to the propriety of a government insuring it. I hold under my hand a resolution of the house, directing the Board to insure iron coming from England, and that going coast-wise, if in their judgment that should seem right.

The Prov. Secretary tried to make some capital of what I said about Mr. McNab. At the time I did not feel called on to say more than the gentlemen of the other branch were of fair average intelligence,—and I spoke of the Chairman of the Board as a good financier. I said also that he should be here and that he rarely, if at all, visited the works entrusted to his care. I may have been mistaken; but none here seek to disparage that gentleman, nothing has been said but what is open and manly, and which need not be objected to, even if made in reference to a man whom you esteem.

The Provincial Secretary goes to the old story, about an illustration of mine, concerning a rotten orange. An explanation to that has been given a dozen times. It was proposed in 1838, to divide the old council into two bodies, making neither responsible to the people; to that I applied the simile, arguing that responsibility should be infused into one of the branches. The illustration is not now applicable, and the Prov. Secretary might be better employed than in seeking to make it so. Mr. Huntington's opinions were quoted as valuable. I dislike fighting over the memory of an old friend, or of saying anything that could wound the ear of those who hold him in respect. He did foresee the cost of the railroads of the country, and was opposed to the policy by which they originated. Whether his opinions were right or wrong, remains to be proved. Wherever he is, looking down on these scenes, he believed then, and believes now, that, right or wrong, I was sincere; and I believe, that right or wrong, he was sincere in his views. But what are we to say of men who one day come here, denouncing the railroads, try to alarm the country, declaring that the province is imperilled, and about to be ground down by the enterprise, —and the next day brag of having made forty miles of railway, and of commencing a negotiation to make sixty miles more; and who almost fly in your face if you find fault with their railway policy? Mr. Huntington did not foresee that. I believe the province need not be ground down if it understands its own interests; but we must have consistency. Government must abide by the policy, and take the responsibility, or stop the works. Huntington did not foresee that any bearing his name would be discharged from a paltry office for expression of opinions. He did

not foresee that Lewis, the friend of Huntington and Robicheau, would be driven from charge of a lighthouse because he would not bow the knee to Baal, and give up a spirit of independence in his latter days.

I wish to avoid financial discussions till the proper time; but the language of the Provincial Secretary was intended to cause the impression that extreme burdens were induced, and financial difficulties brought about, by our Railways. In answer to a question, however, the Financial Secretary tells us, that up to the present, the Railways have taken altogether only £37,000 from the general revenues.

Will the Provincial Secretary make the people believe, if difficulties exist in financial affairs, that such have been caused by any payments yet made towards the Railroads? With a revenue of £150,000, the expenditure stated does not warrant him in standing up and denouncing those who introduced the Railway policy. The hon. gentleman gave some lectures about figures of speech, as well as stars;—he spoke of the oak and the willow; but there is another tree called the birch, and I venture to say, that any good schoolmaster would apply part of it to any boy who made half the gross blunders that he does. He talks of giving an additional blessing by this bill to the Province; but as he understands the term, there is such a thing as being blessed to death. Because a man has one wife, he may not wish to have two. "Two many cooks," we are told, "spoils the broth;" and if we had two of these Elective Chambers, our broth might be spoiled, or some of us have our mouths scalded before all is over. If the hon. gentleman cultivated the character of the industrious bee more, and less that of the hornet, he would be a better member of the House. The bee is industrious, and brings honey home; the hornet is only known by its sting.

ATTORNEY GENERAL.—Is it fair, after speaking so much about wasted time, that the hon. gentleman should give us the speech of last session again?—he gave us all about the bee and the hornet at that time. (Laughter.)

Mr. Howe continued.—If so, I have forgotten it,—it is true at least; as it did so little good then, the repetition now may be of no harm. I will not go into some particulars, which I intended to notice; but the hon. gentleman referred to a gift from the House, to me, and made intimations of my having bled the Province to rather an enormous extent. I have seen about thirty years of public service: the first office that I held was the Chair of this House—during which time I expended about double the amount of the remuneration. The next office yielded £500 a year, while I would have enjoyed 7 or £800 in prosecuting my own business. I resigned it, and passed four or five years doing the work of the country in the only way in which it could be done; and in the summer next after the change of government in 1837, I travelled four hundred miles, and delivered fifty speeches,—any one of which, if made by the Attorney General in any of the Courts, would bring him fifty guineas. (Atty. General.—No—no.) (Laughter.) As to the service referred to by the Prov. Secretary, after I returned from the United States, I found that the Government of the day had advertised for a loan to carry on the Railways; and that £20,000 could not be thus

realized. I was commissioned to go to England, and conduct a negotiation for obtaining the desired capital. I was a public officer, drawing a salary, and I went, not expecting any pecuniary profit. I discharged the duty entrusted to my care to the best of my ability. The result was, that when I returned, the Province had a million at its credit, and was relieved from heavy taxation for the time. A great public work was aided and its prosecution insured by that operation, and the Legislature made me a present, generously, of £500. That possibly may be a cause of reproach to the House or to me; but Sir Allan McNab, of Canada, received from a private company £5000; and, I suppose, that if I went to England, and transacted such business for a private firm, my reward might be expected to be equal to the sum I obtained. I have, as I said, been thirty years in the public service, and I am not much richer now than when I commenced. I do not regret my services; I do not complain of being requited in any narrow spirit; I still can earn my own bread,—and I say to the hon. gentleman, that I think such references might be spared. I am content, however, to be judged by the House and the country. I have not served Nova Scotia for money; I have not hoarded it; what the country gave, it got back. I fear no taunt connected with pecuniary concerns, and do not regret the references which have drawn forth these explanations.

The measure before the House has been brought here by ministers, and, as I think, unwisely brought. I see no good to arise from it; if passed by a small majority of what effect will it be? If rejected, so much time will have been wasted to little purpose. The member for Sydney well said, that this is the most important measure to be brought before the House this session. It bears with it the doom of the second branch of the Legislature. If it pass it gives sanction to republican institutions; and you will not stay there,—you will come back next session with other similar projects,—and the elective principle will proceed beyond what is at present conjectured. (Hear, hear, from the member for Horton. Mr. H. continued). The hon. gentleman who calls, hear, is consistent,—I believe he prefers the constitution of Massachusetts or New York to that which is established in Nova Scotia,—but there is no reason why others should aid in introducing the novelty,—and some at his own side, if I mistake not, feel that the measure has been brought here unwisely, and without due requirement. Whether the bill pass or not, it should not occupy much more time. If I have trespassed too much on the attention of the House, it is because others adopted a line of remark which I felt more particularly called on to deal with. If any of the Solicitor General's arguments remain untouched, I may have opportunity at a subsequent stage, of hearing what I have omitted, and answering, if that be requisite.

Hon. Attorney General.—In bringing the question to the notice of the house, I did not occupy much time, and since then have not spoken on the question with the exception of a few rapidly expressed observations. The whole field of argument lies before me now,—but I agree with the member for Windsor, that public business presses on the house,—and if members agree to come to a decision I will forgo my right to close the de-

bate, and let the question be taken without more delay. The member for Windsor preached about economy of time but did not practice accordingly;—his speech of to-day went to satisfy the house that the charge made by the member for Victoria was about true; that the hon. gentleman's share of debate protracted the parliamentary session some fifteen days. I listened with pleasure to much that he said, and to which I would like to give reply,—but I forego that, and have tried hitherto this session to restrain extra debate. I hope that the house will now excuse me for withdrawing from the discussion, for the purpose of allowing the question to be taken without further postponement.

Subsequently to a call of the house, and to brief remarks by hon. Mr. Young and Mr. Henry, concerning the close of the debate,—The Speaker moved that the bill be deferred for three months.

For this there appeared on division, 26 against 26,—the Chairman gave a casting vote against the proposition.

Hon. Mr. Young read his amendment.

Atty. Genl.—It is of the same effect as the last question.

Hon. Mr. Young.—It is on very different ground.

Atty. Genl.—To vote for the amendment is practically to negative the principle to render the Bill imperative. Those therefore who are really for the principle, practically, should vote against the amendment, because it would have the effect of defeating the object.

Mr. Young.—Will any government carry out such a bill with this majority? If the principle is correct let the house do what is right;—and if the Legislative Council refuse to pass the measure as amended, that branch can be reformed. The house has the example of 1852, and of New Brunswick, and should do what is right.

Attorney General.—Circumstances are changed, the Legislative Council is paid now. To send the amended bill up would be to ensure its rejection. New Brunswick did not pass such a bill as one which his amendment would be,—nor Canada; the principle was secured there, as the bill before the house proposes, by sustaining those who are in the second branch, and introducing members by election from time to time. The amendment, while professing one principle effects another.

Mr. Young.—The Legislative Council are paid in New Brunswick by a perpetual vote. In Canada the remaining members of council felt themselves degraded, bowed in influence and authority, when the elective members were placed alongside, and the effect would be so rapidly abolish the nominee system. The sound principle is to attempt to do what is right.

Attorney General.—The hon. gentleman violates his own consistency by his efforts. At the commencement of the session he alluded to the mention of the measure in the Governor's speech, and said that no bill, except such as that introduced, would be adopted by the other branch. According to his own declaration, and the nature of circumstances, his proposition, in effect, defeats the measure.

Mr. Howe.—For all practical purposes the measure is gone now.

Attorney General.—We will see about that.

Mr. Archibald intimated his wish to propose an amendment.

Mr. Young withdrew his proposition.

Mr. Archibald declined moving as he intended.

Attorney General—To relieve the learned member for Colchester from his extraordinary difficulty in framing a proposition to express his views, I do not oppose the withdrawal of the amendment.

The first clause of the bill was adopted, 26 to 26, with the casting vote of the chairman.

The committee adjourned. The House adjourned.

TUESDAY, March 9th.

House met at 3 o'clock.

Mr. Munro asked special leave to present three petitions on a subject already before the House from Allan Kitson and others, John McNaughton and others, and William Jones and others of Victoria, against any change in the mail route across the Gut of Canso. Referred to Post Office Committee.

Hon. Mr. Young presented a petition on the same subject from numerous Inhabitants of Inverness. Referred to same Committee.

Also a road petition from Lake Ainslie.

Hon. C. J. Campbell presented the petition of the Inhabitants of Victoria on the same subject, of the change of mail route. Referred to Post Office Committee.

A message from the Legislative Council

The Clerk announced that the Council had agreed to the Bill on the subject of the Mines and Minerals without amendment. Also to the Bill to extend the operation of certain grants of land, passed since 1826 with an amendment.

The bill as originally passed applied only to grants passed since 1826. The amendment of the Council applied the operation of the act to all grants whether passed antecedent to that year or since.

The Hon. Attorney General agreed to the propriety of the amendment.

Hon. Provincial Secretary by command laid on the table a return of the extra claims of contractors on the railroad, together with the reports of Messrs. Laurie and Forman thereon. Referred to the Railway Committee.

Mr. Martell asked leave to present the petition of Archibald McPherson. He stated that a year or two ago some prisoners escaped from Guysboro' gaol to Cape Breton. A Mr. Hadley had been employed by the government to pursue them, and he had employed the services of the petitioner who now prayed the house for remuneration for his services. The petition was not received as the time for presenting private petitions had passed.

Mr. Wade as chairman of the Committee on Private Bills reported three Bills without amendments.

Mr. Shaw asked special leave to present two petitions from Annapolis, against the steamboat arrangement proposed by Mr. King. Referred to the Post Office Committee.

The house resolved itself into Committee on Bills, and passed a number of local bills previously reported from the Committee on private bills. The committee adjourned. The House resumed and the several bills passed in committee were reported.

Mr. Henry reported in part from the Post Office Committee, signed by six out seven of the committee in favour of Mr. King's proposal to run a steamer between St. John and Windsor, and St. John and Digby, twice a week, for the sum of £1000 a year for four years, from this Province and a like sum from New Brunswick.

The committee also recommended the sum of £25 to be granted yearly to the steamer *Experiment*, to carry the mails between Annapolis and Digby, in connection with Mr. King's steamer.—The Report explained the details of the arrangement.

The hon. chairman stated that the committee thought that as a general principle such services as this should be put up to tender and contract but in this case they were afraid from the difficulty that existed in procuring suitable boats, that a first class boat would not be obtained in that way.

Mr. McLellan did not sign the report because he thought that this service should be put up for tender and contract, he also thought the time (four years) was too long.

The hon. gentleman (Mr. Henry) went on to explain on detail the terms in which it was proposed to give the grant.

Mr. Shaw said there were several petitions before the House against the arrangement recommended by the Committee. The people of Annapolis were against it as they wish the two routes to be kept separate from Windsor to St. John, and Annapolis to St. John. He believed that both the Inhabitants of Yarmouth and Annapolis would be opposed to this arrangement.

Hon. Atty. General also spoke of the objections on the part of the Annapolis people to this recommendation of the Post Office Committee. It was feared that the small Steamer *Experiment* would not answer the wants of that County, as she was not equal for the purposes of transport. It would give more general satisfaction if a grant was made by the House for a sailing vessel from Annapolis to St. John. He would ask the report to lie on the table.

Mr. Annand remarked, that the views just expressed by the member for Annapolis had received the attention of the committee, and they had decided that if they adopted those views, the Bay service could not be properly performed. The question to be considered is, whether the interests of Annapolis should be paramount to those of the whole province. The committee were convinced that the small steamer *Experiment* was sufficient to accommodate the Annapolis people; if it turned out otherwise, the house would probably provide for that service.

Mr. Wade.—It was of no moment to the inhabitants of Digby whether the boat stopped there or went on to Annapolis. He believed that only a small portion of the Annapolis people were opposed to this measure. He looked upon it as a great public measure, and should be treated superior to local interests. Mr. King informed the committee that it was impossible to run a large boat to Annapolis. He (Mr. W.) had written to the proprietors of the small steamer "*Experiment*," and they stated the boat was competent, and they were perfectly willing to contract for the service of connecting with Mr. King's boat.

Hon. Mr. Young thought this a matter of great

importance. There were two things to be considered. First, a boat should be obtained to secure the confidence of the public. The next thing was to require nothing more than the boat could fulfil, and see that the service is faithfully performed. There may be great weight in what the member for Annapolis said, as to the difficulty of transshipping cattle to St. John by a small steamer, but we must look at the interests of the whole province. As to the delay of considering the report of the committee, he believed that Mr. King was waiting to go in the steamer to Boston, which might arrive to-night, in order to make his arrangements, and therefore it would be wrong to make him lose a fortnight. The idea of another grant of £500 a year for the Bay service, in the present state of our provincial funds, was out of the question, which would be necessary if the two services were separated.

Mr. Wade and Mr. McFarlane both stated that the sum of £200 had been paid last year for the services of the steamer "Experiment;" this would not be granted this year, and therefore, so much would be saved.

Mr. McFarlane also explained reasons why the committee could not recommend the extension of the route to Annapolis. The steamer was also required, by the new arrangement, to touch at Parrsboro', to connect with the railway route.

Mr. Shaw had no desire to lose time, but he wished the rights of his constituents to be respected. This arrangement should not be agreed to until a drawbridge be made over Bear River, to make the mail route to Digby perfect.

Mr. Henry further explained, that last year the sum of £500 was paid for the line from Windsor, £75 for the boat touching at Parrsboro', and £200 to the small steamer "Experiment," making all £775, for three trips a week; and even then they could not get a person to enter into a contract for that sum. Considering the importance of the route from Windsor to St. John, he thought that the people of Annapolis should not complain, as they would be put in connection with the line by the small steamer. It should be considered also, that the present mail arrangements would harmonize with this proposal of Mr. King.

Mr. Moses agreed with the member for Inverness, that it was necessary to have a boat commanding public confidence. He did not think one suitable for the Bay service would do for the River service. He had understood that the Messrs. Hatheway, of St. John, had intended to run a fine boat, called the Emperor, across the Bay. He did not think the "Experiment" was sufficient for the purpose required.

Mr. Shaw said that he thought that if the matter was thrown open to competition, Mr. King would agree to run his boat to Annapolis, especially as Mr. Hatheway would also tender. He thought that the two routes from Windsor and Annapolis should be kept separate.

Mr. Howe was not well acquainted with the circumstances of the case. He was aware of the practice pursued on the route between Portland and St. John. On that line small boats ran down from St. Andrew's and other places, to connect with the large one to St. John.

Hon. Financial Secretary said nothing could justify this vote but the importance of opening up communication with New Brunswick, in connection with the railway. He hoped that the member for Annapolis would not propose an

amendment, as he thought the committee who had considered this matter were best calculated to decide upon it, as they had given the subject quiet and calm consideration.

Mr. Wier thought that if a good small boat were provided to run on the Annapolis river, it would be better and more convenient to the people than to have a large one. He was much pleased that the committee had recommended the grant for this service.

Hon. Provincial Secretary enquired whether the proposal of Messrs. Hatheway of St. John had been before the committee.

Mr. Henry.—It had, but no distinct proposal as to terms had been made by those gentlemen. It was merely an offer to run a steamer. It was felt necessary to decide at once. If the committee had waited until communication was had with Messrs. Hatheway, so much delay would have occurred that the committee would not have been able to avail themselves of Mr. King's offer, which they thought likely to prove most advantageous.

Mr. Churchill highly approved of the report of the committee.

Hon. Attorney General thought that great care would be required in preparing the contract with Mr. King, as he had not performed the service of steam communication across the Bay, nor had he conducted his coach line to Annapolis in a way calculated to advance the interests of the public. As regards the rights of the inhabitants of Annapolis County, they thought the two services should be kept distinct, and he would suggest that a portion of the proposed grant of £1000 recommended by the committee should be given for the Annapolis route, in consideration of the decreased amount of service which would then be required from Mr. King. He felt that it was in vain for him or his colleague to oppose the feeling of the house, and he had no wish to appear to oppose anything relating to the important route from Windsor to St. John, in connection with the railroad; but he was sorry that it should be thought necessary to provide for this service at the expense of the interests of a large portion of the people of Annapolis.

He would therefore suggest to the committee, whether it was not possible to disserve the two routes, and give a portion of the grant to each.

MR. HENRY.—Mr. King's first proposition was to run the boat three times a week to Windsor, which would take up the whole time of the boat and cost as much per annum,—and therefore the four trips under the proposed arrangement gave increased advantages for the same sum. It would cost double the sum to separate the services. Under their contract, the Messrs. King will be obliged, if necessary at any time, to run three trips weekly to Windsor for £500 extra; had Mr. King's first proposition been accepted Annapolis, Digby and the whole western portion of the province would be shut out altogether.

MR. McLELLAN.—From the evidence before the committee it appeared that the large steamer could not run regularly if compelled to go to Annapolis, in consequence of the tide. With respect to the point on which I differed with the rest of the committee. I could not but think that these bargains are entered into with too much looseness, and should be put up to tender and contract.

MR. SHAW.—The assertion that this boat could



not run to Annapolis regularly in consequence of the tides is incorrect. I agree with the hon. member for Colchester, that these bargains should be put up to Tender and Contract; I also object to the Report inasmuch as it binds us for four years.

The Report was then agreed to.

Hon. SOLICITOR GENERAL.—As it is necessary that some action should be taken in order to the transmission of the congratulatory address to her Majesty the Queen, recently passed by this house on the occasion of the auspicious marriage of the Princess Royal with Prince Frederick William, and as his Excellency the Lieutenant Governor is the official organ of communication between this Legislature and the Throne, I beg leave to move that an humble address be presented to his Excellency praying that he may be pleased to transmit the address.

An address was submitted and agreed to.

Hon. Atty. General called the attention of the House to the Elective Legislative Council Bill, on which the House divided last evening, and stated that it was not considered expedient to press a measure passed by so small a majority. He therefore proposed a resolution affirming the principle of the Bill, and recommending that the Bill be deferred until it had been printed and circulated through the Province.

Mr. Wade seconded the resolution.

Hon. M. Young asked it to be laid on the table until the next day.

Hon. Atty. General also gave notice that in consequence of the time which had been occupied in debating the Mines and Minerals bill, and the Elective Legislative Council bill, and this being the fifth week of the Session and much business before the House, he would not press the bill for the equalization of the representation this Session. He would move that the bill be printed and circulated. 1000 copies ordered to be printed.

Hon. Mr. Howe called the attention of the House to a letter he had received from Mr. James Black, whose petition he had previously presented, praying for the payment of his salary as Quarter Master General of Militia.

The letter stated, in answer to the remarks of the Hon. Financial Secretary, that Mr. Black had taken care of the militia arms for years until the end of 1857, and had no intimation from the government that he had omitted any portion of his duty. As to the second objection of the Financial Secretary: In June, 1854, he had received an order from the Provincial Secretary, directing him to deliver to W. M. Allan 400 stand of arms, and shortly afterwards a second order for the same number. He had delivered these arms, and held Mr. Allan's receipts, and had made a return of these to the hon. Mr. McNab and the hon. Financial Secretary, who demanded payment from Mr. Allan.

He (Mr. Howe) would ask the Provincial Secretary to bring down the letters referred to by Mr. Black before he proceeded to make any remarks on the subject.

Hon. Mr. Young asked the Government to bring down papers connected with the grants of River Fisheries in Annapolis county.

After arranging the different committees, the House adjourned until 3 o'clock on the next day.

WEDNESDAY, March 10th.

House met at 3 o'clock.

Several local and private bills were read a third time, and ordered to be sent to the Council for concurrence, as follows:

A bill to incorporate the North British Society.

A bill to name the Village of Welsford.

A bill to legalize the Jury lists for Yarmouth.

A bill to incorporate the Nova Scotia Barristers Society.

A bill to add a Polling place in Queen's County.

A bill relating to a Burial Ground in Newport.

A bill to incorporate the Port Williams Pier Company.

Eight bills were read a second time, and referred to the Law committee to report upon.

Hon. Provincial Secretary, by command of his Excellency, laid on the table the report of the Central Board of Agriculture for 1857, accompanied with the annual reports of the different Societies of the Province. Referred to committee on Agriculture.

Also, by like command, the report of the Crown Land Office for 1857, with returns from the different Surveyors in the province. Referred to the Crown Land committee.

Mr. Moses asked special leave to present the petition of Yarmouth Temperance Convention for the passage of a law prohibiting the sale and manufacture of Intoxicating Liquors. Received and laid on the table.

Mr. Geldert called attention of the house to the bill relating to the public lands at Lunenburg. Last session the bill had been left for some reason on the table, just before the close. The bill was read a second time.

Hon. Mr. Young suggested that the bill be referred to a committee of the whole house.

Hon. Attorney General thought this should not be done, as the committee the house appointed last session had reported that the question should be decided in the Courts of Law. He would ask whether this bill had been read at the sessions.

Mr. Geldert said it had been read, and there was no dissenting voice.

Hon. Provincial Secretary enquired when it had been read.

The Speaker.—It appears by the endorsement it was read in January, 1857.

Mr. Geldert would like to know how the matter could be decided without passing this bill.

Hon. Sol. General.—By a legal tribunal; the matter has already been twice before the house.

Mr. Tobin was opposed to bringing this subject again before the house, as it had been reported on by a committee of this house.

Hon. Mr. Howe said the members for the County of Lunenburg are under the impression that this matter has not been settled. It is true that a committee had reported on it, but he thought it but fair to give the parties an opportunity to discuss the question, when the matter could be fully examined. There is a piece of public ground in Halifax (the Grand Parade) in the same position as this. The right to it is in dispute. It is easy to say go to law, but who is to go to law? He thought the matter should not be hastily decided upon.

Hon. Sol. General remarked that the matter had been twice before the house, and the commit-

tee were of opinion that it was not a question for this house to deal with, as it involved legal rights which should be decided in the proper manner in a court of Law. It should not come here again.

Mr. Baily said in 1856 this bill was brought before the house, and was passed, and sent to the Council, who had rejected it because it had not been read at the sessions. It had since been read before the sessions in 1857. Last year a committee of this house reported against the bill just before the close of the session, when it was too late to discuss the matter. The understanding then was that it should lay over until this session. It was strange that any objection should now be made to its discussion.

Hon. Mr. Young was one of the committee which last session considered the matter. The committee reported on the 27th April, and the house rose on the 1st May. He for one would not assist any member to desecrate the square alluded to, or appropriate it for secular purposes. The people of Lunenburgh complain that by a grant founded on a previous grant of these lands for public uses, the Church of England claim the exclusive right to these lands. He would undertake to say, the Church of England had no right under this grant.

Hon. Sol. General.—They have rights by possession.

Hon. Mr. Young.—Possession ?

Hon. Sol. General.—Yes!

Hon. Mr. Young.—Does the hon. Sol. General mean to say there can be possession in the people against the people. This is strange doctrine for a lawyer. The first grant was to trustees for public uses—the second to the Church of England. What the people require is, a grant to trustees for public purposes, as was originally intended, with the understanding that the ground was to be kept free from desecration. Some of the friends of the church, outside the house, would be better employed than in writing offensive and irritating articles against the popular and inoffensive member for Lunenburg. The matter must be tried out. He would prefer further investigation before the matter was discussed. He thought it should go to a committee of the whole house.

Hon. Attorney General.—The hon. gentleman says, that this bill touches the feelings of a large portion of the people of Lunenburg,—there may be, and judging from a letter he had received, he believed there were a larger class who believed their rights will be violated by this bill. We are asked by this bill to adjudicate, not to legislate. The member for Inverness said we must argue it out, that is the legal question which arises. I would ask whether this is the place for such discussions? If we are to be judges, do not let us be the counsel. Let both parties have their counsel, and let us hear the evidence on both sides. I cannot understand how this house can determine legal rights, such as those referred to in the bill.

Hon. Mr. Howe instanced the application of Mr. Selden, for the passage of a law to create legal claims. Also, the removal of legal disabilities in relation to the Mining Association. Also, the application of the railway contractors now before the house, to shew that such matters as these had been continually passed upon by this house.

Hon Atty General explained the difference of Mr Selden's case. The committee of the house had investigated his claims, and had reported

just as the committee on this bill had—that the claims should be investigated in a court of law. Mr Selden did go to a court of law, and the case was tried on the point raised. He did not wish the house to try a point of law, but to allow him to have a legal trial. The hon. gentleman also explained with regard to the Mining Association and so with the case of the Railway contractors, they are prevented, by the terms of the contract, from going into a court of law, and they asked for authority to do so. The hon. gentleman read the report of the committee of last session on the bill.

Mr Morrison, as one of the previous committee, would state, that they did not meet until near the close of the session. A gentleman from Lunenburg was before them and addressed the committee. He stated that he had been employed by the people of Lunenburg to argue their claims. For his part, he (Mr M.) would have turned him out of court on his pleadings. He tried to make out amongst other things, that the Church of England had enclosed the square; but it turned out that it had been enclosed by people of all denominations. The Church rest their claims on the grant of 1824 or '26. Mr Creighton, the gentleman who attended before the committee, said he had obtained opinion of hon. Atty General, (Mr Johnston), that the last grant was good. Another gentleman (Mr Clarke) had also attended the committee. Unfortunately the member for Inverness could not attend, and he (Mr M.) had to combat these two lawyers. His opinion was that the first grant should hold.

Mr McDonald was also one of the committee of last session; he thought that a great deal of mystification, as to the claims of the parties, had been used. The facts of the case were, that a great many years ago this land had been granted to trustees for public purposes. It had laid waste for some time, and finally the Church had been built upon it by the British government.

Hon Atty General asked whether the Church was not built before the grant passed.

Mr McDonald thought not. In 1824 another grant passed to the Church of England. All the trustees of the original grant and their representatives have died some years ago. Mr Creighton had passed a bill in this house to have the rights of the original trustees in certain public lands conveyed to new trustees. That bill, however, did not include the lands referred to in the bill now before the house. This bill does not ask to take away the rights of the Church of England. It merely asks to have the rights of the original trustees vested in new trustees for the same purposes. It expressly reserves to the church authorities the lands on which the Church stands, with a sufficient quantity to repair and re-build.

Hon. Sol. General enquired whether it was the same bill which was rejected by the sessions.

Mr McDonald believed it was—nothing could be fairer than this bill—on the former committee no difference of opinion existed.

Mr Killam—As to Mr McDonald's remark, that no difference existed on the former committee, he would say that he was one of that committee, and that the chairman had reported without consulting the other members.

Mr. Shaw thought this matter should not be brought forward. It afforded a bad precedent for other denominational claims. He understood the public had access over this square, and he could

not see what more they wanted. They had a beautiful green square in their town which was an ornament to it. He thought it would be time enough to bring this bill forward when the Church attempted to monopolize this square.

Mr Geldert said that Mr Creighton, when a member of this house in 1854, brought in a bill to vest certain lands in Trustees, but left out these two squares this bill had reference to. Why was this done? The present bill was not of a political nature. Conservatives, Baptists and Presbyterians had pressed for this bill.

Mr. Henry believed it was usual, in such bills, to reserve private rights. He did not know whether the rights of the Church of England were reserved by this bill. If it asked for the rights of the original Trustees to be re-vested in new Trustees, he did not think it a subject for this house; but if the object was merely to appoint Trustees who would be enabled to go into Courts of Law to try the right to this land, with the Trustees under second grant, he thought it a fair subject for Legislation.

Hon Attorney General read the act of 1854, and presumed that the present bill was to extend the provisions of that act to the square in question. He was led to enquire the reasons why these lands had been left out of the act of 1854. He presumed it was because the lands comprised in the previous act were not in dispute; but as questions as to the right had arisen as to the other lands, they were advisedly left out of the operation of the act. It is impossible to deal with the lands referred to in the present bill on the same terms as the other.

Mr Henry would like more information on the subject. The question was whether the public could have a right to try the question in courts of law, if we do not legislate on the matter. If we passed a bill it would not vest the property in either party. It would merely give the right to try the question legally. He would not consent to pass an act to give either party a right to the ground,—the act should ask for nothing more than to give the public a right to try the question, and it should be so modified.

Hon Attorney General thought there was a good deal in what had been said by Mr Henry. He was not aware that the public were at present debarred from trying their claims in a court of law. But if they were, the disability should be removed. He would never prevent any party from having a right to a fair trial; and if the bill were so modified, he would not oppose it.

Hon Mr Young read the clauses of the present bill, one of which had been added at his suggestion, to prevent the square from being built upon or defaced in any way.

#### A Message from the Legislative Council.

The Clerk announced that the Council had passed a bill to amend chapter 82 Revised Statutes of Interest.

Also a bill to incorporate Baxter Hall Pier Company, to which they desired the concurrence of this house.

The bill relating to public lands at Lunenburg was then referred to the Law committee.

Hon Mr Howe asked the government whether it was true that all the operations on the railway lines had ceased to-day.

Hon Attorney General and Provincial Secretary were not aware of the fact.

Hon Mr Howe said, in relation to Mr Laurie's

appointment, that as he was to be paid \$500 a month, and he had been here 6 months, which, together with his travelling expenses, would make \$3600, he would ask the government whether it was their intention to keep him any longer, as he had reported upon the matters he had been brought here for.

Hon Attorney General was aware that a considerable portion of his work had been performed, but he would be sorry to dispense with his services at present, as he had it in his power to afford very valuable information to the railway committee on the matters which would be brought before them. He would therefore urge this committee to a speedy commencement of their labors.

Hon Mr Howe said before asking the question he had inspected his report, from which it appeared that a mode of adjustment of contractors claims was pointed out either by compromise, involving surveys, or by the court of law.

Hon Attorney General thought it would not be advisable that Mr Laurie should leave Nova Scotia until the railway committee had met.

Mr Parker called the attention of the government to a fact which came under his notice yesterday; while he was at the railway station a countryman arrived whose loaded team was left at Shubenacadie, and his horses brought into town. The cars were also generally much after time. He thought there must be some irregularity.

Hon Attorney General said the government had nothing to do with the working of the road. If the hon. gentleman would put his complaint in writing, he would call the attention of the Railway Board to it.

The amendments of the Council to the bill to extend the operations of certain grants of land since 1826 were considered and agreed to.

The resolution of the hon. Attorney General moved on the previous day, with regard to deferring the Elective Legislative Council bill, and expressing the opinion of the house that the interests of the province required that the Elective principle should be applied to that body, was taken up.

Hon Mr Young moved an amendment, the substance of which was, that it is unnecessary and inexpedient to pledge the house to any future action or opinion on the bill, till the public sentiment on so important a change in our constitution, be more fully ascertained.

Hon Messrs Young, Howe, and Atty. General made a few remarks.

A call of the house was had.

On division there appeared—For Honble. Mr. Young's amendment 23. Against it 26.

For—Geldert, Locke, Reinhard, McDonald, Webster, McKenzie, Parker, Bailey, Henry, Davidson, Chambers, Wier, Dimock, McLellan, Young, Morrison, Archibald, Munro, Robertson, Annand, Esson, Chipman, Howe—23.

Against—Moses, Fuller, Bent, Caldwell, J. Campbell, Martell, Brown, Raggles, McLearn, White, Bourneuff, Bill, Shaw, McFarlane, Wade, Ryder, Pro. Secretary, Attorney General, Financial Secretary, McKinnon, McKeagney, Killam, Robicheau, Smyth, Churchill, C. J. Campbell—26.

The original motion was then put. For—27. Against it 23. Mr Tobin having since come in and voting with the majority.

The Prohibitory Liquor Law bill was made the order of the day for Saturday.  
House adjourned until 3 o'clock the next day.

THURSDAY, March 11.

THE HON. FINANCIAL SECRETARY said:—I rise, sir, by command of his Excellency to place on the table of the house, the Estimates for the province of Nova Scotia for the year 1858:—

STATEMENT OF THE PROPOSED ASSETS OF THE PROVINCE OF NOVA SCOTIA FOR THE YEAR 1858.

Balance in the hands of the Receiver General 31st December, 1857.....	£6,602	14	5
Due from Collectors of Colonial duties	6,542	15	1
Due from Casual Revenue.....	8,749	19	6
Due from Canada, New Brunswick, and P. E. Island for Lights.....	1,324	5	0
Due from Counties for advances for Road service.....	1,574	18	7
	<u>£24,794</u>	<u>12</u>	<u>7</u>

PROBABLE RECEIPTS.

From Collector of Excise at Halifax.....	£106,000	0	0
Collectors at Out-posts.....	28,000	0	0
Collectors of Light Duty.....	6,000	0	0
Casual Revenue.....	10,000	0	0
Distilleries.....	6,500	0	0
	<u>156,500</u>	<u>0</u>	<u>0</u>

£181,294 12 7

Deduct undrawn monies for Roads and Bridges	2,783	18	6
Do. for other ser'ces	16,903	9	4
Interest due 31st Dec., 1857.....	11,294	0	0
	<u>30,981</u>	<u>7</u>	<u>10</u>

£150,313 4 9

Deduct ordinary and Legislative appropriations, viz:—			
Salaries of Lieut. Governor and Public officers.	£15,170	0	0
Legislative expenses	10,000	0	0
Revenue department at Halifax.....	6,000	0	0
Salaries of Outpost Col. and Com....	4,000	0	0
General education...	21,000	0	0
Int'nt. on Funded dbt.	4,240	0	0
Do. to be provided for Railway Bnds.	45,000	0	0
Sup't of L'gt. houses	8,000	0	0
Do. Sable Island.....	400	0	0
Pvl. Penity. £1000	1,800	0	0
Pub. Buildings 800	800	0	0
Rations to Troops.....	50	0	0
Poor Asylum.....	2,050	0	0
Transient Paupers....	250	0	0
Hfx. Disp'n'y.; Indians.	400	0	0
Post Communication.....	6,000	0	0
Packets & Ferries.....	1,300	0	0
Road compen. £500	500	0	0
Casualties.....	1,000	9	0
Drawbacks.....	3,500	0	0
Board of Works....	15,650	0	0
Miscellaneous.....	4,000	0	0
Agriculture.....	nil.		
Militia.....	nil.		
Navgn. Securities	nil.		

Carried over..... £150,313 4 9  
Riv. Fisheries..... nil.

150,310 0 0

£ 3 4 9

JOHN J. MARSHALL,  
Financial Secretary.

Financial Secretary's Office, 6th March, 1858.

This statement, I may say at the outset, will not give that satisfaction to hon. gentlemen around these benches that I could wish. Still, sir, the condition to which we have arrived has arisen from circumstances over which we have no control, and demand from this legislature the exercise of a vigilant and strict economy over the expenditure of this country. In performing my duty as Financial Secretary, I trust that I shall be able to place the true position we occupy, financially, before the house in a clear and unmistakable light; and in doing so shall carefully abstain from saying anything to provoke angry or hostile feelings, and I hope the house will accept the explanations I have to make in the same spirit they are given. On a former day I placed on the table of the house the account of the Receiver General shewing that the balance remaining in the chest on the 31st December, 1857, amounted to £6602, 14s. 5d. But when this account was made up there remained due from the collectors of Colonial duties at the outports of £6542, 15s. 1d; the casual and territorial revenue, which I need not inform the house is made up of the royalty upon coal—fees paid into the Provincial Secretary's office—and accumulated sums paid in to the Crown Land office for grants, shewed a balance of £8749, 19s. 6d. to be paid in:

For contributions from Canada, New Brunswick and P. E. Island for light service £1324 5s. 0d.

By common consent a practice has appertained in this province for many years of giving to the different counties—as the exigencies of particular cases required it—advances for the repair of roads. I do not know that there exists any law sanctioning such advances, but the custom has grown into a law, and the amount of £1574, 18s. 9d. remained to the credit of the province; making in all £24,794 12s. 7d.

Next comes the probable receipts; or in other words the services from whence we expect to derive our revenue for the year 1858—and the supposed amount that will be collected from each source. First, sir, I have put down the amount to be collected from the excise duties at Halifax £106,000, a trifle less than they yielded last year—for a very sufficient reason. With the increase from 6½ to 10 per cent, we collected in 1857 £110,000, on looking to the estimate for that year I find that the amount expected to be derived from this source was £111,000, or some £600 less than the sum actually realised. But I do not believe that the advalorem duties will yield as much in 1858 as they did in 1857. Our dry goods merchants have imported large quantities of goods and paid the duty, but a considerable proportion yet remains upon their shelves unsold; and from the meagre results of our fishery,—the numerous failures that have taken place and the general monetary embarrassment that has crippled our trade, compelling our merchants to limit their importations, no man accustomed to subjects of this kind will say that the advalorem duties will come up to the sum collected in 1857. I have

therefore thought it wise to set them down at £106,000 or £4000 less than last year. In addition I have estimated that the sum we may expect to collect from the outposts on similar articles will equal that realised in 1857;—viz £28,000.

The returns of light duties shew £7,785.15.2 as the sum levied,—but a portion of this amount was paid by orders which have never been cashed,—so that I deemed it safer to put the available income from that branch of revenue down at £6000.

The casual revenue was estimated last year at £10,000 it yielded £14,000; but the arrangements made with the mining Association will necessarily cause a falling off; I therefore think that £10,000 is as much as we can calculate upon obtaining from the casual and territorial revenue; add to this £6,500 for distilleries, the amount derived last year, and you have a revenue available for expenditure of £156,500. Thus:

Advalem duties collected at Halifax..	£106,000
Do. " " Outports..	28,000
Light Duties.....	6,000
Casual Revenue.....	10,000
Distilleries.....	6,500
	<hr/>
	£156,500

That amount added to the sum in the hands of the Receiver General, and the sums due from other sources, amounts viz., £24,794 12s. 7d. before referred to, gives us a total of £181,294, 12s. 7d.

To prevent misapprehension I have a word or two to say of the deductions which must necessarily be made from this sum. First we must strike off the undrawn monies for roads and bridges—which we are bound to pay, amounting to £2,783, 18s. 6d. For other services granted but not due until the end of the year, £16903 9s. 4d. made up as follows:

Steamboats and Ferries.....	£1,367	0	0
Bahama grant.....	17	7	5
Salaries, quarter ending Dec. 31....	3,948	15	0
Education.....	1,197	6	0
Revenue expenses due up to Dec. 31..	4,254	11	7
Agriculture.....	183	6	8
Navigation securities.....	4,922	3	0
Post communication.....	125	9	8
River fisheries.....	425	0	0
Public printing.....	7	10	0
Miscellaneous.....	430	0	0
For interest due up to 31st Dec'ber, upon monies expended on the Railway.....	11,294	0	0

Making in all.....£30,981 7 10

Thus:

Undrawn monies for roads and bridges.....	£2,783	18	6
Ditto other services.....	16,703	9	4
Interest due 31st Dec., 1857.....	11,294	0	0

Giving a total.....£30,981 7 10

Which sum, deducted from the £181,294 12s. 7d., leaves us a balance available for public purposes for the year 1858 of £150,313 4s. 9d. From this sum we must deduct the ordinary Legislative appropriations; and first on the list comes the salaries of the Lieutenant-Governor and public officers, £15,170. Legislative expenses £10,000; last year these expenses amounted to £10,666,—

but we hope by strict economy this year to keep them within the £10,000. Revenue department at Halifax £6,000; salaries of outpost collectors and commissioners £4,000—making £10,000. The amount paid for this service in 1857 was but £9,400; but there are many officers who require to be paid, and I have always maintained that to have your revenue properly collected, your work efficiently done, you must give to those who perform it reasonable remuneration. Beside this I find but £200 set down as the amount payable to the seizing officers at the different ports, when in fact the sum actually expended is £400. Under these circumstances I have thought it wise to provide £10,000 for the Halifax department and the outposts, instead of the £9,400 voted last year,—that the officers may be placed on a better footing, and the due collection of the revenue ensured.

For general education I have put down £21,000; a large sum,—but, finding that this was the grant of last year, I did not feel myself justified in reducing it, a committee of the house recommended it last year, perhaps it may be deemed advisable to take it off in 1858. Next comes the interest on the founded debt £4,240; this sum I find was paid by the Receiver General in 1857—and as in all likelihood a diminution rather than an increase will take place during the present year in the amount funded, I consider that the £4,240 will be sufficient to cover the amount payable in 1858 for interest.

The next item is a sum of £43,000 which it will be necessary for us to provide for the payment of interest due upon Railway Bonds, and for Railway expedition.

Hon. Mr. Howe.—Will it be paid during the current year?

HON. FINANCIAL SECRETARY.—The province will be liable for interest upon £700,000; £45,000 is therefore the lowest sum we can calculate upon, as required for that purpose. For the support of Light Houses. I have allowed £8,000; true, last year the cost was £8516, but I find that the Board of works have for some years had on hand about 3000 gallons of oil—which at 3s. 6d. per gallon amounts to £525; and as it behoves us to reduce our expenditure to the lowest possible figure, and we know that oil deteriorates by being kept too long—I have been induced to strike off the odd £516.

To Sable Island £400; this sum cannot be reduced. The Provincial Penitentiary cost the past year, £1640; but as I do not think we shall require to build sheds or incur other unnecessary expense, it appears to me that £1000 will be found quite sufficient to maintain that institution; connected with this item is the expenditure for the repair of public buildings—say £800,—making £1800. The Poor Asylum last year cost the province £2700,—but I find that, included in that amount, was a debt due—for which reason I felt justified in reducing it to £2050; at the same time, sir, I cannot help remarking that there is no establishment within my knowledge with the limited means and appliances of the Poor House that does so much to relieve the necessities of the distressed and affords the poverty stricken so comfortable an asylum. True the accommodation is somewhat limited; but the most is made of what exists,—the building and grounds are carefully kept, in cleanly condition and every comfort that



the sum allotted can procure is provided for its inmates.

Rations to troops £50.

In 1857 the sum granted to transient paupers was upwards of £400; I have reduced it to £250. I hold that in this, as all other expenditures, we should guard our expenditure not with a penurious, but a wisely economical hand. For Indians and the Halifax Dispensary £400. The sum to be paid for Postal communication I have estimated at £6000; a large sum certainly, but not too large when we reflect how widely beneficial this service is,—nor do I believe that there is a grant we can give for any service that confers upon the people greater advantages, or would be regarded by them with more satisfaction than this. To Steam Boat Packets and Ferries I propose to allow £1300; for Road compensation £600.—Casualties £1600—£1500; for Drawbacks £3,500, and for the Board of Works £15,650. For Government House, Provincial Penitentiary, Hospital for the Insane, Sable Island, was expended in 1857 £29,482. I propose to give but £24,800, out of which sum a debt of £2,802 due at the end of the year, 1857, must be paid.

I have proposed to cut down the miscellaneous services to £4000. Now, sir, I propose to strike off the Agricultural grant in toto, as well as the grant for Militia services, Navigation Securities, and the River fisheries;—some services must suffer, and in my judgment these appropriations were least needed. But this budget is altogether in the hands of the house, and can be amended or improved in any way that hon. gentlemen think most desirable. This estimate brings us to the following result: We have of available revenue £150,313 4s. 9d.—we require for the services I have mentioned, according to the statement I have given, £150,312, leaving a balance of £3 4s. 9d. to be disposed of.

Hon. Mr. YOUNG.—Where is the road vote?

Hon. FINANCIAL SECRETARY.—There is none provided for in this estimate. Hon. gentlemen need not be surprised at this result, and I will tell them why. I hold in my hand a paper which explains the cause of our present position.

Mr. MORRISON.—Did not the hon. Financial Secretary state that the whole revenue amounted to £181,000.

Hon. FINANCIAL SECRETARY.—Yes; but I also stated that three items, for undrawn monies appropriated to the road and bridge service—other services; and the interest on monies expended on the railway amounting to £30,981 7s. 10d., were to be deducted—leaving a balance of £150,312 4s. 8d.

Now, sir, the Legislative expenses exceeded the sum estimated last year by £666; the Bahama grant was £17. Agriculture not provided for £1000. Militia £450. Printing £1689. Poor Asylum £700.

Take the Receiver General's account of 1856, we would be led by it to suppose that at the end of the year a balance of £22,000 remained in his hands. Does any man believe that the Receiver General actually had in his hand this £22,000, clear of expenses? No such thing. £14,000 had been taken out of the Savings Bank, and there had been an issue of £15,000 of Province notes, making £29,000.

In 1853 the province owed but little over £100,000; now we owe nearly £800,000. Our revenue in 1854 was £157,000; in 1857 it amount-

ed to £161,000. Need hon. gentlemen be astonished then, if having to provide for interest upon a sum so large, out of a revenue that has increased but slightly, we find ourselves in the condition to which the province is reduced. This large debt is made up as follows:—

Bonds of Baring and Brothers.....	£432,000
“ sold in Nova Scotia.....	49,125
Amount drawn from Savings Bank, &c....	133,776
Amount borrowed from Mr. Almon.....	16,500
Amount borrowed from Bank N. S.....	46,806
Baring and Brothers in account.....	40,891

Making a total.....£719,098

Besides which we owe another large sum upon the old issue of Provincial notes, equal to about £56,000, which I believe went to pay amount of the old stock certificate, making up the £100,000 due by the province before the commencement of our public works.

To offset this we have the sums lent to Dalhousie College; the amount owed by the Inland Navigation company, and that expended on the railway towards Truro and Windsor. Touching this latter item, I have to express the hope that the day is not far distant when we may realise something from the Railway. Once established beyond controversy that this work will pay, and there is an end to our difficulties.

With these remarks, sir, I beg leave without further comment to lay this estimate on our table; I shall not ask the house, as has been usual, to go at once into committee of supply—but allow the papers to lie on the table for the information of members.

Mr. MORRISON.—I hope the hon. Financial Secretary will tell us how we are to obtain money for our road grant.

Hon. FIN. SECRETARY.—Although this question should be put when the house is in committee of ways and means, I was waiting, Mr. Speaker, for that question to be put. I have carefully investigated our tariff, as at present constituted, to ascertain upon what articles additional duty might be imposed without endangering the revenue we have; for it is well known that the great difficulty we have to encounter is the smuggling which is engendered the moment you impose heavy duties. The articles of spirits is peculiarly open to this objection, yet it seems to be the only article we ought to raise the duty on. Molasses cannot be touched, it enters largely into the consumption of the poor. In New Brunswick they have adopted the true policy, and do not tax molasses at all. Tea may be made to yield £1,000 additional by the imposition of an increased duty of  $\frac{1}{2}$ d. per lb.; but even this would be a dangerous experiment, for it is astonishing to see what effect the imposition of a slight duty has in diminishing the import of any article that is used by the body of the people.

Looking, then, to the state of our revenue, having in view the articles upon which duties are collected,—and regarding the nature of our coast, which affords facilities for smuggling greater than any other of the North American Colonies, I can see no other means of obtaining a road grant than by striking off some services now paid,—slightly increasing our duties,—selling Provincial Bonds in London,—paying off the amounts due the Bank of Nova Scotia and Mr. Almon; and then appropriating whatever we may have to spare to the road service. It will be

necessary to allow the government to borrow, if required, £30,000, to work upon, until these views are carried into effect.

Before I resume my seat, I must again request hon. gentlemen opposite to assist the government in sustaining the credit of the province at home and abroad. If they do so we will be able to complete our railroad to Truro and Windsor next summer; finish the lunatic asylum, and, I think, indulge in the hope that another year will find us with some of the burthens which now press upon us cast off, our railway in operation to Windsor, and more money at our disposal for local improvements.

Mr. ARCHIBALD said.—I cannot assent to the doctrine propounded by the hon. Financial Secretary that the government are not in any wise responsible for the accuracy of the Budget; it is their duty to come down to this house with a financial statement of the probable income and supposed expenditure of the year. This House looks to the government for information upon all questions of finance, and although we exercise the right of making specific alterations in the Budget, the administration are generally responsible for its accuracy. Now, sir, I do not conceive that the calculations of the hon. Financial Secretary give to the country a fair statement of our condition. In 1857 the ordinary revenue of the country, independently of the Railway Tariff, would have yielded less than we received by.....£24,747 9 8  
While we paid for interest.....27,131 6 5

So that we contributed in 1857 towards Railway interest, independently of the Special Tariff, just.....£2,483 16 9  
Let it be understood, therefore, that if our Tariff had remained unchanged, and we had no railway at all, we should have had at our disposal about £2,500 more than we actually had in that year. We should have had a revenue of £140,000 instead of £137,500 to spend—but tak the smallest sum. It is larger than any the House of Assembly ever had to dispose of, except during the three years when the revenue was increased by the enormous inflation of trade, which resulted in the great commercial crisis we have just passed through. It is 50 per cent. above what it ever was before 1850. It is nearly double of what it was ten years ago. To talk of £2,500 more or less creating financial embarrassment in a country so circumstanced is the merest absurdity. It is too childish for any sane man to believe. But what makes the cry still more ridiculous is, that after all, it actually does not come out of the revenue. The government instead of deducting it from the £140,000 which they raise from duties, actually go to work and borrow £6,300 from the Savings Bank—so that after paying off the balance of £2,500, they have £4,000 to the good. Their ordinary revenue of £140,000 is, therefore, instead of being reduced, actually swelled to £144,000. Yet the government can find no excuse for their embarrassment, but a Railway which has made them £4,000 better off than they would have been without it.  
With this £4,000 in their pocket, over and above what they ought to have counted upon, how stands the balance sheet at the end of the year? £16,000 less than when the year commenced! £4,000 borrowed, and 16,000 sunk.

Is it any wonder that Bluenose stands affrighted, when he sees himself going astern, without counting one penny for the Railway, at the rate of £20,000 a year.

In 1854, the Treasury Notes were limited to the amount in circulation when the Revised Statutes passed, viz, 59,862, the deposits in the Savings' Bank had reached their limit of 50,000. When we adopted the Railway policy of that year, these two Establishments were opened—100,000 were added to the amount which might issue in Treasury Notes, and 85,000 to that which might be drawn from the Savings' Bank. The funds were to go into the general Revenue, but the object of the Acts was to provide for the construction of the Railway, a portion of the funds required at no Interest, and a further portion at an Interest of 6 per cent.

Under the Acts relating to Treasury Notes, we issued in 1854, 1855 and 1856,....60,000 0 0  
Under the Savings' Bank Acts, we borrowed during the same period.....56,900 0 0

Drawing from these two sources.....116,000 0 0  
At the close of 1856 the late Government had in the Treasury.....22,384 0 0  
While they had in hand in Dec'ber, 1853 but 17,266 0 0

They therefore handed over out of the funds derived from these sources.....5,118

So that they actually used of the Treasury Notes and Savings' Bank deposits.....110,882

Of this they gave the  
Railway in 1854.....56,228 2 6  
in 1855.....43,771 17 6  
in 1856.....6,645 0 0

In all.....106,645  
Which left in their hands.....4,237

That is to say they used for the ordinary Legislative appropriations just 4,237 of the funds they derived under the Treasury and Savings' Bank accounts—or in other words went in debt to that extent (independently of the Railway) during the 3 years after the Public Works were begun.

The interest to be provided for according to the Financial Secretary, is—

First—The aggregate of Interest for 1857.....£11,394  
Ditto for 1858.....45,000  
On the funded debt.....4,240

Now, what are the facts? By the Receiver General's account, the whole amount in which we are indebted for Railway liabilities bearing interest—independently of what we have borrowed from the Savings' Bank—is as follows:—

Bonds sold in England to 31st December, 1857.....£432,000 0 0  
Ditto in Nova Scotia do.....49,125 0 0  
Due Bank of Nova Scotia.....46,807 0 0  
Due Baring Brothers.....40,892 0 0  
Due M. B. Almon.....16,500 0 0

£585,324 0 0

Carried over.....£585,324 0 0  
 The Railway Commissioners estimate that they will require in 1858 £150,000. This will not be needed at once, but will be spread over the entire year. A large portion will probably await the completion of the contracts. Consider the whole as equal to an advance of £75,000 on the 1st Jan., 1858.....75,000 0 0

This makes.....£660,324 0 0  
 In round numbers, therefore, we have to provide for the interest on 660,000 which is equal to 6 per cent. to.....39,600  
 But all this will not be payable in 1858.  
 In 1856 of the last half year's interest there remained payable in 1857.....9,500  
 In 1857 there remained of the last half year's interest payable in 1858.....11,294  
 In 1858 we shall have 150,000 more on interest, and it is not unreasonable to suppose an equal sum at least to remain over till 1859. Suppose, however, that only.....10,600

Is left over, and we shall have to provide in 1858 for.....29,000

Give the Financial Secretary the benefit of the whole 39,600—he makes it 45,000, or 5,400 more than it possibly can be. Take the corrected amount, and he makes it 10,000 more than it will be.

Mr. MARSHALL would not allow the hon. member for Colchester or any other hon. member to attribute anything undeservedly to him. The hon. member had endeavoured to show that he (Mr. M.) was responsible for the road vote and the estimates for last year—when the fact was that the road vote was passed and the estimates submitted in his absence. He would inform the hon. member that his (Mr. M.'s) peaceful demeanour during the session must not lead to the belief that he could be attacked with impunity, as the hon. member would learn if he persevered in his present course.

Hon. ATTORNEY GENERAL was far from quarrelling with the doctrine laid down by the hon. member for Colchester, that it was the duty of the government to bring down a financial statement and thought the Administration had a right to some credit for performing that duty so well. He thought the mode proposed in making out the public accounts heretofore had been dubious and uncertain, and led to much mystification. That borrowed monies appear as a credit to the Province was evidence sufficient to convince him that he was right in his opinion. He thought the hon. Financial Secretary acted wisely, honestly, and with a just appreciation of the responsibilities which rested on him in announcing to the house that a large reduction in the road vote had become necessary; and let me tell the hon. member for Colchester that after the change of Administration last session, and before I left for Annapolis to run my election, I did not hesitate to come into this

house and impress upon my friends the necessity which I foresaw would take place, for a large diminution in the sum granted for the road and bridge service. The outgoing government thought otherwise, they deprecated the idea of a financial crisis, and in the absence of myself and colleagues passed a grant of £40,000 and upwards. Is it possible that hon. gentlemen hold us accountable for such an act.

Mr. ARCHIBALD was gratified that he had drawn so clear an expression of the responsibility of the administration to bring down accurate estimates, but it was evident that a different opinion existed between himself and his hon. colleague the Financial Secretary on that subject. That hon. gentleman had on more than one occasion announced that the government were not responsible except the right to imitate all money votes were conceded to them. He (Mr. A.) wished to let the House and Country understand that all the necessary appropriations for Railway purposes—to be taken from the Provincial chest amounted but to £22,000, as respected the fact that the hon. Financial Secretary had not taken his seat when the estimate for 1857 was submitted—he admitted the force of the argument to a certain extent, and he would not have pressed it so forcibly had the fact occurred to him—but he yet held the government responsible to a large extent for its accuracy.

Mr. WADE was one who with the hon. member for Colchester and others had introduced public works into the Province of Nova Scotia; he was willing to take the responsibility of that act, and, in his opinion it was vain to say that they had cost nothing—on that interest to the extent of £45,000 had now to be provided upon the monies expended in their construction.

Hon. ATTORNEY GENERAL.—I desire to guard myself against misapprehension; he has given a greater latitude to the remarks I made than I intended. I admit the responsibility of the government, but at the same time feel and know that that responsibility must be limited and modified until the initiation of all money votes is conferred exclusively on the government.

Did he not during the early portion of this very session hear the hon. member for Inverness say that when Attorney General he had time and again inculcated unavailingly the necessity for caution and prudence, and approved the passage of money votes, which pressure had induced the house to pass. The hon. and learned member for Inverness must therefore see that the government have never been held responsible. I am at a loss to understand how a debt of 7 or £800,000 can be shown to bear interest only to the extent of £2,000. It is vain for hon. gentlemen to argue that a portion of the sum required is derived from the increase of our ad valorem duties; no matter how obtained, it is a charge upon the general Provincial Revenue.

Mr. KILLAM.—The hon. member for Colchester says that the charge upon the revenue for railway services amounts only to £23,000. In this sir, he is evidently mistaken, £24,000 is required for that purpose, and instead of endeavoring to mystify matters by talking of balances and expenditures in this or that quarter the more plain and simple course would be to put down our actual anticipated receipts and expenditures and strike a balance.

Hon. Mr. Young.—The hon. and learned At-

torney General says truly that I complained of the pressure brought to bear upon the late government with respect to money votes ; it is quite true, sir, that I did so complain, but he forgot to say that the pressure referred to was made effectual by combinations made between the opposition and certain members of this house for the purpose of carrying particular grants. These grants were passed against my express remonstrance. Did I not time and again, Mr. Speaker, raise my voice and implore the opposition to desist from these improvident expenditures, but in vain ; and I say again as I said this session once before, looking to the embarrassment of our present position it becomes a question of serious moment to consider. What, sir, have we indeed come to this ? £3 4s 9d in the Treasury for our road vote ; and the only means for supplying the deficiency mooted by the Administration is to borrow £20,000 for our road and bridge service. Surely, sir, there is not in this house a politician so Eutopian as to believe that a sum so borrowed will ever be repaid ; I take it for granted then that we are about to fasten a perpetual debt on the Treasury of this Province of £1200 per annum. Now, sir, in New Brunswick they have imposed specific railway duties, the products of which are applied to railway purposes. We have not followed that course but have imposed additional duties leaving the charge for railway expenditure to be provided for out of the general revenue ; but the result is precisely the same, for if you debit the railway with the monies paid out and credit that work with the sums obtained from the duties imposed &c,—a considerable balance will be found in favor of the railway and against the general revenue. The figures of my hon friend from Colchester defy contradiction.

Mr. WIER believed that a greater number of Provincial notes than were now in circulation, might easily have been floated. If a man came to the city with an order on the Treasury, he was paid by cheque on the Bank ; the bank was at liberty to pay the cheque in their own notes, and consequently the banking institution had the advantage, while if the order were paid in Provincial notes the Province would reap the advantage. He had no doubt but the hon. Financial Secretary was proud to stand before the country and picture the reduced condition to which he stated we are reduced, for that gentleman had always denounced the railway as ruinous, and had never been a friend to that project ; but the figures of the hon. member for Colchester proved beyond a doubt that so far from our condition being attributable to the railway, a larger sum by some thousands had been obtained for that work than was expended ; and, therefore, in a financial point of view, the railway was a benefit.

Mr. TOBIN could not agree with his hon. colleague that any larger amount of Provincial notes than were now in circulation could have been floated. Orders on the Treasury were generally sent to parties in town by the persons to whom the money was due, in payment of debts ; and but little if any of the amounts paid ever found its way into the country ; they went into the pockets of the city merchant. He, (Mr. T.) thought they had better meet the question boldly ; the position of the Province is attributable to the large sums granted for the Railway, the St. Peters canal, the

Lunatic Asylum, and other public services ; he thought, therefore, that the discussion that had arisen was premature, and should not have been brought on until the house went into committee of ways and means.

After some further resolutory discussion the house adjourned.

MONDAY, March 15th.

WAYS AND MEANS.

The house resolved itself into committee of ways and means.

After the passage of the ordinary resolution,

Hon. FINANCIAL SECRETARY said.—I explained as fully the position of this province, with relation to our revenue, that I do not deem it necessary to enter into any lengthened remarks upon the subject at this time. Having carefully looked over our table of duties, I can find scarcely an article which can be touched without subjecting ourselves to a probable loss of revenue. Hardly any government would venture to propose an increase on molasses ; that article is not taxed in New Brunswick. I can therefore only find two articles which offer a chance of yielding revenue—and I am happy to say that they are legitimate subjects for legislative action, inasmuch as they are articles of luxury. I have therefore to move, sir, that 20 per cent. ad valorem be imposed on the duty now levied and collected on all spirituous liquors, wines, cordials, &c.

Hon. Mr. YOUNG thought the resolution if adopted, would lead to much inconvenience ; to compute the amount of duty would in many cases require a skillful arithmetician—especially when it became necessary to turn small and broken sums from sterling into currency, and then add the increased duty of 1-5th.

Some conversation ensued on the propriety of imposing duties ;

Mr. McLELLAN said :—A few individuals speculating in West India produce, and others engaged in navigation, may have lost something during the past year ; but as regards the great body of the people of Nova Scotia, a more prosperous year than the past has seldom been our lot ;—crops good, trade good, money and the necessaries and even the luxuries of life have been abundant, and on the whole, this province now bears a very favorable comparison with any country in the world in regard to prosperity, peace and plenty. True, we have a few spendthrifts among us,—men who have spent more than their incomes, and are consequently, as a necessary result, in pecuniary difficulty—in trouble—in a “fix,” and foremost amongst them is our present government.

I, and others of the opposition last session, opposed the squandering away of the public money. We opposed until we even saw that our opposition was useless. Spend the government would, and spend they did, as the saying is, in the road of spendthriftism.

Casting my eyes over the public accounts, in the early part of the session, I saw things such as I had anticipated, and I brought the fact to the notice of the conservatives, before they had commenced upon the last year's system, in order that they could not plead ignorance. I told them they had spent in the last year more than their

income. This the government denied. They told me I only wished to obstruct,—that my figures were ridiculous, and did not deserve an answer. It is a very common practice for these gentlemen to pretend to laugh at my figures and say they are wrong, but it would be far more satisfactory to show that they are so. The government was believed, I disbelieved, and as a consequence thereof, some £150,000 or £200,000 of our Road money was made a present to the Mining Association.

The other day the government brought down their estimate for the year '58, actually leaving but £3 14s. 1d. for roads and bridges; thus proving my statement about the extravagant expenditure of the government; but they had not the manliness to acknowledge that my figures were not wrong, and to apologise to the house, and myself in particular, for contradicting the truth. If they did not know they were wrong, they were greatly deficient in duty; if they did know they acted a most disgraceful part.

Our government seems to think all they have to do is to spend here, spend there; appoint this and that clerk,—officers to go upon pleasure excursions, some by water, others by land, and to pay these gentlemen out of our road money, no matter whether the province requires their services or not, and lay all the blame upon the railroad, when, in fact, the railroad has no more to do with the matter than the railroad in France.

The three and three quarter per cent. was added last year solely to pay the interest upon monies borrowed for railroad purposes; it yielded £24,000. We left some £32,384 cash in the Treasury, and £6,300 borrowed from the Saving bank, making in all, £32,584; out of which they have been asked to pay, for the railroad only, £39,131, a hard task truly! And yet, they boldly tell the house and country that the railroad interest has reduced our road money to the paltry sum of £3 14s. 1d.

Again; we are told the agricultural grant is to be struck off. A prudent farmer would curtail the expense of his race-horse, sleighs and carriages, in order if necessary, to meet his income; but an imprudent one would do it with his farm-horses and cows, and in the purchase of seed, grain, and stock, just as our government are doing, curtailing that which is useful and necessary, instead of reducing useless, extravagant salaries and grants.

As I was one of those who were willing to give the Railroad a trial, I feel bound to propose some way to pay the interest on the expenditure. By Mr. Forman's report, there was expended, up to December last, the sum of £732,000. £150,000 more would be required to complete the lines to Truro and Windsor. This sum will be required along during the year, equivalent, for interest, to half the sum for the year, say £76,000, in all say £808,000, the interest on which is £48,480. We have saved by the issue of £60,000 Provincial notes in interest... £3,600

Saved by the low rate of interest in Saving Bank..... 1,000  
3 $\frac{1}{2}$  per cent. supposed to yield in 1858... 28,000  
The 10th of the city of Halifax..... 4,848  
Suppose the earnings of the road to be... 11,032

Making the whole sum of..... 48,480

When the three and three quarters per cent. yielded, last year £24,000 for nine months, we

may safely calculate this year, from the prosperous state of the country, and from what the road earned last year, that the sum of £28,000, as set down for the present year, is a reasonable sum.

It was calculated when we commenced building the railroad that we could spare some £10,000 or £12,000 out of our then duties, and still keep up our usual road grants, issue some £60,000 treasury notes, without interest: save something by the Saving Bank; increase the six and a quarter to ten per cent duties; increase the duty upon liquor to some 25 per cent.

The government has disappointed us in regard of the 10 or 12,000, spent all and more than all, but still the interest on the railroad money is provided for, I may say, out of its own fund, and has the £500 expected to be raised on the resolution to increase the duty on liquor to the good, leaving the old duties to pay the ordinary expenditures for the year.

They propose to borrow some £25,000 for the road service, it would be like a sprinkling shower in a dry time, hardly perceptible on our numerous roads, in the true course of a spendthrift, borrow, borrow, while they can, instead of retrenchment. Our old duties, from the prosperous state of the country, may be safely calculated for '58 to yield a revenue equal to an average of the years '53, '4, '5 and '6. The revenue in the first former of these years was but £126,000, during these years the late government paid for Militia expenses £2000; Agriculture £6000; piers and break waters £6800; fishery bounties £2,360; and for the protection of the river fisheries, £18,000, in all a sum not far short of £20,000; (what is now purposed to be struck off) and for the road service an annual average of £42,183; besides saving in the four years some £20,000, what the present government have been able to spend, in one year; why can't our government, with this good example before them,—on the same amount of duties, paid by the people, give the people the same amount of road money, £42,183 this year? in addition to £5000 for Agriculture and other useful services, and still have, like their predecessors in office, £5,000 to the good? why not?

We are told we might well give large sums for roads, agriculture, &c., &c., and apparently have something to spare, when we were issuing Treasury Notes, borrowing from the Savings Bank, running the Province in debt for them, some years, to the extent of £29,000. But how does the matter stand? We paid towards the railroad £113,495.—St. Peter's canal £6,118, in all £119,613. We issued £60,000 Treasury Notes—received from Saving Banks £57,000, total 117,000. So that we not only actually paid over all the Treasury Notes we issued, and money received from the Saving Bank, to our Public Works, but also the sum of £2,613, out of the general revenue in the four years.

The first thing, the government ought to do, would be to pass an address to the Governor asking him to refuse his assent to the road money plunder bill as it is called, in regard of our Mines and Minerals, and save thereby £6000 a year, pruning down where in the shape of unnecessary salaries, and sums are paid, and they are in abundance until the usual sum is made up for the road and bridge service, agriculture, and



other useful and needful grants, and the £5000 a year to the good.

But I know them too well to suppose that economy and retrenchment in the public expenditure has been part of their education, or is agreeable to their inclination; I have no hopes that they will take my advice, although it must be pretty clear to them now that if they had in times past done so, they would not at this moment have been in the difficulty and "fix" they are.

I shall, of course, vote for the increase upon the duty upon liquors, not for the present government to spend, but believing it may be wanted in extending the railroads, it being but part and parcel of the original railroad scheme.

Mr. CHURCHILL.—There is no member of this house who prides himself so much on being an economist as the hon. member for Colchester,—and no man who so often gives to this house statements of figures which no one, not even he himself can understand. I think, sir, we are quarrelling about trifles, and leaving the main question—of how the money required for the necessities of the country is to be obtained, untouched.

Some conversation then ensued between the hon. Mr. Howe hon. Financial Secretary, hon. Provincial Secretary, Mr. Archibald and others; of a desultory nature, and the house then adjourned.

#### TUESDAY, March 16th.

The Law Committee having reported against the bill introduced by Mr. Wade, to introduce the same principles relating to the law of arrest on mesne process that had formerly appertained; viz: to allow arrests by *capias* upon affidavit of the debt, and that the creditor or agent had good reasons to believe that the debtor was about to depart the province without disclosing any grounds for such belief.

Mr. WADE moved in amendment that the report be not received, and that the bill be committed, which was negatived 20 to 14.

The report of the committee was then received.

Mr. WADE gave notice of his intention to move to rescind the motion the following day.

#### MAINE LIQUOR LAW BILL.

Mr. MORRISON said—It is not necessary for me to make any lengthened remarks on this bill; it has been so often discussed in this Legislature, and its principles are so thoroughly understood that it does not require further discussion. The object of the bill is to establish and maintain the peace of the community, to reform the morals of the people, and to disseminate those principles of abstinence which lie at the foundation of the happiness of a people. Further than this I need say nothing, except that I intend to vote for the bill.

Hon. ATTORNEY GENERAL said: My opinions on this question are so well known and have been so often repeated that I do not feel it necessary to reiterate them here. I supported the bill as long as I thought there was any chance of making it a measure of real and practical utility. I have learned from experience, however, that it is impracticable. Often when pressing its adoption have I been met with the argument that it could not be carried, that it would prove a dead letter, and therefore be detrimental and injurious. My answer has always been—"The only hope of mak-

ing it beneficial lies in the vigor, fidelity, and single heartedness of its friends." I have satisfied myself that the harmonious concert—the undeviating determination, without which the bill itself would be worse than useless, does not exist; and the moment I came to that conclusion, I felt that my best course was to abandon all hope of carrying it into effect. The organisation of the Sons of Temperance have themselves seen and felt the truth of this. I need hardly say that I make these observations animated solely by the reasons I have given; and that my sentiments respecting the great importance of checking, and if possible extirpating the vice of intemperance, have suffered no diminution,—but I see no hope of making the measure effective, and I am therefore compelled to oppose it.

Mr. SHAW said he had been an advocate for thirty years of the principles of Temperance—and had signed many petitions to prohibit the sale and importation of ardent spirits—and to prevent its improper use. The Maine Liquor Law bill had been fairly tried in New Brunswick; Mr. Tilly had obtained the passage of the measure in that Province, where a better chance existed for carrying it out, because Nova Scotia was surrounded with water. The experiment had failed in New Brunswick and therefore his opinion with respect to the feasibility of the measure had changed. To prevent smuggling of ardent spirits into Nova Scotia would in his opinion require a coast guard equal to that of England. He would be very anxious to do anything to avert the evils of intemperance, but felt that the proposed measure would prove abortive.

Mr. WIER was glad to find that the bread thrown upon the waters by the late government had returned to them after many years; the principles advocated by them formerly were opposed by the members of the present administration, but they had been at last compelled to admit their truth. He (Mr. W.) had listened to the speech of the hon. Attorney General, and could not help thinking that a change in position sometimes involved a change of principle. He believed that the reason why the bill had not previously carried, was that many of its advocates were not sincere.

Mr. MOSES had always been an advocate for the prohibitory bill. He thought the consumption of ardent spirits was largely on the increase,—and every man would be compelled to admit that it caused a large amount of misery in the Province. He was well aware that diversity of opinion, as to the practicability and beneficial operation, of a measure such as that proposed, existed among Temperance men—he yet believed, however, that a large number were still anxious to have the bill passed, conceiving that it would have a tendency to lessen the consumption of ardent spirits.

Hon. Mr. YOUNG could not but remark the languid and apathetic character of the debate as contrasted with the animated and high toned discussions on the subject of Temperance in former years. Forsaken by its friends—forgotten and neglected, he could not but conclude that this bill has been consigned to the tomb of all the Capulets. The adjoining Province had taken a leap in the dark, and suffered for their tamerity—and now this Province could appreciate the value of those exertions which he and his friends had used to prevent the passage of a bill, which to say the

enact of it would have proved ineffectual, if not absolutely injurious. To the Maine Liquor Law bill he would say vale, vale, farewell, farewell.

Mr. CHURCHILL thought hon. members were trifling with a question of greater importance than they were aware of; the bill was in his opinion a good measure, and would prove of advantage to the Province at large. He thought the arguments used with respect to the revenue were entirely falacious; if a revenue was required, pass the bill, and the large sums now expended, for the erection, and maintenance of prisons would not be required; in fact every man would be largely benefited by it.

The question was then taken, when there appeared.

*For the motion*:—Mr. Killam, hon. J. Campbell, Brown, McDonald, Bill, Churchill, Moses, McKeagney, Bourneuf, Morrison, McLellan, Dimock, McKeagney, Robertson, Archibald, Chipman.

*Against the motion*:—Hon. Financial Secretary, Mr. Fuller, Webster, Bent, hon. Provincial Secretary, Mr. McKinnon, Solicitor General, Geldert, Tobin, Attorney General, McFarlane, Wier, Young, Shaw, Davidson, Ryder, Esson, Wade, Munro, Annand.

After the transaction of some routine business, the house adjourned.

### WEDNESDAY, March 17th.

#### COMMITTEE OF WAYS AND MEANS.

The debate on Ways and Means was resumed. The resolution proposed on the previous evening, to lay twenty per cent. additional, on the duty on wines, liquors, &c., was read.

Mr. WIER.—I wish, Mr. Chairman, to make a few remarks explanatory of my opposition to the resolution before the committee. (Mr. Wier proceeded to explain his reasons for preferring a different adjustment of the proposed duties, he stated the various prices of articles taxed, and the want of proportion, relatively, between those and the one rate of duty, arguing also, that the revenue would not be increased to amount supposed, in consequence of illicit trade and otherwise,—and that the duties proposed would not, in his view, have the beneficial effect on temperance which some might expect. He advocated ad valorem duties, and alluded to commercial relations with the U. States. Mr. Wier continued as follows:)

I was surprised yesterday at the tone and manner of the Financial Secretary's attack on members at this side of the house. He seems to think that his statements should not be impugned, and that those who do so, make personal attacks. I am not inclined to adopt the course complained of; but I recollect, some time ago, when Mr. Creelman, former Financial Secretary, was met by the member for Guysboro' with various kinds of attack and ridicule. That officer met such conduct with explanations, and not with attacks in return. I believe that that is the better mode to pursue. The Financial Secretary's speech yesterday was of an extraordinary character, and did not exhibit the dignity or prudence of the hon. gentleman in a favorable point of view. We, at this side, were charged with having brought about a financial crisis. I feel that, if we are in such a state, it has been drawn on chiefly by the statement of that honorable gentleman, as organ of the government. He arose at the beginning

of the session and made an announcement calculated to throw discredit on our affairs, and all but invited depositors in the Savings' Bank to call for their money,—intimating that he expected that about £25,000 would be so drawn out. That was a strange statement for a public officer, particularly now, when money is becoming cheaper than it was. I do not exactly believe the statements which thus came from a high source, and with the effect of impairing the public credit, although that might not have been the intention. He also spoke of the great difficulty in floating the province paper. That was new to me; and instead of that, I believed that it went freely to the remotest parts of the province, and there circulated. He may have had reasons for that announcement; he opposed the issue of that paper, and determined that it ought to be redeemable with specie. That being so, he comes now and says that it will not circulate freely, and that you cannot make the people take it. I do not believe in that state of things at all. The method, however, by which affairs of revenue are conducted with the banks, has the effect of keeping that paper in the vaults, instead of in circulation,—and of returning it to the city, instead of its remaining, as it ought, in the country. He also said that the amount due to the Bank of Nova Scotia should be paid off; I do not know why, except it be suspected that the province had better pay its debts, and that those who came first would be likely to be best off. I suppose that that feeling also was caused by the statements of which I complain.

The money was borrowed, when capital could be with difficulty obtained in England; and if it has recently been intimated, that the borrowing was not according to law,—and that the present government scarcely thought themselves bound to pay it,—then there would be a reason for owners asking for their money, and pressing for it too. If the province be in difficulty, I attribute that chiefly to the party now in office; before their accession to power they opposed responsible government,—and this year they tried to destroy, it by breaking up the constitution as established. That was a proof of the sincerity on that subject. The Saving's bank was opposed by the same party, and that institution is, it appears, to be almost discarded now; the issue of province paper was also opposed, and now, all at once, it is said to be in a position not to circulate freely! Government has almost denounced the credit of the country; if a different course had been adopted, all these things would be differently situated, and we would not have what has been called, a financial crisis. The same remark applies to the railway. The people of the country submitted to a change of government;—but I do not say that the present holders of office really represent the province; the change took place by accident, and was not founded upon any political principle at all. The people were not consulted, but they stood by, and saw affairs placed in the hands of those who had always opposed what the people approved; they did worse, they allowed the railways to pass into the charge of those who had for years denounced them, and who retain the same views now, asserting that the expenditure is enormous and that those works will be the ruin of the province. If these were the views last winter, instead of supporting a government which was opposed to the works

while it professed to carry them on, the proper way would have been to stop the construction of the roads, pay off the debt, and rest at a first loss, instead of going on to a greater. The government, however, took hold of the railway; they knew that the people would not let it stop; and so it is in the hands of those not friendly to the enterprise. I believe the people made a sad mistake at the time, by placing in the hands of its foes, that which required the utmost energies of its friends to put it through. I do not believe in the propriety of committing a work to those who have no faith in it, and all not friendly to it;—how can they be expected to take it up with the requisite zeal? If the government did so take it up, and it became a great success, to whom would the credit be ascribed? Not to them. That view, I consider, has caused difficulties,—respecting responsible government, and the railways also. If the line to Windsor were through last autumn, the people would have saved some £5,000 or £6,000 in expenditure,—and interest besides.

Concerning money matters, a child might understand the statement of the learned member for Colchester. In the house, when a surplus revenue appeared for 1855, and its appropriation towards the railways were urged, the gentleman opposite gave obstruction, and wanted it expended on the common roads of the province. Motion after motion was made to obtain that money, and to send us to borrow at six or seven per cent. The member for Yarmouth made several efforts to that effect; and now they charge this side with extravagance. Who brought forward the motions alluded to, for taking large sums for the common roads? They. And why? To embarrass the existing government. (The member for Horton—Yes.) That is now acknowledged. That was the policy; and I differ with my friends as to the mode of dealing with such parties. When men go to war with Indians, they know how to act. (Laughter.) Members of the opposition side rise up and give the government credit, forsooth. Do they return the compliment? Never. Their warfare is savage, and I would return in the same style. (Laughter.) The hon. member opposite admits that the motion for taking £100,000 was to embarrass the government. If we acted similarly the other day, how easily could the combination of a few at this side have carried the Prohibitory Liquor Law. I could have accomplished that, but I did not care to take the example of the Attorney General, who, as the rattle snake is said to swallow itself, opposed his former opinions, and did it without making a wry face either. (Laughter.) Members at this side told him, in a former session, that they did not think the measure could be carried out, and he says so now. What new light has he obtained? Suppose that we said that we believed now it could be carried out, and voted for it, in what position would he be? But we believe that there is some political honesty at this side, although not a particle at the other. (Laughter.) I am opposed to the Financial Secretary's proposition. I believe if we put a dollar on a corn broom, which does not cost sixpence, that we obtain no revenue from that source. The story about taxing the poor man is all very fine; but if we are to obtain revenue, it must be on articles in use. To talk of raising it on luxuries merely in this country,

is an absurdity. When such articles become dear, they go out of use. So it would be by putting a large duty on brandy; it would not be used.

ATTORNEY GENERAL.—You have proved the utility of the resolution.

Mr. WIER continued:—We do not consider that point to-day; let us go to something else. I oppose the resolution.

Mr. TOBIN.—In the statement made by the hon. member for Colchester last evening, figures were exhibited, which, he said, could not be refuted. I do not know that it is requisite to do so. It makes but little difference whether the revenue was expended in paying interest on railways, or in discharging the indebtedness of last year; we have to provide means for meeting all public charges, and the railway interest is one of these. After disbursing public accounts, we find that there is only £5,000 in the treasury. That comes down to a fact, to commence with. Next there is due, by collectors of local duties, a sum of £6,542; the casual revenue will yield £7,849. Are these disputed? Let us bring the question down, so that it may be clearly understood. (Mr. Archibald—No; none of them are disputed.)—The other usual items of revenue would bring the amount to about £156,000, but I would prefer stating it at £150,000. Taking these items, and the charges to be defrayed, I do not think the statement of the Financial Secretary far out of the way. The surplus of £30,000, exhibited by the member for Windsor, I doubt; I do not see where it is to come from. Concerning the tariff, much that the member for Inverness said, deserves consideration. Since I came to the house, I have always thought that the tariff was not based on proper principles, and I think so now. I do not think it consistent, to put the same duty on an article which costs 3s., as on another which costs 3s. 6d. As regards revenue, however, that does not make much difference. If less brandy be consumed, and more gin, the revenue will be about the same. I heard with surprise the remark of the learned member for Colchester, that paper promises were better than gold, more convenient, more easily carried. That is all very well if they be established on the proper basis. (Mr. Archibald—What I did say was, that paper was so considered.) Mr. Tobin continued.—When a sponge is full, it will not absorb any more; it will discharge the overplus. So it is with paper promises. A man may make promises to the amount of £1000, if he have means to that extent; but £3000 might be questionable. That is the difference; and we should be careful to understand it. I do not wish to touch that subject at any length, but rather pass it over; but I am not willing to try and put more of the paper in circulation; it might be better to draw some of it in. We should carefully limit such affairs, unless we establish the principle of a sub-treasury, which is another question altogether;—that we are not prepared for now. The fact is well known to banking institutions, that paper cannot be kept in circulation beyond a certain average time. The average of the Bank of England is seven days. Issues of paper come back, on an average, in that time. We must expect similar expenditures. The paper sent to the country very soon returns to Halifax in remittances; and that may be reckoned to continue. Looking to the statement made

I regret that there is not a greater surplus, but we must deal with the facts as they exist, no matter how the money has been expended. Much has been said about railroads, and I have been always for them, for you cannot increase population, to any great extent except you create means of labor. Inducements must be given to people to come to the province, and to settle there.

When we commenced to make those roads, we were led to believe that the railroad to Windsor and Pictou could not possibly cost £11,000 per mile. If that expenditure was thought probable, we would have hesitated. We find now they are going to cost that. One fact concerning such public works should be remembered, that is, when the work is completed the expense is only about half begun. When you engage engineers, staff, establish machine shops, and put all in working order, the expense goes far beyond what is generally contemplated. We must be prepared for that. To do so, and discharge the public indebtedness, and to remove difficulties now pressing, we must accurately examine our means and our exigencies, and must be careful not to contract debts beyond our abilities.

HON. ATTORNEY GENERAL.—I rise to make a few observations only, at this time. I do not profess to know as much about buying and selling, or illicit trade, as the member for the township of Halifax. The hon. member speaks of similar duty being laid on brandy and gin, and the very different price of these articles. I profess to be entirely uninitiated in such matters. I may be expected to take his theory, therefore, concerning the effects of these duties; but is it fortified by facts. I turn to the table of imports for last year, and I find that all the gin was not smuggled, but that this article, which we are now told will not bear more duty, paid to the revenue a sum of £4,464; and that brandy, for the smuggling of which there is less temptation, paid £3,890 only: so that the highly taxed article paid more than that comparatively lower, in opposition to his views. He and the member for Inverness speaks of the impolicy of the proposed increase, because the duty does not bear a due relation to the value of the article taxed; but do they not perceive that we are not altering the relation, but are taking it up, as established by themselves. Gentlemen opposite may have grown wiser, since they arranged these matters. (From the opposition bench:—Yes.) Nova Scotia may allow them to remain in opposition, until they grow so wise that they will be scarcely recognized. (Laughter.) As patriots, that seems to be their own duty. It is delightful, however, to have them as authorities, when we wish to establish our positions. The member for Halifax complained that we recapitulated many transactions of the past. We said that you did this, and did that, but one thing was forgotten. The hon. gentleman made some solemn pledges himself in denouncing those who took a different view on railway affairs. He would not allow that the difference was in judgment, but that gentlemen at this side differed in opposition to their own judgments. How frequently has he risen, and in the gentle tones which distinguish his remarks, when in warm debate, pledged himself that the railroad would not cost more than \$5000 a mile,—and denounced all those who said they would cost 7 or \$8000, as trying to terrify the

country with false alarms? We ventured to differ; but he would not allow anything to mollify his disposition—would not accept our argument, or admit our right to judge. Not only was our judgment wrong, did he say, but that we knew it,—that we knew the roads would cost only £5000 per mile,—that we were corrupt as well as mistaken, and designed to frighten and defraud the people. That is a reminiscence which he had forgotten, but which he will do well to bear in mind.

MR. WIER.—Unfortunately for the people, they verify the predictions of gentlemen opposite. We had an opportunity of obtaining contracts for less money, only for his interposition. I do not believe that they cost £11,000 now; but I believe that if they remain much longer in the hands of those who have them in charge, they will cost nearly that.

MR. MCLELLAN.—By every means in the power of the learned gentleman for Annapolis, he prevented the building of the road while money and labor were cheap. He caused delay until prices raised enormously, and he now brings the cost as a charge against its friends; he is the guilty man himself, and the country knows it. (Laughter.) Persons were without employment, and left the country; wages were about half what they now are. He talks about wisdom at our side; acts of the government show that they want some. One of their first acts was to lower the duty on wines, now they come seeking to raise it. Did that show their wisdom? The member for Halifax says that it is no odds how the money was expended; I think it of much consequence.—Gentlemen opposite want the railroad as a cloak. Separate accounts should be kept for that work, and let it be chargeable with what it ought to bear.

MR. MORRISON.—If there is a sum of £25,000 in the treasury, available for the ensuing year, it would materially effect our votes on some questions. I would like to have that settled before we proceed. According to our mode of keeping accounts, I think that an amount of £30,000 at least is available. (Mr. M. enumerated several items, elsewhere stated, as forming the sum named.) The statement submitted to the house by the government, was made up as if all was going to stop at the end of 1857. I think that was done to carry out the assertions of last year, concerning a financial crisis. Thus everything that could, was trumped up against the present year, to make it appear that there was but £3 4s. 9d. remaining; then, at the end of the year there would be about £20,000,—and they would exclaim, see what we have accomplished. I see a scheme in the whole affair, as intended to bear on the next election. I believe also it was a stab at the credit of the province. Would any one going to borrow money, state to the lender that he was not able to pay his notes, and that the most available of his property was gone? Yet that was the nature of the Financial Secretary's statement; it seriously damaged public credit, and threw the blame of difficulties on the railroad. But that work was only answerable for what was added to the revenue on its account since its commencement. The difficulty spoken of may not be chargeable to the present government, and may not be to those whom they superseded. I have seen the member for Inverness close the committee of supply, to prevent wild

votes from passing; and I believe that he had a better knowledge of the conducting of affairs than many gave him credit for. Since the commencement of the railroad those now in office took every opportunity of crippling it. I warned the people in 1856 against allowing power to go into the hands of the Attorney General,—I was satisfied what would be the consequences. At the commencement of the session, when a member wished to move on the address to the Lieut. Governor, how were we met? Our mouths were closed, we were not allowed to speak; by a deceptive application, a gross perversion of one of the rules of the house, our mouths were closed by a majority of one; if that were not so, we might have relieved the gentlemen opposite from being in the humiliating position they may be in, before they are done with these questions. We all know how a ministry prepares a Governor's speech.

Mr. TOBIN.—I rise to order.

Mr. MORRISON.—I was going to show how that bore on the revenue. (Laughter.) It was a stab at the railway. (Cries of, that is not the question.)

Mr. MORRISON.—Our mouths were closed.

ATTORNEY GENERAL.—By the rules of debate, the hon. gentleman's mouth should be closed now. These questions must be discussed in a more legitimate way. We are now on a question of duties.

Hon. Mr. YOUNG.—It is hardly fair to interrupt, after the discussion of yesterday.

ATTORNEY GENERAL.—Let him go on.

Mr. MORRISON.—On that subject my mouth will not be closed during the whole of the session. I will take my time, and the longer the louder.

ATTORNEY GENERAL.—Let him go on now then. (Laughter.)

Mr. MORRISON.—I may as well take another opportunity. I would like to see the government try to refute the statement made by the learned member for Colchester. He had advantages for accurate estimate, by being on the committee of public accounts; and I believe his calculations lead pretty much to what I have stated.

Mr. KILLAM alluded to Mr. Archibald's statement, as not amounting to any view of consequence. Explanations were given by Mr. Archibald and Mr. Tobin, relative to the purport of the statement.

Mr. KILLAM said:—In this debate members need not go back for the purpose of attacking the government. None would deny that only for the railroad the province would have a large sum of money to appropriate. I set no value on the statement made by the learned member for Colchester. Any one acquainted with figures could see through the calculations at once.

Hon. Mr. HOWE.—I am not generally anxious, Mr. Chairman, to display my financial skill, but after the debates which we have had, it does become the duty of some one to give to the Legislature and the Province a rather clearer view of these subjects, than any with which we have been yet honoured. In doing so, my object will be to keep clear of anything that may lead to a repetition of the scene which we had here yesterday, and which was not very creditable to the house or the country; at the same time I will deal with facts, and statements made, with the freedom which I am accustomed to use, on other questions here. When the Chancellor of the Exchequer

goes down to the Commons, he expects to have his statements thoroughly sifted, and his system of policy carefully tested by that Assembly. So it ought to be here, without the introduction of anything that ought to create ill feeling on any side.

On the 8th of February we were told by the Financial Secretary that he "did not mean to say that his statements gave anything like accurate information respecting the trade, commerce or shipping of the Province." But ought they not? And if not, why not? Do we not maintain departments for that purpose? Discussions on these questions should be founded on exact information. If we turn to the Returns of the other British North American Provinces, or of the neighboring Republic, we find statistical tables, carefully arranged, and we should be in a similar condition in Nova Scotia. But we were told that the "Financial Secretary has no means of computing the exact amount of exports and imports." The very a, b, c, of our financial affairs? We ought to have such means. And the avowal was discreditable, except it were followed by explanation of how these materials hereafter were to be obtained.

In his first statement the Financial Secretary asks £53,000 as requisite to sustain the Railways for the year; in his next statement he asked £45,000. Which is correct? The balance is of consequence, and with such want of accuracy, is it any wonder that we should be as it were, groping in the dark? Taking the £53,000, and the calculation made by the learned member for Colchester, who sets the sum down at £29,000, there is mistake of £24,000. If we take £45,000, the mistake will be £16,000. I leave gentlemen opposite to decide which of the Financial Secretary's statements we are to believe. The enquiry yesterday was, should not the interest be calculated for 1858? Certainly: all our liabilities should be taken into account. Care should be taken, however, not to jumble those of one year with those of the other. Private persons make a balance of assets and liabilities yearly, and government should do the same. If a sum of £11,000 will not fall due till the beginning of 1859, though a liability of the future, why should it be added to the payments of the present financial year. The official statement should have made this estimation.

Let us examine the estimate presented by the government. I do not call it the act of the Financial Secretary alone, but of the Cabinet, and I hold them answerable for it. They come before the house exhibiting certain demands, and probable receipts, and the result is, they have £3 4s. 9d. to the good. I felt at the time, that if that were correct we were indeed in a bad financial condition. But the government must have believed their statements correct, for their proposition was to borrow £26,000 for the road and bridge service, in consequence of the deficiency. If I show that that view is unsound, that it was inaccurate, that it was calculated to damage the credit of the country, and was not in any way beneficial, then it will follow that it should not have been presented. I have looked over the journals and public accounts, and have come to a very different conclusion from that arrived at by the Financial Secretary. If the view of the learned member for Colchester be accurate, as I believe it is, the following will appear: A sum of £16,000 has to be deducted from the £45,000 chargeable for this year's Railway interest. Then, and not payable till 1859,



£9,000 owed by the Railway Fund to the general revenues of the Province may be transferred, and £4,900 may be saved from educational grants, as the committee on Education decided yesterday. The government ought to have known that, and instructed us without waiting till a committee instructed them. These three sums amount to 29,900 to the credit of the Province, and which may be appropriated without borrowing a shilling, instead of £3 4s. 9d., the sum stated by the Fin. Secretary.

I do not go into the question of whether the last House or this is chargeable with any very undue waste of the public money; gentlemen on both sides may admit that there have been many lavish votes. I have sometimes sat here, or have stood below the gallery, when not a member of the House, and have observed votes passing, which ought not; and money granted away which should have been saved. That is done, however, and cannot be restored; but we may learn wisdom from the past, and abide by correct principles in the future. I have run my eye over the appropriation act of last year, although such supervision is not exactly my duty at present, and I have satisfied myself that we may strike off a sum of £8,989, leaving the valuable services of break waters and Agriculture untouched. This, added to the former sum named, would make £38,898 available, instead of £3. 4s. 9d.; and I do not believe that there is any material mistake in these reckonings; but that expenditure could be still further reduced. I think that it would have been becoming in the government to have made such investigation, and more in accordance with their duty, than to have presented a fallacious statement; they should have given rather a cheerful aspect to affairs, so as to sustain public confidence, and aid in carrying us over any difficulties that might have impended.

I assume then, that without borrowing a pound, and without passing the proposed duty, which I care nothing about, that we have a large sum that may be appropriated, leaving means to meet railway interest, and sustain the credit of the country; that is, supposing there is a disposition to do so, and not to raise an alarm until the province paper is returned, and the money drawn from the Savings Bank. I assume that gentlemen opposite are acting in good faith with the country.

Concerning the railway policy, I put that aside for the present. It will vindicate itself, and when the proper time comes I will not shrink from my share in the responsibility. Let me turn now, however, to a gross injustice done to that enterprise. It has been shewn, and not disputed, that, deducting the increased duty arising from the 10 per cent laid on in 1857, from the amount paid on account of the railways the deficiency is only £2,389, chargeable for that year against the work. The earnings of the railway, also, though not much, should not be overlooked; the nett income of the short piece of rail road travelled, £1,109. 15s. 7d. earned the previous year, so that in point of fact, this mighty undertaking, that was to cripple the revenue of the country, and that was represented as leading to these financial difficulties, is only chargeable, in the year 1857, with a sum of £1,276. During to the present year, we take the £29,000 stated as requisite for interest, and reckoning as before, taking credit for the 10 per cent, and for the earnings of the road in 1857, all that

is required to keep the railway square for the year, is the sum of £2,872; and the overplus of the two years, fairly chargeable to the work, is but £8,869. Yet we are told that the province is borne down by the railroad. I do not wish to state what may be disputed; if my calculations can be denied let us hear the contradiction.

I always contended, that when we came to build these roads, a large increase of revenue would flow into the treasury. I claim such increase now, and proceed to shew how. I hold a statement of the revenue for the four or five years previous to 1854. The revenue of 1848, was £121,500, including £5000 from the Savings Bank. I may remark here, that objections have been made to the way in which the public accounts were kept, in reference to charging this item as revenue. But in 1848, the Treasurer's account for 1847, places the amount from the Savings Bank, among the receipts of the year. That document was signed by S. P. Fairbanks; he could not be charged with making a deceptive account, and I suppose that Mr. McNab followed the example which his predecessor set. The revenue for 1847, however, including that, was, in round numbers, £121,000; for 1849, £104,000; 1850, £107,000, 1851, £99,000; 1852, £111,000; in 1853, £121,000. Now we arrive at the period when the Railway commenced. Taking the six preceding years, and making an average we have £111,000, obtained from provincial duties, before we commenced to build. In 1854 the receipts were £158,000; 1855 £13,952; 1856, £138,000; 1857, including the ten per cents., £157,000; or deducting these, £140,749. Deducting the income of each of the four years preceding the railroad, from the income of 1853, and adding the balances, we have a sum of £80,000 to carry to the credit of the undertaking; or taking the average of the six years preceding the railway, and of the four succeeding years, the amount thus appearing would be £149,000, for the four years. Take either view, either by average or single years, and you have, by one mode £80,000, by the other £149,000, to carry, according to my calculation, to the credit of the railways. I hope, therefore, that we will not be troubled much more in this debate concerning the amount which this enterprise as yet owes to the general revenues of the Province. By and by we may get into the past policy, and present condition of these roads, meanwhile I neither admit nor deny some statements made, and which I do not believe to be correct. We will come to enquiries concerning the exact cost of the roads, but if they have cost more than we imagined, the explanations has been given by the member for Londonderry; when we could build, or thought we could, at 3½ per cent. and with wages at 3s. 6d., we were obstructed at every stage, and if we were delayed until the war period, when money became scarce, and cost of all articles high, it is not fair to charge us with being very responsible for the increased expense of the railroads. What happens in the building of great bridges, when rise of prices intervene, may in building railways. Look at the Shubenacadie canal; at one time the assertion was, that it could be completed for £10,000; but now its friends show that it cost three times that amount, and they want more money. I wish to touch these matters as delicately as I can in these debates, leaving particulars for the proper opportunity. I not only invite

criticism on these statements, but I demand enquiry; remarking, that if the government intend to maintain the credit of the country, they have not taken the wisest course to do so. Gentlemen opposite may attribute difficulties to the former government; I was not a member of it for some years; but I say this, down to the time that I left the administration no question arose as to the credit of the Province paper, or the stability of the Savings Bank; no question either as to where we should find money enough to carry on the public services. I never heard until the new administration was formed, of any difficulties on these points. We are aware what the practice of the people is relative to Province paper Go into Clare, or Guysborough, or County of Pictou, and if one of the country people have some £20 or £40, not to be immediately paid away, which notes do they lay by carefully? Which does the old woman put into the stocking? Is there any man, whatever his origin or politics, in those places, who does not think the faith of his own province superior to that of any banking institutions; and he separates his notes accordingly, putting away the former, in consequence of the good faith entertained? What, however, is the tendency of some of the debates of this House, whatever may be the intention? Let the Scotchman on the green hills of Pictou county, take up some of the speeches made here, and find that paper blown in, its credit tarnished, will he have the same reliance on the notes, as he had before? If the gentlemen at this side of the House had taken up the same tone, I believe that ten days would not have elapsed, before that paper would have been flung in by thousands. The turn, however, which this debate has taken, will tend to correct that, and to re-assure the people.

Concerning the Savings Bank, the province has adopted a policy different from that of other places. In many other counties such Banks are private institutions, and we know how many of them have failed, and thus became ruinous to the industrious classes, as far as their hoarded earnings were concerned. The government of this province stepped in, and pledged the public resources for the safety of the savings of the people. So that the poor man might go to the officer of the department, and deposit his few pounds, knowing that it would be held sacred, and the interest be punctually paid, without fear of any kind of disappointment. If the statement made the other day, however, that we ought to prepare for a withdrawal of £25,000 from that Bank, were to have gone abroad uncontradicted, what would be the effect, if the supposed condition were probable, the duty of the government, was, not to raise an alarm, but to prepare for the demand without speaking about it, so that when the poorer classes went to the treasury, they should find that the government were in a position to meet demands, and that alarm was groundless. There can be no doubt what the policy should have been; but a very different mode of conduct was adopted, at much hazard to public interests. All these matters should have been arranged by the government, and we should hear of them subsequently, not prematurely, and as a means of causing alarm and annoyance. Much has been said that ought not; many matters have been introduced into debate, that had better have been omitted.

Concerning the question of duty, it would but amount to a few thousands one way or the other. I may say, however, in reference to remarks about smuggling, that perhaps too much should not be said on that subject. The Atty. General, alluded, good-humoredly, no doubt, to the member for Halifax, but it seems to me, that the Atty. General himself is somewhat of a smuggler; according to my notion, he has smuggled himself into the place which he occupies, by illicit means; he has not arrived there at all legitimately. (Laughter.) He speaks of continuation of the relation which he found, in reference to those duties; but if the proportion be incorrect, should not alteration be made; that a former government made certain arrangements, is no proof that it was right.

In reference to what the member for Halifax (Mr. Tobin) remarked, about promises to pay, I may answer, that the Province did issue 100,000 promises to pay one pound. (Mr. Tobin—You are going to make it a million) Mr. Howe continued—None have asked to increase it. I remember the calculation made by my friend Huntingdon a few years ago, relative to the Provincial wealth; in which he estimated personal property at £15,000,000. If that be the case with 3 or 4,000,000 acres of crown land, and this building, and other similar articles of wealth, and with a revenue of £149,000, and a population of 300,000, characterised by industry and intelligence, should it be said that a Province so situated, had gone beyond any due bounds, because it had 100,000 promises to pay one pound, afloat? Is the amount anything compared with its means? I would be sorry at any attempt to depreciate the province paper; the government has means in its hands to avoid or prevent such depreciation; and to ensure that no one applying at the Savings Bank, should go away without receiving his money. The sponge is not quite full. I do not believe Nova Scotia is so drugged, so overborne with promissary notes, as to be in the condition of the over saturated sponge. I call on gentlemen opposite, and we at this side will be ready to aid them in the effort, to sustain the credit of the country; and to provide that all proper demands from the Savings Bank, or elsewhere, shall be promptly met. All are interested in maintaining the public credit, in prosecuting the public works, in providing useful employment for the people, in keeping the provincial honor sacred, and the Provincial paper equal to money. If gentlemen really desire to advance the public business, and defend public institutions the course pursued is not the wisest. I hope, in the remainder of the debate, we will keep close to the points under consideration, and try out calculations, that we may arrive at sound conclusions.

HON. FINANCIAL SECRETARY.—The honourable gentleman makes charges against government, because I stated that the trade returns of exports and imports were not just what might be expected. He was not in his place at the time, as he should have been, before proceeding to make charges in what he supposed had been said. I repeat what I believe, that the trade returns do not exhibit that information which it would be desirable to have. The financial statement is only made partially on such returns. Many articles are imported free, no export duties are imposed, and as we do not pay officers to keep an account exactly, many articles do not appear in the returns.

To have the ample and accurate statistics which are collected in other places, would require more officers, with better pay, than we provide. He complains of the small balance shown by the financial statement, and I feel that equally with him. The honourable gentleman speaks of an amount to be paid in 1859, which need not be included in the present financial year; but we must have means of meeting what we owe when it becomes due. Where could you obtain the £16,000 due in January 1859, if you did not provide for it in 1858; are you to suppose that sufficient revenue to meet that would be paid in the interval? (Mr. Howe.—Government has a cash account and I take for granted, could easily obtain the money, if it were called for before sufficient revenue came in.) Financial Secretary continued.—My object is to pay the debts out of the revenue of the current year, and not to borrow more than we already have borrowed. He talks of £9,000 owing by the railway to the general revenue, and to be realised from it. It is all very well to talk of doing so, but there are two parties in such questions, the borrower and the lender; if you cannot obtain the money as you propose, you must provide for it otherwise. As soon as bonds can be sold money may be raised in that way; but I think it most proper to provide for regular charges by means of the revenue of the country. I believe that the committee reported in favour of deducting the £4,000 additional of last session, from the educational grant; but that was not anticipated in the paper laid on the table. If you pass the new items of revenue proposed to day, should I have stated that also? The paper should be judged in reference to the time at which it was presented. Where the other £8,000 spoken of is obtained, I am at a loss to imagine. It may sound very well in a speech, and look well for the time being. He says that he will not allow the railroad to be dragged into debate, but he cannot help it, and he may find gentlemen on this side as little inclined to bring in needless discussion, except when obliged to answer. As I understand the view taken, it is asserted that up to the present, the railways have cost but £2,276; well, if we can spare the large sums expended, and have only that charge in consequence, it is news to me; and is delightful news if true; but I fear that there would be much difficulty in proving that practically, to any man of business. Taking altogether, it appears that the charge is but £3,549; that sounds well, and looks well, and will read well. If that be correct, you may presently require scarcely any interest for railways; why deduct 16,000 only? Why not knock all off? When the roads go to Windsor and Truro we hope that they will pay well; but meantime provision must be made for meeting the interest. The member for Windsor spoke of boxing the revenue. I have heard of boxing the compass, but not of boxing the revenue; all those views may be very delightful but of rather impracticable character. I dislike those general averages spoken of. When a man comes to talk of general averages, I doubt his business talent. Let us rest on facts. The hon. gentleman speaks of the revenue having jumped up amazingly it appears, between 1858 and 1854, but that was before the railway had much influence; not much more than a scratch in the ground caused that flying leap, according to his statement. He then boxed the other way, and arrived at a gain of £80,000. In 1855, however,

the revenue jumped down, and so exhibited rather a backward inclination; how is that to be accounted for, according to his theory? If the revenue took such a jump before railways commenced, how did it decline subsequently? Not only did it fall, but it did not get up again to the former amount. Rely on it, figures must bear tracing backwards as well as forwards.

If the calculation be good in one way, it must in the other. In 1855, the revenue was up to £161,000, but subsequent to the increase of the 10 per cent. it was less than that. Let none be led away by such statements as we have heard to-day. The increase just prior to the Railway commencement was owing to a large increase of trade,—and everything that could be, was packed on that year to justify the new enterprise, and bring in a million of money. Are we not all aware of that? It was thought laudable to make the revenue as large as possible; over statements were made, and the duty on slack coal and other items helped to swell the amount. Next year however, a deficiency was experienced. Those railroads do not increase population of themselves, or products, or the demand for them. As the people increase so does revenue. Railways give facility for trade, but without inhabitants how can they effect income? Millions of money may be expended in such works, without increase of revenue, if the population do not increase.

The honourable gentleman charges on us the unexpected expense of the Railways, saying that we would not allow them to commence when they wished to do so; but that made a difference of one year only.

Concerning the Savings Bank, neither side of the House established that institution. It was commenced years ago, and we contend that it might be unwise to take money from it, except a working capital be left to meet demands. I never uttered a word against the institution, so as to injure its credit, and the honourable gentleman does not believe the implied charge. If one man said to another, take care of your house, for your fire is dangerously situated, would you charge him with wanting to destroy, because he gives caution? I did not intend to frighten the house or the country, but to place public affairs fairly before the Legislature, so that a wise economy should be observed.

Did we tell the House that there was only a sum of £3 4s. 9d. for Roads and Bridges? What I did say was, that only about half the usual sum could be given this year for the service, and the House are still carrying out that view. If you go to the £25,000 spoken of, you still carry out my original idea. I do not wish to dwell on these statements at this time, but averments at the other side call for such explanations. Extraordinary opinions are advanced concerning railways, and how they should be chargeable. We now try to make them chargeable on the general revenues, and whoever seeks another mode, by borrowing money from the Banks, and such resorts, is not, in effect, a friend to the public works of the country.

HON. MR. HOWE.—The Financial Secretary speaks of half the usual road money, but the other might he proposed that we should borrow for that. Concerning what he has said about railways not increasing revenue or population, all accounts go to disprove that assertion. I admit

that the revenue could not be sustained to the point arrived at in 1854; but my argument was, that in 1854, 1855, 1856, and 1857, the additional revenue, as compared with preceding years, exhibited an amount of from 80,000*l.* to 100,000*l.* The explanation relative to defective trade returns is not satisfactory. Government should see that the work was done, by the present officers or others. Concerning sums due at the commencement of 1856, the credit of the Province is not so bad but that it could obtain increased accommodation to the amount of 15 or £16,000 until revenue came into the Treasury. I may have been in error about some of these matters, but my impression just now is, as I have stated. I did not say that we paid nothing to the railways except the 2776*l.*—all admit that we are paying the difference between 6½ and 10 per cent.; my calculation deducted that amount from the general revenue. I do not know that it is wrong to average revenues; but if that mode be disliked, take it by the years. I think it not well that gentlemen at this side should vote against the proposition before the house, if the government deem it requisite.

(Subsequent to a few explanations relative to proportions of duties. The resolution passed, as did other questions of revenue, as already reported.)

THURSDAY, March 18th.

The house resolved itself into committee of supply, when the licence law was taken up.

The hon. Provincial Secretary moved that shops and tavern licenses be raised to £10 each—which passed in committee.

The committee rose.

The resolution of the hon. Provincial Secretary was brought up.

Mr. Killam moved the following resolution.

“Resolved that the general sessions of the several counties of the province to regulate the rates or duties, at which, tavern, shop, and general licenses shall be issued, except in the city of Halifax and the municipality of Yarmouth—wherein there respective corporations shall regulate such rates or duties.”

Hon. Provincial Secretary withdrew his resolution, and that moved by Mr. Killam passed in the affirmative.

On motion of Mr. McDonald it was resolved that a select committee composed of Mr. McDonald, Mr. Archibald, Mr. Moses, Mr. Bailey, and Mr. Chipman, be appointed to consider the laws in force, respecting licenses for the sale of intoxicating liquors, and report thereon by bill or otherwise.

The house then resolved itself into committee of supply and passed a number of the ordinary votes, the committee then rose, and the house adjourned.

FRIDAY, March 19th.

The house met at 3 o'clock.

The Hon. WILLIAM YOUNG rose and said:—Having moved, Mr. Speaker, at an early period of the session, for the voluminous returns which have at last been submitted, and are now upon the table of this house, I followed up that action by giving notice of the resolutions to which I now beg leave to invite the attention of gentlemen on both sides.

The object of these resolutions is to test the

sense of the house on some of the leading features which have marked the dispensation of patronage by the present administration, since the hon. and learned Attorney General assumed the reins of power. It cannot be contended by any party that the inquiry proposed is not a legitimate and fair one for the Assembly. The exercise of the power of the crown in the dispensation of patronage, comes immediately home to the hears and feelings of the minority, as much as to the majority in this legislature.

Lord Campbell, in one of his eloquent lives of the Chief Justices, says: that by making one injudicious appointment to the bench, a ministry may inflict irreparable injury upon the people. I see hon. members of the government and their supporters smile; but when the facts are put, vividly and distinctly before the house and country, they may evince a different disposition. Sir, in dealing with this question I do not mean to indulge in the language of invective or vituperation. These sort of appeals avail but little; but a body of facts plainly put and forcibly illustrated, seldom if ever fail to impress the hearer and confirm the truth. The principles I advocate, sir, are equally dear to both sides,—and will, I doubt not, meet the ready approbation of all right thinking men.

I have not taken up these returns, and moved a general resolution which would have been equivalent to a vote of want of confidence, but I have selected some of the leading cases purposely to spare the time of the house.

I find, sir, by the returns laid on our table that since the 25th of February, 1857, when the present government came into power, 371 appointments of new magistrates have been made, and 262 other appointments,—making in all 633. A number of these are Notaries Public, and re-appointments; therefore, without computing to a nicety the appointments actually made to offices of honor or emolument, I may safely set them down at 550. It will therefore be apparent that the new administration has not been idle, but have worked the prerogative to some purpose, and with singular activity.

Now, sir, one of the main advantages promised to the people of Nova Scotia, from the introduction of responsible government, was the power given to this Assembly of controlling the acts of the Executive. Previously a government could and did set this house at defiance.

But now that the executive depend for their very existence upon the breath of this house—and retain office only for such time as they enjoy its confidence,—when every act of the administration is subject to our revision and control, we follow the more illustrious example of the Imperial Parliament—in which body many appointments to the executive have been attacked successfully. Lord Glenelg was brought up, and his conduct arraigned for some of his Colonial appointments.

In inviting this house, then, to deal with the subject before us, I feel that I am asking them to consider nothing which does not come legitimately within the scope of their authority. The papers I now hold in my hand contain a list of about 9 officers, who are said to have been dismissed or superseded, but it must not be supposed that it comprises the whole. There are numbers to whom gentle hints have been conveyed, that resignation of their respective offices was expected.

this, though not an actual dismissal, was equivalent to it.

Let us take for example the Board of Works. When the new Government came into power it consisted of my hon. friend Mr. Bell, whose public services we all know and appreciate, Mr. McKinlay, and Mr. McKenna, a most valuable officer, who had obtained the confidence of the late Government by a long course of faithful services at Sable Island. No question of the fidelity, industry, and zeal with which that public officer discharged his duty was ever raised by Conservative, Liberal, or Catholic. He was desirous, for family reasons, of leaving Sable Island, and the government in the exercise of their discretion, called him from that scene of duty and gave him a seat as one of the commissioners of public works. It is said he resigned, but is it not well known that if he had not, the government would have exercised their authority and dismissed him; it was a dismissal then in point of fact, though a resignation in point of form.

But, sir, I ask who might have been expected to fill his place? Surely the government evinced a singular want of gratitude towards one of their own supporters. To illustrate my argument I shall, from time to time, quote a sentence or two from the debates under my hand. In the session of 1856 I find that this house was engaged in an animated discussion as to the dismissal of Mr. Miller; from his friends in the then opposition, Mr. Miller received a very ample, and, perhaps, a very just certificate of character. The hon. Mr. Johnston, the present Attorney General, is reported to have said:

"Are we to understand that in a country like this, where offices are small, and men engage in other avocations to obtain a livelihood, they are to be debarred from the exercise of every right, privilege, and immunity that constitute a freeman? Surely such a doctrine as this is not propounded in this day.—Neither by coercion nor corruption should a Government seek to sustain itself. Its appeals to the suffrages of the people should be based on higher and nobler grounds, and surely the Government that is driven to such shifts to sustain itself is reduced to a most lamentable and pusillanimous condition."

"Hon. J. W. Johnston would like to know to what petty officer the line of demarcation for the operation of this principle was to extend—what paltry price was to be paid for the sacrifice of the spirit and independence of Englishmen. Earl Gray's despatch on this subject referred to officers of a high character—not to such petty places as were distributed over Nova Scotia. If it referred to these, he repudiated it, as unsound and degrading. But the hint just thrown out was quite significant. Every little petty officer in Nova Scotia must take notice—an election is at hand—take care how you vote against any friend of the Government!"

"The holder of a petty Government office must either vote for the Government or refrain from voting at all."

The present Provincial Secretary tells you:

"Sir, I do not wish to question the abstract right of the government to discharge any officer; I do not deny that they are justified in awarding due consideration to the claims of political supporters—but I do hope that the day has not yet

arrived in this country when a man who has faithfully discharged the duties of his office is to be proscribed and driven out, houseless and homeless, because he cannot change with every variation of political sentiment in the government, or accommodate his principles to those who guide and control the public business."

It is well known that the government defended the dismissal, not upon any political ground, nor did they urge his political opinion in justification of that act, but it was broadly stated that Mr. Miller had been guilty of insubordination, that he was impracticable and could not or would not assist his superiors in carrying on the public business harmoniously. By the opposition of that day his services were lauded, his character pronounced unimpeachable, in fact they assumed largely the character of his advocates. How does it happen, then, that when they came into power, when they had an opportunity of rewarding the great and meritorious services of that gentleman, they pass him over to make room for a new favorite, with new claims of a different character, and far more weighty and persuasive.

I now invite the House to consider the appointment of Mr. Condon, which is marked at every step by peculiarities of a curious complexion. It is possible that the government may seek to avoid coming to a direct issue upon this point; in the attempt, however, I scarcely think they will succeed. If a decision upon the direct issue I am about to put is obtained, we shall see how far a majority of this House is disposed to sustain the government in perpetrating acts of executive tyranny. In the appointment of Mr. Condon there is nothing more remarkable than the long delay. The government took office on the 24th February; March, April, May passed and Mr. Condon still remained hanging on the tender hooks of expectation. It took three months for them to consider the position they occupied, and what they were to do with this officer whom they durst neither appoint nor pass over. Let me quote a passage from the Revised Statutes, chapter 24, sec. 6:—

"The Board of Works may employ a superintendent to visit from time to time the light houses, beacons, and islands, or any of them, and may assign him besides his travelling charges, a salary not exceeding one hundred and fifty pounds a year. The superintendent shall be under the general direction of the Board, and shall furnish at least once in every year, for the information of the Legislature, a report of the condition of such light houses, beacons, and islands, and offer suggestions for the improvement thereof."

In 1852 that act was repealed, and by the act in question it is provided—"that the Governor in Council may make such regulations for the superintendence and management of the provincial building, government house, provincial penitentiary, and other buildings and property belonging to the province, with all the light houses, buoys, and beacons erected, or to be erected within this province, and of Sable Island, and the Seal and Mud Islands, as may seem judicious; provided that no greater expense is incurred for such superintendence and management, than has been heretofore sanctioned or granted by the legislature."

In the second section there is this provision:

"The powers conferred upon the Board of



Works, by the revised statutes, may be, by order of the Governor in Council, transferred in whole or in part, to the Commissioners, or other authorities appointed to superintend and manage such works respectively."

In 1852, then, sir, the appointment of superintendent belonged to the Commissioners of the Board of Works. I turn to the papers upon our table, and find among them two very significant and singular documents, which, as they are short, I will read to the house:

*Office of Board of Works.*

At a meeting held on Monday, 15th June, the following paper was submitted:

The members of the Executive Council having nominated Mr. Condon as Superintendent under the Board of Works, request that the Commissioners of Public Works, constituting that Board, will be pleased to enter him as such Superintendent on their Books, with a salary of £250 a year.

(Signed) CHARLES TUPPER,  
Prov. Sec'y.

June 15th, 1857.

In compliance with the above order, Mr. W. Condon's name is hereby entered as such Superintendent.

(Signed) S. S. THORNE,  
Chairman.

June 15th, 1857.

In the first place, I ask by what authority did the members of the Executive Council hold the meeting and give the order referred to in these letters? I wish the administration to answer me when I lay down this proposition, a proposition incontrovertible and which cannot be assailed, that the members of the Executive Council, acting of themselves without the authority and in the absence of his Excellency, have no more power to perform an administrative act than any other six men in this country. True, the members of council hold private meetings, but these are merely preparatory to the legal meetings presided over by the governor, who alone has power to issue orders and to make appointments, by and with the advice of his council. I hold then, as a proposition, which no ingenuity of argument can touch, that when on the 15th June the Executive Council gave the order referred to, they acted in defiance of the constitution and contrary to law.

But sir, was it by pure accident that His Excellency was absent from that meeting. The question is, did he concur in that act? Well do we know that this is not the case. Mr. Condon holds no commission from the Governor, nor has his appointment ever appeared in the Royal Gazette; and I will venture to affirm that in the whole history of Nova Scotia, no instance can be found of an officer holding a situation under the crown, situated as Mr. Condon now is.

Messrs. Thorne, MacKinlay and Mitchell, in fact refused to take the responsibility of his appointment. They said, "an order coming from the Government, we will obey"; on the face of these documents, it appears that Mr. Condon was appointed by the Executive Council.

What then, let me ask, sir, were the peculiar circumstances which induced the Executive Council, knowing that this inquiry was behind them, to assume an authority that did not belong to them, to perpetrate an act in direct contravention of our constitution and law, and place themselves, and the Board of Works, in an illegal and humiliating position, which they will find it difficult to vindicate.

Sir, I do not intend to refer at any great length

to the debates which occupied our attention in 1857, relating to the circumstances of Mr. Condon's dismissal, and the causes which led to it; they are familiar to every man in this house, and I shall content myself, therefore, with a reference to one or two circumstances which I have thought it right and proper to incorporate in the first resolution. Mr. Condon was dismissed by the late government; why dismissed? The language of the resolution which I hold in my hand, and which it is my intention to read, may throw some light on that question:

Whereas it appears by the papers on the table that Mr. Condon, who was dismissed from office by the late Government, was nominated by the members of the present Executive Council on the 15th of June last as Superintendent under the Board of Works with a salary of £250, and that his name was thereupon entered as such superintendent and a letter addressed to him accordingly by Mr. Thorne, the Chairman of the Board, but that his appointment has never been gazetted nor was he commissioned or recognised in any way as an Officer of the Crown by the late Lieutenant Governor, and his appointment from his known opinions being an insult to the feelings of loyalty and attachment to British rule which happily prevail in this Province; Resolved, That such appointment was highly objectionable and in the judgment of this House ought not to have been made.

Returns were asked for, and we have a right to suppose that all which can be given to the public is here, and every syllable asserted in the resolution is proved by the documents to be true.— Have I not ground enough then for the charge? Have I not a right to ask the assent of the Assembly? I try the gentleman by his own words, not on vague rumors which are liable to dispute. I try him by two facts, and only two. It has been alleged on the floors of this house, and I know not that it has ever been contradicted, that being one of a party employed in arranging a festive meeting, he refused to decorate the room with the likeness of our gracious Queen. Leaving that charge, however, I turn to two sentences of his own letter, and then tell me whether or not I am justified in the terms of the resolution. If the words which I propose to read could be qualified, I would read the qualification as readily as the charge:—

"There is quite a monomania in this city respecting "loyalty," that really to those who are not infected is quite amusing. This mania periodically vents itself in addresses, bunkum speeches, and "God save the Queen" ejaculations, with music by the full band."

That is pretty significant. What is the meaning of the sneer at our loyalty? Does loyalty signify only a blind affection towards the person of the Sovereign, whom but few of her people have ever seen? Is it the passive, unreasoning attachment that may have existed some centuries ago? No; in her present Majesty we reverence not the faded image of the dynasty of the Stewarts, but the impersonation of the British Constitution which overshadows and protects us all. We mingle the graces and virtues of the woman with the majesty of the Queen, and under her beneficent rule pride ourselves as her subjects in belonging to the noblest and most powerful empire the world has ever seen. Mr. Condon says

this is only "a monomania." If so, I hope to God it will never cease in my day and while I breathe the breath of life. To be "infected" with it he stigmatizes as a reproach. I account it a happiness and an honor. Let me now read another extract:—

"That Irishmen, honest Irishmen, do not love the British Government, is true, it were useless, it were mean to deny it, but they can separate the people from the Government, and bear them no ill will."

I deny that Irishmen, honest Irishmen, entertain such sentiments; I deny that they do not love the British government. Look to the history of Ireland; it is assuming a new position; agriculture and commerce prosper; the people are content, and the parental rule of Great Britain extends to every part of the land, giving new life and vigour, and strengthening the union with the sister Isle. Am I not warranted, therefore, in using the language of the resolution? (Mr. Young read additional extracts from the letter, separating the British people from the government.) Am I not right in saying that the condemnation of the appointment is confirmed by the officer's own shewing? Is not the appointment an insult to the people of the province, and to the British rule happily established here? All the sophistication in the world will not get these facts out of the memory of the house; and if so, a resolution which condemns the appointment as objectionable, and one that ought not to have taken place, it will be difficult indeed to negative, contradicting what all feel in their hearts to be true. Probably the present government were brought to that appointment reluctantly. We find them delaying for three months, from February to June; and we may infer that they yielded at last to a humiliating necessity, stooped from their high position,—and now, in the face of the house and the country, have to vindicate the act and sustain that officer, as best they may. If a majority of this house decide that that appointment was legal and constitutional, they will adopt a principle inconsistent with British rule,—they will evince their determination to support the present government, under every disadvantage, and will stultify themselves. This will probably happen, but it will not alter the impression made out of doors; it will merely exhibit the attitude which gentlemen are obliged to assume on questions like this.

I pass on to the second of these resolutions, respecting the appointment of Mr. McKeagney, a member of this house; and that appointment appears to me objectionable, on two grounds. On this subject I commence by quoting what ought to be good authority to gentlemen opposite. In the debate of 1856 Mr. Killam said: (An extract from debates was read, about creating salaried offices without the consent of the house.) There is the doctrine laid down, denying the right to appoint a salaried officer without the sanction of the house. Supposing that the rule might be waived, in consequence of some emergency having arisen, I can imagine a government coming down admitting the fact, and pleading the exigency in justification of their having violated the rule. But where is the exigency here? What demand was there for such services at the time of the appointment? Was any duty performed by the officer previous to the arrangement with

the Mining Association? No such duty appears to have devolved, and no exigency shewn by the papers on the table, except indeed the exigency of party. The appointment, with the promise of a certain salary, had not been recognised by this house, and was made without its sanction. A similar office has not existed previously in the province of Nova Scotia. In 1849 the Legislature pensioned Mr. Crawley, who held some such office in Cape Breton, and since then there has been no such department. That part of the resolution which asserts that this appointment was made without the sanction of the house or authority of law, is a position which I take it to be impossible to deny. What are the duties of the officer? I find in the papers under my hand an elaborate answer to that question. (Extracts were here read.) The duties evidently require that the officer should be a mining engineer, and a thorough business man, competent for all the variety of services included. It does so happen that there was a man eminently qualified for these duties. It came out, during the Mines and Minerals debate, that a gentleman, of long experience in the mines of Nova Scotia, had communicated to the delegates much information of a highly valuable character. The same person addressed a letter to myself, to which I alluded in the debate, and which contained intimations of much interest and importance.

Here was a man, who, from ability and experience in working the mines, was competent to superintend our mining operations,—was well disposed to the province, and was, above all men in Europe and America, perhaps, fitted to fulfil the duties of this responsible office. Why not select him? What influence was it that induced the passing by of his qualifications? He was highly competent, was solicitous of employment, and was thoroughly independent of the political and social influence of the Mining Association. If the gentleman appointed had the professional skill, we know that he has not the requisite independence. Is it not well known that his position here as representative depends on the direct influence of the Association? I put it to the good sense of members, was this an appointment that should have been made? He is the nominee and adviser of the company, whom it is his business to watch, and who are about to become the lessees of the province, to the extent of thousands of pounds sterling. What a mockery! Strange things have been whispered about this appointment. The idea and the promise last session was, that the hon. member was to step down stairs, and become Commissioner of crown lands. Last summer negotiations were pending to that effect, and with some regard to the claims of Mr. J. B. Uniacke; but the political machine did not work smoothly, and it gets another turn: Uniacke walks out, and Fairbanks walks in,—but what is to become of the Catholic member for Sydney? He must be provided for at all hazards. We heard eloquent speeches in former sessions, from the learned gentlemen;—but it appears that there are considerations more substantial than those of honor; matters of value in the market; and that these had some influence in the movements referred to. The appointment is only another example of Catholic pressure. That same pressure formed no small part of the difficulties of the late government, but Heaven help those in office now, necessity after necessity.

pressure upon pressure. We shall see a strange spectacle in this debate, if they induce their followers to jump like a flock of sheep, over all the barriers I have set up. If they do so, I merely say that they must jump well. (Laughter.) I do not say that the member for Sydney had no claims on the party which he helped to build up and to sustain. There it is; with two or three leaders to defend its very equivocal position;—I do not say that the learned gentleman is one of those leaders, but he gives a good speech now and then, and thunders out energetically, about his "co-religionists." He said he loved honor! well honor is a good thing,—but what are honors without cash?—they are not bad, but £300 a year is better,—and if they be combined, a happy union is effected, which is very charming.—(Laughter.) We were told of the expected extension of mining operations, of the thousands a year to flow into the treasury, and the millions of tons of coal to be exported, and these hopes may be realised if the admission to the United States continue free as at present. While therefore, such an officer may be requisite, is it not essential that the Inspector of Mines should have superior business habits, as well as other qualifications in regard to science and experience? I would think it an act of great presumption if I were to assume such duties myself; and I know not a man in the Assembly completely qualified for them; but when such a man did offer, and the government might have secured his services, I consider that a large sacrifice to the necessities of party was made by the appointment of the member for Sydney. I do not question his desire to perform the duties of the office, to the best of his ability; but both sides of the house must be convinced that it is out of his power to perform those duties well; and at this moment it would be true economy to pay him the £300 a year, and employ another, qualified for the duties of the office. That is my view,—and in looking at the resolution which I have framed, I cannot help thinking that it will be very difficult to induce the house to contradict so irrefragable and simple a conclusion.

*Whereas*, It appears by the papers on the table that James McKeaney, Esq., a member of this House, and supporting the present Administration, was on the 7th day of December last, appointed to be Inspector of Mines in this Province, with a salary of £300, exclusive of travelling expenses, (the law recognizing no such office or salary,) and there being no immediate or pressing necessity for the appointment until the assent of the Legislature thereon was ascertained; and *whereas* the duties of such officer, if intended to be useful to the Province, require the possession of much skill and experience as a Mining Engineer,—qualifications which the gentleman appointed cannot be supposed to possess. *Resolved* that such appointment was premature and unwise, and in the opinion of this house ought not to have been made.

I now invite the attention of the house to the principles that ought to prevail in the dismissal of officers without inquiry and due cause. It is familiar to all our minds, that the celebrated letter of Earl Gray propounded the general principle that subordinate officers could not warmly oppose members of the existing government, without exposing themselves to dismissal from office. My own letter of 1855, almost equally celebrated in

this province, stated the same general principle; and it is recognised in various pages of the debates which are now under my hand. The late government threatened, but did not execute; the present did execute without threatening. There is a vast difference. In the debate of 1856, I find, in remarks made by myself, the following language:—

"It is preposterous to raise a grave constitutional debate on a principle, which had never been announced that the Government removed officers on political grounds alone."

"Take up the voluminous records of the House of Commons—and I will venture to assert that all the abstract propositions announced in that House might be printed on a single page. Therefore, sir, I do not intend to lay down any general principle—it is un-British, it is unwise. Whenever the Government come down and assert the general doctrine that they intend removing subordinate officers solely on political grounds, the members of the opposition may charge it home on them; but surely they are not justified in assailing an evil which does not exist. It is quite enough for the Government that they have not yet acted on that principle."

I never announced that removals should occur on political grounds only; but I adopted the principle that subordinates should not oppose the officers of government. That was the limit to which the rule was urged. I quote from page 92 of debates of 1856:

"I desire to prevent an impression from going abroad that subordinate officers—such as Post Officers, Registrars of Deeds, &c.—have been dismissed on party grounds. I assert that this has not been done in a single instance."

So also in the debates of 1857 I expressed myself thus:—

"The dispensation of Country patronage requires the exercise of firmness and discretion. It is necessary to know when to acquiesce and when to resist; the Government never did assert the general dismissal of subordinates as a principle of their policy. We did say that if subordinates chose to engage in politics, and take an active part in opposing members of the administration, it was the duty of the Government to dismiss them, but it was never applied except in one instance, and not until by recent acts these subordinates had manifested antagonism to the Government was a dismissal ever contemplated."

This was the principle announced by the late government; did they act accordingly? The dismissal of Mr. McNab at Pugwash took place before I joined the government, and I am not cognizant of the facts of that case; but while the late administration held power, they dismissed three persons only. Mr. Geldert, the postmaster at Windsor, who warmly opposed the then Provincial Secretary, and wrote an offensive letter to the head of his department; Mr. Miller also was dismissed from the Board of Works because of insubordination; and the dismissal of Mr. Chandler was pretty generally acquiesced in by both parties and if any excuse be wanted, I take it from the hon. member for Cumberland, who told us in debate, that Mr. Chandler was a political traitor; a strong expression, and furnishing a sufficient vindication for his removal. In that act, the government did what a vast majority of the people

of the county approved; and no doubt the present government acted wisely in not restoring that officer. While I held the government, those principles were announced, and the power was exercised with great discretion. I challenge gentlemen opposite to produce an instance, in which, out of the numerous subordinate officers who differed in opinions with us, we removed one, on political grounds. But the members of the present government, in repeated instances, denounced in emphatic terms the very principles on which they themselves have been acting for the last twelve months. The language of my resolution, in this subject, comes from their own lips. They assailed with the strongest expression, as revolting, tyrannical and degrading, the removal of subordinate officers for their political opinions. Were they sincere? Did they really believe it unbritish, unconstitutional, undignified, and arbitrary, to do what they themselves have since unblushingly done, not in one or two cases, as was charged on us, but in numerous instances, and without the shadow of excuse. I proceed to read an extract from the Attorney General's speeches, although I may be unequal to the task of giving the quotation its due emphasis and expression. On pages 8 and 9 of the debates of 1855, I find the following words:

"Are we to understand that in a country like this, where offices are small, and men engage in other avocations to obtain a livelihood, they are to be debarred from the exercise of every right, privilege, and immunity that constitutes a freeman? Surely such a doctrine as this is not to be propounded in this day. Neither by coercion nor corruption should a government seek to sustain itself. Its appeals to the suffrages of the people should be based on higher and nobler grounds, and surely the government that is driven to such shifts to sustain itself is reduced to a most lamentable and pusillanimous condition."

"Hon. J. W. Johnston would like to know to what petty officer the line of demarcation for the operation of this principle was to extend—what paltry price was to be paid for the sacrifice of the spirit and independence of Englishmen. Earl Grey's despatch on this subject referred to officers of a higher character—not to such petty places as were distributed over Nova Scotia. If it referred to these, he repudiated it, as unsound and degrading. But the hint just thrown out was quite significant. Every little petty officer in Nova Scotia must take notice—an election is at hand—take care how you vote against any friend of the government!"

"The holder of a petty government office must either vote for the government or refrain from voting at all."

Again in 1856 Mr. Johnston by way of anticipating his own practice since he got into power expresses himself after this fashion. "A subordinate officer had a perfect right to exercise his political opinions as he pleased. Surely the government do not contemplate anything so degrading as to bring up a man's political principles by conferring office or prolonging its tenure."

A contrast so striking between the learned gentleman's professions and practice must destroy all faith in his sincerity and virtue as a public man.

The Pro. Secretary's speeches furnish the next extract; he says in pages 33 and 58 of 1856:

"Sir, I did not come here to play the game of follow my leader. I did not come here the representative of any particular party, bound to vote contrary to my own convictions, but to perform honestly and fearlessly to the best of my ability my duty to my country."

"Sir, I do not wish to question the abstract right of the government to discharge any officer; I do not deny that they are justified in awarding due consideration to the claims of political supporters—but I do hope that the day has not yet arrived in this country when a man who has faithfully discharged the duties of his office is to be proscribed and driven out, homeless and homeless, because he cannot change with every variation of political sentiment in the government, or accommodate his principles to those who guide and control the public business."

Will gentlemen vote in the direct face of resolutions which speak thus plainly home to the consciences of all who hear them? The men who do so must be prepared to swallow a large dose; perhaps they will; but let them note the advice given by the Prov. Secretary, when he remarked in 1856, that he did not come here to play the game of "follow my leader." (Laughter.)

"Is it right that the Government, descending from its high estate, should attempt to strengthen its hands by going through the country and driving every man from petty office who does not conscientiously agree with them, or in their policy? It is for the good of the people that Government should have plenty of opposition throughout the country. Frequent changes operate on the body politic like the winds and tides on the ocean—they keep it from stagnation."

What a beautiful illustration have we seen during the last year of the measure so warmly denounced by Dr. Tupper, that the government should not be a party governing for a party. Of the 550 appointments there are not a dozen Liberals in all. Are there thirty new magistrates in a county. Be sure there are thirty red hot partisans of the present unholy alliance. This glaring inconsistency I point out and brand in my resolutions.

I now turn to the speeches of the Sol. General. On page 114 of 1856, Mr. Wilkins says in his peculiar style:

"Suppose, sir, I had received an office in the country, and was paid for my work by the people, not by the Executive Council. Suppose that I had even received my appointment from the honorable Attorney General, and was faithfully performing my duties; and suppose he chooses to put his hand in the public chest, and give £300 a year to a strong, healthy, hearty man, to the end of his life, for doing nothing!"

"Am I to be gagged, and not allowed to express my opinion on such a case as that? The resolution does not countenance such an officer in mounting his horse and actually canvassing the county against such a corrupt Administration. But I would go further, and give him the liberty to do so. He receives his office from the Government, but his wages from the people, and when he sees the people robbed, he should be at full liberty to hunt down the robbers."

I recollect well the doctrine so often urged on the other side; it was moulded so as to assume almost every shape that could draw forth and

amplify the little peadilloes and mistakes of the late government. But what were they? One man was dismissed at the instance of a judge of the Supreme Court, a second for unpracticability, and a third for insolence to his superiors, and direct opposition to the government. These instances, few in number, and guarded in the extreme, were denounced on the floor of the House, as arbitrary and tyrannical, and formed one of the basis of attack which sealed the fate of the late administration. On their own principles, every member must now be ready to declare that a more corrupt administration than the present never existed in the province. We have a right to mount our horses, and canvass the country against them, and, as the quotation says, "hunt down the robbers." (Laughter.)

The learned gentleman from whose speech I have just read would never consent, it seems to be gagged. Let us enquire then what it was that struck him dumb during the first three weeks of the present session? He has just recovered the free use of his organs, and there must have been some stricture before, something, if not a gag, very closely resembling it. There is an article occasionally worn by dandies of an inferior class—the would be gentlemen, who are rather seedy and obliged to economise. It is called a "dickey." Can it be possible, sir, that our Solicitor General descended at one time to the level of those dandies and was himself gagged by a Dickey? (Laughter.) I leave him to answer this puzzling question, and in ides passing, as Cæsar was warned against the ades of March, I advise him to beware of the marsh of Amherst. (Laughter.) The last importation from that quarter was well known to be as obnoxious to him as it was to any on our side the house. He has pocketed the affront, because he could not afford to be honest, and as for consistency or independence, the very meaning of the words is unknown to him.

So much for the individual opinions of these gentlemen. Let us now turn to the united action of the members on the other side. In the journal for 1856 page 79, is a resolution moved by the member for Yarmouth, as follows:

"Resolved,—That this house recognises the prerogative and power of the crown administered by the provincial government, yet feels bound to declare that government is instituted for the general prosperity, and rejects the principle that in the administration of government patronage, officers not parliamentary, nor connected with the necessary conduct of government, should be removed from office on account of their political opinions, or for the purpose of rewarding party adherents."

The saying, often quoted, that "to the victors belong the spoils," includes a principle which I never announced nor acted on while in charge of the government. In 1856 Mr. Killam and the party in opposition denounced the principle of the dismissal of subordinate officers for their political opinions, over and over again. One would have thought from the vehemence and frequency of these denunciations that they were sincere. Let us now inquire how they have acted since they had the power. I take the case of Mr. Franchville, with whom I had acquaintance for years. He is a man of unimpeachable character, if moderate, it may be, but of independent means, and

enjoying the confidence, and esteem of the county in which he lives. This I presume will not be questioned. He opposed the Financial Secretary in the election which took place on the elevation of Mr. Justice Desbarres, at which time the Financial Secretary was returned by a majority only of 7. Mr. Franchville then enjoyed the confidence of at least one half of his county, and he possesses it now. He was appointed Inspector of Pickled Fish, about the year 1849, and held the office until July 1857, when he received the following characteristic missive, to which I call the attention of the House:

"PROVINCIAL SECRETARY'S OFFICE,

"Halifax, July 28th, 1857.

"Sir,—It having been represented to the government, by the Hon. J. J. Marshall, that you do not possess the confidence of the community as Chief Inspector of Pickled Fish, you are hereby informed that his Excellency the Lieutenant Governor has been pleased to appoint Mr. James A. Torry in your place, and you will therefore govern yourself accordingly.

"I have, &c.,

"(Signed) CHARLES TUPPER.

"E. H. Franchville, Esq."

In this case no enquiry seems to have been made, no opportunity for defence or explanation given. On the 28th July, 1857, by this brief, sweeping announcement, he was dismissed and stigmatized as if he had lost the confidence of the community in the discharge of his official duties. What I have stated cannot be gainsaid, as to the character of the man and his position in his own county. I presume that the Financial Secretary himself will not deny the accuracy of these statements: Yet, on a bare representation made to the government by a member of the government against his rival, and without a syllable of complaint or warning, he was dismissed from office, and now the House is asked by resolutions to express their approval or disapproval of the act. But who is Mr. J. A. Torry, the successor of the officer dismissed? On the Journals of 1855, a report presented from the Committee on Fisheries, of which Mr. Marshall was chairman, lays down this rule:

"Your committee would recommend that great care should be taken in selecting suitable persons to act as chief Inspectors of counties; persons holding that office ought to be active, practical men, well acquainted with the curing and management of pickled fish; and it is very desirable that the chief Inspector of a county should reside at the port or place in the county where the greatest quantity of pickled fish is collected for sale and exportation.

"For the above reasons your committee recommend that the chief Inspector for the county of Guysborough reside at Cape Canso."

I am not aware that any whisper of complaint was ever heard against Mr. Franchville as to the discharge of his official duties. Up to 1857, there was none, but he had used his political influence against the gentlemen who have lately come into power, and that offence was laid up in pickle by this model government as the real cause of his dismissal, not frankly avowed but covered under a specious pretext. And what will the House say when it finds that this J. A. Torry, now ap



pointed Chief Inspector, does not reside at Canso, according to Mr. Marshall's own rule, but at Guysboro', alongside of Mr. Franchville? and that, he has made an assignment for the benefit of his creditors, altho' insolvency in other cases has been made a fatal objection.

Hon. FINANCIAL SECRETARY.—He may have made an assignment and not be insolvent.

Mr. YOUNG continued.—I will withdraw the statement with pleasure, if incorrect, but I believe I have merely stated a fact; he made an assignment for the benefit of his creditors. Is it true that the persons concerned refused to concur in that arrangement? (Answer, yes.) I do not wish to proceed further on that point,—the officer alluded to is not here.

Hon. FINANCIAL SECRETARY.—I am here to defend him.

Mr. YOUNG continued.—The fact is, Mr. Franchville was dismissed without trial, being an opponent of the government, and the House is asked to endorse the principle, in spite of the repeated declarations of the gentleman themselves. Can gentlemen opposite expect to assume and to retain a power on such terms? Are there not many signs that their hold of power is shaken to the foundation? Is not their only measure of the session abandoned, and another withdrawn without debate? Did they fail to mark the significant smile that ran round the benches on that occasion? They may hold together for this session, and for another, for aught I can tell, but that they can continue permanently to hold power, no one believes who understands the temper and feelings of the people of this country. I have no more doubt that the Liberal party will return to power than I have that I stand here to-day. In that event what lessons are the gentlemen opposite teaching us? Are the principles they have recently established to be the rule? How can any government prevent their party from rushing onwards, and forcing sweeping changes in retaliation for these insults. I ask the House to pause before it stamps with its approval acts of so arbitrary and tyrannical a complexion.

Resolved, That the dismissal of E. H. Franchville, Esq., Chief Inspector of Pickled Fish at Guysborough, and Alexander Hamilton, Esq., Crown Land Surveyor at Shelburne, the first on the representation of a member of the Government and the second on that of a member of this House supporting the Government, and both without enquiry or trial, was an unjust and tyrannical exercise of the prerogative.

I now come to the case of Mr. Hamilton of Shelburne, and will touch it but lightly, leaving the question chiefly to the members from that part of the Province. The charges against Mr. Hamilton were made by Mr. White. I will read a letter dated 1st of May, 1827, against this man who was represented to the late government as a valuable officer. (Mr. Young read the letter which contained a general accusation and one specific charge of the detention of a sum of money). I put it to the house what should, have been done with that letter? The person accused was a public officer, having the confidence of the community where he resided, and his correspondence with the late government, on a particular occasion which came under my observation, was characterised by intelligence and

fairness, in dealing with his political opponents. He held office for three years, and was accused of partiality and the retaining of money. Without the letter in which he was so charged having been sent to him, without a syllable of explanation, he is dismissed from office, another appointed in his place, and now the letter embodying this charge is submitted to the Assembly without his having had to this hour any opportunity of vindicating his character. This may be responsible government, it may be wise government; but it is not the sort of justice which the late government administered. I challenge the present administration to produce a single instance of such manifest and flagrant wrong, from all our archives.

The member for Shelburne (Mr. Locke) has written to Mr. Hamilton, and we will soon have his own vindication here, and I will be astonished if he do not clearly prove that his dismissal proceeded on purely party grounds; but supposing he were guilty, is it not a Briton's first right to have a fair trial, and to be heard in his defence? He was to be dismissed and stigmatized in the face of this house and the country. Surely the opportunity should have been given him in common fairness to sustain himself.

In these two cases public officers were stabbed in the dark. The case which I now approach that of Mr. Davison is characterised by circumstances still less excusable.

I must give the member for Cumberland, Mr. McFarlane, a certain degree of credit for consistency and courtesy in this house, and I regret to find his name mixed up in this transaction. I think it was unworthy of him to prefer a charge of the kind which appears upon the table, and then to use his whole power with the government to procure the dismissal of so unassailable and so respectable a man as Mr. Davison. The first complaint is, that his office is two miles from the seat of business; and a second is, that he was engaged in trade with his brother. I was amused sir, with the official air of the correspondence on this subject. What a farce it is. Mr. McFarlane writes in due form to the Provincial Secretary. The Provincial Secretary answers Mr. McFarlane in due form. He sends a copy of the letter to Mr. Davison. It is all *comme il faut* as the French say, "quite according to Hoyle." I wish we could see the private notes. I imagine they would run thus—from Mr. McFarlane—Dear Tupper, Davison must be got rid of at all hazards. How can we manage it? To which the Secretary replies: Dear McFarlane,—There is no fear we will manage it, just tip me an official. (A Laugh) And so the mischief begins. The plot was a good plot, only it is rather clumsy, and so easily found out. But let us see what became of the charges. Davison hastens to refute them, as if his fate had not been pre-determined and fixed. And it is curious to see how he scattered them to the winds, and how they were enough after all. Receiving the complaint, he addressed a letter to every resident merchant in Wallace. The answers amounted to certificates, such as are seldom forwarded in favour of a public officer. A large majority of those he addressed were his political opponents, yet they unite in the most ample testimonials of his integrity and attention to his duties. We are told that he was unfortunate in business sixteen years ago. On this point there are

one or two passages in Davidson's letter which speak at once to the understanding and the heart. After the most explicit denial of any connection in business with his brother or any understanding in relation to his office, he appeals to the punctuality of his payments, the confidence of his official superiors, the esteem of his neighbors, but all in vain. The fiat had gone forth, the inquiry was a mockery and a sham. To give point to the insult a certificate was obtained, forsooth, from the house of Messrs Pineo and Sons, of Pugwash. And then comes another official correspondence, and the sentence which these upright judges had settled before they began, is pronounced.

Is there a man in this house or country who believes that a regard for the public interest hurled Davidson from his office. Mark the subdued but indignant tone of his letter. "The government have given me no opportunity of reply;" that is a significant expression. Again "all I ask of the hon. Attorney General is justice. Ah! sir justice was it. And did he really expect to have justice. There is a strange simplicity in this. Justice was the last thing the Attorney General and his colleagues would award to Davidson or to any other who is not of the true blue that is tainted with the name of liberal.

*Resolved*, That the dismissal of James B. Davison, Esq., Collector of the Colonial Duties at Wallace, on the representation of a member of this House, and after an enquiry by the Executive Government on which Mr. Davison successfully vindicated himself from blame, was an unfair and arbitrary exercise of the prerogative. Next came the dismissals of Mr. McDonald of Pictou and Mr. Huntington of Yarmouth; these I shall touch but lightly. The Resolution on the table invites this house to declare that the principles upon which these gentlemen were ejected from office are at variance with the avowed declarations of the members of that government when in opposition, and that I have already shewn

I now come, sir, to the resolution touching Justices of Peace.

*Resolved*, That the appointment of 371 additional Justices of the Peace since the 25th of February 1857, including 39 for Hants, 35 for Cumberland, 31 for Pictou, 31 for Kings, 30 for Queens, 27 for Annapolis and 25 for Colchester, was injudicious and excessive, the number already commissioned for the above seven counties being 545, making 763 in all or upwards of 100 Justices of the Peace for each County.

Bye and bye, sir, when the liberals return to power how are they to act with respect to these seven Counties? Let me read to the honorable Attorney General a memorable sentence from a memorable letter—which affords a most beautiful contrast to the action of the present administration:—

"One thing I can say: While I have the honor to hold office I trust you will never see your noble country polluted by myself or any on my behalf hawking through its length and breadth her Majesty's Commission of the Peace as the price of votes—as you have hitherto seen."—HON. JAMES W. JOHNSTON: *Manifesto to the Electors of Annapolis, March, 1857.*

371 magistrates all in one year, all of the right stamp, and acknowledged to be so. No black

sheep among them, but the commission of the Peace polluted and hawked about as no Liberal had ever seen it.

And this is the administration that repudiated the principle of governing by a party for a party. Who when in opposition declared that if entrusted with the reins of government they would seek out men distinguished for virtue, intelligence, and religion, and in their appointments to office would despise and set aside mere party obligations and claims.

Let me glance now for a moment at the anomalous and unjustifiable nomination of Mr. Dickey, who has honoured me, I perceive, in another place, with a political quotation—a mark of attention which if repeated I will not fail duly to acknowledge. Let me ask the house to consider the position now occupied by the government upon this question. When moving my amendment to the address I abstained from uttering one syllable, from expressing one idea which could wound the feelings of the most sensitive individual.

That motion, sir, was made for the purpose of eliciting the opinions of this house on the appointment of Mr. Dickie to the upper branch,—an appointment not only most obnoxious to the members of this house and the country at large, but as I understand, and have good reason to believe, to the constituency of Cumberland itself. I ask, then, if this was not a legitimate ground of discussion? Was it not a fair and open attack? Were we not justified in calling on the government to defend that act, and shew upon what grounds they justified it? We did so, and what was the result? The hon. and learned Attorney General did what no British statesman ever dared to do in the worst days of the tyranny of the Stewarts,—what no Colonial statesman ever presumed to do, no matter how high the rage of party strife—how virulent the fanaticism of political opposition. He interposed his power, and the power of the majority sustaining the government, to strangle discussion and prevent that free expression of opinion which is the life of this house. Sir, the record of that act stands on our journals an eternal disgrace to its perpetrators,—a dangerous example, which if pursued to its legitimate consequences, would be fatal to our independence and to the liberty of our people. (Hear, hear.) What, I ask, is the life-blood of our constitution? Is it not the unrestricted freedom of speech, which at the opening of each session of the Legislature is accorded to this house by her Majesty. Strike away this right, prohibit me from standing here as I now do, enunciating fearlessly and boldly the views I entertain,—enforce an arbitrary rule which never is and never ought to be applied, except in the most extreme cases, and you sap the foundation upon which the influence and the power of this house—and consequently of the people—rest. Mark, sir, to what miserable shifts the government were reduced. They were saved by a majority of one; and when I looked round the benches and saw that the hon. gentleman from Horton was not there, I asked, "where is my ingenious, independent, honest friend, Dr. Brown, (I beg his pardon for naming him) who is always ready to lift up his voice when the liberties of this house or people are imperilled?" My question elicited no reply, until at last, as my eyes wandered over the house, I espied him outside the benches, warming his

coat tails at the fire—(laughter)—and escaping from the division. That was a manly act, which ought to be recorded to his honor. (Hear, hear.)

I must now bestow some little attention on the hon. member for Yarmouth. Mr. Moses deserves this, were it for nothing else than the peculiar courtesy and grace with which he acts as the nursing mother of this ricketty administration. To see him at the opening of the session, leading up the new member for Cape Breton, Mr. Caldwell, to take the oaths, was a sight delightful to behold. Such love and affection between the two—so happy a union of dignity and grace—Paul and Virginia was nothing to it.—(Loud laughter.) As Saint Pierre said, "they were lovely in their lives, and in their deaths we will not divide them." (Laughter.) But Mr. Moses is not only a model of politeness, he is a statesman and an orator too. Mark the picture he drew in 1856:

"I can recollect, sir, before the so-called Liberal party came into power, and when the Conservatives were in the ascendant; they professed principles of Responsible government, and many admired them for the boldness of their stand; but what do we see now? The party in power domineering and setting at naught the very principles which they once professed; grasping at everything—which they blamed the other party for doing—making use of every stratagem to maintain themselves in power—spending the revenues of the country for this selfish object—displacing faithful officers in every part of the country who do not bow down to them—and contriving everything for their own advantage. Sir, the sooner we get rid of such a Government as this, the better."

I appeal to this house, nay, to the hon. gentleman himself, if a more truthful sketch could be drawn of this administration tried by its actions and not by its professions. On his own principles, then, I call upon him to come out from among them, and shew the independence on which he so often prides himself.

I must apply the same test to a member of the government itself, I mean the hon. member for Victoria. Mr. Campbell told us in 1856, that "the country should be governed by a strong administration, able and willing to initiate and carry out measures for the general benefit of the people." Oh, sir, there is a mighty difference between initiating measures and carrying them out. *That* the present administration have found out to their cost. (A laugh.) A strong administration indeed. On the address, sustained by a majority of one. On the Elective Council bill, saved by the casting vote of the chairman. One measure only, initiated, and that one a wreck upon the waters. The government has lost all moral support beyond these walls, and its political support is tottering within. It has no longer any pretence to the name of a strong administration. On his own maxims, then, I call on the hon. Charles, who is eyeing me across the benches, to stay no longer there. Come, come along, why don't you come, Here we are, waiting for you. (Roars of laughter.) The hon. gentleman won't come—and perhaps after all we are as well without him.

Finally, I believe I must pay my respects again to the Provincial Secretary. That significant admonition of his to the members of this

house, in 1856, to act with independence, and repudiate the old cry of "follow my leader," demands my special acknowledgements. It must be confessed that the extracts from his speeches are much more elegant than truthful, but that is an old fashioned virtue on which he does not particularly plume himself. I turn, therefore, to a passage from his speech in 1857. (Mr. Young opens the paper and after glancing at it says:—No, this is not what I intended. Dr. Tupper—I hope it is not too bad to be read. Mr. Young—Oh, if the hon. Secretary insists on it, here it is:)

"Mr. McDonald said—I must in self-defence repeat the expressions used by Dr. Tupper to myself, and will be quite content that those who know the antecedents of us both should judge as to which of us has the truth on his side. And I now declare as I hope to be hereafter judged that during the last session, the hon. member from Cumberland used language to me within the walls of this house which fully justified me in making the remarks which I did. Taking me by the arm, he said 'McDonald, I think you will agree with me, that the time has arrived in this Province that Protestants from both sides of politics in this house, and particularly the young men from the country should meet together, compare notes, and see if they cannot organize a Government that will be free from the Catholic control, which this Government is subjected to.'"

It will be perceived, Mr. Speaker, that I did not design to read this passage, or to revive the charge which involves a personal contradiction between Dr. Tupper and Mr. McDonald. But the idea suggested opens a wide field of speculation and remark. The gentlemen opposite owe their positions to a complete revolution in the opinions they have advocated all their lives. They are now hand in glove with the Catholics, whom they denounced, persecuted and repudiated in every form. After all, the pedestal is not firm, and there is no great love between them. Confidence, as a great orator has beautifully said, is a plant of slow growth; and the affections of the heart are not to be bought. There may be the outward seeming, with mutual aversion and distrust below. Of this change it may be said that it was hollow in its inception, is unsound in its progress, and will be rotten in its end. Meanwhile, it produces some strange fruits. I often look across the floor and mark the subserviency of the government, with a feeling of real compassion. I pity even more than I blame them, when I see the superior minds on that side bending to the inferior, and scarcely daring to call their souls their own. We have a government, not of elevated thought and manly independence, but of tame submission, living upon a power which they detest, but unable to throw off the yoke that galls them.

As to these resolutions, I will not anticipate their fate. They may be evaded or voted down by a pliant and unscrupulous majority; but at all events, they will stand recorded on our journals. Amendments may be moved; if so, I shall move counter amendments, till the true issues are brought out,—and the people, to whom the real appeal ultimately lies, shall distinctly see to what extent party is to be carried in this house, and whether these repeated and flagrant violations of constitutional right—of individual

consistency, and of personal honor, are to be sustained on this floor. (Loud cheers.)

*Resolved*, That the dismissal of Edward McDonald, Esq., Registrar of Deeds at Pictou, and Richard Huntingdon, Esq., Postmaster at Yarmouth, merely on political grounds was inconsistent with the doctrine often urged by the leading members of the present Administration who denounced all such dismissals as revolting, degrading and despotic.

HON. ATTORNEY GENERAL.—I did not intend, sir, to address the house to-night; and I now rise, not to reply at large, but merely to touch a few of the leading points of the hon. gentleman's speech. Nor is it my purpose at present to vindicate myself or the government. All I design to do is to try the learned gentleman by himself and his party,—not that I shrink from vindicating the government, that is a duty that will be performed bye-and-bye. In passing, however, I may tell the hon. gentleman that every sentence which I have advanced on the question of patronage, I now maintain; and that in adhering to those principles I have had to bear the pressure of friends, and to resist the importunities of those whose wishes it was my most earnest desire to gratify. But that is not the point. At present I have to deal with the hon. gentleman and to test the conduct of the present government in every thing that has been brought against them this evening, by the conduct of the late government, and by the learned gentleman's own actions. Let me begin with his concluding remarks. He says the present government are sustained by the Catholics, and he reprobates the pedestal on which he asserts we thus rest. Who sustained him in office? What pedestal upheld his power? Does he think our memories have so failed that we forget his piteous supplications as he besought the Catholics not to abandon him last year. It was only when in return for conduct which well deserved their indignation, they did, regardless of his entreaties, leave his ranks, that his Dutch courage rose, and he poured indignation on those whom before he entreated. Is this not true? Every member of this house knows it is true. Let me go another step. He charges the present government with weakness. But referring to the experience of the last two years which preceded the accession of the present government, did all of us not observe the hon. gentleman in the most pitiable state of weakness standing here session after session in a condition of daily struggle and suffering, sustaining himself by mere shreds of expediency, content to carry on the government by any shift that suited the time being. Has he not told us that he had not sufficient control to prevent the house from imposing on him votes which he knew were injudicious and perilled the best interests of the country? Thus he moved on uncared for by his nominal friends and the derision of his opponents, without a shadow of independent action. He told us, too,—and I will not allow him to separate himself from the party to which he belonged—he told us, and challenged contradiction, that under the liberal rule no officers were dismissed with feelings wounded and outraged, and without opportunity of answer being afforded. How dare he make such an assertion? Is his memory so weak? The outrages committed some years ago were too great to allow a few

years to obliterate their recollection. Does he forget the outrage on country constituencies, and on the feelings of individuals when more than a hundred magistrates were dismissed at one stroke, without communication made to them explanatory of the cause, and without any ground to justify the act? Did we not implore the house to compel the government to produce their charges? To give the dismissed, as all ought to have an opportunity of vindicating themselves! What prevented it? We have been told of screwing up majorities. Then indeed, they screwed up a majority, who, in violation of their own feelings, sustained the government in an act which they themselves deprecated. He has asked for a case of dismissal without cause or without notice. There is one, (pointing to the member for Annapolis,) there in my honorable colleague, Mr. Shaw, is one of those gentlemen whom you dismissed. You see him before you now, returned to this house, and you can tell whether he was fit for the magistracy or deserving of the insult.—He was removed without any notice given, any cause assigned; and much as I respect my hon. friend, I will not say that he is preëminent over the many respectable men of Annapolis, whom you removed from office at the same time. The member for Inverness speaks of our recent appointments to the magistracy—laughed when I admitted that there was not a single liberal among them, as if I had inadvertently admitted a fact I desired to conceal. I do not speak truth by accident; I tell him again, that there was not a single political opponent of my own or my colleagues appointed recently. Twenty-seven magistrates have been appointed for the county which I represent; and twenty-seven do not answer the political necessities of the county. But I also tell the hon. gentleman that there is not a man appointed who is unsuited to the office, or whose name I am ashamed to see on the list, which is more than the hon. gentleman could say of his appointments. The number is not sufficient to rectify the wrongs and abuses of nine years of county oppression and injustice—the result of the hon. gentleman's former policy and conduct.—You made political appointments necessary by what you did in 1848. The member for Windsor has said, in reference to the appointments in that year, that there were only seven liberals in the sessions of the county of Annapolis, against a large number of conservatives. I doubt the accuracy of the statement; but this I do know, that when eighteen or twenty conservative magistrates were removed in that county, and more than twenty liberals appointed, the liberals had an overwhelming majority at the sessions, and ever since that time they have exerted a grinding tyranny over the party to which they were opposed, and have perpetrated acts in the sessions which ought not to have been perpetrated anywhere. Did, then, the hon. gentleman suppose I would recommend further appointments of the same kind? No; you have imposed on us the duty of rectifying the wrongs of years. In that county, with a large conservative majority, the liberal party, by acts of the liberal government, have reigned supreme for nearly ten years, in violation of the rights of the majority, tested at four general elections. But, Mr. Speaker, when it is said that undue power has been exercised, and inopportune appointments made, let it ever be recollected that at all events I and

many of my friends have wished to deprive the government of the power of appointment, and to give that power to the people. One singular feature in the hon. gentleman's argument, has been the chief cause of my rising at this time. He read from his own speech the announcement of his own principles, concerning the dismissal of subordinate officers, who take part at elections against members of government. I desire then to know how he himself and members opposite intend to vote on these resolutions. Most, if not all, of the officers of whose dismissal he complains, if guilty of no other offence, have at least violated his own rule, and transgressed against the decency and propriety of official conduct, in opposing the government and its members openly and violently. Will he vote inconsistently with his own declared principles? Ought not Franchville and Davidson to have been dismissed—the member for Inverness being the judge?

With what face, then, did he venture on that tone of arrogant confidence when he insultingly told the members on this side of the house that he should take care none of them should escape from voting on his resolutions? How is he to escape? Upon his own shewing, those persons merited dismissal,—and he is bound to approve the act, whatever may have been the reason assigned for it. It is idle in the learned member to seek by resolution of this house to condemn as wrong what his own principles affirm to have been right, on the pretence that we were inconsistent. With his own inconsistency staring him in the face, what right has he to address the house with the confidence he assumed this afternoon.

Now, sir, for Mr. Condon's case. I mean not at present to trouble myself about the mode of his appointment; nor will I notice the hon. gentleman's insinuations in relation to the late Lieutenant Governor, further than to remind him of that, which he should not have forgotten, the rule of parliament which forbids such allusions in the debates of this house. So also let the appeal the learned gentleman made to the loyal and religious feelings of the people go along with the missives lately sent to the country under the mask of religion, to effect political purposes, and which were circulated under franks of members of this house.

The only proof the learned member has offered to support his charge of disloyalty against Mr. Condon is an extract made in his speech from a letter which Condon published in a Halifax newspaper in June, 1856. I pass no opinion on the letter, nor do I enquire whether the extract read correctly represents the writer's views as exhibited in the whole letter. I judge the case by the conduct of the hon. member for Inverness. He told us in his most emphatic tones that the sentence he read breathed foul disloyalty, and he implored Heaven that the sentiment might not be general. Did he indeed! He forsooth taunts us with delaying Mr. Condon's appointment from February to June, and schools us on the dignity of the government being at length sacrificed to pressure from without.

Let me ask him what position Mr. Condon held in June, 1856? Was he or was he not a public officer? Was he or was he not dismissed at that time in consequence of that letter? The member for Inverness was Attorney General and leader of the government; and with these sentiments of loyalty burning within him, of course

he sprang forth and pronounced instant dismissal from the public service, as the just desert of an offence which he tells us was in his opinion so open and so flagrant. No such thing. From June to February Mr. Condon remained in office under the provincial government. The member for Inverness describes his conduct as foul disloyalty, yet he continues the offender in office and sanctions his disloyalty. From June to February the learned member's sense of duty slumbered. And wherefore was the officer at last dismissed? For disloyalty? No; but because the learned member for Inverness—the leader of the government—was compelled by the hon. member for Windsor to choose between him and Mr. Condon. It was not until Mr. Howe pronounced the significant mandate—"Dismiss Condon, or I dismiss you"—that the learned member "*stooped to his necessity*," and dismissed an officer who, if the hon. member's own conduct for eight months be worth any thing, did not merit such treatment at his hands.

"We stoop to necessity," says the learned gentleman. To what necessity must he have stooped? Is it to be endured that the learned member for Inverness should venture to declare, by resolution, that the appointment of Mr. Condon in June 1857, was an outrage on the loyal sentiment of the country, when he himself, with the sanction of the government of which he was the leader, retained him in office for eight months after the commission of the imputed offence.

The member for Inverness charges us also with appointment of the member for Sydney as Inspector of Mines. He does not say the officer is not required, or that the gentleman selected is not of upright character, or will not give due attention to his duties. But he wishes the house to pass its censure on the government because the officer is not scientifically qualified. A geologist is needed, we are told. I will not now taunt that gentleman; but again, I will cite his own conduct. The hon. member for Sydney is surely as well qualified for his office as the late commissioner of Crown Lands was for his. He was appointed to make an opportunity for the learned member for Inverness to step into his place as Attorney General; and that too, at a loss to the province of a valuable officer removed, and a pension entailed.

But why should I proceed. The whole argument of the learned member was such a tissue of self-condemnation and abandonment of his own principles, that I listened to him with surprise and amazement. He fondly believed we trembled with fear; and he wished the house not to shrink from voting on his resolutions, while we laughed at the exhibition he made.

I was amused some time ago with a queer phrase, used in the Morning Chronicle, of the paternity of which there could be no mistake. The article alleged that the present government ought to claim no merit on railway progress, and ever and anon repeated the ejaculation "*confound their impudence*"—did not we do this and that.—Now, Mr. Speaker, do not suppose that I am going to be so indecorous as to use this expression in this house, still less to apply it to the honorable member for Inverness. Far be that from me. But as we all know it is impossible to control our thoughts, and I am sure the house will judge me lightly, if every now and then, as I have reviewed the learned member's charges against us, the



very significant phrase has struggled for utterance; and if "confound his impudence, has he not done worse, than all this ten times over" has been all but said. (Laughter.) Pray remember—I do not say this—it was the *Morning Chronicle* said it—I only thought it. The learned gentleman continually tells us of the early triumph over the present government which he anticipates.—I have no objection, sir, to his indulging in "the pleasures of hope." The last thing I would deny to the unfortunate is hope; and I am delighted that he finds enjoyment so economical—to him so consoling—to us so harmless. But I hope he and they who support him will excuse us if, when they make such charges as filled three fourths of the learned gentleman's speech just delivered, our thoughts on this side of the house, in view of the past, should take the form of the suggestive ejaculation of the *Morning Chronicle*—"confound their impudence."

SATURDAY, March 20th.

DEBATE ON HON. MR. YOUNG'S RESOLUTIONS.

Hon. PROVINCIAL SECRETARY.—Mr. Speaker, —As no gentleman on the other side seems inclined to continue the debate, I will claim the attention of the house whilst I endeavour to vindicate the Government from the charges that have been preferred against it.

Sir, I rejoice that the hour has at last arrived when I can meet my accusers face to face. For the past twelve months, not only has the Administration of which I have the honour to be a member been incessantly assailed in the most virulent manner by an unscrupulous press, but my conduct as a public officer has been subjected to an asperity of criticism such as a few men have had to encounter.

The hon. leader of the opposition, in moving the resolutions, has told us that they do not embody a vote of want of confidence; from which I infer that he does not consider any of the complaints against the Administration sufficient to entitle him to ask the withdrawal of the support of the majority of this house. When the hon. and learned gentleman asked for the production of the papers now on the table, embracing all correspondence touching dismissals, he was told that no persons would be more injured thereby than the persons who had been removed, and that they would be inclined to say—"Save me from my friends." I think he has verified that statement by passing over without notice several of the most important cases, and confining his remarks to a few of lesser moment.

My remarks, sir, will embrace a wider range. I will treat this subject as it deserves. I will regard the Government as on its trial before this House and the country; and after answering specifically the charges of the hon. member for Inverness, I will not only discuss the other papers which that hon. gentleman has caused to be placed upon the table, but also the general policy of the Administration, and challenge the comparison which he has invited between the two sides of this House, in order that it may be seen who are most deserving of the confidence of the people of Nova Scotia. I will go further, sir. My mouth, which has long been sealed, being now opened, I shall meet my assailants, who have so falsely and foully traduced the Government and its officers through

the pages of the *Morning Chronicle*. Thanks to the hon. member for Windsor, we are no longer in doubt as to even the anonymous writings in that Journal. He told us the other night in the presence of an hon. legal gentleman from the other end of the building, that the Government had been written down during the past summer by a no less distinguished person than Mr. McCully; and as the assertion remains uncontradicted, I shall hold that gentleman responsible as the "Lounger," and "Idler," of the *Morning Chronicle*, as I shall hold gentlemen on the floor of this House answerable for the editorial department of the same paper.

Now, sir, the hon. Mr. Young commenced his observations by saying that one injudicious judicial appointment ought to forfeit confidence in a ministry. I suppose he referred to the magistracy; but I shall go higher, and ask if the gentlemen opposite discharged their duty to this country when they on the one hand elevated a man to the bench of the Supreme Court, of very inferior capacity and slender qualifications, to discharge the high functions which that position imposes, and on the other, dispensed with the services of one of the first legal minds in this Province.—What, sir, shall be thought of this Act, when taken in connection with the declaration recently made by Mr. Howe, that the Chancery Court of this Province was abolished and the Master of the Rolls pensioned with £400 per annum for life,—not because that court was not needed and useful—not because Judge Stewart, whose decisions were invariably sustained, did not exhibit the highest qualifications for the office he filled,—but to gratify the private feelings—the personal pique, and promote the interests of one man, the hon. member for Inverness: I say one man, for I heard the hon. member for Windsor declare before the people of Cumberland, when attacked for this sacrifice of the public interest, that, had he been on the spot, he would have insisted upon Judge Stewart going upon the bench of the Supreme Court.

The hon. leader of the opposition talked to us of the feelings and reputation of the men named in these resolutions. What, I ask him, was thought of the feelings of over one hundred Magistrates dismissed by the Government he sustained? many of those, men of the highest standing and respectability in this country,—two of them now occupying seats in this House, and second to none here for intelligence and private worth. Sir, I do not wonder that those Despatches have been so long withheld. It is not strange that they should be reluctant to produce the pungent reprimand which this unconstitutional exercise of the prerogative called forth from the British Government. No wonder they wished to conceal the fact that after sweeping out of the Commission of the Peace a large body of the most respectable and worthy men it contained, in order to crowd it with their own partizans, without respect to qualification, they had vindicated this outrage by declaring that a new Commission was required in order to get rid of improper characters. The transparent vein of misstatement and misrepresentation that runs through the whole of their documents from this side of the water, leaves no room to doubt why they were afraid and ashamed to produce them.

We are charged with having made a large num

ber of Magistrates during the year, and I admit its truth. But, sir, we were compelled by a sense of justice to the people, either to imitate the unconstitutional example they had given us of wholesale dismissals, or restore the balance which they had promised to, but did not, preserve. Of course I am unable to speak with the same minuteness of other counties, but I know how they treated my own. In Cumberland they struck down the Conservative Magistrates until but about a dozen remained, and appointed their own partizans until they were four times as numerous, and the bench stood something like 50 Liberals to 12 Conservatives. How does it stand now? I hold in my hand, sir, a list carefully prepared of all the Magistrates who have been qualified to act as Justices in that County, and I find it contains 41 Conservatives to 43 Liberals, and this list is open to the inspection of hon. gentlemen opposite. But, sir, why should we be taunted with the large number of appointments which we have made? Numerous as they are they fall far short of those made during the first year of the Liberal Government, when I find they exceeded 1050. Our friends, therefore, I fear, have some right to complain that the same consideration has not been afforded to the friends of the present, that was given to those of the previous Administration.

The hon. member complained that but nine dismissals were on the paper, and said that some of the resignations ought to be added, and particularly instanced those of the Board of Works. I think the hon. gentleman must have changed his mind on this subject since last session. When drawing a dolorous picture then of the sad consequences that would inevitably flow from a change of Government, he said, "New officers must be appointed to the Board of Works, and other Crown officers fill the situations of the present incumbents."—Then, sir, it was contemplated that changes would be made in that department; and before this investigation has been completed I think it will be found that the Government did quite right in accepting the resignation of Mr. Bell and Mr. McKenna.

I shall not assail the late Chairman of that Board, the Hon. Hugh Bell, as his advanced age rendered him totally incompetent for the office he filled. But, sir, I will hold the late Government responsible for the disreputable condition in which that department of the public service was found.

Last year it transpired in the course of debate, that over £200 had been expended in festivities on laying the corner stone for the Hospital for the Insane. I will not now stop to enquire as to the propriety of such extravagance, but simply refer to the fact that the money was paid by a clerk in the Prov. Secretary's office, and the hon. member for Inverness, then leader of the Government, declared here that the government knew nothing about it, whilst the hon. Mr. Bell assured them in the Upper House that he was equally ignorant, although it had been charged to his department and the money paid.

Important as it is to find a subordinate officer in the Secretary's Office invested with the power of spending public money *ad libitum*, it sinks into insignificance in view of the incompetency and mismanagement exhibited in connection with the erection of the Lunatic Asylum. The papers on the table and the Report of Messrs. Laurie, Hill and Forman, will shew that when this work was

undertaken the whole cost was limited to £20,000, of which £17,000 was granted by the Legislature: one-third only of the building contemplated has been commenced, and none of the out buildings that will be required. That portion of the work in progress was but partially completed, and the whole grant was exhausted. This was not the worst: An intemperate and incompetent, if not dishonest man, was appointed Clerk of Works, to have the immediate oversight and expenditure of this £20,000. The result was what might naturally be expected.

The hon. member for Windsor said the other day that we had better insure it against tumbling down. I tell him we have done so. The report of the Commissioners showed what many of us have seen, that the foundation wall, instead of being according to contract, was built of rubble stone on the outside without mortar, and the granite plinth in many places overhanging the foundation six or seven inches. In consequence of unequal settlement thereby induced, the brick was broken in many places for several feet, the walls were bulged out, and the stability of the building rendered precarious. No attention had been, in fact, paid to any part of the contract, and the Clerk of Works evidently ready to certify to anything. An expenditure of several hundreds of pounds, therefore, became necessary to save it, as the hon. member for Windsor says, from tumbling down.

Why, sir, so totally incompetent was this officer intrusted with such important duties, and, as it appears, without any supervision, that Mr. Davis, the contractor, excuses himself for the want of mortar in this foundation wall by informing us, as will appear from his letter, that two feet of ice and snow were allowed to freeze for two winters in succession in the cellar. Not even the common precaution that any man would use in putting up an outhouse having been taken to drain it. Does it then, sir, excite astonishment that Mr. Bell and Mr. McKenna, his assistant, should have been relieved from their official duty thus grossly neglected.

It is well known, sir, that Mr. Millar was dismissed because he could not agree with Mr. McKenna. Is it not possible that it was the latter who was "inpracticable?"—that was the word, and the only excuse given for the removal of Mr. Millar. It is a matter of notoriety that the former Chairman and Mr. McKenna were constantly at variance. Mr. McKinlay was requested to continue his services as a member of the Board, and doubtless gives as much attention to it as can be expected of a gentleman whose duties are performed gratuitously. No one can, of course, hold him responsible for the general oversight of the department.

I now come to the appointment of Mr. Condon, as Superintendent, under the direction of the Board of Works. The hon. member for Inverness complains of the long delay in making the appointment—of its being made at all, and of the mode in which it was made. In the first place, I may say that Mr. Condon was not permitted to hold any office until the Government, after the most careful deliberation, were satisfied that the efforts to establish the charge of disloyalty against him had entirely failed. Last year the former Government justified his dismissal mainly on two grounds. First, his telegraphic communication to the States;

and, second, his interference here to prevent the men who came on from listing. The absurdity of these charges were made too apparent by the proof submitted that, as President of the Charitable Irish Society, he had sent such a message as was considered necessary to prevent men from being entrapped as railway labourers. In these communications he was joined by the hon. member for this City, Mr. Wier, who was then Vice-President of the same society. Mr. Condon also acted in conjunction with Mr. Wier on behalf of those men when they arrived, and a letter to Mr. C. from the then Provincial Secretary, which is now under my hand, shews that what he did was with the concurrence of the Government. As Mr. Wier was subsequently made a member of the Administration I could not see how Mr. Condon could be dismissed for acts in which they concurred. The proof that they were railway laborers which was given by the Morning Chronicle can only be invalidated by the confession that they for their own purposes misstated the facts. Here it is from the Morning Chronicle of that day:—

“AN EXPLANATION.

“As some misapprehension prevails in the public mind on the subject of the Irishmen who came to this city on the morning of the 6th instant, from Windsor, where they arrived from Boston, we have taken the pains to enquire, in the proper quarter, as to the circumstances of this case, and have ascertained that the men in question were shipped at Boston, not with a view to their enlistment as soldiers, but for the purpose of laboring on the railroad, as avowed by the men themselves. This will appear from the subjoined copy of an original document in possession of the Provincial Secretary, but which was not received by him until some days after the men reached Halifax. Until the men were actually far on their route to this city it was supposed that they were all foreigners by birth, and that they had voluntarily come here to enlist; nor was the least intimation of the real purpose of their emigration known until the document referred to confirmed the declarations of the people. We may add, with confidence, that at the moment the men informed the military authorities, that they did not desire to enlist, they were distinctly informed that they were free, and that not the slightest coercion or influence was used to induce a change of purpose on their part.”

The original document, above referred to, is in terms as follows:

BOSTON, March 30, 1855.

“HON. LEWIS M. WILKINS,—

“Dear Sir,—We have, at request of hon. Joseph Howe, engaged the brig George Washington to take to Windsor a load of laborers for your Government railroad. You will please take charge of them on their arrival, and pay Capt. King, according to agreement, four dollars for each man.

“Your's respectfully,

“SPRAGUE, SOULE & Co.”

Finding that it is necessary to abandon ground so untenable, Mr. Young has rested his case on the letter written by Mr. Condon in June 1856, which he thinks establishes the charge of disloyalty conclusively. I turn to the speech of this hon. member for Inverness, and I find that he viewed this very differently last year, when he said, speaking of this very letter, “To have ejected him from

his office in June, 1856, might have been an act of vigour, it would hardly have been an act of justice.”

Now, sir, I think, after keeping Mr. Condon so long in office, and only sacrificing him to Mr. Howe when he could no longer resist, it is rather late to take this ground. The quotation that has been given from Mr. Condon's letter does not convey a just impression. In speaking of “a monomania for loyalty,” &c., he was alluding to the more than questionable loyalty of Mr. Howe, who, on a former occasion, proposed, as a toast, at the dinner of the Charitable Irish Society, “the memory of Lord Edward Fitzgerald,”—a toast which the late Honorable M. Tobin refused to put from the chair. Another charge has also been preferred against Mr. Condon, that he refused to permit the Queen's name to be used in the decoration of a ball room. Now, sir, not only is this charge denied by that gentleman, who asserts that the Queen's name did appear in several parts of the room on that occasion, but I hold in my hand a letter from one of the Aldermen in this city, declaring that the charge was untrue, and he was one of the committee who had the decoration in charge.

Mr. Condon's opinions were well known, yet he was the friend of Mr. Howe and the protege of Mr. Young. He was appointed by them to the same office he now holds, and discharged his duties so ably that they promoted him to a much better one—where he would have remained undisturbed but for his quarrel with Mr. Howe. Having now shewn that we were satisfied that there was no reason why Mr. Condon should be excluded from office, we did not hesitate to assume the responsibility of recommending him to the Board of Works for the situation he fills.

The hon. member for Inverness seems to question the legality of his appointment and calls it some “post in the board of Works.” Will he be good enough to tell us what post Mr. McKenna held in the Board of Works, that entitled him to £250 a year. As commissioner he was not entitled to a shilling. He held no other appointment that I can find, and yet he not only received that amount annually, but on one occasion the Board were coolly “ordered” by the late government to pay him £100 more. Does the hon. leader of the opposition not know that in the Crown Land Office and Post Office, &c., appointments were constantly directed by the former Provincial Secretary and members of the Executive, and also that architects and other officers of this same Board of Works were appointed in the same way. This objection then must be considered purely frivolous.

The next charge against the Government is the appointment of Mr. McKeagney as Inspector of Mines. The hon. and learned leader of the opposition well knows that Mr. Crawley in Cape Breton held that office, and was paid the salary by this Province down to 1850; therefore the office is not new. It is recorded on the Journals of that year that a committee, of whom the late G. R. Young was Chairman, in their report, recommending the removal of Captain Crawley, on account of ill health, declared their opinion strongly in favor of the appointment of efficient officers for the same purpose. A reference to the speech of the hon. member for Yarmouth, in 1855, will show that Mr. Killam, who is as great an economist as there is in this house, and who would be the last man to

sanction the creation of an unnecessary officer, gave as his opinion that the interest of the Province demanded the appointment of an Inspector of Mines, as we stood to the Association of in the relation of landlord and tenant. How much more is this the case now, that all the mines are at our disposal, and that we may naturally expect numerous applications from other parties for leases. But the hon. and learned member does not intimate that such an appointment was uncalled for, and frankly admits the business capacity and integrity of Mr. McKeagney, but thinks that in view of the enormous interests to be protected, we should have selected a mining engineer; in fact he has indicated a gentleman who should have had the office.

The duties required of an inspector of Mines, and which are detailed at length on your table, are such as an intelligent man may soon master, and are entirely distinct from the requirements of a scientific man, who should be capable of making a Geological survey of the Province. Such a man would cost £1000 a-year, and the gentleman to whom Mr. Young refers himself admits that he is not qualified for such a service. Mr. McKeagney was appointed early because the arrangement with the Mining Association entered into by the Delegates required the appointment of an officer in Cape Breton to lay off the areas as arranged, and in order that he might become familiar with the duties which would be devolved upon him after the commencement of the year. But we are told that Mr. McKeagney does not fully understand the subject of Inspection of Mines. That charge comes with an ill grace from the hon. member for Inverness, who appointed the hon. Mr. Howe Chairman of a Railway Board, with a salary of £700 a-year, to expend a million of money, who excused himself in his report at the end of his first year's operations by saying, that neither he nor his colleagues knew anything about the work in which they were engaged! And, sir, I believe there are few persons in this Province who would, with the facts now before us, question the truth of that statement.

The hon. gentlemen opposite must not talk to us of the illegality of making appointments with the numerous examples which their administration affords of the same thing. The Inspector of Mines has received no pay and will not until the sanction of this Legislature is obtained, although we might find abundant precedent from our predecessors. Mr. McKeagney's character and qualifications, sir, were unquestioned when he formed one of the Executive Council of Nova Scotia, and sat side by side with the gentlemen opposite, and possessed the entire confidence of the hon. member for Inverness. I find, sir, that the position of the hon. gentlemen have much to do with the estimate of their character and qualifications.

The next topic discussed by the hon'ble. and learned member was the dismissals from office. Sir, if there be a question on which it behoved hon. gentlemen opposite to be silent it was this. It is true that Mr. Young has confined his observations to a few of the cases submitted in these papers, but I shall meet them as a whole. The papers relating to these dismissals, sir, are pregnant with proof that almost every department under the late administration was stamped with incompetency, mismanagement, or fraud. These,

sir, are strong terms, but I will sustain them ere I sit down by proof that cannot be gainsayed.

My speeches, and those of others, now in the government, have been quoted to prove that the principles which were professed by us when in opposition, have not been adhered to as an administration. Suppose, for the sake of argument, that I had expressed myself warmly and strongly when discussing the flagrant cases of Chandler and Miller in 1856, upon the impropriety of dismissing without charges assigned.—Suppose that, new to parliamentary debate, I had not laid down such principles as could at all times be adhered to in conducting a government, it would not be strange. Suppose I found it necessary to change opinions once expressed, or modify them in accordance with the recorded opinions of a large majority of this house, it ought to excite no astonishment. Did not the Duke of Wellington, did not Sir Robert Peel, has not almost every statesman of the past or present day, had occasion to change deliberately expressed opinions, that they might keep pace with an advancing age?

But, sir, the ground we then took has been adhered to—aye, even when we felt it did gross injustice to the feelings of our friends. We have refused to turn out men on account of their political opinions, although, in some instances, we knew them to be justly obnoxious to the great body of the population, and undeserving of their confidence. We have, in all cases where the disqualification was not matter of public notoriety, called upon the accused for their vindication and furnished them with the charges preferred and reasons of their dismissals.

The hon. member who has assailed the Government on this question has, with more courage than prudence, thrown down the gage, and challenged us to produce a single instance in which the liberal administration failed to supply officers accused with the charges against them. Strangely forgetful must he be of the past, to venture such a statement. Do not the records of the country abound in such instances? Does not the despatch on the table shew that McNab, the Collector at Pugwash, was turned out of his office for voting against the hon. Mr. Howe? Was there any charge preferred in that instance? No. He was driven from his office on political grounds alone, to make room for a hungry partizan of whom I shall have more to say by and bye. The Rogers family are very ambitious of notoriety, and I will aid the editor of the Morning Chronicle in indulging them in that way.

Was not Sheriff Chandler removed from his office without notice—without cause assigned, and without any justification being offered him except that he was suspected of holding opinions adverse to the Government? It is true that a somewhat amusing justification has been given founded upon an observation made in this house by an hon. member long after Mr. Chandler was removed. The hon. member for Inverness must not justify himself for that act from the circumstance that Mr. Chandler has not been replaced. The Government hold now as they did when in opposition, that the opinions and wishes of the Judges should largely prevail, and opposed as they were to Mr. Chandler's removal, it is quite another thing to deprive his successor of an office in which he discharges his duty to their satisfaction.

Then, again, sir, was not Mr. Millar deprived of his office without cause assigned, obliged to come here, and then denied the reasons? What were they? One member of the government told us that he was "*impracticable*." The hon'ble. Mr. Wilkins, then Provincial Secretary, declared that there was no charge against him—"that he was a man of amiable accomplishments and high abilities for the station he filled," but Mr. McKenna would not act with him, and he must go out. Another gentleman declared that he deserved to be removed on account of his political opinions,—I mean Mr. Wier. The hon. gentleman dissents; then I will read what he did say.—[Mr. Wier—"I wish to explain, Mr. Speaker, that when I said Mr. Millar ought to have been dismissed years ago, I meant entirely on *political grounds*."] At all events, Mr. Speaker, Mr. Millar, able and useful as he was admitted to be, was turned out of his office and without cause assigned.

Then, sir, Mr. Condon, of whom so much has been said, received no official notice from the government until he was dismissed, but on the contrary, had continued assurances that they found no fault with him. And one member of the then administration told him at the last moment that if he would resign it would soon all blow over and they would put him back again.

What notice, I ask, sir, did the hundred of dismissed magistrates get from the government? None! Although they held judicial offices and as such were entitled to respect and consideration, they were dismissed without notice, refused a hearing, and denied the satisfaction of knowing why they were thus ignominiously treated.

I will now proceed, sir, to review the dismissals charged against us, and also those which have with great delicacy been passed over without comment:

Mr. Franchville was removed on the representations of my colleague, the hon. Financial Secretary, who stated that Mr. Franchville did not possess the confidence of the community as an inspector of pickled fish. Another member of the government corroborated the statement from his own knowledge, and Mr. Marshall—responsible as a member of this house, and prepared to vindicate that act here, wished Mr. Franchville to be informed why he was removed, and upon whose recommendation, which was done. A memorial from the county had shewn that he was obnoxious, and his subsequent conduct left no room to doubt the propriety of the step.

Next in order comes Mr. Davison, the late collector at Wallace: And, sir, I am not surprised that the hon. Mr. Young should manifest particular interest in this case. Up to the time that Mr. Young visited the county during my election, Mr. Davison took no ostensible part. After that he threw himself eagerly into the struggle. In reply to a question put to me by the hon'ble. member for Inverness at a public meeting in Wallace, I said I believed I could satisfy the friends of the government in Cumberland, if only such officers were removed as were justly obnoxious to charges sufficient to displace them. It was represented to the government that Mr. Davison's office was not in a convenient situation; that unnecessary trouble and expense were thereby entailed on persons doing business; but above all, that he was believed to be engaged in trade. These charges were made by my hon'ble.

colleague, who, living on the spot, is well acquainted with the facts, and prepared to sustain them on the floor of this house. Mr. Davison was not charged with being a bankrupt as disqualifying him from holding the situation he did, but as a proof of his being engaged in trade.—From the evidence before us, it appeared that Mr. Davison took the benefit of the Insolvent act some 16 years ago, that he had been engaged previously in trade and shipbuilding, that the business was continued as usual—the name of his brother being substituted for his own, and his time as before being occupied in its management, either as partner or clerk. Now, otherwise, I would ask, is it possible for Mr. Davison to live at the rate, as I presume, of £300 a-year, upon an office which probably did not yield him over £50 or £60. The government were satisfied that he held his office in violation of the spirit of the law; and a careful perusal of his defence will show that he put his questions to the merchants of Wallace in a very specious way.

But, sir, I would ask why we are not challenged with the removal of Mr. Dickson, the late collector at Parrsboro? Is it because the papers on your table shew that the late Government would continue any man in office, provided he was one of their supporters? These papers shew that Mr. Dickson has been a defaulter for many years, that the balance against him has been increased year after year until it exceeded £300. No wonder! he knew he was safe so long as he spent a large portion of his time in preaching radicalism. Time after time they threatened to turn him out if he would not refund, but he knew it was an idle threat, and well he might think he had immunity when he could quote such illustrious precedents for withholding the public money.

He knew from experience that the Liberal party would justify one of themselves for embezzling public money and appropriating it to his own use. So bold had this gentleman at length become, that instead of answering the letter of the hon. Financial Secretary, requiring him to pay over the large balance against him, he actually pocketed some £50 or £60 more the past year. Am I not justified, sir, in saying that the public departments of this country under the late administration were characterised by incompetence, mis-management, and fraud.

I now come, sir, to the consideration of the removal of Mr. Hamilton as Deputy Surveyor of Crown Lands in Shelburne. And here, sir, I shall have occasion to advert to the monstrous fraud upon the rights and interests of this Province by the mode in which the late Government dealt with the Crown Land Department, one of the most important in this Colony. Here again, sir, I assert that the country was sacrificed at the shrine of the personal ambition and interest of the Hon. Mr. Young. In order to open up a path for that gentleman to the office of Attorney General and the goal beyond, an able and competent officer, Mr. Morris, was pensioned at £300 per annum, and a feeble, incompetent person, Mr. Uniacke, intrusted with one of the most important and responsible situations in the Province. The natural result followed: Deputy Surveyors in the Country knew they were under no supervision and could do as they pleased, and they found it convenient in several instances to apply the public money to their own purposes. Observation and experience taught them that with



the late government they were safe. Even when complaint upon complaint had brought these malversations of office to their notice they turned a deaf ear, quite satisfied if the public money was going into the pocket of one of their own party. One of the first acts of the present government was to direct that department to call upon these deputies to make a return of the monies paid into their hands, with the date of its reception and transmission. This return would not have been necessary had the standing rules of the department been enforced by a vigilant head.

The returns thus obtained and laid on the table of this house before it rose last year extorted proof from under their own hands that Thompson of Lunenburg, Logan of Cumberland, and Hamilton of Shelburne, had retained for years large sums of public money.

Talk of charges assigned, talk of a hearing, let gentlemen peruse this paper for themselves—let them read the report from this department of the public service, and they will find abundant evidence that the Government would have been recreant to its duty in the last degree had it not promptly removed these men from office. Was it not enough, sir, that we had already lost over £1100 that is already traced, and we know not how much more embezzled by Thompson,—that Logan had retained hundreds of pounds and made use of it for years,—that he had in express defiance of the orders of the Crown Land office taken a large sum of money from the people of the County and put it in his own pocket,—that Hamilton had also retained a large sum of money for a long period, not even reporting it to the office. The Government could not be, it was not ignorant of these frauds, but Thompson had friends sustaining them, and they were purposely blind to his dereliction of duty,—they dare not put their hands upon him. Logan was a radical of the first water—had sustained them here and proved very pliable in the hands of Mr. Howe, and he could bid defiance to public opinion, and use the money of the people as he pleased—they dare not disturb him. Hamilton could do as others before him had done, retain the public money and pay it over when convenient. Who would call him to account? Am I not justified in saying that these departments exhibited incompetency, mismanagement and fraud?

The hon. mover of this vote of want of confidence said but little respecting the removals of Messrs. McDonald and Huntington. I do not wonder, sir, that he passed them by with a casual remark, that it was inconsistent for the present Government to remove them. Inconsistent, sir! Did any member of this Government, in the wildest flight of imagination, ever suppose that an administration would be obliged to tolerate from a press under the control of a subordinate officer, duly defamations and insult. Why, sir, we would have sunk to as low a level as our predecessors.

We will make the hon. member for Pictou the judge in the case of his brother the editor of the Eastern Chronicle. What did that hon. member say in the debate of 1856, "I would not go so far as to say that a man's free judgment should be coerced or that he should even be prevented from giving his own vote. But the moment he goes beyond that, and uses his influence beyond his own person, or openly canvasses against the government that gives him bread, that moment he should be removed. A government would be

committing suicide not to act on that principle."

Now, sir, hon. gentlemen will not blame us for wishing to avoid a coroner's inquest. He knows that the editor of the Eastern Chronicle did all that, and more. I will trouble the house with but one extract from that paper. He said, speaking of the government that (to use his brother's expression) "gave him bread," "They have thrown honor and consistency to the winds and have become the abettors and apologists of disloyalty, sedition and crime." This house will, I think, agree with me, that any government that would permit such insolence in a subordinate officer would deserve the contempt of the country. Bad, however, as this is, it is but due to the editor of the Eastern Chronicle to say that, in virulence and want of common decency, he was far outstripped by his contemporary Mr. Huntington of the Yarmouth Tribune.

I will here, sir, advert in passing, as I see the hon. member for Pictou is in his place, to the attention of the house having been called by the hon. member for Inverness to a contradiction of statement which occurred last winter, between the hon. member for Pictou, Mr. McDonald, and myself, as I think it right that this explanation should be made to the house.

When that hon. gentleman stated to this house his recollection of a conversation which took place between us the previous winter in that window, as soon as he sat down I gave the statement an emphatic denial, and related to the house the conversation that we had on that occasion. Mr. McDonald, immediately on the house adjourning, walked across the floor and offered me his hand, saying that he did not contradict me for fear he might be mistaken. In the presence of Capt. McLearn, the hon. member for Queen's, we shook hands with mutual explanations, and it is but right to say that there is no question of fact between us, but simply a misapprehension, and the friendly intercourse between myself and the hon. member for Pictou has since been uninterrupted.

The hon. member for Inverness, in the course of his remarks, charged the leader of the government with having strangled debate, on the amendment to the address touching the appointment of Mr. Dickey to the Legislative Council. I thought, sir, it was quite the other way. When the amendment to the address was moved, the hon. Attorney General explained candidly to the house the necessity for passing the Address with promptness, as the Lieut. Governor was about to leave, and it contained a complimentary reply to His Excellency. The Opposition were told that if they would withdraw their Resolution, and allow the Address to which they could not object, to pass, the Government would allow Mr. Young's Resolution to be taken up at once and fully debated, and accept it as a vote of want of confidence. They were told that if they refused this course, it would compel us to close the debate.

They persisted wilfully, and have no one but themselves to thank if debate was strangled. But it is not, as they can still debate that matter to their hearts' content, although the rules of this house will, I presume, prevent them from offering a resolution a second time upon a subject that has been disposed of.

The hon. gentleman taunts us with having lost power and weight because we were not sustained

on the Elective Council Bill by a majority sufficiently large to warrant that change in the constitution. If we have lost so much weight by this, I should like to know, how much the hon. gentleman himself weighed at the close of the Session of 1856? Why, sir, he dare not then even allow the house to vote on his measures, but withdrew them to avoid defeat. The hon. member says there is no manly independent action in the Government now. It was only the other day that he said he would give us credit for exhibiting a degree of moral courage that he would never have thought of attempting. Not very exaggerated praise after all, considering the source from which it came.

Having reviewed at some length the observations of the hon. Mr. Young, it becomes my duty to refer to the hon. member for Windsor, who has been particularly attentive to me this Session. That hon. member has scarcely addressed the house in his numerous speeches without venturing to assume towards me an overbearing, arrogant, and insolent tone not often witnessed here. As a public officer I recognize the right of every member of this Legislature to subject my official acts to fair and manly criticism, and as gentlemen opposite have invited comparison with themselves, I will accept the gauntlet thrown down and examine their claims to the confidence of the public with the same freeness and frankness that I am willing should be applied to myself.

Having charged the opposition in this house with exhibiting incapacity to conduct judiciously the management of public affairs in this country, I shall continue to sustain that assertion by dealing fearlessly with the public acts of public men regarding official life as public property. I will not, however, imitate the example of the hon. member for Windsor and deal in vague generalities which I am unprepared to substantiate; but will clearly and explicitly give my reasons for considering him unworthy of confidence. The Hon. Mr. Howe told us the other night when lauding himself, as he is wont to do, that he had forgotten more than a good many gentlemen ever knew. Sir, I admit the truth of this statement. It is one of the principle difficulties of dealing with him—that his memory has become so defective—that his assertions of one day are forgotten the next. No one can be more fully aware of the extremely treacherous character of his memory than myself. Sir, if his recollection had not become impaired I think he would hardly adopt the tone and bearing which he does to hon. gentlemen in this house. He would hardly venture his criticism upon the conduct of officials if he had not become strangely oblivious of his own history as a public man. He says that I have made mistakes, and insolently declares that I deserve the birch. Sir, I may be permitted to say that I entered public life reluctantly, and that contrary to my own feelings and interests and the wishes of my friends I accepted the office I have the honor to hold. No man, sir, within these walls ever knew me to seek an office for myself. In obedience to the decision of the party, I consented to serve in a position of the highest responsibility, and for which I have neither the experience or ability that I could desire. Faithfully, sir, have I endeavored to discharge my duty to my constituents and my country. If I have made mistakes let my accuser

stand forth and put his finger upon them specifically, as I shall now do in regard to himself. No vote or decision to which this house could come would be more agreeable to me personally than one which would relieve me from the toils and perplexities of office and allow me to return to the profession to which I am devoted and in which I enjoyed an honorable and an independent position. Sir, Mr. Howe says that I deserve the birch. What, I ask, would I deserve, had I, as a public man, prostituted the powerful engine of a press under my control to hold up to execration, to vilify and defame others without regard to age or sex or position? Sir, I would not have deserved the birch, but the scorn and contempt of all honest men.

That Mr. Howe has played a prominent part in the constitutional changes which have taken place in this country I freely admit, but it must not be forgotten that his efforts have ever run parallel with his interests. That we owe our present institutions to him I deny. Colonial life is a steady progress, a continual growth, and with advancing age and intelligence the institutions of a colony undergo a natural change.

In Canada, New Brunswick, Prince Edward Island, in Australia, and other places, they have the same free institutions that we possess, and yet they have not been blessed with the presence of the hon. Joseph Howe. He says that I deserve the birch. What, I ask, would I deserve had I, after vaunting my disinterested patriotism, seized the first opportunity to desert my friends and compatriots. What would I deserve if, after holding an important public trust for a little more than a year, I had appropriated over £2000 of the public money to pay my own debts, and had been unable on leaving the office to refund it, paying it in by dribs and drabs as I could borrow it from one and another? Sir, I would not have deserved the birch, but I would have deserved to be consigned to a certain locality indicated by the law upon our Statute Book made and provided for such cases. Is this the man, sir, to taunt me with mistakes? Let a public man in England be amenable to but a title of such charges and he would never more venture to hold up his head, much less accuse others of that which he cannot sustain. Had I, sir, been entrusted with a sum of money for the purchase of safes, and it had been discovered a year afterwards that I had used a large portion of it myself for my own purposes, would I not deserve to forfeit all confidence as a public servant? But I will not enlarge;—these matters are contained in the records of our country, and are a blot on our history.

The hon. Mr. Howe has told us that he is not much richer than when he entered public life,—that his labors have not bettered his fortune. I regret to hear that such is the case, but the Province can sympathise with him, for I do not think Nova Scotia is much richer for his exertions.

Hon. gentlemen opposite talk of appointments without law. Did not Mr. Howe appoint himself a delegate to England to arrange an Inter-Colonial Railway? How did he discharge that duty? Did he make no mistakes? I will not say that he intentionally deceived us, but I will submit a chain of evidence, link by link, that would be sufficient to convict him in a court of law. What are the facts? It is well known that he had the motive. After four years of disappointment and

misrule, the people were about rising in their might to punish the Government for the tyranny that had ejected over one hundred magistrates from office, and disregarded their interests and rights. Then was the project arranged by which public attention would be drawn off and concentrated upon other issues. When in England, Mr. Howe well knew, as he afterwards said, that unless aid were obtained for the Portland line, he must return home branded with failure. In acknowledging Mr. Hawes' letter, he thanked him for the aid to be given to a railway; in his letter to Mr. Keating, he said he had obtained aid for the railways, and proclaimed on his return that the money was promised for both lines. On his way to Canada, Mr. Dickey met him at a public meeting at Amherst, and in a discussion which lasted many hours declared his conviction that Mr. Hawes' letter contained no pledge of assistance to the Portland line. Mr. Howe replied, that he had conducted the negotiations; he could not be mistaken, and that he had private letters from Earl Grey which would prove it conclusively. He says he has them yet. Now, sir, when a member of the British House of Commons sustained himself in the discussion on the China question, by a reference to a private letter from Sir J. Bowring, he was met with derisive laughter, and obliged to lay it on the table. Mr. Howe has exhibited but one note from Earl Grey, written after the period to which I allude, and that by no means sustains his assertion. Well, sir, he went to Canada,—another delegation,—called an extra session of the Legislature, saddling this Province with enormous expense; when forsooth Earl Grey repudiated Mr. Howe's statement of the agreement, and conclusively proves either that he had wilfully misstated the facts, or that he was totally unequal to the duties he had undertaken. Yet this, sir, is the man who holds up his head, and insolently talks of applying the birch for mistakes.

Here, sir, was the motive, the means, and the end gained; for, as he has said, he carried Cumberland by a *coup de main*, he won four seats and saved the Government. How did he carry the county? By the declaration that he had obtained seven millions of pounds, and all that he asked was permission to untie the string and pour it out in the lap of the British Provinces. His charge against Earl Grey was an after thought, as he admitted the mistake was his own in his letter to Sir John Harvey on our Journals. The testimony of all who have had anything to do with him is uniform: Earl Grey, Hincks, Chandler, and the people of his own Province, have had bitter experience of his mistakes. Well would it have been for us, sir, had these mistakes ended there. In an evil hour for Nova Scotia the people were deluded into the belief that he could construct railroads for £5000 a mile, and that they would be highly profitable and remunerative. I see the hon. member making a note, I suppose he intends to tell me that he was misled by the engineer. That will not absolve him; he is himself responsible for the competency of the engineer, as he selected him and placed this great work in his hands. Year by year the truth has been gradually breaking upon us, until at last we know that Mr. Howe has misled the public mind on this subject to the extent of nearly half a million of money—that the road, instead of being built for £5000 a mile,

will cost us over £11,000. Anxious as the people have been to get at the facts connected with this work, everything has been studiously withheld—carefully concealed, until the luminous and able report of Mr. Laurie has made us for the first time conversant with the facts. I was not a little amused, sir, on reading a very labored criticism in the Morning Sun, which, if not written by the hon. member for Windsor, is made up of the repeated attacks of that gentleman upon the report of Mr. Laurie whom he is so anxious to get out of the country. When the time comes it will be easy to shew that much advantage has been gained and much money saved by that gentleman's having been brought here. The criticism instead of making matters better for Mr. Howe, rendered the case still more dark. If it were so easy and could have been accomplished with so little expense, why did not Mr. Howe long since gratify the public with some intelligible account of how this money was being expended. Why was it that thousands of pounds worth of railway property could be sunk in the Bay of Fundy and in the Basin here, and no report, no intelligence, communicate the facts? I was amused the other night at the defence made for Mr. McCully with reference to Insurance. Did Mr. Howe not see that in reading Mr. McCully's letter to Barings on the subject, he proved that the acting Chairman knew that insurance was right and proper, that it was negligence alone that caused the heavy loss in the Bay of Fundy and that he then, to cover that carelessness, pretended to believe that it was best not to ensure?

Then, sir, Mr. Howe seems to think he has made a valuable discovery in the pile of sleepers at Long Lake. What are the facts, as now before us? Mr. Laurie shews that seven miles too many sleepers were bought and paid for (over £1,500 worth) than were required on the first 4 sections. Had these sleepers been burnt or stolen, or had the commissioners been cheated with reference to their delivery, there might be some excuse for Mr. Howe. But incapacity alone will account for the purchase of all the remaining sleepers required to Windsor and Shubenacadie with those already purchased and kept on hand to rot. But, sir, I need not follow this puerile criticism prompted by the exposure of the mistakes of the ex-railway commissioners. Every line of Mr. Laurie's report goes to prove how incompetent Mr. Howe was for a trust so important. Nor has a line of it as yet been invalidated. Many of the vouchers are found imperfect, some of them missing altogether. The accounts were kept in a confused and inaccurate manner so that little or no information could be gained from the books. Enormous as the miscalculation with reference to the cost has proved, I fear that we will not soon be able to realize greater accuracy in the estimation of profits. It is clear to me that if the depreciation of rolling stock is taken into account there is nothing as yet to be carried to the credit of the Province; nor do I expect there will be for some time.

Mr. Howe says we are inconsistent. That we boast of our forty miles and try to make sixty more.

All this is very absurd, and requires no explanation to intelligent men. All the glory of the Railway policy is freely accorded to Mr. Howe. We will not even require him to share it with the

hon. Mr. Young, as it is well known that he never gave in his adhesion to the scheme, until his judgment was blinded by his interest, and arrangements were made in connection with it that opened up his way to the summit of his ambition. The present government found the country involved in this policy, and their interests and feelings alike bound them to push the works as fast as possible. They have done so. The Commissioners declare they have received every aid from the Government, and Mr. Forman proves that all possible economy has been used. The most difficult portions of the work have had to be grappled with this year, and the engineering obstacles were encountered when the money due the contractors was mostly exhausted. The government will be able to show that they have met these difficulties as far as was possible under the circumstances. But it is said that we have favored an Inter Colonial line. I do not hesitate to say that in view of our present position, we have used every exertion to enlist the British Government, Canada, and New Brunswick, in this project, with the hope of improving the paying prospects of the road we have under contract, and connecting ourselves with larger interests, as the best mode of relieving this Province from the difficulties which we have ever foreseen would result from an enormous debt for an unproductive work.

Before I sit down, sir, I must notice the concluding observations of the mover of these resolutions, that the pedestal on which the present administration rests is tottering and uncertain, and that our fall may confidently be predicted. In meeting these remarks, it will also become necessary for me to embrace the movements elsewhere, and the means that are being used to accomplish this result.

Not content with the daily defamation and abuse of myself in the editorial department of the *Morning Chronicle*, the editor of that paper has filled his columns with the communications of the Rogers, or rather Rogers and Son.

The worthlessness of such testimony will appear by a reference to the papers now on your table. I may here remark that no reference was ever made to the letters of Mr. Rogers to me until he had assailed me in the *Chronicle*, nor would they be here now, had he not published them himself in that paper, or rather what purported to be copies. For a long time I have been charged with having stated, without foundation, that the Government were informed that Mr. Rogers had refused to hand over official papers after his removal. My colleague at once authorized me to produce his telegraph conveying that information. But, sir, what will be thought of this Mr. David Rogers, when I shew the house that in order to deny the imputation of having written a fawning letter, intimating his friendliness to the Government, he actually suppressed what he did write, and favored the public with a different statement as a part of his letter to me. In his letter to me—since published by himself in the *Morning Chronicle*—he makes himself to say, "I suppose that you are aware that I stood perfectly neutral in the late contest in this county. Present peculiar circumstances in opinion would not justify any other course." Here, sir, is the original letter of which this purported to be a copy: "I suppose you are aware that I stood perfectly neutral in the

late contest in this county. Present peculiar circumstances prevented me from going farther at this time." He could not afford to publish the truth as it would fully sustain that which he wished to deny.

Mr. Rogers was removed because he held an office from which Mr. McNab was unjustly deprived. But, sir, it is evident from the papers under my hand that his conduct was not above suspicion. I hold here the original entries of five of the traders at Pugwash of goods imported in the *Harmony* in 1855. All these entries are signed and sworn to by the importers except that made by his connection Mr. R. F. Page, and that is neither signed nor sworn to. I admit, sir, this is an insignificant matter when compared with the conduct of his son W. H. Rogers when he held the same office. The papers on the table shew that this person not only permitted a large amount of goods excisable at 20 per cent. to be landed without being entered or duty paid, but actually gave a false certificate that a portion of it sold to Mr. Ferguson had been entered and the duty paid. Here is the original certificate:

*Excise Office, Pugwash, Oct. 9th, 1854.*

"Permit J. M. Ferguson to remove from Pugwash to Amherst twenty baskets of sugar candy, the same having been duly entered at this office and duty paid.

"W. H. ROGERS, C. C. D."

Mr. Rogers admits in his own letter that this, with a large quantity beside to the value of about £100, had been brought ashore irregularly, and was disposed of under his cognizance without the duty being collected or charged. These, sir, are the parties brought forward to sustain the calumnies of the *Morning Chronicle*, and well adapted they are for the work. This house will, I think, concur in the opinion that the office of Collector of Duties was in the Rogers family long enough.

The opposition press has endeavored to show that it is necessary to destroy the present administration that Protestants' interests may be vindicated. Mr. McCully, who is now admitted to be the anonymous correspondent—the "Lounger" and "Idler," &c., of that paper, has outdone himself lately in low, scurrilous abuse and glaring misstatements in defamation of the present government. He thinks it not derogatory to the important office he holds to spend his time in writing anonymous letters to which no man dare append his signature. The hon. Attorney General and myself have been held up to execration by this man, for having attended the examination of a Roman Catholic school—for having had an interview with Archbishop Walsh. Sir, I would consider myself unfit for the office I hold if I did not avail myself of every legitimate opportunity of visiting and making myself acquainted with every educational establishment—if I did not, when occasion demanded it, meet and learn the views of leading men of all denominations. Did I not at much personal inconvenience visit the Normal School at Truro this autumn, and spend days in making myself acquainted with the admirable mode of instruction in use in that Institution? And, sir, I will take this opportunity of saying that not only was the discipline of that establishment the most perfect that I have ever witnessed, but the system itself as superior to the old established modes as day is to night. But who, I ask

sir, are these gentlemen who are now so sensitive upon these matters. Has not Mr. McCully himself courted the Irish Catholics as assiduously as any man in Halifax? Did he not a year or two ago seek and obtain admission to the Irish Society as a member? Has he not been a frequent visitor at the Nunnery and the Glebe House where he had partaken freely of the hospitality of the Archbishop? Why, sir, I have never seen that gentleman but twice in my life, and in 1856 when a member of the opposition, I accepted in common with a large number of the members of both sides of the House, an invitation from the hon. member for this city to attend the exhibition at which prizes are conferred at the Nunnery. Both on that occasion as on the present, a large number of gentlemen from both sides of this house were present, and nothing was seen or heard that could offend the eye or ear of any Protestant. Did I not there see the daughters of the leading Protestant liberals of this city? Were not Mr. Howe's daughters educated there? And yet, forsooth, he would be the especial champion and leader of Protestantism! Were not the hon. Mr. McHefey's daughters educated there? And yet the Morning Chronicle will pretend that it is a dereliction of duty for a public man to attend an examination. Out upon such hypocrisy—such inconsistency.

The *Presbyterian Witness*, not content with stating the facts, and determined to destroy all confidence in the truth of its statements, assures its readers that they may rely upon the accuracy of the assertion that Mr. Johnston and myself sat at the right and left hand of the Archbishop at the Nunnery. Now, sir, there could be no difficulty in learning the truth if they wished, in this case. The hon. member for this county, Mr. Esson, and many others could have told them that the Archbishop was not there at all. They do not wish to know the facts. They sent forth the statement as they did with reference to a Rev. gentleman in this city a week ago, and are obliged to admit to day that their slander was "groundless." What reliance, I ask, can be placed in a professedly religious press that is thus regardless of character?

Malicious and disreputable, Mr. Speaker, as are these means of misleading the public mind, they lose their importance when contrasted with the deception which has been practised upon the country by the publication of this paper which I hold in my hand, headed "Protestant Alliance." As far, sir, as the impression is sought to be conveyed by this document, that the gentlemen whose names are here given to the world, have prepared, sanctioned, and authorised the publication of this document and this letter appended, I do not hesitate to denounce it as a fraud and a forgery. These, sir, are strong terms, but it is due to the gentlemen, both lay and clerical, whose names have been made use of without their permission, that strong terms should be used. Hon. gentlemen seem anxious that names should be given. They will be forthcoming in due time. One Rev. gentleman, Mr. Freeman, has already over his own signature not only declared that his name has been made use of without his consent, but has actually repudiated the principles it advances as subversive of liberty, and that is sufficient for my argument. Several other gentlemen, I have learned directly and indirectly have declared that their names have been used without their knowledge or consent, and yet they were here on the spot. The history of this

secret and unworthy plot to excite religious strife and discord in order to destroy the Government of this Province, as near as I can ascertain is as follows:

The hon. member for Windsor spent several months previous to the Session of 1856 in writing down the Young administration, shewing their incompetency, and leading up a violent and inflammatory attack against Mr. Condon, with whom he had quarreled, and to the religious body to whom that gentleman belonged. The House met and we moved a vote of want of confidence. Every art of cajolery, and the most earnest entreaty, were used by both Mr. Howe and Mr. Young to retain their Catholic supporters. The most affectionate regard was professed for their rights, and every effort exhausted to prevent their giving an independent and unsolicited support to Mr. Johnston. To all these appeals from Messrs Howe and Young, they said no;—you have allowed a leading official to publicly traduce our country and our creed; you have allowed the press of the Queen's printer to send those inflammatory appeals to Protestants to combine to deprive us of our liberty,—our confidence is destroyed, and we will not aid you in your need.—Sir, I ask if there is any denomination in this house that would not, under the same circumstances, have done the same thing—evinced the same independence of action? The result was, the defeat of the government, and Messrs. Howe, Young and Co. found themselves in the cold shade of the opposition, bereft of influence and power. What then? Why, sir, these men who up to that hour had received the aid of Catholics—these men who but yesterday had declared themselves the unchanging and unchangeable friends of Catholics—were suddenly galvanized into the most enthusiastic Protestants, and discovered that the salvation of this country lay in the destruction of civil and religious liberty through the formation of a Protestant Alliance. A number of persons outside, pliant tools of Mr. Howe, were induced to enlist in this political plot by which the new government were to be defeated in the elections then pending. Clergymen and others of different denominations, were insidiously called together to co-operate. The cloven foot was discovered, and they refused to desecrate their holy calling by lending themselves to a political manœuvre. Strenuous efforts have since been made with but little success to the same end. That the Rev. P. McGregor, Mr. Robson, and others of the same stamp, who opposed Mr. Johnston and the Conservatives just as bitterly when they were antagonised by Catholics as they do now, would lend themselves to this movement, could surprise nobody; but that, at a moment when it was hoped that the administration were so weakened that they would have to appeal to the country, a number of the gentlemen whose names appear on this circular would assist to organize the Liberal party throughout the country, is unworthy of belief. And how, may I enquire, was the Government majority reduced on the Address? By a Roman Catholic member, who disagreed with the Administration on a public question, walking across the floor of this House and voting side by side with the honorable member for Windsor? What, may I ask, so weakened the majority on the Elective Council Bill that it became necessary to postpone that measure? Another Roman Catho-



lie member leaving our ranks and recording his independent opinion with gentlemen opposite. The same thing took place in the other end of the building when a gentleman of that persuasion voted on an important question against us. Were these the circumstances that made it necessary for a few persons in this city, calling themselves a Protestant Alliance in this town,—nay, more, without summoning the gentlemen they call the committee—to concoct this document, without date, had publish it to the whole country before it had been seen and concurred in by the clergymen and others whose *imprimatur* and sanction it pretends to bear? Am I not right, sir, in view of these facts, and the deception that is thus attempted upon the country, in branding it as a fraud and a forgery? I, sir, hold my Protestant opinions as strongly as any gentleman in this house. No man will resist any infringement of the rights of Protestants more promptly than I will. I deny not the right of religious men to meet and organize for the advancement of their views in any legitimate mode. But, sir, I believe the cause of Protestantism has not sunk so low as to require such questionable means as those to be used in its defence. No, sir, it is not Protestantism but Radicalism that is in danger. The mismanagement of the late Government has placed them in a minority. The revelations and developments of the past year are calculated to overwhelm them with shame and destroy the confidence of the country forever in their fitness to manage public affairs. In the Railway, in the Crown Land Office, in the Board of Works, in every public department, the proofs of their incompetency, to use the mildest term, are so apparent that unless they can raise some new issue, and draw off public attention from the appalling facts that rise up against them, they well know that they can never hope again to obtain the positions which are so essential to the existence of some of them. Hence it is, sir, that this peaceful Province must have the bitterness of a war of creeds excited—that one denomination must be placed in deadly antagonism to another—that the sacred name of religion must be prostituted to party purposes.

Why, sir, what does this document propose?—To discontinue “all endowments of popery in every form and of every kind drawn from the public money.” Are we to be told, sir, that the grants to Roman Catholic colleges are endowments of popery? If so, then, we have endowed the Church of England, the Wesleyans, the Presbyterians, and the Baptists. In the eye of our Constitution all creeds are alike. There is no dominant Church endowed by the State. The money from the public revenue has been given to those various denominational institutions in consideration of the general education they afford—in consideration of the exertions of these various bodies to advance the education of the country, not to disseminate doctrinal views. Let it be understood that this is considered an endowment by the State of any creed, and these grants must be all swept away as a matter of course. I know that this is desired by a certain class, and they are making tools of others who little expect it, to accomplish their purpose. Then, again, sir, the platform of this Alliance seems to endorse the proposition made in the press, to force the Bible on schools by penal enactment! Is this required? Is it desirable? I think not. What is the testi-

mony of those best qualified to judge?—those to whom the supervision of our schools has been entrusted, the Superintendents of Education. First, sir, we have the evidence of Mr. Dawson—a man who studied this question without reference to party interests—who looked at it in a thoroughly practical and religious light. Mr. Dawson was not only a man of high standing and enlarged views, but a religious man of the Presbyterian denomination. Now, sir, I find in his educational report the following pertinent language, recorded in our Journals for 1853:—

“TEACHERS.—Under this head an attempt has been made to specify some of our more important duties of the teacher. Most of these require no remark; but one of them is too important and delicate to be passed over without a few remarks. This is his duty in reference to the all important matter of religion. On this subject the law requires that he shall “inculcate by precept and example a respect for religion and the principles of christian morality,” “but that he shall not give denominational instruction, except by desire of the parents. This short clause, which agrees in substance with the provisions of the law of Canada and New Brunswick on the same subject, when taken in connection with the other provisions of the law, leaves the whole subject of religious instruction within the control of the parents in each school district. The commissioners are required to satisfy themselves of the good moral character of the teachers before licensing them. The trustees, acting for the people, are bound to select a teacher who shall be unexceptionable to the whole of the majority in his moral and religious character. The teacher on his part is bound to inculcate those great principles of christian truth and morals on which all christians are agreed. This gives him, if a good man, a wide and useful scope. In addition to this, however, he can give all instruction of a more particular character which the parents may require, and which his own religious views may make it possible for him to give. It must be remarked, however, that it is a very mistaken view to suppose that the whole or even a very large portion of the work of religious instruction devolves on the common school teacher. His place as a religious instructor must always be subordinate to that of the parent at home, and that of the church, through its ministers. In this respect, the teacher of a day school is in a very different position from that even of the head of a boarding school, who has the children always under his care. Taking this limited view of the teachers’ duties in this department, which however in no respect derogates from the responsibility of his position, we think that every christian should be disposed to admit that the provisions above referred to give all the guarantees for religious instruction possible in the circumstances. The only other alternatives are the adoption by the Legislature of some form of instruction as the religion of the State, or the division of the school money among the several sects. The first, even those who believe it desirable, know to be possible. The second would dissipate and waste the small means available for public instruction, would deprive many poor districts of schools, and would excite an incalculable amount of politico-sectarian animosity. We submit for comparison the provisions of the new law of New Brunswick on the subject.—Also to examine

best endeavors both by example and precept, to impress upon the minds of his scholars the principles of the christian religion, morality and equity, provided that no child shall be required to read or study in or from religious books, or to join in any exercise of devotion or religion which shall be objected to by his or her parents or guardians."

Those views, sir, are strongly confirmed by the report of Mr. Randall, a Baptist gentleman, and one of the accomplished teachers of the Normal School, who succeeded Mr. Dawson as Superintendent of Education. What, sir, said Dr. Forrester, the present learned Superintendent of Education in this Province, who has been for years making himself acquainted with the condition of our schools? Why, sir, in the presence of several of the members of this house who are on the education committee, he declared that the Bible is now in use in a great portion of the schools, that it is daily gaining ground, in fact is used wherever it is for edification that it should be, and that any difficulty with reference to it has never been brought under his notice. In his able and elaborate report on our schools he has favored us with the following sentiments, which will, I think, be quite as deserving of confidence as the sudden and new born views of politicians who were insensible of anything being required until they were in want of a battle cry wherewith to arouse the country :

"It is simply the fact, that for the time being the teacher is in *loco parentis*,—stands as the proxy or representative of the parents—they, the parents, are not only the natural protectors and guardians, but the educators of their offspring—the educators not merely of their bodies but of their minds and consciences—this is the law of nature, ratified and sealed by the law of revelation. The teacher's authority, then, is entirely delegated—this is, to operate with the parents in the education of their children, to lend his aid in the accomplishment of those high and important purposes, which they have neither the time, nor, it may be, the ability, nor in fact are placed in circumstances, to carry out, both however being amenable to the same authority, subject to the same law, and liable to the same responsibilities. And all these seem well and wisely provided for in the present educational arrangements of the Province. The majority of the inhabitants of a school section have the right of electing the trustees of the section—these trustees select the teacher who has been professionally licensed by the school guardians of the county or district, and make with him all the necessary conditions, and yet, after all, what is this but the State giving expression to the will of the parents in the matter of the education of their children."

With these deliberately recorded opinions, sir, and from authority so high, and with motives so unquestionable, I think it becomes matter of serious question whether it is worth while to change our law and place an enactment upon our Statute book the practical effect of which will be to endow popery. No man pretends that it would be right to force our translation of the Bible on the Roman Catholic Schools. It will thence follow that if you make the public grant to such schools available, in consequence of the Douay Bible being taught therein, you will practically endow these Catholic schools with the money of the State. Let not men's interest or prejudices

blind them to the effects of the course they propose to adopt. The high character for learning and intelligence of many of the gentlemen whose names are on this circular forbid the supposition that they could have been a party to the promulgation of such sentiments. If then, sir, such a gross liberty has been taken with gentlemen as to commit them without their knowledge or consent to a document which they have never seen and upon the publication of which they were never consulted, I care not by whomsoever this was done, am I not justified in calling it a fraud and a forgery? And, sir, I am at a loss to know what excuse can be shown for this underhand attempt to organise the country for the destruction of the present Government. When, I ask, have we ever surrendered the rights of Protestants? When have we ever made an undue concession to the Roman Catholics. Nothing of the kind can be shewn. I challenge contradiction. When, I ask, did we ever attempt to pass a law for separate schools? Never. The hon. member for Annapolis has been the champion in this House for religious education. The hon. gentlemen opposite, Messrs. Howe and Young, engaged in a deadly struggle to destroy the denominational institutions of this country where the Bible is taught, and endeavored to rear on their ruins a godless college from which the Bible should be excluded. In the only institution where they have had the power, Dalhousie College, they proscribed that sacred book. Is it then, sir, to restore these men to power that this country must be convulsed by the formation of political Protestant Alliances. A worthy leader the hon. member for Inverness, allied as he is by every political and social tie to the Catholics, would make truly! Protestantism, sir, must be at a low ebb when secret conclaves arrange the political organization of the country for the sake of sustaining such men as the hon. members for Inverness or Windsor. Why, sir, they hardly found out they were Protestants at all until they were on the opposition benches, and I think they will require to be aired there a little longer before they will be very worthy protégés of a Protestant Alliance. But, sir, I have given this subject more importance than it deserves. The country is too intelligent to be misled: It has been deceived too often not to examine narrowly this cunningly devised scheme of a disappointed political faction which, having no sound claim on the confidence of the country, seeks by this unworthy manoeuvre to draw off public indignation from the incapacity, mismanagement and fraud that existed under the late Administration—(*loud cheering*).

Now, sir, I have endeavored to shew, as briefly as the nature of the occasion would permit, that the Government in their appointments to office have kept the best interest of the country in view—that in no case has any man been appointed to a position he was not adequate to fill—that in the few dismissals which became necessary men have only been removed on the most ample and just grounds, and that the views formerly held and enunciated by us have been adhered to with scrupulous fidelity.

I have done more, sir, I have shewn that a change of Government had become absolutely necessary—that the Province might be relieved from the mismanagement of rulers who recognized no principle save their own necessities

and interests, and under which the most alarming incapacity and the most serious malversation of office were apparent, and that the opposition they displaced from power are endeavoring to raise new and false issues, that the cry of Protestantism may withdraw public attention from their own misdeeds, although they are unable to shew any reason why the confidence of Protestants should be withdrawn from the present Government, who have never been unfaithful to their interests, and still less why it should be reposed in themselves. Upon the decision of this house, I confidently rely—nay more, sir, I will calmly and cheerfully await the verdict of the free and intelligent people of this our country, whenever that may come, believing that should we be called upon to surrender our trust we will not be found to have been unjust stewards—(cheers)

Thanking this house, sir, for the patience and attention with which I have been honored, I will not trespass longer upon your attention

Hon. Mr. Howe.—I hope that the house will indulge me for a few moments, while I make some very brief comments on the extraordinary speech we heard this afternoon. I will pass over, this evening, the slanders and vituperations which have been rolled on my own public life, with this simple explanation: The story of the safes, Dr. Tupper knows, was discussed at large in the streets of Amherst, in the presence of a thousand free-holders of the county, and neither he, nor one of his gang, dared to sustain the slanders. My vindication, as regards my conduct in office is not wanting, it stands on the public journals of the country. It is there, or I have no vindication. The man who, at this time of day, seeks, for any purpose, to revive that, I envy not; either as regards the feelings of his heart, or the spirit of his public principles. As regards my transactions as Chairman of the Railway Board, when he dares to bring a charge against me, sustained by vouchers, to the extent of a single pound, I will meet him before the house and the country. I will be prepared at another time to roll back the slanders, the falsity, which he has dared to bring here to-night. That is all that I say at present, as regards my self-vindication. I feel some claims resting on me, however, to vindicate the feelings of others. This paper, we are told, is a fraud and a forgery; who are the persons so charged by the Provincial Secretary? I find here ten Protestant ministers of the city, whose names dare not be so placed without their authority. There may be a single mistake, but here are ten. (Prov. Secretary—The chaplain of the house, says, that he did not see the circular, until it was printed).—Mr. Howe continued.—He will not withdraw from it, or I am mistaken. If he does, I will cease to have the respect for him which I have long entertained. Was this done in a corner, as has been intimated? I think not. I know scarcely anything of the matter; I never attended a meeting of the Association; but this being brought here, I say that I approve of it, as a Protestant memorial. (Much noise in the galleries.) I hold in my hand a document of another class, which the Prov. Secretary has not referred to. I have long given my support to the civil and religious liberties of all bodies of christians; I have fought for, and respected, the rights of every man in the country, no matter what his religion. But when any portion of the people, instead of maintaining those rights, proceed to de-

stroy our houses, or to break our heads, when any exercise their rights, for the purpose of violating the graves of Protestants,—then it becomes another question.

Is it not time to speak, when I know that firearms for the first time in the history of the country, have been used in these disputes, within twenty miles of the capital, and the government dare not move their hand; when I hold here evidence that, in the heart of this Protestant country, the agent of the Pope, in this city, has put out a document, which the government has not dared say a word about, while it denounces the other which comes from a very different direction. This paper to which I allude is no fraud. The Queen's instructions authorize two councils only: the Executive and the Legislative. By what authority does any foreign potentate send any one to hold another council here? If the Prov. Secretary examined a little into matters which he has quite overlooked, they would have furnished something on which to exert his official ingenuity. I hold in my hand that Synodical Letter, issued this summer, by which an intense feeling of indignation was raised in the Protestant mind of the country. It is too late now in the evening to turn to passages of it. (Cries of "read it.") No. (Mr. Tobin—Read the whole of it.—Mr. Howe continued.) No; but I may read as much of it as will do him good; and I say to him, and to the Provincial Secretary, who is especially chargeable with bringing this religious controversy into the present debate, that they will not escape the discussion, nor shall they escape trying out the question, whether the Bible shall or shall not be a school book of Nova Scotia.—I hold myself responsible, only for my own acts and opinions; but it is quite time that we understand what ground we occupy, what position the different sects hold in the Province. I believe that ten thousand of these synodical letters might have been issued without the Prov. Secretary describing them as a fraud or a forgery. They might denounce that book which lies at the foundation of British liberty, which is the guarantee of free institutions in every part of the world where it circulates, which is the ground-work of all our safeguards in this country. They might denounce Protestants, and what Protestants hold sacred, if they pleased, and none of the government would dare to move a finger against them. It is time that gentlemen who think differently, should be up and active, taking proper ground, which if not timely taken, they may soon find that a power is created, exercising an influence in the country, that it may be difficult to control. I read the names of those described as capable of fraud.

PROVINCIAL SECRETARY.—So far from that I stated that the fraud consisted in putting their names there without their wish.

FINANCIAL SECRETARY.—I want you to take that as an explanation.

Mr. Howe.—He called the paper a fraud and a forgery, and I proceed to argue against that, contending that the names attached to it are not false.

PROV. SEC.—I called it a fraud and a forgery, because certain parties had taken the liberty of putting names to it without the consent of the persons concerned. I have named two. (Various noises from the galleries.)

Mr. Howe.—Have they formed this Alliance or have they not; I believe they have, and they

have not done so a day too soon. They formed it in obedience to the general feeling of the Protestant part of the population, who thought that it was time to be active on those questions. A fraud and forgery is it? Let me read the names. (Mr. Howe proceeded to read; a voice called out "that is not the paper." Mr. Howe continued.) This is the official paper put out at your own side of the house. (Mr. Howe read from the placard.) Can this be styled a hole and corner circular? It was published a fortnight ago, and was scattered broadcast over the face of the country.

ATTY. GENERAL.—Was that published.

MR. HOWE.—I read the circular in the Presbyterian Witness a week ago, and this abusive document is sold in the perlieus of the Province Building; I bought one of them this morning. (Read extracts.) This is one of the beautiful productions which emanate from the other side. It reminds of the editorials falsities of the Colonist last summer.

FINANCIAL SECRETARY.—Order—(To the Speaker)—If you allow such language as liars, unpleasent consequences may ensue.

THE SPEAKER.—I am attending to the rules of the House. I will allow no interruption.

FINANCIAL SECRETARY.—You are in the hands of the House.

SPEAKER.—Order.

ATTY. GENERAL.—I move that the House adjourn.

SPEAKER.—That is not in order; a member has the floor.

MR. HOWE.—I want not to use any improper terms; this prospectus, as I understand it, is for the support of Protestant principles and doctrines, and to guard Protestant rights and interests, and as some protection against the power which has been brought to bear on these interests for the last twelve months. Do not Protestant ministers understand their path of duty? Are not Protestant laymen aware when insults are directed against their churches, and vituperation against the book which they reverence, and when they see the public order of the country outraged as it has been? I think better of these men than to suppose that they will look on silently and fold their arms under such circumstances. I find the name of the Rev. Mr. Churchill on the list; does any one believe that he would put his name to what was fraudulent and false. (Prov. Sec.—No. Mr. Howe continued.) Would any put that gentleman's name to a fraud? (Prov. Sec.—Yes. Mr. Howe continued.) I believe that the Rev. gentleman would not allow an hour to elapse without bringing a charge against the man who so used his name. He is one of the most respectable and respected ministers of the Methodist persuasion; and if any had so used his name, would it be in print for ten days without correction of the mistake?—Up to this time, one has been induced to withdraw his name, under what influences I will not say; but no other, far as I know, has up to this hour, shown a disposition to withdraw from the position which he occupies here. This is a list of men, who for intelligence, respectability, and sincere piety, are not equalled by many in the Province; their superiors are scarcely to be found. They have taken that step, believing that the exigencies of the time so required, and I think they will not withdraw from it. A new power has been raised before the country, and a new document sent forth,

and this is the answer to the challenge which the government dared not speak of; that appeal is now answered, and I believe it still will be. For what purpose? To elevate the member for Inverness or myself politically? To scatter the present government to the winds? No. But for higher and better purposes; maintain the Bible against its selfish enemies, to support the principles of true patriotism, to beat back, within proper limits, that fierce spirit of barbarism, that would control free opinions, and prevent enlightened progress; and I believe that influence will be exercised until no foreign ecclesiastic dare again denounce the Protestant Bible in the heart of Nova Scotia.—(Applause and hisses from the galleries.) I know whence the expression of disapprobation comes, and care little about it. Enough for me on those questions to obtain the experience of other countries. Look to South America, from the Gulf of Mexico to Cape Horn, and what do you find? Priests have been there without the Bible; look to that half of the great continent, and look to the other part, where there have been Bibles, with the free right to read. The vast difference between North and South America is the difference between the views and objects of those who sustain one of these documents, and those who sustain the other. I do not wish that these matters should be mixed up with the resolutions, but that they be taken up with the right spirit, and at the right time, when these papers may come regularly before us. I hope that they will then be considered in the spirit that the times demand: not for party: party here or there, I deem evanescent, compared with these great questions. I believe that in order to secure and protect the liberties of Catholics themselves, it is requisite that Protestants be on their guard, careful and zealous, concerning the great principles which they profess.

I think the Prov. Secretary would have shown more good taste, more regard for the public character, if he had allowed this question to come here on its own merits, and if he had brought to its consideration a different spirit. What is fraud? I rather think it is the first time that any gentleman whose name is here had that epithet attached to his signature. There is not a man here on this list, I believe, who has gained his education by a fraud of the basest character. (Expressions of applause, and hisses from the galleries.) I deeply regret that men like these should have been alluded to in the contemptuous and absurd tone which we have heard to-night. The introduction took place last evening, when the Attorney General made reference to the circular, as being produced under the pretext of religion. I think that was the language used. Members here may apply what language they like, within parliamentary rules, to one another; but I hardly think the Attorney General would in his sober judgment apply such a term to the names which I hold in my hand. I believe they would pretend to nothing which would not be creditable to honest, straightforward men; most of them are highly intelligent, and all, as I think, have claim at least to some piety. Pretence and pretext indeed? I do not wish to be tedious at this late hour, but has not the Attorney General's conduct given some illustration of the charge? Did I not hear the Attorney General a few days ago demand, in a very excited mood,

whether authorities at the Railway office ventured to withhold certain papers which the contractors required,—whether any would assume the responsibility of so doing? But what did I see to-day? Pretence indeed? The same officer, in a room adjoining, refusing the submission of the same papers. (Hear, hear.) And seven men, who sat here as his supporters on the former occasion, decided against his argument to-day. I do not charge him with merely pretending in one place or the other; but I do say that when we see these actions in public life, that there ought to be more guard against using harsh terms, particularly in reference to gentlemen who are not present.

There are many other points which I might easily sweep away, but they will be in able hands. Concerning the Provincial Secretary's allusions to a gentleman beyond these walls, I think by the time those contests are settled, he will not have much to brag of. That that gentleman will give him a "Roland for his Oliver," none acquainted with them will doubt. If we are to bring all the party annoyances here, and all the charges that have circulated for the last twenty years, we will not soon get to the question on these resolutions. Fraud and forgery is it? The Provincial Secretary gave us to-day an illustration of the power of face which he himself possesses, and of the strange working of the human heart. He took credit on principle for restoring Condon to office. Now is it not notorious that a member of government bragged in this house that all the power of the member for Halifax (Mr. Tobin) should not restore him; and do we not know, does not every Irishman know, that had it not been for sheer pressure, he never would have had his office again. Did they not appoint Condon's brother-in-law to the office which he left, afraid or ashamed to put him back again, and hoping that that would remove the difficulty? His Irish friends, with more consistency, said the man is either right or wrong,—and as you defended him on the floor of the house, give him back his office. After repeated efforts to escape the dilemma, and having made up their minds adverse to his claim, they yielded to the pressure of the party who gave them the government, and placed him in office. None supposed they yielded to principle, the facts are easily traced back to their sources. The Provincial Secretary presented a strange *omnium gatherum* this evening; he has sat long on the eggs, and his chickens are no great things. His charges against the member for Windsor have been answered before, and it may not take that member long again to scatter his web of sophistry, however nicely it may have been woven.

I implored honorable gentlemen opposite yesterday not to be led away from the subjects before the house into new fields of debate, but to pass for the present over these questions, on which at the proper time every man's mind ought to be employed.

A few words in reference to one of the appointments spoken of, that of the member for Sydney. We were told that the office existed formerly, and that Capt. Crawley was the incumbent. There is this difference, however: Capt. Crawley had science required for the office, and his remuneration was £100 a year. Mr. McKeagney, it appears, wants the kind of science spoken of, and is to receive £600. We did without an inspec-

tor when considerable payments were made from the Mines to the Treasury; now, that the coal royalties have so seriously decreased, an officer is appointed. Such acts as these give vitality to the Protestant Alliance, for do we not all know why that gentleman was appointed? Is it in consequence of his science? Not at all; but because of the political support given to the other side of the house. The Prov. Secretary intimated that Mr. McKeagney knew as much about mines as the member for Windsor did about railroads; but he may find out his mistake, and discover that I know as much about those works as some who pretend to know much more. How much did Mr. McNab, the present chairman, know about the roads? I served for some years, and am now said to have been incompetent; but I left without a dispute remaining there, and I have not been out of it a year when we find a second engineer employed, difficulties existing with the contractors, and the works in a state of stagnation. He makes charges against me about the cost of the work, and the want of revenue from it. No doubt if he keeps it as it is for seven years more, it will yield but little credit or profit to any one. But in this way has the house been drawn from the topics which should be under debate, and to subjects which require to be distinctly treated at other opportunities. I will be happy to meet any of these questions in any way which they may be met efficiently by a public man. If, however, we are to bring the public newspapers to the floors of the house, I engage to bring a file of the *Colonist*, and to produce, for every inaccuracy of the liberal press, two or three in the government papers. I have been induced, Mr. Speaker, at the spur of the moment, to speak at much more length than I intended, and I apologise for having so long detained the house.

HON. PROVINCIAL SECRETARY—Mr. Speaker, if the hon. member for Windsor is satisfied with his answer to my observations, I am. The principal portion of his remarks are quite irrelevant to anything I have said. If he is satisfied to answer the charges I have brought against him as a public man, (and which, if not susceptible of contradiction, must forever destroy all confidence in him) with a bald and unsustained assertion that they are false, no further remark is called for from me.

The statements I have made form a portion of the history of our country, and I have referred to proofs unequivocal, by which each is sustained.

If it were parliamentary, and you, sir, would permit me, I would not bandy the terms falsehood with the hon. member for Windsor. I feel, sir, that when such a charge comes from a gentleman who has not only been proved to have embezzled a large sum of public money—but who has been branded as a swindler in the press, and in vain challenged to prosecute, I can afford to treat it with all the contempt which, coming from such a source, it deserves.

The hon. member for Windsor says that he explained the safe story in the streets of Amherst. I will tell the hon. gentleman why his explanation has not been accepted. It was found to be untrue. He returned to Halifax and published his speech in the *Morning Chronicle*, asserting that he paid £500 down when the safes were brought, but it was proved by the account sent out here, by Milner & Sons, for collection, that this was not correct, that he had only paid



them £300, shewing that a large amount had been retained and used by himself which was ultimately paid by a bill at ninety days.

If the hon. gentleman has no better defence than that to offer, it behoves him to be silent.

I congratulate him, sir, on having at last found courage to utter a malignant slander here against myself, which hitherto he and his friends have been content to whisper about where it could neither be met nor refuted.

Unable, sir, to bring aught against my character that could be sustained, they have resorted to the mean and contemptible subterfuge of circulating privately a malicious invention, with reference to the source from which I obtained my education.

I rejoice, sir, that at last Mr. Howe has given me an opportunity of grappling with this detraction.

He says, sir, that my "education was obtained by a fraud of the vilest kind."

Now, sir, let any responsible man place that statement over his signature—let him make it when he is not shielded by the licence of this house, and I will pledge myself to take him into a Court of Justice to-morrow and make him answer for this unfounded libel.

The money, sir, by which my education was obtained was advanced by my father, my uncle, and a gentleman in England, and has been repaid to the extent of a thousand pounds by the labor of my own right arm. Never was there the slightest foundation for the malicious statement which has been so industriously circulated to injure me, and I now challenge Mr. Howe to rise up here and make good his assertion, or sit there branded as the author and inventor of this mean and lying calumny.

Hon. Mr. HOWE.—The hon. Provl. Secretary may throw back what he pleases. All that I have said of him I heard repeated fifty times in the county where he resided. True or false, he will there find many who make the charge. I know nothing, personally, of the circumstance; but he need not go to Cumberland to find persons ready to furnish the desired information.

FINANCIAL SECRETARY.—Such slander should not be repeated.

Mr. HOWE.—After the utterance of slanders by him he only got the rub he deserved.

ATTORNEY GENERAL.—The difference is this; the Pro. Secretary only referred to matters of public observation, he charged the member for Windsor with dereliction of public duty, if nothing else; and in reference to matters not new to the house; I refer to the excise and the safes; they were questions of public character, and he had a right, if he saw fit, to deal with them. The member for Windsor had no right to make the allusion he did, to a private transaction. The one was legitimate, if the party choose to adopt it, the other was not. The member for Windsor referred to me also. He said that I alluded to the paper under notice, and described it as assuming the pretext of religion. I cannot now repeat exactly what I said, but I made no allusion to those who signed that document. The allusion to pretext was in reference to parties in this house. It had the appearance of religion, with, in effect, a political object. I meant the charge for those who sent the paper abroad with that object. That names are attached to the paper, of the highest respectability I believe,—and that

they have no other object than those of religion I believe; but I also believe that they are made victims for the more designing, and who allure a party of ministers into a combination, under the pretext of religion, where they are made instruments for political purposes, and those only. That is what I meant. I find names of high honor and principle on that paper;—but I also find some of more designing character, who may be willing to make use of any instruments to obtain power, and exercise it for their own convenience.

I charge the member for Windsor with having made use of a statement concerning the Railroad contracts, that should not be brought here. While he chose his words with care, he tried to represent to the house that I was guilty of a pretence, in reference to an application for papers made by the contractors. He misrepresented me, and I wish I could believe that he did it undesignedly. When complaints were made here that papers were refused by the commissioners, touching railroad contracts, I gave but little explanation, farther than to express regret that they did not see well to furnish the documents. I have always thought it desirable that explanations should be given on matters of business. I appeared before the committee in a different capacity. Here I acted more as a judge, there I stood in another position,—and it was my duty to protect, far as possible, the officers who were strongly charged by the claimant's council in his opening address; and therefore the question was submitted to the committee, whether or not the papers should be given, as desired. The committee gave no judgment here, as the member for Windsor intimated.

Mr. HOWE.—The committee consisted of his supporters here.

ATTORNEY GENERAL continued:—When he charged me with acting here, or before the committee, under a pretence, he intimated that which was not justifiable. I acted here as I ought, and I thought there that I should not exercise my opinion, but let the committee decide.

Hon. Mr. YOUNG.—I ask the attention of the house for a few moments. We have witnessed an extraordinary scene to-night. I have not observed passion rise to such a pitch in the contests of the last five years. It would be well if the house recollected the respect which is due to its own dignity, and avoid painful and humiliating displays. A distinction has been drawn between charges of a mere private, and of a public character. I need volunteer no championship for the member for Windsor,—he is champion sufficient himself; but a few words as to the distinction made. The man who charges a public officer with embezzlement and betrayal of trust, wounds as keenly as if the charge related to the most private transaction,—and the whole tone and temper of that savage attack might well be expected to produce a prompt and bitter reply. Concerning the Protestant alliance, I have a few words to say. The subject has come before the house unexpectedly at this time and unwisely, as regards the interests of both parties. I was rather astonished to find a man of the age and experience of the Attorney General bringing last evening questions to this debate which should be kept apart from it. To-day also a charge has been made, with a degree of asperity calculated to excite much feeling. The resentments likely

to flow from some of those remarks may be expected to have a very prolonged existence.

The Attorney General has charged the Protestant Alliance, as being an ingenious manœuvre. (Atty. General—I said the reverse.) Did he not state that it was a fabrication by its authors for political purposes,—does he not now charge the Alliance, and some whose names are attached to the paper, as parties to a political scheme.

ATTORNEY GENERAL—I say again, that I believe there are connected with that Alliance, men of pure, moral and religious principles, and who have no other object, in the effect, than the advancement of religion,—but I also believe there are others who have been instrumental in forming it for political purposes. Does the learned gentleman forget what took place last winter?

MR. YOUNG—I accept the explanation; but was not the whole tenure of the Provl. Secretary's remarks to the effect, that the association had for its object a change of government? Does he charge the leading persons with that? (Provl. Secretary—Yes, certainly.) Mr. Young continued—I am pleased that the charge is openly made. I only speak for my own actions, and not at this time in defence of the objects of that association,—but this I say, I firmly believe that this Protestant Alliance was not instituted to advance any one of the leading political parties of this country.

MR. McKEAGNEY said I have but a few remarks to make, and these shall be expressed with the greatest calmness. For my part I deplore, as much for the preservation of the dignity of this House as for the credit of those who engage in the discussions, those manifestations of deep passion accompanied with the wildest and most extravagant expressions, which have characterised this debate; I ask this House not to judge us by the gauge of those who seem to be animated by prejudice or passion. The hon. member for Windsor has wandered away to foreign parts, and quoted from the history of foreign countries that he might cast obliquely and insult upon Catholics; the slopes of Waterloo have been introduced; does he not remember that side by side the English and Irish, Protestant and Catholic fought throughout that deadly struggle. Does he forget that in the recent campaign in the Crimea Catholic French and Protestant English fought on common ground and in a common cause, and that from Ireland came many of those noble and manly hearted heroes who after undergoing the most trying vicissitudes, the rigors of climate, consummated their devoted heroism at the fall of Sebastopol. He has referred to the meeting of Catholic ecclesiastics in this city; what good reason can he give for prohibiting such assemblages? Catholics pay equally with Protestants towards the general Revenue; they gave their best aid towards the establishment of that constitution which is equally the pride and glory of the Province, upon what ground then does the hon. member for Windsor deny to the Catholics the right of meeting together for the purpose of regulating their affairs and discussing the business connected with their religious exercises? Have they not a right to say that this or that translation of the Bible is inaccurate, and also to say that under such circumstances they will not allow them to go into the hands of their people. Judge us then as you would wish to be judged by. Do not say that because a few persons have, from causes of which

we know but little, engaged in a row, and during the row shanties have been injured, therefore a whole body of christians are to be stigmatised as disloyal and disaffected; I tell the hon. member for Windsor that in preferring such a charge he gave utterance to that which he knew to be inaccurate and unjust. Catholics like other men will be guilty of crimes, for their commission they are amenable to the law. If tried by the law they are acquitted, then they should no longer be held guilty, for it is a principle of English law that all men are considered innocent until proved guilty. Therefore, sir, I ask the members of this House to judge us calmly and dispassionately; to view us as inhabitants of one country, governed by the same constitution, amenable to the same law—and responsible in the same degree for our every act, and not to consider us as beyond the pale of justice, a class to be assailed in the language of wild passion and ungoverned invective, because some may be found among us who commit wrong.

Hon. Mr. Howe was quite willing to admit that all religious bodies should be dealt with in the same spirit; that they had the right to meet and discuss any and all questions they pleased—and propagate their doctrines in any way they chose, provided the course they pursued was not antagonistic to the rights of others; but to issue such a document as the Synodical letter was, in his opinion, an offence against good taste and the decencies of religious life. They met however—and no man meddled with them—they published their letter, and were not attacked; no row followed—not a pane of glass was broken—the property and privileges of no man were interfered with. I will not stop to inquire whether Protestants would dare to claim or exercise the same privileges in Catholic countries,—but I think I may with propriety ask whether Protestant ministers should not be permitted to exercise the same rights in Protestant countries as is claimed and exercised by Catholics? Shall it be said that Protestants in Nova Scotia may not hold their conferences, express their opinions, disseminate their principles in any proper constitutional and legitimate manner they please,—and are they, for so doing, to be dragged before the Legislature of their own country and broadly charged with fraud and forgery? Sir, it is indeed time that we understand our position, and know to what, as Protestants, we are really entitled; it is time that those, who professing one thing practice another. There was taught that the eyes of the people are opened—and that they will no longer be duped by soft speeches and unmeaning compliments, while they who make them are assailing their dearest rights, and infringing those rules of decency—right feeling—in a loyal as well as religious point of view, without which the security of our constitution and the happiness of our people cannot be preserved and maintained.

MR. TOBIN said in all my course through life and all my intercourse with my fellow men I have never seen before such an exhibition as is this evening presented in a deliberative Legislative Assembly. A religious body brought under discussion and dealt with by members of this House in a most unfair, I may add ungentlemanly manner; attacks made unfounded in fact, unjustifiable and unconstitutional; preferred in language which detracts from the dignity of this House and does no credit to those who have used it. Sir, I ask, if during the period I have occupied a seat in this House any

man has ever heard me endeavour to inflame religious antagonism and excite or provoke fanaticism. How does the hon. member for Windsor then venture to impute to me a course, which in every country where it has been followed, has left a blighting influence on its face. Sir, if you desire permanent happiness, individual and provincial prosperity for the country, for the love of God give up this kind of conduct, cease these uncalled for attacks on religious bodies and attend to our legitimate duties as Legislators. To meet in synod is the common right of every body of christians equally with the privilege of worshipping God according to the dictates of their consciences. As to separate schools, let me say that thirty-six gentlemen met in caucus (belonging to the liberal party) and decided without a dissenting voice to adopt that policy.

The House then adjourned.

On the 22nd, the house was engaged during the early portion of the day in the transaction of routine business—after which it was resolved into committee of supply, when a number of the ordinary votes were passed. The committee rose and the house adjourned. A report has already appeared of the proceedings in daily summary.

On Tuesday the Railway Committee proceeded to Windsor by train to inspect the road, and the house adjourned over in consequence.

WEDNESDAY, March 24.

DEBATE ON HON. WM. YOUNG'S RESOLUTIONS.

Mr. McLELLAN.—The Attorney General says, excusing the government, that the late administration made an improper appointment to the Land office, and dismissed one hundred magistrates, at a single dash. And the hon. Provincial Secretary has, in the first part of his speech, followed much in the same strain, while, in the last part, there was such a jumble of hard words, soft arguments, and irrelevant matter, as will make it not easily forgotten.

If a defendant wish to prove that Mr. So & So had, at some time, not paid their just debts on a particular day, that they were due, would that satisfy the court, and prevent judgment from being entered up against them? No; nor will these excuses of the government prevent judgment being entered up against them.

The hon. Provincial Secretary mentioned the names and doings of certain dismissed surveyors, (not called for by any resolution before the house,) evidently to parade the great care the government had taken of the public money. I, at the time, fancied I saw some one of the thinking men in the country reading a paper containing the hon. gentleman's speech, and, when he came to this part of it, throwing down the paper and saying, "confound the impudence of these people, they pretend to talk about taking care of the public money, after spending one half our road money this year!"

While the hon. gentleman was saying so much about the present and past government, he omitted to inform us, in case the late government had been as good at spending the people's money, as the present government has shown itself, how much the province would now be in debt; in

other words, how much £56 a day, with interest amounts to in ten years.

As our new practice act, which permits the plaintiff to be witness in his own behalf, is highly approved of, I don't know of any better course to adopt in trying this cause, than to call the principal defendant as a witness. It will doubtless shorten the examination if I supply such answers as the nature of the case presents to my mind, leaving it to the witness to affirm or deny the correctness of them.

Now, Mr. Speaker, the first question I wish to ask the witness—the hon. and learned Attorney General—through you, is this:

Are you the leader of the present government?

Ans.—Sometimes I am; sometimes I am not. When are you not the leader?

Ans.—When the Catholics choose to interfere.

Then we have a government with two leaders, have we not?

Ans.—Yes.

Do you ever differ in opinion?

Ans.—Often.

What then,—which proves the weaker, and is forced to give way?

Ans.—We can do nothing,—the Catholics are all-powerful; they can make and unmake governments at a word. When they insist upon having their own way, have it they must.

Are you aware that Mr. W. Condon was dismissed from office, by the late government, on a charge of disloyalty?

Ans.—Yes, of course I am.

Did Mr. Condon, to your mind, satisfactorily vindicate himself from that charge?

Ans.—Certainly not, otherwise we should have been bound to reinstate him in office.

Is loyalty more necessary in a Guager than in a Government Inspector of Light Houses?

Ans.—No.

Why did you refuse to re-appoint Mr. Condon to office, in consequence of charges against him, and subsequently appoint him to another office where the objection was equally strong?

Ans.—Mr. Condon wanted an office,—his co-religionists insisted that he should have one, and in such a way that we dare not refuse.

Yes; but do you not believe it would have been more for the interest of the province had you appointed Mr. Miller Inspector of Light Houses? That gentleman had much practical experience in the duties of the office. He had shown much ability and strict integrity in the discharge of these duties,—and had given no just cause of complaint, even to his political opponents, except that he would not work harmoniously with liberals.

Ans.—Yes.

What induced you to create the office of Inspector of Mines?

Ans.—We found we must provide an office for Mr. McKeagney, and there was none vacant.

Do you consider Mr. McKeagney to be a man suitable for that office?

Ans.—No; not by any means.

How much do you believe the province will gain by this appointment?

Ans.—Very little. It may a convenient thing for the Association to have their nominee sitting in this house, and the Inspector of Mines and Minerals one and the same person; but the province will not gain one farthing by the creation

of this office, or by Mr. McKeagney's appointment to it.

Were you interfered with in the appointment of magistrates? Why did you appoint so many?

Ans.—To show to the country we had so much power.

Are you not aware that, in appointing a greater number of magistrates than the wants of the people require, you have lowered and brought the office into contempt,—however suitable may be the persons whom you have appointed to that office?

Ans.—Yes.

Were you interfered with in the appointment of Mr. Dickey?

Ans.—No.

Did you not know that, in making that appointment, you were doing an act of gross injustice?

Ans.—Yes.

Now, Mr. Speaker, this evidence is not given under oath, but the circumstances attending the case make it as worthy of belief as if it had been sworn to, plainly because the people believe that the present government, with all their faults, have some little of common honesty and honour, and would instantly have reinstated Mr. Condon if he had completely justified himself, as the hon. Provincial Secretary tells us he did.

What! sit still and see an innocent man punished, knowing him to be innocent! it is revolting to human nature; a more despicable crime could hardly be perpetrated; the government would have sunk themselves to the lowest of the low had they done so; but they did not do so; they did not reinstate Mr. Condon, and this is the best proof that he had not "vindicated" himself to their mind, then they did wrong in appointing him to another office under government. If he was fit to hold his old office, for the reasons given, he was unfit to hold any office, and therefore, it is impossible for the government not to be guilty on one hand or the other. I pass no opinion on Mr. Condon; I merely speak of him on the facts before the country. An inspector of Mines, was never thought worth the cost. If the Mining Association feed and employed the hon. and learned Attorney General, as their Attorney and Agent, and he managed, by one means and another, to induce a majority of this house to give up to the Association one half of the revenue of the mines, is that any reason why we should create an Inspector of Mines, with a lot of clerks, of course, to eat up the other half? No; while his ability in his profession is not denied, who will pretend that he knows anything about how a coal mine ought to be worked?—Was he appointed to see coal weighed? No; he is to be at four places at once, and, as he is to have travelling expenses, that can't be. His duty will be to appoint a staff clerk to see coal weighed, give certificates, &c., &c., at all the mines;—to take pleasure excursions through the country for amusement—for the benefit of his health, and, last but not least, for the benefit of his pocket. Judges get a guinea a day for travelling expenses, and the head of a department will not expect much less. The greatest labour the hon. gentleman will have to perform will be the counting and pocketing of his £300 a year and travelling expenses.

Why did not the hon. the Attorney General

bring in a bill with a preamble, in that gentleman's usual style thus:

Whereas, the hon. James McKeagney insists upon having an office, with a good salary; and whereas, the said James McKeagney being a Catholic, the government dare not refuse; and whereas, the creating of a new and unnecessary office would as far as Mr. McKeagney is concerned, be more injurious to the public than a pension; therefore, be it enacted that the hon. James McKeagney receive from the treasury of the province a pension of £300 a year, and one guinea a day to pay expenses, wherever he may choose to travel, during his natural life.

That, Mr. Speaker, would have been the straight-forward, manly course, and least expensive to the province. This precious job is pretended to be fathered over on the hon gentleman from Yarmouth, Mr. Killam. But what that gentleman meant was, doubtless, this: That orders should be given to collectors that, before they cleared out vessels coal-laden, to require an affidavit from the captain or mate, and a clerk of the Association, to be filed in their office, and an account thereof to be annually forwarded to the Provincial Secretary, by which we would have all Mr. McKeagney's appointment will give us without any additional cost.

Expensive as our government is,—extravagant as they are, can any man suppose they would have committed such a glaring waste of the public money as this, if Mr. McKeagney had not been a Catholic? It is evident that the appointments of Mr. McKeagney and Mr. Condon have been both made against the wishes of the government and the interests of the province, because they were both Catholics.

It seems hard to censure a government for doing what they could not help; it is like blaming a man for taking a nauseous medicine that his doctor tells he must take or die; but there are no others to lay the blame of these appointments on, and the way they have been made shows plainly we have a Catholic government, virtually, to all intents and purposes.

Is that a creditable state, or is it a proper state for this country to be in,—for any church to have it in its power to compel new offices to be created, and appointments to be made, purely to give some of its members salaries?

As we have a Catholic government, I will say a few words in relation thereto. I believe every liberal in the County of Colchester, with scarcely an exception, did me the honor to vote for me at the last election; it would therefore be ungrateful for me, as well as unjust, to compare conservative principles with reform,—but I may compare them so with Catholic principles.

As the new system of government is now settled, under an independent conservative government we would doubtless have some of our money wasted; but we have every reason to believe law and order would be maintained, with a general confidence in our courts. With our present nominally conservative government, but virtually a Catholic one, our money is no better cared for, nor can we feel that we have any security that law and order will be maintained; and as for confidence in our courts, in certain cases we feel that this has gone, and can never be restored while the present government remains in power.

What man will now pretend that a Catholic and a Protestant go into our courts on an equal

footing? The wasting of a little money is a small thing compared with the destruction of public confidence in the purity and impartiality of our courts of law. If we have an independent conservative government, the majority of that body will rule. The wise man tells us that in the multitude of counsellors there is safety, but if we have a Catholic government the Catholics are as one man only. One mind ruling the whole. I am, therefore, of opinion that, most decidedly, an independent conservative government is a thousand times preferable to such a mongrel thing as we now have.

The Catholics left us because we would not give them liberty to do as they pleased, and get all they demanded; they went over where they expected they could get all they wanted. They may get it, but if they do it is only what they went for.

The hon. Mr. Tobin beseeches us, in the name of all that is good, not to stir up religious strife and dissension among the people, but, as the Catholics have now the Protestants under their feet, his speech reminded me of the story of the wolf having the lamb down, and when the poor thing was struggling to get clear, Oh, says the wolf, pray do lie quiet, don't act so ugly, your kicking will injure us both. The hon. gentleman should have thought of the evils of religious discord a little sooner. Catholics should rule in Catholic countries—Protestants should rule in Protestant countries.

Mr. ARCHIBALD said:—I do not rise to make a speech, but the subject under discussion is of too much importance for any gentleman accustomed to address the house at all, to pass it by in silence.

If any one were to formed an opinion of what the resolutions before the house were, from the speech made upon them by the Provincial Secretary, he would be sure to make a strange mistake. We are called upon to pass our opinion on general instances of Executive action which have taken place during the recess. Instead of limiting himself to these, and showing that the conduct of the government was justifiable, we are treated to a long and violent tirade against several most respectable ministers of various Protestant denominations. The government side of the house have all along pretended to deprecate the introduction of religious discussions on these floors,—and yet they are setting the example. They deprecate religious animosity, and come here to excite it. They tell us that these discussions are most disastrous in their consequences, and yet rush into them with utter recklessness. They pretend to be fearful of exciting a flame, and yet they scatter firebrands with a reckless hand.

The hon. and learned gentleman from Inverness introduced these resolutions in a tone and temper the government would have done well to imitate. Not one offensive word fell from my hon. and learned friend in the calm and lucid speech in which he introduced the whole matter to the house; and had the subject been left, as he submitted it, the discussion might have gone on calmly—the resolutions would have been decided on their own merits—and in all probability some of them would have been decided against the government. On the vote on the elective Council bill, the administration were sustained only by the casting vote of the chairman, and on

some other occasion some of the Catholic gentlemen in the house were found voting according to their conscience, and in conformity with old opinions. If these gentlemen were left to go on in this way, the government would be in danger. Hence it was necessary to introduce another element, to influence their passions and excite their bigotry, and to obtain religious animosity—a vote which would not be given, if that element were not introduced. The Attorney General, who followed the member for Inverness, opened the attack. He inveighed in no measured terms against the gentlemen who had been instrumental in forming the Protestant Alliance, and when the Provincial Secretary followed him, and outdid his leader, in his solicitation for Catholic support, by exciting Catholic animosity, it was easy to see that the introduction of this question was deliberately planned. The intemperance of the Provincial Secretary's harangue was beyond precedent, and not justified by the occasion. When his own conduct in the house has been assailed, and motives are imputed, how indignant do we find him in repelling them. Yet the hon. gentleman could go out of his way to impute motives—nay, more than motives, actual crimes of the deepest dye, to gentlemen of high character, of unimpeachable integrity; ministers of religion, offending only by the desire to maintain the Protestant faith against the encroachments of Popery, acting through a political organization, reposing on, supported by, and entirely dependent for existence on the Catholic members of this house,—that was the offence for which these gentlemen were gibbeted and stigmatised before this house and the country; and that too, when the resolutions before the house did not bring the subject legitimately before it. But it is here and I do not deprecate it. I am content it should be here and be discussed, but let there be no mistake how it came here and who brought it here.

Sir, it is quite a safe game to play to stigmatize and abuse a clergyman, if he only happens to be a Protestant. The hon. gentleman for Victoria, who is now so nicely seated by the Provincial Secretary, and who the other day hung upon his lips, when that high functionary was charging with fraud and forgery the pastor whose ministrations the hon. gentleman habitually attended in the city, may put up with such treatment towards his clergyman. My hon. friend from Queen's County may listen with calmness and approve, while the Rev. gentleman who holds so high a position in the Methodist body of this city is held up to scorn and ridicule—is hooted as a fool or stigmatized as a knave. The colleague of the Provincial Secretary may quietly listen to abuse of a pastor of his own church, but let the Attorney General or the Provincial Secretary try a different game,—let either of them dare to charge the brother of the hon. member for Sydney, or the Prelate who presides over the Catholic diocese of Halifax, with fraud and forgery, and how long would they count on the Catholic vote of this house,—how long would they count upon the safety of their persons, or the security of their offices.

The Attorney General has had some little experience of this kind, but it is nothing to what would follow such an attack. I ask him if he thinks that the hon. gentleman who represents the Town of Halifax would be found to rise here



in the lamb-like tones he has used in this discussion, and deprecate the introduction of religious animosity? There are few things that the present government would not dare to do, but this is one which neither the Attorney General nor the Provincial Secretary would venture upon.

Now, what is the horrible crimes of which the Protestant Association have been guilty? Why, sir, a few months ago 4 dignitaries of the Roman Catholic Church met in this city,—they concoct and publish a Synodical letter,—they impugn and assail many principles dear to Protestants. Did the Provincial Secretary rise in his place and denounce them? He knew better than that. He reserves himself for men of his own faith. It is only when Protestants contrive to promote and protect the religion handed down to them, hallowed by the blood of the martyrs, that the Provincial Secretary feels free to open the phials of his generous indignation. He feels that he is safe if the object of his abuse is only a Protestant.

But, sir, I am following the Provincial Secretary instead of keeping to the resolutions.

The question now before the house is Condon's appointment.

That officer was dismissed by the late government. He was not dismissed a moment too soon. If the government erred it was in retaining him so long in office. Every one will recollect the ferment of indignation which arose all over the country when first his correspondence with New York was published. It was a point not confined by any means to one party. If there was any difference, the conservatives were the most violent against him. Well do I recollect the feeling expressed by leading gentlemen of that party in the county I have the honor to represent, and their expression of disgust that any man professing his sentiments should be allowed to retain office an hour. That feeling was somewhat modified by the discussions here last winter. It was found that more political capital could be made just then by defending, than by attacking him. Still so strong was the current of popular feeling that after the discussion was over the government did not dare to brave it. They defended him in the house, they declared him innocent, and yet not daring to replace him, they tacitly admitted his guilt. From February to June, they left him unprovided for. A hanger on of the government. They endeavored to get rid of his claims by appointing his brother-in-law to his office. Mr. Quinan was a Catholic, and the appointment of him to the office, vacated by Condon, was intended to propitiate the religious body to which both belonged, but it was not sufficient. So long as Condon himself was unemployed, his acquittal was no triumph, and the government were not in their right position till they were compelled to provide for him.

It is rumored indeed, and though rumor is not always correct, there is good grounds for believing she is not far astray; I say it is rumored, that a gentleman belonging to the Roman Catholic persuasion actually entered the office of the Provincial Secretary, and gave that officer to understand in very significant terms, that Condon had been the means of his getting the position he then held, and that Condon must be provided for or he must take the consequences.

This may or may not be true, but one thing is certain, that shortly after the date of the alleged

visit, Mr. Condon received an office, and how did he receive it? As other appointments are conferred? Not at all; but to provide for him, a scheme was adopted which was never tried in any other case. The office of Inspector of Light Houses, is an appointment which should be made by the Board of Works. And here again rumor asserts that the Board declined to make the appointment. That the Governor refused to allow him to be Gazetted, and under these circumstances the government resort to the scheme of meeting without their head, of doing an Executive act without the sanction of the head of the Executive authority—and ordering the Board to admit the officer. The language of the entry by the Board confirms this view. It is evident that he is their officer, not from choice but from compulsion. That they accepted him because they could not help themselves. What mysterious power then was it that could put in office a man whom the Governor would not appoint—whom the Board of Works would not appoint—who could receive the post assigned to him only by a breach of the constitutional mode by which offices are conferred.

Suppose this gentleman had been a Churchman, a Presbyterian, a Baptist, or a Methodist, is there any man that believes he would now be Inspector of Light Houses? If he held an office of emolument at this moment, it is only because he is a Roman Catholic.

I do not mean to say one word offensive to the Catholic body. There is no gentleman of that persuasion in this house to whom I entertain any unkindly feelings, and it is only because it is necessary to meet the subject plainly and boldly, that I present the matter as it lies in my mind.

But these resolutions touch other appointments besides that of Mr. Condon. By the recent arrangement made with the General Mining Association, the valuable property we own in the coal mines leased to that company requires to be carefully supervised. That property yields us a rent of Ten to Twelve thousand pounds. That is equivalent to a principal sum of £200,000, and to guard and protect a property of this value from injury, to see that it is so worked during the lease as not to occasion loss to us when the lease is out,—to take care that the coal is so worked as to occasion no waste, and that the mines are kept and handed over to us in the best order.

These are duties of a most onerous and responsible kind, and in the selection of an officer to fill this important post, the Government should have exercised great care. How have they acquitted themselves of this function? If it was impossible to find a man suited to the office, there would be some excuse for their short-coming, but when we know that a gentleman could have been procured, nay was anxious for employment, who was in every way qualified for the office, who by long service with the Association at Pictou and Sydney, was thoroughly conversant with the practical duties required from such an officer, and who had earned a right to a favorable consideration of his claims by valuable services rendered to your delegates in England, it does seem extraordinary that the Government should have passed over such a man to confer the office on the learned member for Sydney. I wish not to disparage the talents of that gentleman, but he is not fitted either by education or

habits for the office he is to fill. Surely there should be some fitness between the man and his work. You do not employ the butcher to do the work of the baker. If you wish your shoes mended surely you would not send them to the tailor; and I would ask if the training that makes a man fit to conduct a suit at law, is just the kind that would qualify him to be an Inspector of mines.

Why, sir, suppose that, instead of this valuable property belonging to the province, it was the estate of a private individual, would the post of Inspector be assigned to a man who had never been inside of a mine in his life? Suppose that Lord Ward, who owns an estate in England, of probably not one fifth of the value, but who, for his own interest, employs a gentleman at an enormous salary to look after it, suppose he owned this estate, do you think he would entrust the superintendence of it to a person who was entirely without skill or experience? No, sir; he would not do it. He would not do it, and yet because the property is not private, but public, are we to be justified in placing its management in the hands of a person entirely incompetent for the situation? In saying this I do not intend to disparage Mr. McKeagney. There is not a man in this house with qualifications suited to the duties of this office. The Attorney General, who is almost fit for anything—the Provincial Secretary, who thinks himself more than fit for anything—neither of them are qualified to be Inspector of Mines. On this side of the house, which lays some claim to modesty, there is no man who would feel himself competent to undertake duties requiring a professional training, and the experience of half a life time to qualify for their performance.

I therefore do not hesitate to say that the government, in making that appointment, have been recreant to the duty they owe to the public,—and that the hon. and learned gentleman for Sydney holds the office which he now fills not because of his fitness for the position, not from any mental or intellectual qualities whatever, but for no better reason than that he belonged to a creed which had the will and the power to insist on his being provided for.

The Provincial Secretary has led us a long dance through a great variety of subjects. I shall not pretend to follow him through all, but I shall advert to two or three points of his argument, with a view to shew the consistency between the practice of the gentlemen who form the administration and their doctrines before they came into office.

It is not necessary for me to quote the language of the gentlemen who hold the leading posts in the present government, used when they were trying to upset the late administration.—This language is stereotyped in the memory of every gentleman here. The Provl Secretary and the Atty General denounced, in the most unmeasured terms, the doctrine of dismissing from office on account of political opinions. They said, it was utterly inconsistent with the freedom which is the birth-right of every Briton, and they used language and expressed themselves in tones which would have led this house to believe that they were entirely in earnest. And yet, no sooner do they get possession of the government, than they repudiate the doctrines they had formerly preached, and boldly proclaim by their

actions that all their virtuous indignation was a sham. When put upon their trial and asked for there defence, what is their answer? That they never proclaimed these doctrines. No! That their conduct is right? Not a bit. They upset the late government under pretence of their principles being wrong, and then pretend to justify their own conduct only by quoting the examples they formerly denounced.

If there was one thing more than another that they pretended to condemn, it was the dismissal of any office holders without a charge and trial thereon. How do they carry out these professions?

Look at the case of Mr. Francheville, dismissed without the pretence of a charge or a trial. The Financial Secretary indeed says that there was a remonstrance against that officer; but there is nothing in the papers submitted to shew that. If there was such a remonstrance, where is it? It ought to be produced and shewn. But it is not, and we have a right to assume that if there had been such a document, it would have been here. But if it were here, what difference would it have made? Is there any man against whom a remonstrance cannot be got up, if a member of the government wants to get rid of an officer obnoxious to him? How easy is it to put in motion the machinery to raise some pretended complaint, if when the complaint is made it is to be kept from the eye of the party accused, and he has no means or opportunity of defence; and yet Mr. Marshall, under pretence of a remonstrance, which he has never communicated to Mr. Francheville—which he has not ventured even to bring here, dismisses a most respectable man from office, and can give no better reason for it than his own allegation that this gentleman does not possess the confidence of the county as a Fish Inspector. His dismissal is grounded upon that assertion of the Financial Secretary, and that alone. The notice of dismissal gives him no other reason; so that all that is necessary, according to the new doctrine, is that one member of the government should say to the other, in respect of any office holder, that he does not consider him to enjoy the confidence of the community in the duties of his post, and forthwith he may be dismissed,—and this, too, by a government which denounced the idea as tyrannical and degrading, and un-British, of dismissing anybody without charge and a full trial, after notice of the complaint.

The Provincial Secretary has made allusion to the land office, and in his usual style justifies Mr. McKeagney's appointment to the Inspectorship of Mines, on what grounds? That he is fit for it? No; but that he is as fit for it as was Mr. Uniacke for the office of Crown Lands, conferred upon him by the late government. But I would ask the house if the cases are parallel? We are all aware of the high position which Mr. Uniacke held in the public affairs of this province. We know that for years he led, and most ably led, the conservative party; and when under new combinations he was placed in the same position under the late government, he discharged the duties so devolving upon him with great ability. As Attorney General the law business of the crown was for many years in his hands; as an eminent lawyer, he was familiar with the administration of justice in every branch. When he was put into the land office, what was there

needed in the duties he had there to perform? I speak not of the mechanical duties assigned to clerks, but the business which as head of the office required the exercise of his skill and knowledge. Just those duties which his professional training peculiarly qualified him to discharge. I have for some time been familiar with the nature of those duties, from the circumstance of having had charge of the committee of the house on crown lands; and I know that the legal and equitable questions which require to be decided in the office, in case of those difficulties which so often arise in the application for a grant, are precisely those questions with which his legal education and pursuits qualified him to deal successfully. Where then is the parallel between his case and that of Mr. McKeagney? Will any body pretend that there is any similarity between a suit at law and the strata of a coal deposit; or that the education which would fit a man for the trial of a cause gives him any clue to the best mode of working a coal mine?

I do not remark upon the dismissal of Mr. Huntington and Mr. McDonald, further than to say, I can understand how these gentlemen might have been dismissed upon the principles of the late government, but I am at a loss to understand what is the line of argument by which this step can be vindicated by those who have always pretended to denounce all dismissals of the kind, upon mere political grounds.

I will not go over all the cases, but this much may be said of a good many of them, whenever there is any pretence of a charge, it is but a pretence. The refutation of the charge is no protection to the officer—he is *vindicated* and *dismissed*. How much more manly would it be at once to remove an obnoxious officer, and tell him that his political opinions were the cause, than to trump up a charge and pretend to dismiss on that, when the real ground is kept back. Who does not feel that Mr. Davison's real offence was voting against the Provincial Secretary and his colleague. Or that the real crime of Mr. Franchville was having nearly beaten the Financial Secretary at one election, and voting against him at another?

The Provl. Secretary says, that Mr. Young's selection of certain dismissals as the subject of resolutions, is a tacit admission of the justice of all the rest. This I entirely dissent from. Some had to be selected. My hon. and learned friend from Inverness made his selection, of such as occurred to himself, as being the most open to objection. But I will tell the Pro. Secretary, there are several cases in the list to which my honble. and learned friend has not adverted at all, quite as indefensible on the part of the government as those he has selected. Let me give the Provl. Secretary an instance, and that I shall take from my own county. Now, I will say, that if there was one county more than another with which the government ought not to have meddled, it was Colchester. In that county there were no dismissed magistrates to be restored—no officers to be replaced in positions from which they were driven by the late government. The members for that county have always exercised their influence with moderation. One magistrate only was dismissed, and that, not for political objections, but because in the exercise of the power of his office, he had brought some ideas from his training in the army, not exactly in accordance with our mode of discharging civil duties. But notwith-

standing this, he was a respectable man, and when a little more experience of the country qualified him better for magisterial duties, I had great pleasure in recommending his restoration to office, which was carried out long before the recent change in the government of the country. But I will give the gentlemen on the other side of the house some further information relative to our mode of disposing of patronage. Last year we made some recommendations upon which Justices were appointed, and in a list of 15 magistrates, there were the names of more conservatives than there are liberals in the whole batch of 344 gazetted by the present government.

Now, surely, the members of a county, where a system of generous accommodation for a minority was habitually practised, were entitled to some courtesy. Yet, how were they treated? For some 8 or 10 years a Mr. Lambert has held the post office at Tatamagouche—some dissatisfaction existed as to the position in which his office was kept, and a petition came before the house, praying for its removal from the place where it was held, to a different part of the village. That petition was referred to the post office committee, who gave notice of it to the officer. On the investigation it was made to appear that Mr. Lambert had publicly expressed his willingness to be governed by the decision of a public meeting, to be held in the place, as to where the office should be kept, and to meet the complaint of the petitioners he consented that until some public expression of opinion should be given, he would send the mails on their arrival at his own expense, to the way office, which was kept where the petitioners were desirous of having the post office. Under these circumstances the committee were unanimous in recommending that the office should be left where it was, and that Mr. Lambert should do as he had offered in respect of forwarding the mails. This report was adopted by the house, and communicated by the post master general to the officer.

It seems, however, by the correspondence, that the Provincial Secretary had, without knowing of this report, instructed the postmaster general to change the office, on the personal application of Mr. Jno. Cutten—but on learning the existence of the report, Mr. Woodgate was instructed to communicate its contents to Mr. Cutten—but we find by the papers that this Mr. Cutten is again at work, and the end is, that the officer is dismissed and another appointed in his stead.

Does the Provincial Secretary imagine that he is at liberty to deal thus with the report of a committee chosen from all sides of this house, unanimously concurred in by every member, and adopted without a discordant voice in the house.

It is true that this Mr. Cutten has given it out that he is a particular friend of the Provincial Secretary, and that every thing he wants he can get done. It certainly does seem as if some such reason should be given for an act in defiance of a report of one of the largest committees in this house, unanimously ratified in the house. There may be another reason. In the immediate village of Tatamagouche the inhabitants are principally Presbyterians. There are but few Baptists there, indeed I can call to mind but two. There may be more; but if there are, I do not at the moment call them to mind. But he that as it may, of the two I do know—one

was Mr. Cullen, who put in the complaint, the other was Mr. McLearn, who succeeded to the office.

Surely, under these circumstances, the government should have hesitated before yielding to the suggestions of a party wholly irresponsible to anybody. Surely it would have been no extraordinary extension of courtesy towards the members of the county to have asked their opinion of the propriety of the change.

Now, Mr. Speaker, let the Provincial Secretary take that as an instance to shew that if the hon. and learned member for Inverness has not gone into other cases than these to which he has pointed his resolutions, it is not from the absence of sufficient material.

And now, sir, as to the subject which has occupied so prominent a part in the speeches of the Attorney General and the Provincial Secretary. We are told in effect that the Protestant Alliance is the offspring of scheming politicians—that the parties who have engaged in it are either knaves or the fools who are led into it by their instrumentality. This is the substance and effect of the speeches we have heard. Now, as to the Alliance, and the circular they have lately issued, I feel it but right to say, that I never saw that paper or heard of it, till the day before it was mentioned here. I was not aware that the Alliance was making or contemplating any movement of the kind—and as to the publication of it in a recent number of the Presbyterian Witness, I regret to say, that I have seen but one number of that periodical since I came to town, and it was not the number which contained that document. I need hardly say, that it is not because I do not approve of the style and conduct of the Witness, that I have not read it—I take the paper, and I consider there is no periodical in the province which has pursued so manly, so consistent, and so trustworthy a course, in respect to the great question now occupying public attention—my not having seen it is altogether a matter of accident, and the result of being otherwise fully occupied; and I allude to it now, only to repel, as far as regards myself, the insinuation as entirely unfounded, that the recent steps of the proceedings of the Alliance were even known to me till after they were made public by the distribution of their circular, and the discussion to which it gave rise in this house.

Now, as regards the alliance, we all know that it was originally set on foot some considerable time ago. It was assuming the shape of an organized Association about this time last year, but did not then go publicly into operation, because its promoters were desirous of taking no steps that could be charged upon them as mixing up in party politics. They felt that if they entered upon their operations then, they might be considered as intending to operate upon and influence the elections then being run; and as their object was not to act with any one party, but to combine such of both parties, or of neither party, as seen in their aim and object—matters of more importance than mere party politics, it was deemed expedient to put off to a less exciting period the time for publicly entering upon their work.

Now, however, that this has been done, the whole thing is held up to us as a fraud and a forgery. Why? Because one gentleman, belonging to the Baptist persuasion, says that he

was not a member of the committee, though he is so named in the circular. Now, I am authorized to say that the Rev. gentleman was a member of the committee,—that for a considerable period he acted as Secretary of the Alliance, and only retired from that post because his increasing labours otherwise rendered it inconvenient to discharge officially the duties devolving on the Secretary.

Now, as to the circular, I am informed that it was prepared by a sub-committee, and their draft was submitted to, and approved at, a meeting of the general committee. If all of the committee did not attend on that occasion, surely that is not the fault of those who did attend. In uniting himself with the Alliance, in joining in the objects contemplated by it, in assuming and allowing himself to have thrown upon him the responsibilities of a committee man, he is bound by the acts of the committee. If he does not attend, his concurrence in the measures of his committee men may freely be inferred. At all events, I should like to know how it is right to belong to a body whose objects is professed in its very organization, and how it is wrong to give publicity to the opinions and objects of that body. If the Rev. gentleman alluded to, considered the principles of the Alliance such as he could not countenance, I could understand him; but when I find him approving of that object, and uniting with others to carry it out—when I find him occupying for a while the post of Secretary, and retiring from that office, not from any disapprobation of what was being done, but because he had not the leisure to do as much as he desired to do, why, then, I say, under these circumstances, he is just as much bound by any act which his colleagues have done in carrying out the scope and objects of the organization, as if his name was subscribed to the thing itself.

And now, Mr. Speaker, having run over some points of the subject in a very rambling way, let me add in conclusion that we are about to see a curious spectacle. The government ask to reject resolutions in entire accordance with their own doctrines; they ask their followers to vote down their own principles. If they succeed now, they can do anything. I wish I could entertain a reasonable expectation that such a result was not to follow, but I fear I should not be justified in entertaining much hope that the abandonment of political principle on the opposite side of the house is censured by those gentlemen who constitute the government.

Hon. FINANCIAL SECRETARY.—I have taken no part, sir, in this debate up to the present, and I do not intend to speak at large on the question until the opposition have made out as satisfactory a case as they suppose they can make out. The last speaker trenched a little on that fair and courteous treatment which every man is entitled to, except his assertions have been proved unworthy of respect. I was mystified to find a gentleman rise with lamentations about peace, and expressions of meekness, and commence arguing to a different effect. I cannot give him credit for the feelings he expresses, relative to the bringing into political debate questions of a personal and religious controversial character. I also would deplore these discussions, if they had not been rendered necessary by the conduct of the opposition. This is said to be conducted as a Catholic

question ; so it is ; and there is scarcely a question here, that gentlemen opposite, in discussing it, do not allude in unfeeling terms to that denomination. This story of Catholic ascendancy, Catholic rule, and Catholic pressure on the government, is introduced on almost every subject. We have been told that the Att'y General introduced it into debate ; I listened to him with attention, and most slightly did he allude to the subject : mentioning a few instances more as a mode of finishing a period, than the introduction of a new theme. I believe there is something not very prominent to which we might ascribe the departure from ordinary discussion that we have heard on these resolutions. One gentleman brought in a book of questions, and answered them himself ; now the hon. gentleman from Truro asks questions, which he also had better answer. He asks what justification there was for introducing this into debate. I ask him what justification he has for going back to the old subjects of Catholic ascendancy, and Catholic rule ? He spoke of a Catholic going into the Secretary's office, and telling him that if he did not find a situation for Mr. Condon, he might find one for himself. I doubt that. If any one acted so in the Secretary's office, or mine either, he would leave pretty quickly. The learned gentleman speaks for peace and calmness ; yet excitement breathes in his manner and expressions ; it is apparent in his agitated frame, and husky, angry tone, while dealing with these questions which he blames others for introducing. He said that mere allusion had been made to the pedestal on which the government stood ; I admit it is a nice figure ; but it becomes offensive when employed as it has been. I believe that this debate has been conducted for the purpose of agitating the Province, and for sowing the seeds of discord between people who for sixteen years past have lived at peace with one another. I think that gentlemen will live to regret that they had not followed a different course ; and had not adopted other means of supporting the doctrines they profess and of refuting the doctrines of their opponents. Men are not generally led from error by abuse ; we do not advance due reflection and religion, by speaking ill of our neighbors. I fear, sir, that this Association will cause the people of the country to look on each other with suspicion. Even if such disputes existed outside, why should they be brought here, and in offensive terms and with personal allusions ? If that be done, replies will be given, and the bickering be increased. These religious disputes are not new in the history of the country. Who, for years, abused the Episcopal Church, and made its members the subject of vituperation ? Where will you find the liberal paper that did not deal thus with the Bishop and the people of his charge ? That was the work of ambitious designing men, who sought to drag others down to their own level, instead of bringing up. The people of the country joined in the cry ; the grant for King's College was taken away ; they would have taken the church lands if they could, and the Bishop's mitre also, if that were in their power.

Who went into the rural districts agitating the Roman Catholic population ? They are called mercurial Irishmen ; and that quality is part of their nature ;—but who visited the county of Guysborough, where one third of the people are of that persuasion, telling exciting stories about

how the tories of Ireland had persecuted the people, and that it was the nature of that party to do so. Who tried to identify gentlemen here with that tory party, and spoke of the persecutions and punishments and cruelties caused by it, in exaggerated language, and in terms calculated to cause indignation and bitterness ? Am I to suppose that that was to spread harmony through Guysborough, and make the people respect their fellow countrymen and fellow subjects ? I tell you who did it ; those who are trying to preach another doctrine now. Some of them were lately in Guysborough, speaking of the power of the Catholics, trying to frighten people about burning houses, tearing down Gourlay's shanty, and such matters ; but these gentlemen are pretty cunning ; they can observe contradictions ; and think that men who preach one doctrine to-day and a different to-morrow, are not very consistent ; and I agree with them.

The learned member for Colchester became an agitator himself ; he came to Guysboro' last year, lecturing on these subjects. Although he expresses such ignorance about the Protestant Alliance now, he had the Protestant Manifesto at the hustings then ; and caused some amusement by the reception which the people gave to his oratory. To-day, his desire to escape from a dilemma, appears to me to have led him into one. He tried to prove that he had no connection with the document, and knew nothing about it ; but the impression left on my mind was, that he kept clear of it, so that he might have an opportunity of making such declaration. He says the people of his county have enquired whether the intention was to leave Condon in office. When did he hear that ? Was it between the mouths of June and February ? I would have been inclined to ask the question myself if I were a liberal. Did the former government remove this disloyal Condon in consequence of his letters, which appear to have given so much offence ? Why did not the gentlemen at the other side, whose bosoms swelled so with loyalty, remove him from June to February ? Again I must answer my own question : Because they did not believe their own charges. If they did, where was their own loyalty ? If they did not, why bring such questions here ? But was he turned out for his disloyalty ? Will any gentleman opposite say that he was ? He was turned out because he deeply offended the member for Windsor, who supported their government. Where is the man that ever crossed that members path, whom he did not try to injure ? He never seems to forget anything of the kind, but to be always ready to punish, for what he calls the presumption of the parties. Gentlemen opposite say that if I were in the government, I would have dismissed Mr. Condon ; I say now that I would. He acted so unwisely as a subordinate officer, that I would have dismissed him for indiscretion, but not for disloyalty. A subordinate officer must refrain from acts of annoyance to the government, or go out of place. But had you no other disloyal men ? Where is the gentleman who was associated with him in these affairs ? Was he not equally bound not to disturb the harmonious working of the government ? What did they do with him ? He was a member of the government, and took part in the writing of the despatches, with which such fault has been found. What Condon did concerning his countrymen, I would



relative to mine. If I resided in the U. States, and were president of a Nova Scotia Society there, and found persons bringing Nova Scotians to the country, under the expectations that they would be employed on public works, but who were to be sent to Mexico, would I not be blameable if I did not give them warning, and tell them for what they really were coming? What Condon did I would do, and the country where I could not so act, I would not think worth living in. I do not look on this as disloyalty. Tell me about singing Young Ireland songs! You may about as well follow a man down to childhood, and bring against him this and that which he did in his youth. Has every one opposite been so discreet that words spoken over the wine cup or elsewhere might be always repeated? Disloyalty should not be lightly charged, it goes to a man's heart. I do not find fault with Condon for what he did as President of the Irish Society; love of country, love of children, and family, are among the finest feelings of the bosom, and tend to bind society together. An attempt has been made to make me appear very inconsistent; but I now say, that there may be no mistake, that I never thought Condon a disloyal man; he may be indiscreet; every man has not the gift of keeping himself as calm, of taking such care of his conduct as the gentleman who last addressed the House. Do not others, however, know the maxim, "that he who comes into Court should come with clean hands." Do all the gentlemen who accuse Condon and his Irish friends, come in with clean hands? I think not. Heaven forbid that I should charge any man lightly with disloyalty,—but I repeat what is patent to the country,—and let people say which is worse, this, or the case of Mr. Condon. What country was it that refused at one time to take the oath of allegiance, and whose representative was denied admittance to the House, in consequence of alleged disloyalty of his constituents? Let not the person who represents that place brand a man with disloyalty because he may have been indiscreet at the convivial board. Do those who agitate the country relative to R. Catholics, and who speak of particular acts of disloyalty, come into court with clean hands? I think not. I think during the Canadian rebellion, I read in one of the leading journals, words to this effect, as the sentiments of a public man: that fellow subjects in Canada were fighting for their rights and liberties, that government were sending soldiers from Halifax, to put that down, and calling on persons not to afford horses and conveyances to carry them on their way: do the people who spoke thus come with clean hands, in reference to a charge such as that under consideration? I regret, however, to perform a duty of this kind here, but I represent a people of various denominations and countries, a people living kindly together, and when it is intimated that any class is disloyal, because Mr. Condon was guilty of certain acts, I must vindicate them. Do I not recollect, on another occasion, that a gentleman of the city of Halifax, was publicly charged with having expressed a wish in company, that the day might not be far distant when the stars and stripes would float at Citadel Hill? Was that very loyal? Can I believe that such a person, who comes here charging Mr. Condon and Irish Catholics with disloyalty, comes with clean hands? No; and the country will not

believe it. What would be thought if I made a charge of disloyalty against the city of Halifax because one of its citizens wished as I have described? Would that be argument? No; but would it not be as sound as to take up the charges against Mr. Condon, whether true or false, and make them causes of accusation against others. Should any man's indiscretion be thus brought to damage any one else? After all there may be folly and not disloyalty in any of those cases; but the rule applies to one set of instances, as well as to the other. When some of these cases of slander, which appear formidable in the dark, are brought to light they vanish away. Have there not been papers printed in Halifax, years ago, that did not display much loyalty, and shall I charge the man who wrote such things with disloyalty? No, I will call it pride, ambition, a wish to divide everything that opposed, out of the way, but not disloyalty. I do not charge that on them, but would I not be as justified in doing so, and in implicating the city of Halifax also, as in charging disloyalty on the Roman Catholics, because William Condon offended the member for Windsor?

Was it worthy of gentlemen opposite to take up ridiculous stories and bring them here? The willing ear hears the tale,—and when the ear is readily lent to such matters, there is generally plenty to be told. Who was it that informed the learned gentleman, that some high dignitary entered the office of the Prov. Secretary, and said, if William Condon did not find an office, the Prov. Secretary would have to find one for himself? (Mr. Archibald—I said that I was told a Catholic gentleman had so acted,) Fin. Secretary continued—I know little of the Provincial Secretary's character; if he would not have made any such visitor go out of his office quicker than he went in. I do not believe that it ever took place. If the learned gentleman obtained the story from Dame Rumour only, he should not have repeated it here; he should not mention matters of that kind without knowing them to be true. It only weakens argument; hearsays go for nothing. Such charges appear to come from childishness in a diseased imagination, and give no weight to a cause.

I like the religion that appears in the face of day; and do not approve of hole and corner meetings; I believe that much of politics mix up with this proceeding. A division occurred in this house, the time was supposed to have come, and out went those papers, like a freshet after a snow storm; preparatory as some thought to an election. I heard an old lady express her fears about the Catholics tearing down houses and committing assaults,—and another say that they were going to take away all the money—though she had none to lose. I told them that they knew little about Irishmen, and that they would be the first to defend them if they were attacked. That part of my constituents laughed at the learned member for Colchester during his visit to Guysboro, and gave me much amusement. He is better acquainted with their character, in that respect, than he was before. That hon. gentleman accuses me of getting up a case against Mr. Franchville. I deny that;—the charge is another of the slanders that I complain of. He was dismissed because he did not possess the confidence of the people of the county as the Chief Inspector of pickled fish. He was removed in the

least annoying way, by the committee on fisheries resolving that the office be altogether removed from his neighbourhood. He had not the kind of information fit for the office. His appointment was political;—Mr. Franchville was found convenient when politicians wanted some one to run an election against this Mr. Marshall,—but the member for Guysboro' is growing old, and inclined to be peaceable if they only let him alone. This man was put forward for that purpose, and Mr. Marshall quietly left him behind, looking over his shoulder at him, as he did at some others, including Mr. Archibald himself. They made him Inspector of fish,—but they almost might as well have made him a Doctor of Divinity. He knew as little of fish as the member for Colchester did of Irishmen; he had better let them alone. There is a little of North of Ireland blood in the learned gentleman, but he has been so long in Colchester that it has been all washed out of him among the flats and elms of that district.

Mr. Franchville is a respectable man, rather well off, so that my putting him out of office does not include any destitution as is sometimes complained of. He is pretty well off, one of your good kind of people, who have not many friends, and are not very fascinating. He is tolerably respected; that is, tolerably well off, in the county. He was dismissed, not for political reasons, for on these he might have been removed half a dozen times,—in consequence of his running about, and making a noise on politics. I might have felt myself justified in turning out others who opposed me, but I thought them rather manly fellows to exert themselves so in support of those who gave them office. It may not be wise of them to try it again, however,—the allegiance they owed to the other side is pretty well worn out.

The member for Inverness went out of his way when he described Mr. Torry as a bankrupt, and as one who had made an assignment which was not accepted. I do not blame that member, however, but those vampires that prey in the secret and the dark. I will tell you how he was a bankrupt. He entered into trade, and was a hard working, talented, honest man, who would be an ornament to any country. He was unsuccessful in business; he built a splendid vessel which was sent to Newfoundland;—intended insurance was not effected, and she was lost. When my election took place, he stood there, feeling that his affairs had received a blow which they might never recover. At the hustings, while he was waiting to give me a vote, a message was handed to him from Halifax, telling him to vote for me if he dared. He handed me the message, and said that he would vote, and his creditors might take all he had, the coat off his back, all but his wife and children, but that they would never make him sell his conscience. That was the story of his bankruptcy; he made an assignment, and sent it to Halifax—it was not refused on the score of dishonesty,—for the parties—whether they had become ashamed of their conduct, or had come back to a better spirit, told him to go on, and gave no further trouble. Yet this is the man to be spoken of as a bankrupt, and one whose assignment was refused;—and Mr. Marshall is to be blamed for appointing him to the office of Inspector of pickled fish! What care I for what is said. I fear the face of no man, as regards any of my transactions;—an effort may

be made now to make me appear in the county as a patron of disloyalty; few or none will believe it;—if any do, I care very little about their opinion.

There was another flourish about Irishmen, and about one who was described as not an Irishman of the right sort. Is that language which should be heard from the member for Truro; the late delegate who was entrusted with the important concerns of the coal mines. Should a person educated for the bar, and living among educated minds, become so inflated and inflamed, and use such insulting expressions. There is such a thing as "sowing the wind and reaping the whirlwind," and I advise the learned gentleman to act more consistently and cautiously in future. When he rebukes the men to whom he alludes, they answer with argument,—when he insults they answer with silence; they would not trust their feelings with expressions under such circumstances. Let us have no more of these exciting expressions. How would the learned member like to be taunted about his own religion? These allusions and general charges elicit nothing and do no good. One of the last declarations of the learned member was, that the manifesto of last year was kept back for the proper time. (Mr. Archibald: I said that the Alliance took no public action last year, lest it might appear to have a political aspect. It was established irrespective of politics.)—Financial Secretary continued.—I am rather in a dilemma with that answer. It appears that the manifesto had a political aspect, and the circular of the Alliance a religious one. One of the former was made use of at Guysboro, at last election;—and those other papers appeared there like mushrooms after rain, subsequent to the majority of one this session. (Laughter.) They may not be connected;—the learned gentleman appears quite unaware of the fact and seems to know nothing about it. That they were kept away from him looks like design. I respect some whose names are attached to the paper, and believe that they put them there from purely religious motives; but I believe the object of others was to inflame the people previous to our expected election, and for the purpose of arousing one half of the population against the other. Those who make the outcry do not believe what they say about Catholic ascendancy. When did members opposite obtain the new light.

If the Roman Catholics sat beside you for ten years as your friends,—should the conduct of Condon, and the event of Gourlay's shanty, induce you to believe that they could be all disloyal? If you saw as I did, the fight at Fox Island, between Scotch and Irish, and in which 1500 men were engaged, you would not talk so much about the railroad riot. Does not the member for Windsor know better,—is he not well aware that that occurrence was no great attempt to put down Protestantism? Who believes that? Why such efforts at frightening people? Should two thirds of the inhabitants, with a garrison of soldiers, be frightened at a few Irishmen coming to the country? They pay their powers a high compliment by such fears, but one not very creditable to those who make the avowal; and who cry out to be saved from those Roman Catholics. Are 10,000 Irishmen to so frighten 300,000 of other denominations? Would not any old woman laugh at them for such complaints? The fears are assumed;—and are not worthy of repetition.

THURSDAY, March 25th.

DEBATE ON HON. WM. YOUNG'S RESOLUTIONS.

MR. KILLAM.—It may be expected, Mr. Speaker, that I should make a few remarks on the resolutions before the house. The member for Inverness read extracts from a former speech of mine, and there may be some curiosity concerning the course which I intend to take; I have been accustomed to give reasons for my conduct, and forced to do so, briefly, in this instance. The resolutions have reference to subjects which have often had the attention of the house; and my opinion on appointments are not changed. There is much difference between Executive officers and purely local officers; my opinions apply to the latter; and I think that they should possess the confidence of the localities where they reside. If the present government have departed from that, they have not acted in accordance with my opinions. I endorse the principle that the majority ought to rule. The principle, I consider, applies to counties as to the province, and without it they cannot be satisfactorily governed. With the majority should be the government, and if a majority be against the government, I view it that the people are not satisfied. It makes little odds how a government is appointed, the minority will be satisfied if the majority rules. A complaint relative to the late government was, that they had changed the condition of parties in counties, and made minorities rule. The present government may have acted similarly, but I do not know that any charge of this kind has been brought against them. I do not sustain a government except I approve of their conduct. I supported the late government until something occurred which I did not like, and then I gave my vote against them. The present government may suit better than any other we can obtain; if they go contrary to my views, I may go back, or seek elsewhere. I intend to support them however, until I see parties who command my confidence more than they. The principal question in the resolutions appears to be that relating to Mr. Condon, who has been declared disloyal. Much has been said about loyalty. I may not have an over-share of it; but I still love my country; and hear of the success of Britain's power, and the well being of her inhabitants, with pleasure. It is easy to arrange an Address to her Majesty, about the loyal province; it sounds very well on paper. Sometime ago, however, we heard of enlistments of troops for her Majesty's service, and application for recruits was made to the U. States. If the country were so loyal as some would make it appear, why not evince that some other way than on paper? Does any one here know whether any one native of the province enlisted to go to the Crimea? Despatches may have been sent to that effect, and some one, I have heard, declared that Nova Scotia could furnish some thousands of men! I did not here of one going, however; although we thought that a regiment was about to be formed. I do not see that we had a great deal of loyalty to brag of in that case. Another sort of loyalty does not go very far; I mean that of self interest; some men are very loyal if they are well paid, but they do not like danger. Mr. Condon may say that he has not that kind of loyalty which expends itself in speeches. After all I see nothing to prove that

he had not a feeling of loyalty; he had consideration for the condition of his fellow-countrymen. If any gentleman of Halifax heard of a relation going to the Crimea, might he not say that it was very foolish, and ask some one to persuade him not to go? Would that be called an act of disloyalty; would it be said that therefore he was not fit to hold office? No. Mr. Condon remarked that there was sometimes a monomania of loyalty; is not that true, whether the saying was discreet or not? A person acquainted with Halifax for ten years, might see much of that loyalty on paper; but, perhaps, not much more evidence of it. The story of Catholic pressure I do not think worth speaking of. Then there was the manifesto. I ask no man here what his religion is, and clergymen may take any course they think proper, far as my opinion goes. I never asked a minister how he was going to vote; if they go wrong they will soon find it out. Interest is a check with them as well as with other people. I may not take the view that others do of this question; but I consider that all the difficulty arose out of the enlistment story. Actions speak as loud as words. When the member for Windsor went on that enlistment affair he might as well have remained at home; and attended to the business of the province. Mr. Condon, as an officer of the Irish Society, was interested concerning the men who were brought here. The member for Windsor did not make as much capital from the transaction as he expected, and ill-feeling manifested itself in such a way that another course had to be adopted. All the difficulty resulted from this, as was apparent from the public prints, and the general knowledge of circumstances, from the beginning to the end. Various matters grew from it, Gourlay's shanty dispute, and such topics. Mr. Howe had a difference with the Catholics. It was a question of feeling, and we all know how these difficulties arise, and how circumstances accumulate around one cause of difference. No man can divest himself of these feelings, and I believe the charge of disloyalty arose from some remarks made as regards the loyalty of Halifax, in reference to the enlistment affair. If the person dismissed were a Presbyterian, I rather think he might remain where he was; but as there was to be a war with the Catholics, he must be a kind of martyr; and we all know the result. The present government, I think, were justified in placing him in that situation, having held it under Mr. Young's government, and acquired some knowledge of the business. If they did appoint him there to please the Catholics, and believing him to be innocent, I see nothing wrong in so doing. Is not pressure made on every government concerning such affairs? In reference to the Inspector of Coal Mines, I thought it might have been as well if he were not appointed when he was; but we find him so appointed, and the opposition do not speak of the office not being necessary, but of the officer not being exactly suited to it. They ask whether, if the government were appointing one to attend to their own personal interests, they would have appointed him; they might not. The circumstances are different. Over system causes such appointments as this. The officer was a member of the Legislature and a supporter of the government. He was not the first man so appointed; and as you adopt the pre-

sent system, I do not see how you can avoid such selections. The member for Windsor was taken from the Legislature and appointed to the Railway Board. I might mention several who were not perhaps the most suited to the situations in which they were placed. Explanations have been given concerning other appointments alluded to in the resolutions, and I do not see any great difficulty in the question before the House.

Some complain to the effect that dismissals should not take place except explicit charges be made; but it may be difficult to get up charges, and if an officer were not doing his duty, relative to the country which I represent, and the government did not displace him when requested, I should think it strange, and my constituents would hold me accountable for it. Concerning some cases alluded to, members must take the responsibility; the constituency will sustain them if they believe them right. There is an opportunity every four years of testing these questions. If anything is wrong, some one will recollect and make capital out of it. Much has been said in this debate that is not requisite; and I think gentlemen should be kept more to the subject before the house. If we go on as we have hitherto, we may be detained here until April, with these resolutions. A few speeches from leading member, might, generally speaking, decide such questions, instead of debate being continued for so many days, to the disadvantage of other concerns, and at a cost of about £100 a day, talking of a few appointments. Speeches are made to go to the country, but in the way reports are published now, much that has been said will scarcely go to the country this year.

Mr. Chambers.—I may remark, Mr Speaker, that liberty of speech and of action is accorded to all by the provincial constitution under which we live; I consider that I have a duty to perform to the country on this question, and that I should come forward manfully and grapple with them. Much influence has been brought to bear to suppress public opinion; and I have had my share, as far as threats and hisses were concerned; but I intend to express my opinions plainly, independent of such considerations.

I was accused, on a former occasion, by the member for Sydney (Mr. McKeagney), with interfering offence to the Roman Catholic part of the population. If the truth, spoken with earnestness and honesty, give offence to any class, I do not consider the fault lies with me. I speak what occurs to my mind, independent of influences, one way or the other. The honorable gentleman gave us a history of his idea of religious liberty; but I think that he is about the last in the house that ought to do so; he does not enjoy it himself, and cannot give a true statement of it to others. Let him look to countries under Catholic influence and control, and will he find any man there daring enough to express his views as we do in this House? No: they shrink from it, knowing what the consequences would be.—That honorable gentleman thought proper to say that I did not know what "screws" meant; he understands it well, however. He said I was one of the "bores". Well, there are various kinds of instruments for various purposes, and it happens that there is an instrument of that name intended to bore out the rotten parts of timbers;

and perhaps I may be of some use to bore away the rotten screens by which the government seek to shelter themselves. I assert to the house and to the country that the present government not only deserved censure for their political acts, but because they were subject to the control of the Catholic influence in this country; I ought rather say priestly influence, for I believe if the Catholics were allowed to exercise their own judgment, there would not be much difficulty in governing them. I maintain that they are not allowed to think for themselves, or speak for themselves, or act for themselves;—neither the Catholics of this country or of any other, have, according to my opinion, any political principles by which they are guided. Their consciences are in the charge of others; and to the interests of their church, all other considerations are made subservient. Looking to the neighboring provinces, we find that those interests are the great aim and object, and that they are governed by the dictation of others. Had we not a proof of this last session? when we found the mandate coming through the press, from the Archbishop, I presume, warning Catholic members of this house, that if they sustained the former government, influence would be brought to bear on them, and they would have to suffer the consequences. (Hisses from the eastern gallery.)

The first resolution under debate, has reference to Mr. Condon's appointment; and he is charged with being a disloyal subject. We are told that the former government did not dismiss him promptly. I deemed that the former government did not do its duty in that respect, and considered that it ought to have dismissed him at the instant his letters appeared. They assigned reasons for not doing so; but these did not satisfy my mind. He was dismissed for publishing disloyal sentiments; but the present government hold him up as an innocent man. If they were sincere in that, why not reinstate him at once? No doubt the reason was, the aversion of the late Lieutenant-Governor to that person, he having consorted with the enemies of England in time of war. I believe that his Excellency refused to sign the commission. What next occurs? The government felt that he must have a situation at all hazards, and the Board of Works was asked to provide one for him. Difficulty there arose, and the consequence was that the government pressed him into office in opposition to law, and by ignoring the authority of that Board. Do gentlemen believe that the loyal people of Nova Scotia will be satisfied with that? The government may have a majority here, but if the people were appealed to, a different result would be arrived at. Does any member of the Assembly believe that if the officer alluded to were a Protestant of any sect, that he would have obtained the appointment? No: there never existed in this province a government that would have dared to perpetrate such an act.

The next appointment alluded to in the resolutions of the hon. member for Inverness, is that of the Inspector of Coal Mines. Is there a necessity for such an officer? I may not be as well prepared to speak on that question as others; but it seems singular that during a number of years, when large quantities of coal were shipped, and respectable revenues were derived from those

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shipments, no necessity seemed to exist for the appointment of an inspector; but now, when we have yielded up much that is of value in territory and surrendered about £5000 a year, it is thought requisite to have such an officer at an additional expense of £400 a year to the province. It may be necessary, but I have ample reason to doubt it. I do not believe that the person appointed possesses the qualifications necessary to the fulfilment of the required duty.

I recollect listening to a speech of the Atty. General, previous to the breaking up of the late government, when he gave the house to understand that a Departmental Office was to be given to a Catholic; and it was expected that the member for Sydney would have been appointed to one of the offices down stairs. He went from the house satisfied that that would be the case, and returned to Halifax last summer with that expectation. To his surprise he found, that, under circumstances, he could not obtain the expected situation. And why? Because the government found the public opinion of the city was too strong in opposition to it,—and they dare not, in the face of Protestant feeling, place him in that office. They therefore shrunk from their previous promises. What then?—an office must be provided for him, and it was; and hence the resolution before the house. It seems singular that the appointment was made, some months before the negotiation, under which he was appointed, were ratified by the Legislature. The dismissals come more directly under the notice of representatives from other counties. As to the Justices of the Peace, I care little how many of them are appointed,—but when I listened to the Attorney General last session making charges against the late government, for appointing without consultation with the members for counties, I was led to suppose that he would carry out the policy which he then enunciated. Yet I find that 35 have been appointed for the county of Hants, without consulting any of the representatives of the county, except, perhaps the member for Falmouth.

Mr. CHURCHILL—Yes, I was consulted on almost all of them.

Mr. CHAMBERS continued:—The Government ought to be ashamed of their conduct; why consult him alone, when other parts of the county were concerned? The Provincial Secretary sent a circular to Windsor, and gathered some partisans together, and so the matter was concocted and thirty-five appointments took place without consulting more than one of the representatives! I do not personally complain of that,—but it exhibits the inconsistency of the Government, and shows that they have ignored the doctrines announced by the leader of the Government. Many of the appointments may have been judicious, others not; but the appointment of so large a number was not required.

The Provincial Secretary dragged into this debate what should not have been brought here.—He spoke of the Protestant Alliance, in language disrespectful, injurious, and ungentlemanly.—What was the object? To draw away attention of the house from the real questions under debate. He attacks gentlemen concerned in uncorrupt and unjustifiable language. Another object which the hon. Provincial Secretary had in view, was, to make it appear that the Alliance was sustained and had been formed by some of

the leading members of the opposition here. The members for Inverness and Windsor explicitly deny that,—and my belief is, that no member of the opposition had anything to do with the formation of that society. He speaks of the Protestant Alliance, but winks out of sight, and dare not attack the ecclesiastical court held in the city last summer. He overlooked that, at which our Bible, the corner stone of Protestant institutions, was assailed; but he has the audacity to come here and attack an Association, formed for the protection of Protestant principles. I do not deny the right of the Catholics to issue what they please; but I demand, meantime, the same right for the Protestants of the country. The Pro. Secy. thought proper to select the names of the Rev. Mr. McGregor, and others. Why? Because he knows well that the church that Rev. gentleman belongs to, have always opposed, almost unanimously, the conservative party. Who is the Rev. gentleman attacked? The son of a minister who came to this province many years ago, to manage the affairs of the denomination, to the eastward;—and he did more for the interests of the country, than all the Provincial Secretaries that could be crowded between this and Cumberland. (Hisses from the eastern gallery; various noises;—ap-  
plause from the Speaker's gallery.)

Hon. Finl. Secretary moved that the galleries be cleared. The Speaker gave orders accordingly,—and subsequent to some delay and difficulty, and disorderly noises, the clearance was effected.

The house sat awhile with closed doors, and then adjourned.

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FRIDAY, March 26th.

The House was engaged in the transaction of routine business.

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SATURDAY, March 27th.

HON. ATTORNEY GENERAL.—Mr. Speaker—I do not often think it necessary to refer to newspapers here, but the account of the proceedings of this house in the *Morning Chronicle* of to-day is so utterly at variance with what every member knows to be the fact, that I feel I should not be discharging my duty did I not call attention to it.

The editor of that paper, unable to meet the arguments of my friend the honble. Provincial Secretary, has recourse to the mean and contemptible subterfuge of endeavoring to throw discredit upon his statements. In the first place a reference is made to a discrepancy of statement between the honble. member for Pictou and the Provincial Secretary. How any gentleman could have resort to such a course, after what transpired the other day, I am at a loss to imagine.—The hon. Provincial Secretary, in the presence of Mr. McDonald, and apparently with his assent, informed the house that on the occasion of his having contradicted the hon. member for Pictou, that gentleman made no reply, but the house adjourning immediately after, Mr. McDonald walked across the floor of the house and offered him his hand, saying that he had not replied for fear he was mistaken, and that thus all controversy was removed.

The *Morning Chronicle* must have a weak and tottering cause, sir, when it requires to be bolstered up by means so questionable.



Then, sir, we have reference to the Messrs. Rogers. Why, sir, is it not in the recollection of this house that the Provincial Secretary has not only produced the authority upon which Mr. Rogers was charged with withholding official papers, but he has shown by evidence the most unequivocal that they are unworthy of credence. He has submitted the documents here which prove beyond question that Mr. David Rogers, in a vain effort to throw discredit on a statement publicly made, did not hesitate to publish a pretended copy of a letter, which was garbled and essentially different from the original letter over his own signature.

The case of Mr. W. H. Rogers was still worse. It had been proved by documents submitted to the house that he had not only been guilty of gross dereliction of duty, but had actually given a false certificate that goods had been entered, and duty paid, although his own letter on the table confessed that neither had been done.

These, sir, are the worthy correspondents of the *Morning Chronicle* upon which gentlemen opposite rely for some means of evading arguments they cannot refute.

But, sir, what follows is still more discreditable, for it is taking a gross liberty with facts which but yesterday came under the notice of this House.

A few days ago, the hon. member for Colchester, forgetting I think, what was due to the dignity of the House, gave a rumor that a leading Roman Catholic gentleman had called upon the hon. Provincial Secretary and threatened him with the loss of his office, unless Mr. Condon was provided for, and at last, the hon. member, with great reluctance, gave the names of Mr. Samuel Carten and Mr. Fulton, of Wallace, as the persons to whom it was told. My friend, the Provincial Secretary, denied his ever having been threatened by Mr. Carten, and at once wrote a note to that person, which he showed me, and the accuracy of which was thoroughly approved, asking him if there was any foundation for the statement made by Mr. Archibald; a copy of that note, and the reply of Mr. Carten, in which he promptly denied the truth of Mr. Archibald's rumor, were read to this house.

Subsequently when Mr. Wier repeated a conversation, which had that morning taken place with Mr. Carten, in the Provincial Secretary's office, the hon. Provincial Secretary asked Mr. Wier, before the members of this house, if he, Mr. Wier, did not hear Mr. Carten tell him that he was ready to go before any Justice of the Peace and attest to the truth of the statement of the hon. Provincial Secretary, that he, Mr. C., had never directly or indirectly used any threat to that gentleman, in reference to Mr. Condon. Mr. Wier admitted that he did so understand Mr. Carten.

Now, sir, it would seem incredible that under these circumstances any person could so far forget what is due to common decency, as to publish to the world such a tissue of baseless misrepresentations. Can anything, Mr. Speaker, be more malignant—more disgraceful, than the conduct of the Editor of the *Morning Chronicle*, in thus bringing forward charges to effect the character of a gentleman, which have not only been effectually refuted, but shewn to be totally destitute of foundation. Our pity for their necessities and contempt for their position, must at the same

time be excited by the adoption of a course so unworthy the position of a public journalist.

Mr. McDONALD said—Mr. Speaker, I must claim the attention of the house for a few minutes in order to offer some remarks on the question now raised, however distasteful the subject may be, and I am sure that if other honorable gentlemen feel as I do, the matter must be peculiarly distasteful to the house. I am neither the apologist or defender of any portion of the press; but this I feel bound to say, that if the members of the opposition were to follow the example of the hon. Attorney General given this afternoon, and drag into discussion the numerous articles teeming with abuse and misrepresentation that are to be found in the columns of the press supporting the Government, the house from this source alone would find ample, though not very honorable or useful occupation, for the remainder of the session.

Judging, sir, from the extreme degree of sensitiveness evinced by the government with regard to this Carten story, I who know nothing of the matter excepting what has been said in this house, am strangely inclined to believe that there is a good deal of truth in the charge which has been made, and which is so strenuously denied. There is an old saying sir, that the bird seldom flutters unless the aim of the sportsman has been true, and I therefore argue that unless the Government felt that there had been considerable pressure upon them by a certain class of our population, and that in the matter of Condon's appointment they had yielded to that pressure, they would not appear so extremely sensitive and anxious to clear the matter up.

My name has also been largely mixed up with these explanations, and I must say that I listened with some surprise to the reason given to-day by the Hon. Attorney General of what had fallen from the Hon. Provincial Secretary in my hearing on a previous day with reference to a serious difference of opinion existing between that hon. gentleman and myself in a previous session. Had I understood the Prov. Secretary to have expressed what the Hon. Attorney General now alleges he did, I should instantly have given some explanation of the matter. I may say that I fully intended alluding to the matter when I addressed the House on the resolutions now on the table, but the course taken by the Attorney General has unavoidably precipitated the matter. I regret, sir, sincerely that the difference of opinion alluded has been called into discussion this winter, for such matters cannot well be revived without calling up feelings entirely inconsistent with the state of mind that ought to exist among gentlemen who have the public business to carry on and have to meet each other day by day more or less on friendly terms.

The remarks of the Hon. Provincial Secretary a few evenings since were to this effect, that during the evening when he and I had been in such direct antagonism I crossed the floor, gave my hand and said that I had not contradicted his last remarks because I feared there might be some misunderstanding, and that this had taken place in the presence of the hon. member from Liverpool (Mr. McLearn). I have since spoken to that gentleman about the matter, but his recollection like my own differs from that of the hon. Provincial Secretary, for he says that he was not present but

saw us speak and separate and was informed by the Doctor that he and I had come to an understanding.

Now, sir, my recollection of the whole matter is simply this. After the House adjourned, on the occasion alluded to, in 1857, the honorable Provincial Secretary and I met and had an explanation. I expressed my regret for what had occurred, and am free to do so again, but I did not give any reason for not replying, because I did not think there was any reason for giving a second reply. In the debate alluded to, I made a charge of inconsistency against that hon. gentleman. He gave an express contradiction to the facts on which I based that charge. I repeated the charge in the most grave and solemn manner I could, amplifying my grounds at the same time, and was again met by a most positive contradiction; and as it would have been perfectly absurd to go on bandying contradictions, I allowed the matter to stand as it was, and was quite content that our statements should go to the country side by side for the belief or rejection of the people.

With these feelings in my mind when that intervention took place it was quite impossible that I could have given one word of retraction of my assertions, and I did not do so. I did not say or agree as the hon. Attorney General has to-day asserted, that I had not replied because I feared that I had misconceived the hon. Prov. Secretary, but merely made a remark of this kind, that we were only human and there might possibly be a misconception on both sides, and that I was therefore content to let bygones be bygones. We thus separated with mutual expressions of regret, but as far as I could understand without any retraction on either side.

I must again express my deep regret that this old matter has been again brought up and made the subject of so much remark and recrimination and do sincerely trust that after the parties chiefly concerned have agreed to bury it, other gentlemen will permit it to rest in peace.

MR. CHAMBERS.—In rising, sir, to resume my speech which was brought to an abrupt conclusion the other evening, I wish, in the first place, to be distinctly understood, that in any remarks I have made, or may make, I do not intend to apply personalities to any gentlemen of the legislature. I talk of the system, not of individuals.—and I believe the present government to be corrupt;—being based on false principles, and having for its object, the overthrow of institutions we so dearly love and admire. In the remarks of the Prov. Secretary on a former evening, he thought proper to attack the Protestant Alliance, and to select one or two of that society, as particular objects on which he might vent his malice. I sought for reasons for this conduct,—and in reference to two gentlemen named, Rev. Mr. McGregor and Mr. Charles Robson.

In thus seeking to vent malice and revenge, does the Pro. Secretary imagine that he is going to rise as a public man, that attacks, on ministers of the Gospel, or any other men, will have that effect? He seems determined to sacrifice the member for Windsor particularly and at one time would fain make it appear that I had stated what was not true. I have felt in all these questions, and I feel now, that the people of the country will read and judge for themselves.

Why, I would ask, are two names selected from the list for the benefit of the Prov. Secretary? One is that of Mr. Robson, who, I believe, is as highly respectable, as most men in any city, for integrity, intelligence, and political candour.—Yet the hon. gentleman thinks proper to select him and another for special remark. Why? Why not take all the names? The reason is obvious. In the first place, they are brought here to draw attention from the real question under debate,—and next, because he is aware that they represent a denomination which has always given him and his party direct opposition. It may be quite uncalled for that I should attempt to vindicate their character. If the Pro. Secretary had attacked, not only the Protestant Alliance documents, but a missive sent here last session, and the Bishop's letter so much spoken of, there might be, but little ground for complaint. But why has he attacked the one and left the other untouched? Because he dare not attack both. He and the government could sit here calmly and read that synodical letter in which an attack was made;—on what? On our Bible. A very simple word is that of Bible. But on its doctrines are based the institutions of the country; and all we hold dear and sacred; and I am here to maintain and defend these as long as I have a tongue to speak. It may appear a simple matter in the eyes of the Prov. Secretary, to have that book stigmatized, so that he and his government sit here in security; but others consider that their best possessions rest on that, and that if you take away the Bible you remove the corner stone of the building. When our beloved Queen was asked by one of the Kings of the East, if my recollection serves me, what was the true secret of the power and influence of her empire? What was her reply? She handed him a Bible, as the true secret of her liberties and power. It is the same here as well as there, and I believe the people of Nova Scotia will ever hold it dear. The Attorney General and Prov. Secretary sit quietly, however, and hear that book spoken lightly of in the Synodical letter; but the moment the Protestant alliance appears—not to persecute any, but to vindicate their own cause—we find not all, for I believe some of the government reverse and respect our institutions,—but we find the Prov. Secretary and the Attorney General rise and denounce the association. I need not say what conclusions I draw from that, every gentleman in the house and country can draw his own conclusions. Not only are the mouths of the hon. gentlemen sealed concerning the attack on Bible institutions, but the press is sealed, as far as their influence is concerned. Where is the press at such a time, which pretends to represent the baptist denomination, but does not represent it? Sealed, by the influence brought to bear by the government. Not only that press, but all others in the city which they could influence. Why? The answer is easily given, but I need not give it,—the people can answer that themselves. The language used in reference to this circular, in the placard which I hold in my hand, is not to be misunderstood or misinterpreted. The members of the association are called cowardly plotters, it is the charge. Did the Protestants of the community so charge the Bishops who issued the Synodical letter? No; but when Protestants defend their own cause they are thus treated. Then they are called a band of bigots.

Why, and why is each one of the committee held up by name, with remarks attached? And then the Catholics of Nova Scotia, Cape Breton, P. E. Island, and New Brunswick, are told to mark well the names of the above committee. What is meant by that? Are they to be shunned, or attacked, or damaged in pecuniary interests,—is there an inquisition in the country to take notice of such matters? I would like to know if any Protestant in any Catholic country in the world would dare to issue such a document? No. If he did, we know what the result would be, what penalty would be demanded. Yet we can have such a publication here, and not a word be said by gentlemen opposite. If they attack one, why not both? The conclusion we may draw is evident. The government, I avow, is ready to sacrifice all we hold dear, Bible institutions and all, for the sake of holding power and office. The mode adopted by the Provincial Secretary is unfair, relative to the *Presbyterian Witness*.

He says that paper has published what is not true, and that the Presbyterians of the country are dissatisfied with it. I am prepared to give a flat contradiction to that. The *Witness* does not represent one section merely of Presbyterians, but the entire denomination. I feel happy to be able to say, that the days are passed, when parties of Presbyterians looked on one another with distrust. The day is approaching in which they will all agree, as of one mind. I state what I know to be true, that that periodical alluded to has within the last year obtained 300 new subscribers; while only three withdrew their names; one in Pictou, one in Cumberland, and one in the county of King's, I believe; they were warm politicians, ready like the Provincial Secretary to sacrifice anything or everything for the sake of holding power.

Having disposed of these matters, I come now to some remarks made by the member for Halifax, (Mr. Tobin.) He rose, and in a nice address, gave something in the form of a prayer. He beseeches us, if we wish the country to prosper, the rain of heaven to fall, or the sun to shine, to desist from this agitation. No doubt he was sincere; if he never prayed sincerely before, he did then. But he did not commence in time. He ought to have prayed some months ago. He reminds me of the story of a boy, who being called repeatedly to prayers, finally became disobedient, and declining to come at the call, said he had obtained all he wanted, or if not, he had a prospect of obtaining it. So it is with the hon. member,—if he has not obtained all he wants, he is in a fair way of doing so: I ask him as he appears to dislike discussion on religious topics, who brought this question here at first. The member for the township of Sydney did. He made a long harangue last session, about his co-religionists not receiving office from the liberal government. If the member for Halifax offered up his prayer then, and stopped the discussion at the commencement, something might be said. However, he did not think proper to do so, but passed on until the Protestant Association appeared. Now that it is here, we have to deal with it as any other question. I say, in a Protestant community, that I am not afraid of the discussion, and do not shrink from the responsibility. The religion I profess is open to discussion, and we are prepared to meet it on broad

general grounds. Some of the legislature look on the member for Halifax as a very influential individual. To all appearance he is so. I consider him as the most deep designing politician here. (Laughter.) He is all smoothness now. The member for Colchester is said to be smooth, but it would take some time with the oil and brush, to bring that learned gentleman up to the polish of the member for Halifax. (Laughter.) I consider the latter to possess more influence than any here, even the member for Inverness with all his ability, or the member for Windsor. He has power, that neither of them has. He can carry with him the votes of 9 or 10 gentlemen who have seats here, and I defy the members for Inverness or Windsor to do that. I have frequently observed, that the moment the leader of the government rises, the hon. member is prepared to endorse all he hears;—and when the member for Halifax rises, whether he assents, or denounces, it is all right with the leader of the government. That learned gentleman is opposite, his hoary head reclines as if he were asleep now, but if the member for Halifax were speaking he would not be asleep, (laughter,) but would be ready to swallow all he said, like a child does new milk. (Laughter.)

All is right that comes from that direction. The member for Halifax takes liberties which he should not. He asserts that the liberal party, some 32 or more members, did, before the late government broke up, agree to a school bill with a "seperate" clause. I contradict that. The question was brought before the party, but several who were present remained silent, and I among the rest; I was a novice in politics, and some 8 or 9 of the party were similarly situated. We concluded to remain silent, and to allow the clause to be annexed at the time, but did not express assent to it. I believe now that no school bill which would have general education for its object would have the sanction of the R. Catholic population, at least as far as those who represent that demonation are concerned. When the educational question came up, what did we find? Only two of the Catholic members prepared to vote for the school bill on any principle. Why were they opposed to it? Why, when a system of general education by which the children of rich and poor could derive advantages, was it opposed? Because the power of the priests would be damaged by it, the people are kept in ignorance,—they are not allowed to read the Bible, nor any book of educational character, except it has the sanction of the Church. We, on the other hand, were prepared to open and sustain schools, where the children of the country generally might be instructed as the interests and hopes of society required.

Reference was made the other evening to a topic of serious character. It was said that in many instances Protestants and Catholics could not go as parties into courts, and obtain an equally fair trial. I do not intend to bring that question up, but to remark that when the courts do decide, when a verdict is given the government, it appears, dare not carry out sentences equally. I refer to a particular case which was tried at Hants recently. A man was tried by a jury of honest men, I believe, he was convicted and sentenced to death by the judge. The government, however, did not dare to carry that into execution. Such opinion prevailed in

Windsor at all events, and the belief was that if he were a Protestant the result would be very different. The convicted man was allowed to remain in the county gaol for about 13 months, and then another trial or hearing of the case took place in Halifax, and what was the decision? I do not impugn the bench, but the people of Hants draw their own conclusions. Finally, however, the man was sent to the Penitentiary for about 11 months; a penalty which would attach to the stealing of a pound note was pronounced for the outrage that had been committed. The responsibility rests with the government; at the termination of 11 months he will be set at liberty, and with what results may be presumed. I hold the Attorney General and other officers of government responsible for the effects of being dictated to by one party in the province. I do not include all the government. I do not think that the Solicitor General sanctions all the acts of his colleagues,—he has too much loyalty for that, and a little common honesty; but I look upon the Atty. General and the Provl. Secretary as ready to give up much for the retention of place and power. A wig has been spoken of, fitted for one head only, but for which two candidates appear. If I had it in my hand this moment, I would, for the peace of Nova Scotia, walk across the floor and cover the grey hairs of the learned Attorney General with that emblem of dignity. Then we might have peace, and see harmony reign around these benches. I hope, sir, to see the day when a government can be formed in this country, independent of all denominations; a government prepared to do what is just, fair, and honest, and not obliged to stoop to the dictation of any class. I may be told that I am a warm politician, and that I have some particular object in view. But I seek for neither office nor political honour; I come to the legislature to do what I believe is right and best for the interests of the country. If I err, I err in judgment, not in consequence of any private intentions of my own. I hope that a government will be formed in the country, I care not by whom; who will represent all the interests of the province. A government, not swayed by Presbyterians or Catholics, but resolved to act justly by all parties. My opinion is, that if the late government, submitted to the dictation to which I allude, they might hold power at the present moment. Some politicians might so yield, but I would not; and neither would I agree to the formation of a government on the principle of proscribing any denomination. These are my views; I have spoken them without a wish to offend any one; I attack, not persons, but the system.—I believe it to be wrong, no matter by whom upheld. I hope gentlemen, in reply, will take the same broad view; if I have used offensive language, such was not my intent; I have spoken freely and candidly, and expect that every member will be allowed to do the same.

Mr. BILLY.—I do not rise to make a speech, Mr. Speaker, but as allusions have been made to the county I represent, I may be expected to offer a few remarks. The gentleman who has just sat down, has insinuated, that the government themselves may not be free from the charge of disloyalty. There are different opinions on that subject, as on others. We are early instructed in sentiments of loyalty, and the result of that teaching induces us to conclude that loyalty con-

sists in doing the will of the Sovereign. I suppose that everything connected with these matters is brought up by these resolutions, relating to loyalty, and dismissals from office, and appointments. Allow me to say, sir, that I think every thing connected with that recruiting affair was very unfortunate. It was not necessary, for purposes of loyalty for any gentleman to desert his post, leave his situation, and go recruiting to the Republic; neither do I think that a man is disloyal because he may hesitate, on some occasions, so sing the National Anthem. I may illustrate my sentiments on this subject: Suppose we see a coach passing with four persons in it, a gentleman and two ladies, besides the coachman; and that one of the ladies be the mother of the gentleman, and the other lady be his intended. Suppose the horses become unmanageable, that they catch the bits in their teeth, and run away; and suppose the mother call on her son to help the coachman to rescue them from danger; and that the son say to his mother, "do not ask me to help the coachman." The young lady then says, "do, do assist," he says, "no, don't ask me, but but if my mother will instruct the coachman to give me the reins I will stop the horses." His mother orders the coachman to give up the reins; as soon as the son has them, every sigh exerts his nervous arm, and his ingenuity and intelligence to stop the horses, and he succeeds. (Laughter.) Do you enquire, whether, as soon as they are brought up, his mother charges him with disobedience, inasmuch as he had protected those he loved, or that he loved another equal with herself? No—she would rather say, as mothers commonly do, my princely boy, you are worthy of your noble father. So it is in reference to other matters. Here our young men have worthy fathers, they respect Nova Scotia, they esteem her sons, they love her daughters, they love also its pleasant vallies and woods and fields and flowers, but although this is the fact, they breathe professions in accordance with the mother country also.—Suppose when the member for Windsor was asked to go on that recruiting tour, he was to have replied, respectfully, I am engaged in a great work and cannot come down to the recruiting business, for which other men are trained;—you Excellency surely would not wish a man with a railroad on his back to engage in that employment. Suppose his Excellency applied to the government of the province for some gifted citizen, to go on that occasion, and that they were to reply, please state to her Majesty that we have no man to send on a work of that kind, to assist Mr. Crampton, or any one in his position,—but if her Majesty wishes men to defend her honor around the walls of Sebastopol, we will send such men as we can spare, who will not be afraid to hazard lives and fortunes to defend the Queen;—or if her Majesty wants plenipotentiaries, in any part of the world, we have men equal to represent royalty and loveliness itself in any part of her Majesty's dominions.

Would her Majesty censure Nova Scotia on that account? I think not; but would be more likely to say, Well done Nova Scotia, you are worthy your illustrious sires who hesitated not to leave the shores of New England, and all the endearments of home, rather than take up arms against the crown and dignity of England. As regards Mr. Condon, I have hardly ever spoken



to him; but I was on the committee of Navigation Securities, and his remarks and suggestions to the committee were admirably well calculated to impart information. Suppose all that is said about him be true, what then? But I doubt it very much indeed. I was cautioned on coming to Halifax on being too confiding, and was told that I was likely to be misguided. It is not natural to me to be suspicious of others, I generally believe what is said; but when I hear matters brought here which I know to be incorrect, it affects my confidence in all those "heresays." These personal remarks have no business here. I heard one gentleman censured, to my astonishment, about having obtained money for his education by more than unlawful means. I have personal knowledge of that being incorrect. There is not a word of truth in it. I know that when I hear what one and another says about Mr. Condon, I have no confidence in the rumours; and I must suppose that the late government did not believe in his disloyalty. I agree with what the gentleman who last spoke said, concerning the desirableness of every one censured having a fair trial, particularly if the charge be of serious character. If I brought an accusation here against one who was not present to defend herself, I would expect to be accused of cowardice; none are here to answer such charges but members of Assembly. Has Mr. Condon been brought here, and tried, and found guilty of the practice of disloyalty? What right have we to come to that conclusion? There is a principle in our nature by which, if we love one of a family, we have a regard for all of the name; so those attached to a church are likely to entertain a favourable opinion of all belonging to it. This principle may be applied to national concerns; and if there are opposite feelings to these, they may be applied to all concerned. The member for Windsor, no doubt, can appreciate that sentiment. Mr. Condon, probably, was aware that that hon. member was very zealous for the honor of her Majesty, and thought that a very ready way to annoy and hurt his feeling was to say something not respectful of her gracious Majesty, and so the dispute may have taken place, being aggrieved something was said to grieve in return. That may not have been an honourable position, but I conclude you have no right to censure Mr. Condon as being wanting in loyalty. We are aware how men are treated in England for treason; have we any precedence for such matters here. Can we bring up a man on heresy evidence and pronounce him guilty? If the late government had consulted her Majesty as to Mr. Condon's dismissal, she would, I doubt not, in reply, have given the same advice to the government of Nova Scotia as a celebrated king gave to his son—"Take no heed unto all words that are spoken, lest thou hear thy servant curse thee; knowest thou also in thine own heart likewise thou hast cursed others." I dare say that if the charge was forwarded to England, small heed would be taken of it, and good evidence would be required before pronouncing judgment against any man. That principle I believe to be dear to the Sovereign. Will her Majesty's government paid attention to every thing that went whistling among the millions of England, would they not have something to attend to? (Laughter.) Judgment by all we know, sympathy should be very general concerning the

case under consideration. Few of us may have anything to boast of in the way of loyalty.

In reference to the appointments, and the 21 new magistrates for King's county; the 9 or 10 that had to be restored, may afford some reason. These appointments were particularly required. The late government had made no appointments, with slight exceptions, from one side, for a term of 9 or 10 years. I was rather surprised when the member for Inverness brought in his resolutions, that he made no exceptions concerning the county of Kings. That hon. member is aware, that no government seeking their own popularity only, would willingly resort to making many appointments. The county is studded with good men; selection is difficult, and causes offence. Very great inconvenience is experienced in many localities; it is almost of intolerable character, as regards the distance between magistrates offices. Nearly half the inhabitants of Cornwallis and Aylesford reside on the mountain. Since former appointments, large villages have arisen, requiring, for public convenience, additional magistrates. In thirty miles length of the North Mountain, with an average width of five miles, the late government appointed two; and with that exception, there is not a magistrate in the district. The South Mountain is similarly situated. The people from the village, which have arisen up round the shores, have to go from five to twelve miles, up and down the mountain, and I would rather go twice the distance on level ground, to consult a magistrate. I ask the introducer of the resolutions, was it not requisite that such officers should be appointed there? The number of eighty may seem extreme for King's county; but out of the list of magistrates, may be selected, twenty who have retired from business, some who are not acceptable to the people, and some who have removed from the place, although their names continue on the list. About twenty more, at least, are required. I received a petition from Aylesford, the other evening, requesting me to recommend two; some of those concerned, had to go thirty-five miles to meet a magistrate.

As much has been said about Protestants and Catholics; I may remark, that in Dalhousie settlement, about half the population are Protestants, and half Catholics; the late government thought fit to appoint two Catholics, one of whom refused to act; and one removed. Two more are required. Will you say that none should be appointed there, and the people should have to go a distance of thirty miles to execute a piece of writing, or to have a town officer sworn in? In many localities where one magistrate was appointed much inconvenience continues, as regards parties and their witnesses, and the meeting of magistrates for transaction of business. Is that sufferable? In 1856, when the Municipal Corporation question was brought up, the late Mr. McLeod, then a member of the administration, said he thought it unfair to incorporate the counties, in reference to the existing government, as they had assumed office under certain impressions, relative to patronage. In reply the member for Inverness remarked, that the appointment of magistrates should not be called patronage, for it rather amounted to a burden, which was too grievous to be borne. I sympathize with that view. I felt in duty bound to make the recommendations, alluded to, although some might



hesitate, but I recommended those whom I thought proper, and the responsibility is with the government.

Members are sometimes afraid to do what is right respecting these recommendations; but my salary does not depend on my place here, and I do not so highly value a seat in the Assembly as to hesitate in the performance of my duty, however unpopular that may appear. Notwithstanding all that has been said about appointments, we have not heard a word about the incompetency of those appointed to office. That affords me much pleasure. If the introducer of the resolutions could put his finger on one whom I recommended as unworthy of the office, it would grieve me to the heart. We hear no complaints of that description anywhere, with one exception. I allude to the appointment of the member for the township of Sydney. I was amused at the remark of the member for Colchester on that; he spoke of incompetency and of one tradesman being applied to, when another was wanted. I am not inclined to retaliate, in reference to what was said the other evening in reference to the incompetency of magistrates, although it would be easy to do so. But it was rather surprising to me to hear that sentiment from the lips of one lawyer in reference to another. I was under the impression that there was no office in the gift of government which a lawyer was not eligible for, particularly if a good salary was attached. Now, there seems to be one exception. The learned member appears to have forgotten that if any of the tradesmen alluded to imposed on his employers, they want a lawyer to set them right. The Superintendent of Mines is not required to dig coal, or make railroads,—and taking this into account, much that is said about competency amounts to nothing. The learned member spoke of a gentleman in England, the owner of a mine, who employed an engineer at a salary of £1200 a year. He did not tell us that the same proprietor had a solicitor also, with almost a like salary. We are not able to have a solicitor and an engineer; and if we had an imported engineer, I would not be surprised if we required a solicitor also, so that the appointment under consideration would be a part of the expense. I have heard nothing to prove that the member for Sydney is incompetent for the situation. Are not gentlemen going beyond their jurisdiction in these objections? Time only will decide whether he is fit for the office or not.

The member for Inverness, whose knowledge of human nature we all appreciate, complains that there are three representatives of Cumberland belonging to the Legislative Council. One of those, however, is a gentleman who resides here, although he has possessions in Cumberland. According to that principle, we might say that King's County was also well provided for, because one gentleman who is a member of the council was brought up in Cornwallis. Mr. Dickey's father also, was born and brought up in Cornwallis, and he himself has acquaintances and relations there, and I think wherever he resides, or whatever calls for his attention elsewhere, that he will not cease to care for his noble nephews and lovely nieces who reside in Cornwallis. (Laughter.) I was rather pleased with the answer given by the government to enquiry on this subject, when gentlemen asked why he

was appointed; when there were so many other lawyers to select from.

It was evident that government considered he was the proper man, and that they perceived he possessed qualities which would be beneficial to the country. It was said by a member for Halifax, why, why not take such and such a lawyer. Gentlemen should recollect that in common concerns of life, there may be various reasons for interest and preference, such as family relations, and other causes, which are not very readily explainable. It is not an hundred years since a professional gentleman came into King's County; he had travelled extensively, but he paid his addresses to a Miss Dickie, there, and was married to her. It might give that hon. gentleman some trouble to give a reason why he placed his love and regard on that lady, after travelling through so many places. Although Miss Dickie was worthy of the confidence and affection of any man living, yet to some the selection might be matter of surprise, and they might ask why not choose such and such a one instead. That is the answer: I give the member for the county of Halifax. We cannot always account for these matters,—and I was astonished to hear persons rise up and make such enquiries. Time only will disclose whether the appointments alluded to are for the well being of Nova Scotia or not.

Mr. ANNAND.—During the present session, Mr. Speaker, I have but very slightly taken part in debate, and I should probably not have interfered now if repeated references had not been made to myself by gentlemen opposite. As a stranger standing in one of the galleries, might suppose, that instead of discussing a resolution concerning appointments, we were engaged on some question of Catholics and Protestants, and especially on one relating to the Protestant Alliance.

It will be within the recollection of the house and the country, that the learned member for Annapolis, not very long ago pressed this house to pass a vote of want of confidence on the late government, their policy in relation to appointments and dismissals from office being one of the chief grounds of the charges preferred against them. The government thus assailed, was subsequently displaced, and an opportunity offered to gentlemen of the administration to carry out the policy they advocated and enforced when in opposition. I ask you, Mr. Speaker, and the house and the country, if they have so carried it out. That they have not, we hear from their own lips, one and all. None of them pretend to say that they have carried out the policy, and the government, which they announced while out of office. Why? Because in reality they had no policy. We find the Attorney-General taking the acts of the member for Inverness and his party, as the justification and rule of the conduct of the government. Is that a course worthy of a statesman? Is it such a one as the Premier of England would pursue? We know that he would not, and that if he did he would be hooted at by men of all parties in every part of the Kingdom. If gentlemen opposite have no policy on only the policy of their predecessors, if they have failed in giving any policy of their own to the country, we have a right to object that they no longer have a claim to occupy the positions they hold. The learned member for Annapolis says that he holds the opinions which the formerly an-

nounced; if so, why not carry them out? If he will not, why occupy the ministerial benches?—Why continue to occupy the post of first law officer of the crown? We have been told of 100 magistrates dismissed by the late government, and the act has been described by the Financial Secretary, as an arbitrary, tyrannical, exercise of the prerogative. That was strong language; but when we look at his government, and those who sustain it, what do we find? Turning to the Journals of 1849, page 399, we see that when a question arose on a new commission of the peace, and the learned member for Annapolis desired to carry a vote of want of confidence in reference to that act, the motion was resisted by the government of the day, and we find voting with them, and justifying that commission, such members as the late Mr. Huntingdon, so often referred to as authority on constitutional questions, by Mr. Comeau, Mr. Martell, and Dr. Brown, by Mr. Henry, a member of the late government, by Mr. McLeod.—Mr. McKeagney's particular friend, and by Mr. McKeagney himself. So that the learned member for Annapolis and the Provincial Secretary sit in a mixed majority, and hold their positions on the sufferance of gentlemen who committed that alleged "tyrannical exercise of the prerogative."

We find also that Mr. McNab, who was thought fit to succeed the member for Windsor at the Railway Board, was a member of government at the time, as was the hon. Michael Tobin, without whose support the government now could not exist for an hour. Then there is the Receiver General, who was appointed a commissioner to examine into the case of the dismissed magistrates at Annapolis, and whose report to the government that committed these arbitrary acts was considered final. It has been said that the late government made the magistracy political. Is that true? In consequence of the long possession of the Tory party, changes had become necessary, and the new appointments were to effect these changes and remedy the state of things which existed. The member for Annapolis says that he wishes to deprive the government of that power—the power to appoint magistrates. Why does he not then, as the head of the government, take the initiative, and introduce the municipal corporation bill, instead of "hawking the commission of the peace over the length and breadth of the land?" But he admits that he cannot, that the opposition are too strong; but is not that an argument that he should not occupy his present position, and give place to better men?

Gentlemen opposite speak of the late government keeping Condon in office. I have always held that he should have been dismissed long before he was; and members of the present government have not disguised that they held the same opinion. The Financial Secretary, however, says that he was not dismissed on account of his disloyalty, but because the member for Windsor desired it. That is either true or not. Who did dismiss him? Was it not the act of the late Provincial Secretary, not the hon. John McKinnon, and Mr. McNab, all fast friends and supporters of the present administration? And shall it be said that the member for Windsor coerced these men into the commission of that or any other act? If he did, then all I can say is they are not the men I took them to be.

Mr. HENRY—If the hon. gentleman asks did

I dismiss him, I say emphatically that I did not.

Mr. ANNAND—Well, this is new to me, but the hon. gentleman will have an opportunity of answering for himself. The Provl. Secretary has been accused of official bungling. Sufficient instances might be referred to for the purpose of sustaining that charge, but I will take a more recent one. It has been stated here, that the commissions issued to Mr. Whitman and to Mr. Dickey, were not couched in the same language, and in support of that assertion, I find that the word "provisional" was used in one, and not in the other, although both should have been precisely alike. And if that be so, in a matter of so much consequence, I have the right to assume that the general charge can be well sustained. Aspersions of the Morning Chronicle have been mentioned; I am not here to defend that paper, although my connection with it seems to be generally understood; I do not sit here as editor, but as representative of the county of Halifax. I may, or may not defend all that appears in the Chronicle; it is not for me to say whether I am or am not the editor,—I have written a good deal for it, I expect to write more, and I believe that there is much truth in its columns. The Provl. Secretary talks of his mouth being sealed,—but it is not sealed here, and, during the recess, his inkstand and pen are not sealed, as everybody knows who peruses the journal which sustains his government. The appointment of the member for the township of Sydney, has been defended on the plea that such an officer was requisite, in consequence of the number of tenants whose operations will have to be watched and checked; there is no expectation at present, however, that there will be many tenants,—and the Provincial Secretary failed to tell us, that he has appointed a superintendent of mines at a time when our revenue from that source has been reduced some £5 or £6000 a year. But even if the member for Sydney had the desired qualifications for the various duties of the office, it does not appear to me, that he could discharge them; he could not be, at the one time, at Sydney, at Pictou, and Spring Hill, and simultaneous duties would be called for at all these places. Then there is the office of superintendent of light houses conferred on Mr. Condon. Where was Mr. Miller? If he was the officer which the present government represented him to be in 1856, one would almost imagine that if he were not appointed to the light house service, it would go to ruin; I believe that he was a good officer, and that he failed from insubordination, but I want to know why he was not appointed to the office which he left? Was it ever offered to him? And if not, why not? Why also was the member for Sydney appointed Inspector of Mines, while Mr. Miller, who has been described as one of the most qualified men in their ranks, remained unemployed? Will any one deny that the reason was, Miller was a Protestant, and Condon and the member for Sydney, Roman Catholics? And when the office of Guager was vacated, and a Protestant gentleman well qualified was recommended, what was the answer? We must give the office to a Roman Catholic? Was not a R. Catholic brought from Guylborough to fill an office in the Revenue department? Was not the father of the publisher of the Halifax Courier placed in charge of one of the Queen's Warehouses, his chief claim being that he be-

longed to the "true Church"? Here, then, we have the policy of appointments based on religious opinions. I would deny office to none—to Catholic or Protestant—let all stand alike; but I oppose the policy and practice of bestowing office in consequence of parties belonging to a particular denomination. When the people of any religious body are seen banded together, claiming for and demanding office, then I hold that the time has come when all denominations should unite to put down so vicious an element in our political organization.

The Financial Secretary has favored the house, with some references to an old charge preferred against myself many years ago, and which I supposed was entirely forgotten until I saw it revived in some of the government organs during the past summer. It relates to the much discussed question of loyalty, and I may premise, that at the commencement of the Indian rebellion, there were, both at this and the other side of the Atlantic, gentlemen of the same persuasion of Mr. Condon, and of high position, such as Cardinal Wiseman and Archbishop Cullen, who did about all they could to embarrass the British government in dealing with the Sepoys. A portion of that spirit, as is well known, appeared in this community. That spirit, however, was denounced in Europe by such a man as the Austrian Ambassador; and yet we are rebuked for referring to Mr. Condon. Whatever objections I have to his conduct, I will do him this justice,—he was a man. If he was a rebel, as I believe he was, he was a manly one, not like some others who talk differently, and crawl over him into office. But reference has been made to myself, and a charge is advanced on the authority of a gentleman who is no larger on the present stage of existence. It has been avowed, that an affidavit was published, to the effect, that I expressed a wish to see the day that the stars and stripes would float on Citadel Hill. The member for Halifax (Mr. Tobin) gives another version of that to-day;—he says that my expressions were, that we would never have peace until that flag floated from the Citadel. The gentlemen who at this time of day renew that charge, either know, or ought to know, that the story I will not now call it a slander, was answered eighteen years ago, by a counter affidavit. It was met at the hustings, and the constituency of Halifax answered it too by electing me to represent them in this house. Now, what are the facts of the case? At a convivial board, in the year 1838, a conversation took place, respecting the government of the country. It will be recollected, that at that time party feeling ran high, the Liberals on the one side pressing warmly for the introduction of responsible government, the Conservatives as warily resisting them. If I remember aright, the conversation arose in this way: Reference was made to Daniel O'Connell, and a person present denounced him as an Irish rebel. I defended him as a constitutional agitator, as I would defend him to-day. We then turned to local politics, and the person to whom I allude said, that the only responsible government he wanted, was the responsible government of British bayonets. The reply I made, and I repeat it now, that rather than submit to that kind of government, to military despotism, I would prefer seeing the stars and stripes floating from Citadel Hill. That was my answer. (Cries of hear

hear.) It would have been well for the member for Halifax to have made some enquiry, before he brought that stale story to the floor of the house. The Canadian rebellion has also again been referred to, in connection with my honorable friend the member for Windsor. Is it not well known, that while he went with Canadians up to a certain point, the moment Papineau appealed to arms, he left that leader, and gave him no further support? From that time forward the connection between the Nova Scotia and Canadian reformers was dis severed, and ours were the truly gratifying triumphs of peaceful constitutional agitation.

But to come to a later period, does the House recollect the scene when Lord Elgin went to the Canadian Parliament to give his assent to the Rebellion Losses Bill? The building was attacked by a tory mob, it was destroyed, and the Governor General was insulted, and pelted with eggs. Is it not strange that the press which supports the Att'y General and the Prov. Secretary, and which is supposed to be conducted to a large extent by the latter officer, sustained that act of outrage, and yet these are the men who come forward to charge me, and the member for Windsor with disloyalty. The Fin. Sec'y asked, in very distinct tones, who assailed the Episcopal Church; and he looked over at the member for Windsor, as much as to say, that was the man who struck the first blow. He might, however, point to his own leader as the first who was known, in this Province, to attack that establishment. Did not the learned member for Annapolis predict that the day would come when the grass would grow around St. Paul's and the owls and bats occupy the galleries of that sacred edifice? Yet we are to be told that the only agitator against that church was the member for Windsor! The Fin. Sec'y said that one third of his constituency are Roman Catholics, and then how he beslobbered them with his laudations.—Any one who has heard his speech could tell that that officer owed his position to Catholic support, that it put him where he is, and that he must conciliate that body or relinquish office. But the hon. member has a great horror of the Protestant Alliance, which he looks upon as an organization to interfere with the civil liberty of Catholics. He did not, he said, like their secret meetings, their burrowing in the dark; he liked the light of day. Will the hon. gentleman say when he was running his election 12 or 13 months ago, there was not special pressure brought to bear on his constituents? Were they not driven like sheep to the hustings to vote against their wishes? Were they not told that "the candles would be put out?"—Did not that threat come from the ghostly fathers? The hon. gentleman ridiculed the Protestant Alliance; I ask him now if he is not an Orangeman? Here is the oath of that society, and if he has taken it, I ask with what face he can come here and denounce the respectable gentlemen who compose the Protestant Alliance? Why has it been drawn into discussion now? Why were not the resolutions discussed on their own merits, instead of the government dragging every topic they could into this debate? The provincial railway, the international project, the Alliance and other subjects have been used to produce a certain amount of mystification, and for bringing off the government triumphant. I dare say they will come off so

they can reckon on their majority; but the resolutions will go to the country; the government will have pass on them, and the people will read the debates, and form their own conclusions. Who brought the Protestant Alliance here? The member for Annapolis did, and how? He described its meetings as secret, and charged members of the house with using their franking privilege to circulate the constitution and circular of the society throughout the country. He spoke of the affair as one of secrecy, and as if he had not heard of it until the day before, when that broad sheet appeared; that paper which called on the Roman Catholics throughout the Province to mark the members of the Alliance and certain members of this house. It is not for me to say in what manner they are to be marked, whether their pecuniary interests or their persons are to suffer, but the hint will be perfectly understood. The Attorney General's remarks were coincident with that publication, and he spoke of the Protestant Alliance as a new thing of which he had just heard for the first time. I hold in my hand a periodical called the *Christian Instructor*, and will it be believed, that the member for Annapolis, who spoke of the affair as some new light which he for a first time saw, had this periodical, with the documents in it, lying on his office table 13 days previously? So much for the secrecy of which we have heard so much; that very manifesto was in his office 13 days before he made that speech! He said it was circulated under the pretext of religion. Let any one read the list of names attached to the constitution of the society, and ask the men there named capable of doing anything which they would not be prepared to justify. Who is their accuser? Is he the man to charge others with pretending? What did he do on a celebrated occasion, when he addressed the freeholders of Annapolis? I hold in my hand an extract from a speech made by him on the 10th of October, 1844, and these are his words:—

“As Solicitor General I declined an increase that would have doubled the amount of the usual salary; and as Attorney General I sought not to avail myself as to the incumbent, of the advantage claimed by the incumbents over their successors, but at once striking off a full third, I placed my own salary at an amount so low as to silence objection from even the most factious caviller.”

Will it be believed, that the man who charged the editor of the *Chronicle* with meanness to-day for publishing something referring to correspondence, had the inconceivable meanness, after pretending that he had reduced his salary from £750 to £500, to take the larger amount, and put in his claim for arrears when the civil list was arranged?

A few words more concerning this Protestant Alliance. It has been distinctly stated that none at this side were aware of what was transacting by that society, until a short time ago. It was not therefore, as far as members of this house were concerned, mixed up with politics in the way described. I believe now that none at this side belong to that Alliance, but I believe the time has come, when an Alliance of Protestants should be formed, not for party politics, not to exclude Catholics from their just rights, but for the upholding of protestant institutions, for asserting the rights of the people of this country to be governed, exclusive of the influences of the class alluded to. These doc-

uments are denounced as the offspring of bigotry? Let me read passages which I adopt with all my heart. (Read.) “What is demanded especially in the present time is that an undue advantage should not be given to Papal influence, in the power which is manifestly accorded, of turning the balance of parties, and thus securing objects which otherwise would be resisted by a united Protestantism. The danger of yielding to the demands of Popery, as the price of its support, should be effectually provided against by the combined action of parties which have common objects of legislation in the common good of the community. An alien power, if not an alien people, should be jealously watched and zealously resisted. No acts of legislation should play into its hands.—Protestants should not prefer their party to their religion. A combined opposition to all claims which any sect or body of men advance, inconsistent with the general good, must be organized. This is simply the object of the Protestant Association, so far as it has any political character. It does not aim at political objects, but it would combine politicians for Protestant purposes.” This being the object of the Alliance, were there not circumstances affecting the government of the country to warrant persons in forming that society; to be vigilant of any power, which by holding the balance between parties, might sustain a government one day, and the next, overturn it, and establish another? It may be said that the liberals were assisted by Roman Catholics, and gave support in turn; yes, but not as the member for the Township of Sydney wished;—they did not recognize them as Catholics but as liberals. And because the liberals did not yield to demands which they thought unreasonable, because they did not confer office on Catholics, as Catholics, because they would not support a system of separate schools, the Catholics left them and went over to form a government at the other side. I again ask, when we see the synodical letter denouncing the use of the protestant bible in schools, and the system of mixed schools, and raising a cry on these subjects from one end of the country to the other, was it not time that this Protestant Alliance should be formed, not to do injustice to any one, but for the maintenance of the interests of protestantism, which is identical with civil and religious liberty over the world?

I ask the Atty. General if he were in opposition would he not approve of every word of this document? When he was a member of government in 1847, did he not denounce as strongly as we can, a religious combination for political purposes? What did we see last year? The *Halifax Catholic* was understood to be conducted by the Roman Catholic Clergy, and did they not issue a notice to members of their own persuasion in this house, that they should vote according to the well understood wishes of the Catholic people? I hold an extract of a speech made by the learned member for Annapolis in 1847. Curious things are transacted during the course of a lifetime, and this is one of them. I recollect, as if it were yesterday, that the member for Inverness, and the member for Windsor and others, went up and met the Attorney General on the plains of Bridgetown, previous to the general election in 1847. It was a fierce encounter. At that time the Roman Catholics, with the liberal Protestants, were contending for common objects; for principles not for place.



and took their ground accordingly, against the Atty. General and his government? The *Times* newspaper and the *Halifax Guardian*, were vehement in support of the Atty. General, and denounced the conduct of Catholics, assuming a position somewhat like that of the *Morning Chronicle* at present. On that occasion the Atty. General read from a periodical, called the *Cross*, a manifesto instructing the Roman Catholics not to vote for candidates supported by conservative papers. What did the learned member for Annapolis say on that occasion? I will read an extract from his speech:—"The object of this mandate in the *Cross* evidently is to band Catholics together to keep Protestants out of the Assembly; and I hesitate not to say that such a combination is dangerous to the peace and welfare of the country—and this would be a question worthy of agitating the Protestant people and awakening Protestants, of all creeds, to a sense of their danger. If ever I commenced agitating it would be against a religious party banding itself together as one man to effect its own dominancy, or political exaltation."

I ask, is not that precisely the position now, has not a religious body combined as one man for political purposes, and do not gentlemen opposite hold their seats and offices by that power? The exercise of such influence may be denied, but what do we find previous to the vote of want of confidence last session? This notice in the *Halifax Catholic newspaper*.

"NOTICE.

"In consequence of rumors which are floating about these days, respecting certain Members of the House of Assembly, who represent Catholic constituencies in the Metropolitan city and County, and elsewhere, we deem it an act of justice to these gentlemen as well as to ourselves, to give fair and honest warning to all the parties concerned.

"We have a right to expect that they will not misrepresent their constituents at the approaching division, but vote *against* the Government, according to the well understood wishes of the Catholics of this Province.

"If they feel a reluctance in doing this, there is an alternative which can save their honour. Let them resign their seats and restore to the constituencies the trust which they reposed in them, that they may elect those who will without any hesitation faithfully represent them.

"But, for any such member to retain his seat, and vote against his constituents, or even *abstain from voting*, it will be *treason and injustice* of the blackest dye, and will be treated accordingly.

"The rule laid down by Divine authority, applies with all its force to the present crisis. '*No man can serve two masters.*' '*He that is not with me is against me.*'"

I call now on the learned member for Annapolis to turn agitator; to redeem the pledge of 1847; to join the Protestant Alliance, and to stand the foremost man, as we have the right to expect, in defence of the Protestant interest of the country. But we cannot expect it; office, and office alone, has the chief charm for him. Talk of shams, his whole political life has been a sham, there is not a principle that he has not violated, and policy he has none. I beg pardon, Mr. Speaker, he has a policy; his is the *wig* policy; but, unfortunately, it can only be triumphant by the passing away from this mortal scene of a gentleman who is an

ornament to the Bench and the country, and without the passing away from this scene of excitement and political turmoil of the hon. Attorney General himself.

TUESDAY, March 30th.

DEBATE ON HON. WM. YOUNG'S RESOLUTIONS.

Mr. WIER.—I would not address the house to-day, were it not that I think it necessary to remark upon one or two personal references made to myself, which I shall touch as I pass along. Some discussion has arisen this session on the Maine Liquor Law bill, and many were astonished at the position taken by the learned Attorney General on that question this year, when it will be remembered that in preceding sessions he denounced us for our opposition to it, blamed us for its defeat, and declared it ought to pass, and would and could be carried out. This session he has expressed a directly contrary opinion; and when the hon. member for Inverness, a few days ago, brought his resolutions before the house, in condemnation of the government for their numerous dismissals from office, I expected to have found the hon. Attorney General moving something to the following effect:—that whereas in 1856 he denounced the dismissals from office as un-British on political grounds, and tyrannical without trial, that now, when in office himself, he found himself in such a position, as to force him to repudiate all his former opinions, and adopt the *tyranny* and the un-British practice in its worst form. Had he come out boldly with that course, it would have been more manly at least. But he prefers to hold on to the principles announced in 1856, and in defiance of these, he comes here to ask the house to exonerate him for some 15 or 20 dismissals, made in one year on political grounds, whilst attempts are made to justify these acts, and mislead the house. With reference to these dismissals, in four cases out of five, charges were hunted up, and all of the most trivial character, and then the parties turned out of office without notice or ceremony. In the case of Gaius Lewis this miserable system is glaringly exemplified. The party seeking his place was told,—find, hunt up some charge, and we will turn him out; and thus the government descends to first blight and destroy the characters of men in office, and then dismiss them, throwing them on the cold shades of the world, because some political followers of the government insisted upon having these places. (Mr. Wier here read remarks made by the Atty. General, relative to the dismissal of Mr. Miller, to prove the opinion of the Atty. General in that instance.) I recollect being bitterly assailed for the dismissal of the Postmaster at Windsor. That individual had no adequate defence whatever.—He opposed the return of the Provincial Secretary in the most determined manner, at a time when the railway policy appeared to depend upon the re-election of that officer, and he was dismissed—that was *our* policy so bitterly denounced then by the Atty. General. Times has changed, however, and so has the Atty. General. Mr. Geldert has been rewarded for his opposition to the railway, by being appointed to an office on its staff. And I would ask where the difference lies between his case, and that of Mr. Huntington of Yarmouth. The latter took active part in politics; he was a good officer, but he gave an independent opinion, and was put out.



His position appears to me about identical with that of Mr. Geldert, but we were assailed for that,—while now the government endeavour to justify their conduct, by previous acts, with which much fault has been found by themselves. I object, that the government arrayed themselves against individuals; they give out almost publicly, as a bribe to expectants, that charges are to be raised against one whose office is coveted,—thinking they could not carry on the government without such changes. I find fault with the mode.

I do not complain of dismissals occurring, but I complain that those who denounced us some years ago, come up with an array which they should be ashamed to have brought here. Complaints, and speeches, and arguments may be useless, members' minds are probably made up, and I believe the question was decided by the government supporters before the discussion commenced; still we can point to the opinions expressed in 1856; and I can scarcely understand how the government can have the face, in view of these declarations, to come here and defend themselves on the points under consideration. I consider them in a most contemptible position. We have recorded their own words, we see their acts, and now they defend themselves in opposition to their former declarations. I know little about these cases, but taking them in the average, it appears to me there is not a more miserable system in any country than that which the government have acted on. But knowing full well that it was out of their power to oppose the resolutions satisfactorily, and defend their conduct,—they thought well to bring in another element by which they might direct attention from the main question, and throw blame on this side of the house. A placard has been got up, and I charge the government with being the authors of it; I believe that they were aware of its formation, and it came out the day previous to the display of oratory delivered here by the Provincial Secretary. It was sold within the precincts of the house, and the next day appeared in the house and in the hand of one of the government. The heading of this document read thus:—(Mr. Wier read the heading of the placard.) At the foot is an expression of loyalty! I wonder their hands did not become paralyzed when writing this sentiment. A note attached below tells Roman Catholic readers to mark well the above names, mine amongst the rest. That is calculated to excite the animosity of ignorant men. What was the meaning of the call? Was it to mark them for personal outrage, or damage them in their business, or how? This placard came out almost under the direct sanction of the government of Nova Scotia, and was sold without molestation within a few feet of the benches on which they sat. Suppose some man with excited passion, not so bad as those who issued the paper, committed a violent assault under the advice and influence of this paper, would those who sent it abroad hold themselves guiltless? Suppose such a paper issued in the neighbourhood of Rome, and that ten or fifteen parties were marked out thus; would they be safe? I think not. It is a degradation that it could be issued here, under the auspicious of the gentlemen opposite. I care little for it as far as my name is concerned. I am prepared to take care of myself personally. If they only wish to interfere

and undermine my popularity, they need not take the trouble. I can take my own part in these respects. I look on it in that aspect with complete indifference. I never asked for a seat here, but came forward in the service of my party and their principles, from which I will not shrink.

These principles are comprised in equality of rights, political and religious. Whenever popularity passes from me in defending this platform I will not want to retain it. Some may suppose that I was elected to carry out the opinions of certain persons. If so, on religious grounds, they are mistaken. That I never consented to do. I am termed a bigot in this paper. Am I one? I understand bigot to signify one who believes there is no salvation out of his own particular church, and who is willing to carry out all her behests to the best of his power and at whatever cost; I am not that man. I believe that the founder of our religion was holy, pure, and merciful. No combination which men now form can preclude that. I believe that salvation may be obtained under every banner. Wesleyan, Episcopalian, Roman, or Presbyterian. Will all the professors of the Christian religion subscribe to that? If not, they are the bigots, not I. What was this paper got up for? Is it to injure persons or property? To prove persons to be bigots, whose whole political lives have shewn the contrary? Coming to my own personal affairs I may remark, that I have large transactions with many; I have paid in wages and salaries some 30 or £40,000 to Roman Catholics during the past fifteen years; they are now in my establishment, and I defy any man to aver that I ever said a word to hurt the religious feelings of one of them. Talk to me about religious bigotry? The men who drew up that paper did not know what the term meant. Members have spoken of religious matters being brought here; but who introduced them. I may read a few extracts from the speech made in 1856 by the member for the township of Sydney. (Mr. W. read extracts about Catholics not obtaining their due from politicians.) When the speech was delivered, I named it to some Catholics and Catholic members, remarking that it ought to be answered, and was not true. They admitted that it was not; and I believe most of them condemned it. My colleague (Mr. Tobin) said it was wrong and he promised to answer it, but forgot to do so, as he forgot to tell us why the Government which had his confidence at the end of the session of 1856, lost it at the beginning of 1857. I say to the member for Sydney (Mr. McKeagey) that to charge the liberal party at that time, in that way, was incorrect. Was not that the key note to all these difficulties? Did not a 12 months dispute result? Altho' condemned, I believe the speech was not made unadvisedly; but was he who spoke that way then, in a position to charge people with religious bigotry? The man, who spoke so, ought to show that in other countries his co-religionists, where they had the power, meted out the justice to others which they demanded here. I am a free trader, and voted for reciprocity on business relations. And the man who makes charges of the kind alluded to, ought to prove the reciprocity extended by his co-religionists, where they had the power, to those who differ with them, to prove that Protestants there could rise up and demand rights, as he did here.

Why did he not refer to Italy, to Naples, to Rome, and show the justice extended in those places, to those who differ with Romanists? If he had reasons for his charge, he might make it; but I deny that, and it ill becomes him to denounce Protestants of Nova Scotia as causing those disputes, and as bigots. His charge sounded harshly on my ear. When I entered public life, was not the church under whose banner I worship so situated that except a man belonged to it he had scarcely any chance of office in the country? and did I not assist in bringing every denomination up to a political level, without pulling any down? and in giving freedom to every man to worship his Maker as he pleased, without distinction on that account? Have I not been told long ago, by the men who now cluster about the government and revile me, that I was doing wrong in those views of religious equality, and have they not since reminded me of that. I say that exclusion is not my doctrine, and that what I have done I would do again. If I saw a religious denomination divested of their fair privileges, I would again give it them; but after that, I would not suffer any denomination to step an inch beyond their just limits. Remarks were well made the other night, concerning the position of the world at the present time. Why is it that men from the Emerald Isle come to North America? Why not go to the Southern part of the continent? Why do they not go to Naples or to Austria? Because they know that we have civil and religious liberty, that here they would be under British institutions, and consequently have happier and better prospects. Look to Europe, and do you find the countries where men are free to worship their Maker according to their consciences, those noted for political outrages? No. A few days ago I read of 200 arrests in France, of dungeons filled there, and other evidences of confusion. That is not the case in England, where opinions are free. Those who attack me should look to themselves, and to what they would do if they had the power. I have been charged with having franked some envelopes containing one of those unfortunate alliance papers. That is a small matter to bring before the house. When does the government intend to appoint an inspector of Letters, to come Sir James Graham over the legislature? If they found one of the Synodical Letters in an envelope, would they bring it to the notice of the house. I have never used the privilege of franking improperly. I was not rude enough to ask what was in the envelope and never read the document alluded to until it was brought here in this placard shape. It is made a great offence to place one's name on a document that professes to be a defence of the rights and religion of Protestantism, and does not profess to attack any other. It is made a crime to frank one of the alliance circulars; but it appears to be all right for a member of government to frank a placard which is untrue, and calls upon one portion of the people to mark and do injury to the other parties.

I understand that a roll of these placards were sent down to Guysboro with the Finl. Secretary's mark on them; they were sent down to friends of his, and of course went under the authority of government. I have a partner there whose establishment has been of more use, as has been acknowledged to me by the Finl.

Secretary himself, than any five others of the place; and yet these papers go there to injure him and me, and forwarded by one of the government. That is hardly the right thing; but we live in strange times indeed. Suppose a document similar to this, with men's names and pursuits held up to damage, was brought out by Protestants, and sold within the walls of the House, I would be one of the first to condemn such an unworthy course, and to kick the intruder out. But would it be suffered by certain parties? No; he would be kicked out without my assistance. When this thing is brought here, and when members of government take on themselves to circulate denunciations against individuals, and advise others to mark them, it is time that the people of the country understood on what terms they were to be governed, and how they should comport themselves for the future. All I have to say in addition is, that I feel I have not, since I was returned to the House, violated any of the political principles on which I came. I have stood up, and am ready to do so to-day, for the extension of civil and religious freedom to all men; but I am opposed to any denomination coming in, banded together, for the purpose of upsetting a government from feelings of revenge, and raising another, not on principle, but party expediency. Gentlemen opposite hold their positions, not by the well understood wishes of the people, but by means of certain influences which have placed them in authority, not acknowledged by our constitution.

Hon. Fin. Secretary.—Who do you say franked the placards?

Mr. Wier.—The Fin. Secretary.

Fin. Secretary.—It is not true.

Mr. Wier.—Did you not send a roll of them down to Mr. Gallagher?

Fin. Secretary.—Yes, as newspapers. I did not frank them.

Hon. SOLICITOR GENERAL.—The resolutions before the house, Mr. Speaker, comprise what is called a vote of want of confidence. The question simply resolves itself into this: Shall the firm of Johnston and Co., which has been carrying on an extensive business in this establishment, which belongs to the people of Nova Scotia, for upwards of a year, be compelled to wind up their affairs, declare themselves bankrupt and hand over the establishment, with all its contents, to the late firm of Young and Co? This unfortunate company having been suspected of divers high crimes and misdemeanors, were brought into court, indicted, tried, convicted, and sent to Botany Bay: They seem to have escaped and returned, and have the effrontery even to demand possession of the establishment again. (Laughter.)

The hon. and learned member for Colchester, one of the members of that unfortunate firm, has resorted to a very singular argument. He says "you, Johnston & Co., have committed several acts of bankruptcy, you have not done the business as correctly as you ought to have done, you have not been consistent with yourselves, therefore we have a right to call on you to retire, and give us back the establishment, true we did the same things, and even worse than you, when we were in possession, but that cannot help you, you are not worthy, and that is sufficient to justify us in demanding the possession." This sort of logic will not suit. Young & Co. are the plain-

tiffs in an action of ejectment, the people of Nova Scotia are the court before whom the action is being tried, and they will decide according to the respective merits of the two firms. The learned gentlemen on the other side know full well that the plaintiff in ejectment must produce a good title in himself, he cannot rely on the weakness of the defendant's title. We have a right to refer to the gross misconduct and unfitness for office of Young & Co., as a complete justification of our clinging to the possession of the establishment. The people may think the present possessors of power not so worthy of their confidence as they could wish, but at the same time, they will decide that those who are seeking to dispossess them, are still much less worthy of their confidence, and so prefer to let matters stand as they are. They may say "we might have a better government, than Johnston & Co., the head partner is a little too obstinate, a junior member of the firm is a little refractory, the chief book-keeper is occasionally a little wild, while another active or perhaps rather inactive member is over fat, (Laughter) and yet we do not find them guilty of any positive dishonesty. Let us therefore keep them and avoid the tender mercies of the disgraced firm of Young & Co."

We say then to the opposition "our defence is your entire unworthiness"—"we are not bound to prove ourselves innocent." I will therefore not refer to the various frivolous charges brought against the administration, but shew that the other party are unworthy of the confidence of the people, and that from them all the evils the province is afflicted with have proceeded.

Let me call the attention of the house to a brief review of the progress of Responsible Government. When it was first agitated, it was opposed by the learned and honorable Attorney General and his friends, on the ground that it would eventually lead to party government—that the good old British system of impartial administration would be abandoned, and in its place would be introduced the degrading tyranny of party domination. The hon. member for Windsor, who was the principal manufacturer of Responsible Government, openly avowed his determination to introduce a party government as soon as he should come into power. Well, sir, true to his promise he no sooner came into office than he swept off a few hundred magistrates. They were dismissed without ceremony on political grounds, and not because of misconduct or other unfitness for the office. Before I notice the effect of this bold step, let us consider for a moment the nature of the magisterial office. In England it has always been regarded as one of dignity and honor, and gentlemen are ever selected in reference to character and position, but never on political grounds. It is an office of responsibility and honor, but not of emolument, and therefore when once appointed, a magistrate can never be removed, unless by misconduct he removes himself. The hon. member for Inverness referred to a sentiment extracted from the "Lives of the Chancellors" to the effect that no one could calculate the evil of an improper judicial appointment; if he will take the trouble to consult the life of Lord Chancellor Somers in the same work, he will find the dismissal of magistrates formed one of the articles of impeachment against his lordship, so great an offence is it considered in England to dismiss Justices of the Peace. He

was acquitted on the ground that the magistrates had been guilty of disaffection. When the hon. member for Windsor dismissed the magistrates of one party, and filled the Benches of Sessions with a swarm of magistrates of the other, he laid the foundation of party government in Nova Scotia, and however degrading it may be, unless I am greatly mistaken, we shall never get rid of it. Yes, sir, then it was that a party tyranny was introduced into this once happy province. That no man here will ever behold the end of. If there be any merit in this achievement, the hon. member is entitled to it;—if any demerit it belongs entirely to him. It was in view of these considerations of the magisterial office, that Earl Grey, when the injured parties brought to his notice that such an act of treason against the peace of the people had been committed, called Sir John Harvey to such serious account and threatened to recall him. If that correspondence be attended to, the house will perceive with what indignation a British statesman viewed that system of party government, which resulted in the removal of so many magistrates on political grounds. It required all the tact, finesse, and ability of all the gentlemen belonging to the government of the day, to keep old Sir John Harvey from being withdrawn from the colony, on that account,—and it is amusing to consider how they could induce him to swallow a multitude of misrepresentations on the subject of these dismissals, which were enough to choke the father of lies himself. (Laughter.) The present government are charged with removing a few officers, but not with the dismissal of a single magistrate. Thus they acted on a policy, which, however impolitic it may be as regards themselves, entitled them to credit on the part of the people. Knowing how improper it was in their predecessors to make such dismissals, they declined to follow the example,—and not a solitary instance will be found, throughout the length and breadth of the province, of such a removal. They appointed a number of magistrates, because there existed a necessity for doing so. They found the bench crowded with inefficient, or otherwise improper persons, they found that the party who had resigned the government, made the chief qualification of magistrates to consist of political service,—and therefore the recent additions to the bench took place. The present government have appointed a number, but not enough to give them the proper balance in the counties; in many places it will be found that the liberals are still in a majority. In Pictou this is particularly the case; several conservatives have been appointed, but the liberals still greatly outnumber the them. Gentlemen have referred to speeches delivered here from time to time by members of government, and they quote from these to prove our inconsistency; they do not exactly pretend to aver that the acts of government are wrong, for they admit that they themselves committed some a thousand times worse,—but they say that the gentlemen at this side have no right to hold the reins, because when in opposition, they enunciated doctrines which they have not acted upon since their advent to office. Does it follow, however, that because a man entertains certain opinions to-day, he must be bound to act up to them under every change of circumstance? Do they not recollect that when the new system was agitated we took

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the opposite side to responsible government, as they call the present curious system, and that we foretold exactly what has come to pass—the establishment of a party tyranny? Why do they not assume a broader platform at once, and charge us with gross inconsistency in attempting to carry out a system to the creation of which we once gave a determined opposition?

We are carrying out a system that has been bequeathed to us, however much we were once opposed to its introduction. The language of the opposition leads us to infer that they consider themselves and their friends only entitled to all the good things, and they say as plainly as words can speak—“We great liberals are at liberty when in power to remove as many conservatives from office as we please, to make room for our friends; but the conservatives, when they come into power, must not remove one of our friends, or they will be guilty of inconsistency and all manner of offences. When Young & Co. were in the government, they removed from office (I speak of my own county) every conservative official they had it in their power to remove, and they never gave an office to a conservative. They kept in office an old gentleman as Registrar of Deeds, because he was not likely long to remain in their way, and he was connected with an influential liberal family whom they could not afford to offend. They retained a conservative prothonotary because he also was connected with a powerful liberal family. Thus, sir, these liberals arrogate to themselves the power and privilege of seizing upon all the offices; and when we obtain power we are expected to enjoy the privilege of letting the offices remain just as we find them. This is the responsible government of the great liberals. I may here assert, sir, that no removal from office that we have made has in any manner weakened the present administration; our real weakness is that we have not removed enough to satisfy the just expectations of our own party.

Concerning the appointment of Mr. Condon, the hon. and learned member for Inverness, uses a very curious process of reasoning. He says that the statute requires the appointment to be made by the commissioners of Public Works, and that the members of the Executive Council had no more right to interfere than any other five or six men! Why then assail the government on account of this appointment? It was made, by his own showing, on the responsibility of the commissioners and not on that of the Executive. His argument therefor in this, as almost in every case, defeats itself. But Condon, says he, “is unfit for office because of his disloyalty.” “He wrote a letter in which the term “mania of loyalty” occurred, and the expression of an opinion that “honest Irishmen did not love the British government.” There was also another frivolous charge about the Queen’s picture. I am not here as the defender of Mr. Condon’s loyalty, but I am not prepared to admit that from the letter referred to, they have a right to charge him with disloyalty. The hon. members for Inverness, Windsor, and Colchester, and divers others are perpetually abusing the government of which I have the honor to be a member, and I believe they honestly hate the government. Are they therefore to be charged with disloyalty? Suppose the British government procured a law to be passed providing that no member of the kirk of Scotland

should be eligible to any office of trust or emolument, or to a commission in the army; or to make any other invidious distinction between him and the other subjects of the Queen; and he declared he hated that government, would this prove him to be disloyal? It would indeed prove him to be discontented, but not necessarily involve him in the charge of disaffection to his Queen.

The hon. and learned member for Inverness, who was himself compelled to dismiss Condon, literally under the lash, derives consolation from the imagination, for it is nothing else, that we were compelled to give him an office. This, sir, I stoutly deny and have no hesitation in asserting, that if the present administration were capable of being pressed to make an appointment, of which they disapproved, they would be as unfit to administer the government as the learned and hon. member for Inverness himself was, and would be more fit to take charge of a nursery of children, than to regulate the affairs of the people of a British colony.

I really wonder, Mr. Speaker, that such incorrigible stuff as this story of Sam Carten and the Provincial Secretary could find its way into this debate—that the hon. and learned member for Colchester should have the weakness to introduce an old woman’s story of that kind. That Samuel Carten really threatened to whip the Provincial Secretary out of his office if he did not appoint Condon to an office! Why such a nonsensical story is only fit to be laughed at, and I shall take the liberty of clothing it with ridicule. Condon was appointed not merely without any pressure from the Catholics, but as far as I conversed with gentlemen of that persuasion, I found more of them against than for his appointment. Every one either knows, or ought to know, old Sam Carten, who is as amusing an old gossiping Irishman as one would wish to meet with. No one knows him better than the hon. member for Windsor, with whom good old Sam was once an active and industrious fellow-workman in the manufacture of responsible government. Sam was present at the birth of that interesting bantling, and has never lost sight of it since it was born to this day. There is no man who takes a more decided interest in every thing that affects the public interests than good old Sam Carten. I remember meeting him in the street a few years ago, about the time when the sun of responsible government first rose upon this happy province. “Well, Mr. Carten,” said I, “how are things getting on in the political world now?” “All’s right, sir,” says he, “we have got it at last.” “Got what,” says I. “Responsible government, sir,” says he. “And what kind of government is that, Mr. Carten?” “Why,” says he, “just the government that it ought to be; we have got the people at last, responsible to Joe Howe and the governor.” (Laughter.) That was one of the most sensible definitions of the new responsible government I have ever heard,—and I have always considered Samuel Carten one of the most honest and intelligent of the whole breed of responsables in this province. Let me ask the gentlemen opposite to give me seriously their opinion of the motive which induced Sam to call at the Provincial Secretary’s office on the occasion referred to. Do they really believe that he went there as ambassador extraordinary from the Vatican? Did the Pope really send him there? (Laughter.) What, then,

look him there? Why, sir, they know as well as I do that Sam was led into the office by the spirit of patriotism, and genuine solicitude about the health and happiness of his darling responsible government. He went there for no other purpose than to see how the babe, for she is still in her infancy, was getting on in the hands of its new nurses. (Laughter.)

The appointment of Mr. McKeagney appears to have given offence to the opposition. The government, in making appointments, are bound to select persons of sufficient integrity and competency, and if they do so, no one has a right to find fault with their appointments. The learned and hon. member for Colchester, who is at times a very extraordinary logician, says we have not appointed a man possessed of the requisite amount of scientific knowledge, and refers to a gentleman who once had charge of the mines, and is now in receipt of £3000 a year, as the manager or steward of an estate in England. "Why not get such a man as that?" says he. This is indeed a little too much for our digestion. I have not expressed an opinion on the debate concerning the settlement of the disputes with the British government, the Duke of York's representatives, and the Association, but I embrace this opportunity of making a few remarks on that important subject. The friends of justice in this house always insisted that the Association had legal rights. This was denied by the hon'ble. leader of the opposition, the member for Colchester, and a great majority of the house, who charged the Association with unlawfully monopolizing the trade in coal to the injury and prejudice of the province. All this however ended in an offer on behalf of the province to purchase from the Association at the price of from four to ten thousand pounds a year, those very rights which were always so strenuously denied to exist, and the learned member was sent home with the Attorney General to conclude this most extravagant and impolitic bargain. I would not have been found supporting its ratification if the honor and faith of the province had not been improvidently pledged to the government and Association to such an extent as made it impossible to recede; but a most disadvantageous bargain has been concluded, and I ask the learned member for Colchester, if, in addition to the thousands we must annually lose by his famous treaty, he thinks it would be wise to create an office with a salary of three thousand pounds a year to look after the minerals of the province. If we want a geological survey we can procure it. Mr. McKeagney has not been appointed as a geologist, but to perform duties for which he is as perfectly competent at three hundred a year, as Mr. Smith, whose cost would be £3000. The hon'ble. and learned member for Inverness asks why another, to whom he refers, was not engaged. I have reason to think that Mr. McKeagney is much better qualified than the gentleman referred to. I am told that he pronounced the Pictou mines nearly worked out—his successor has discovered that they are only beginning, and that they will last generations to come. Why then are these nonsensical charges advanced against the government? They may have committed some peccadilloes, but I deny that they have been guilty of a single enormity. What inequities can be justly charged against them? How many pensions have they created? How many jobs

have they perpetrated? In comparison with the late administration, they are as pure as driven snow, and yet the hon. and learned member for Inverness indignantly exclaimed that "every liberal would swear that the present is the most corrupt government that ever existed." I have no doubt he is right, for I verily believe that a real, thoroughbred, genuine liberal would not scruple to swear to anything. (Laughter.)

Now comes the resolution about Dickey's appointment. This, I presume, is intended as bait to catch me, for the resolutions are a fox-hunting affair after all. One is intended to catch Killam, another Brown, a third Moses, and so this is intended for the Solicitor General. I did not approve of the appointment, and if I had been at the Council Board I would have violently opposed it. It is not unusual for members of the Council to differ. Nine gentlemen are sworn of that Council to advise the Governor. Is it to be expected that they shall agree on every measure of administration? Certainly not. What right have the opposition to complain of Dickey's appointment, which was not after all as objectionable as several of the appointments made by themselves? The people of Pictou had some right to object to the selection of a gentleman from Cumberland, because they had, for twenty years enjoyed the benefit of a resident Councillor, and Cumberland had the benefit of one or two, at the time of Dickey's elevation. The people of Pictou were indignant, and they had some show of reason for being so—but what right have the opposition to grumble when they themselves had introduced a lawyer not half as good as Dickey, and certainly possessed of no better qualifications? Because I differ with my colleagues about this appointment, it is said, I ought to leave the Council Board. I cannot take this view of the subject. My duty requires me to be there, and to give faithful advice to the Governor, and if my colleagues had in my absence been guilty of imprudence or folly, if they had given the opposition any just ground of complaint, which I deny, that very circumstance but demonstrates the propriety of my adhering to the Board, which could not obviously afford to part with a prudent and discreet Councillor like myself.—(Laughter.)

The hon. and learned member for Colchester, who is one of the greatest of the great liberals, tells us, with his usual suavity, that he is the most self-denying patriot in existence. "Look at me," says he, "the very perfection, the beau ideal of disinterestedness."—"out of ten magistrates I created in my county, no less than four of them are conservatives, and you have not appointed a single liberal." Will the learned gentleman inform the house how many of these four Conservative magistrates voted against him at the last election?

I now turn to a subject of more importance than any I have referred to—I mean the famous Protestant Alliance. I regret having to speak on such a subject, but it is here and must be disposed of, as it is calculated to create much excitement. The alliance had its origin in party and politics. As long as the Catholics sustained the liberal party, the Protestant religion was in no danger; but no sooner did they walk over to this side of the house, than a dread came over the pious liberals, that the fires of Smithfield were about to be rekindled. The hon. and learned



member for Colchester, who sometimes is unusually, and I fear unintentionally candid, admits this when he declares that it originated last session about the time the change of government occurred, and was deferred that it might not have the appearance of a political origin.

MR. ARCHIBALD.—Pardon me, I did not say so. Several voices—You did.

SOLICITOR GENERAL.—I again assert that the learned and hon. member did make the confession.

MR. ARCHIBALD.—I will repeat what I did say. I said that the Alliance was formed before the dissolution of the Government, but that for fear it might be supposed to be connected with politics, circulation was not given to the prospectus at that time; the delay was for the purpose of avoiding that appearance.

SOL. GENERAL.—Then there is no doubt that its foundations were laid in party, in faction, and in politics. Such being the case, I have no hesitation in asserting, that its author was a certain potentate whom some of our ministers earnestly believe to be the friend of the Pope. I shall not speak with any disrespect or bitterness of the clergymen who have put their names to the paper. I hold in my hand this celebrated prospectus of the Alliance. I am not willing to suppose any of these men capable of openly violating the Divine law, betraying their Lord, or trampling on his commandments. Having taken a dangerous and, to them I fear, fatal step, I hold them as objects of sincere commiseration. It is not perhaps right to refer to the Scriptures, and to quote its inspired language in this place; but we have seldom an opportunity of preaching to these ministers, who, when we enter their churches, have all the preaching to themselves, while we are forced to sit as mute as mice.

I would, however, call their attention to a few passages from a sermon of the very highest authority of all the discourses delivered to man—the sermon on the mount—and I will feel obliged if these benevolent ministers will preach to their congregations on the several texts I shall quote, and explain to their people how they can be reconciled with the principles of the Alliance, whose professed object is to persecute and rob the Roman Catholics. Who are they whom the Saviour pronounced the blessed?—"the poor in spirit" "the merciful," "peace-makers," "the meek and persecuted," not the haughty, the cruel, the peace breakers and persecutors.

Let them preach on the following texts—"resist not evil, but whoever shall smite thee on thy right cheek, turn to him the other also." "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you." Judge not that ye be not judged," "why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye," "whatsoever ye would that men should do unto you, do ye even so to them, for this is the law and the prophets." "Beware of false prophets which come to you in sheep's clothing, but inwardly they are ravening wolves, ye shall know them by their fruits, do men gather grapes of thorns or figs of thistles."

If these texts cannot be reconciled with the principles of the alliance, then it will easily appear who are the thorns and thistles of society.

To look at and examine the alliance by its fruits

and to test its conformity to the pure doctrines contained in the texts I have cited, let us examine this prospectus; and I think I shall have no difficulty in showing that its principles are at exact antipodes with the divine instructions.

Among the objects of the alliance it proposes among other things—these are its own words—"to unite the protestants of the Province in efforts to secure the recognition of the Holy Scriptures, as the basis of all sound education, and in a firm and persevering demand that the provincial support given to Popery of late years, shall be discontinued. In this demand would be included all endowments of popery, in every form, and of every kind, drawn from the public revenues—the concession of rank and precedence to Romish Ecclesiastics."

By the texts I have referred to it would appear that charity and love to our neighbour are the first of Christian virtues—that the religion of the Gospel is entirely submissive and not aggressive. The kingdom is a spiritual kingdom and no earthly power or false religion can prevail against it. Its divine author loved his enemies and gave his life for them. He commanded us, after his example also to love our enemies, and to do unto others as we would that they should do unto us. Can any true christian conspire with others to rob his neighbours of their just rights? Are not the Catholics about one fifth part of the whole population, and do they not therefore contribute to the treasury one fifth part of the revenue? Have they not as much right to a fifth part of the money devoted to educate the people as the protestants have to the four fifths. The alliance dare not deny this, and yet they infamously propose to withhold all educational money from the Catholics, and to seize upon their just share for the education of the Protestant children leaving the Catholic children to remain neglected and uneducated. Let us reverse the picture and hear what the pious allies have to say for themselves in such an event. Suppose the population of the Province to consist of four-fifths Catholics and one-fifth Protestants would the Protestant Alliance acknowledge the justness of the Catholics combining to rob them of their just share of the money applied to education? Would they think it right that the Catholics should seize upon the whole fund to educate their children and the protestant children should remain in ignorance? If not then, they are proposing to do unto others that which they would not that others should do to them. Am I wrong then in asserting that the chief object of the alliance being the spoliation of a persecuted religious sect, it must have come from the evil one, and cannot have the sanction of Heaven?

There is no doubt that christians may combine for any good and lawful purpose; such as extending the gospel to benighted nations, or relieving the wants and necessities of their fellow creatures, whether Jew or Gentile, Protestant or Catholic. But we don't often find these ministers who figure in the Alliance combining for any good purpose. Do they ever recommend their congregations to combine with other religious sects? Do they meet in each other's churches at the Lord's table? Do they even visit affectionately at each other's houses? They generally detest it, are jealous of each other, and are incapable of combining for any good purpose; but point out a victim for persecution, and, like Pilate and Herod, they will

shake hands over a deed of cruelty and persecution.

One gentleman who expressed inordinate terror lest the Pope should rake up all the Bibles and burn them, was at a loss in respect of the names of the distinguished individuals comprising the signers of the prospectus, and asked for some explanation. The "James Forman" at the head of the list, I take to be one of the elders, then comes a string of priests, then a scribe or two—the rest I take to be mere pharisees; so that when grouped together, they forcibly bring to my recollection a certain alliance which was formed in Jerusalem about 1858 years ago, by the priests and elders, scribes and pharisees.

I should like to catechise these priests a little, and I should wish them to consider one or two questions. Is the Protestant religion the true one? Who is its author? Where is he? Is he alive? Is he able to take care of his church? Has he promised to do so? If it is true that he is the bridegroom and loves the bride, his church, with all the tenderness of a first and only love, he will openly take care of and protect her, but the Protestant alliance openly declare either that they doubt his ability to do so, or that they have no manner of faith in his promise. For my part I was educated in a perfectly orthodox horror of Popery, and in my youth I always religiously attended to that charitable festival of burning the Pope every 5th of November, until the progress of infidelity caused that pious ceremony to fall into disusage. I believe my grandfather preached against the Pope for 30 years as the *man of sin*. My good mother who used to impress the church catechism on my memory, by thumping it into my head with her thimble, told me he was undoubtedly *Antichrist*, and I seldom enter some conventicles that I don't hear him denounced as the "*mystery of iniquity*" to this very day. There is, therefore, no great danger of my falling in love with popery. But, sir, as I grew in wisdom and knowledge, I also increased in Christian charity, and there are no names recorded in history more worthy of admiration than those of the men who, shaking off the prejudices of early education, stood forth as the uncompromising advocates of Catholic emancipation. I admire them with my whole heart; and shall men be found in this Province so besotted with bigotry and malice as to make an attempt at replacing the chains and fetters of persecution on them here, after the wisdom and virtue of the mother country has, with tardy justice, at last made them free, and restored them to a just level with their Protestant fellow subjects? Why, sir, in England the representatives of the people have voted the Jews who, to this day, deny the Saviour whom their fathers crucified, liberty to sit in Parliament, and shall we allow a conspiracy to rob a christian sect of its liberty to exist in Nova Scotia.

Before I close I would admonish the Catholics to treat the Protestant Alliance with the contempt it richly merits. It will soon be scattered to the four winds, if left to itself. Nothing can keep it alive if the Catholics themselves do not foster it, by taking notice of it. There is in Nova Scotia with much hypocrisy, a large amount of pure and genuine religion, and all who really loved the Gospel and set a proper estimate on their own religious freedom, will be sure to protect the Catholics or any other sect, from oppression, injustice and per-

secution. In conclusion I would remark that while it is lawful for Christians to combine in works of love and charity—whenever men lose sight of those virtues, and combine to injure, annoy, rob, cheat, defame, or do any kind of damage, either to the persons, the property or the feelings of others, they cease to be Christians and begin to be Devils.

FINANCIAL SECRETARY.—The member for Halifax asks me to tell him if the Financial Secretary was not put into the house by threats about certain candles being blown out. I answer, that the Financial Secretary obtained his seat by honorable means,—he canvassed the county like a gentleman, and paid his expenses afterwards. As to blowing candles out, he did not descend to inquire what was done. He is not in the habit of listening behind benches and cannot answer that. I ask no such questions, I never meddle with the business of others. I do not bring slander here, nor adopt that of others. He also asks me am I an Orangeman? But he has not convinced me that I should confide my affairs to him. He might go on to enquire how much I am worth, or put other personal questions. He may ask me what he likes, but I will not condescend to answer him. At this time I merely notice those two questions.

MR. TOBIN.—With the leave of the house, Mr. Speaker, I will occupy a few moments in reference to the resolutions which are under debate. Remarks made by the hon. member for Windsor a few evenings ago claim some notice at my hands. The hon. gentleman rose with much warmth, calling in question a document published last summer, over the signature of four Catholic Bishops, assembled in this city. He used strong language, part of which I have taken down to the following effect:—"By the Queen's instructions, the Governor is authorised to form in this province two counsels—the Executive and Legislative. A third, called the Provincial Council, has been formed here last summer, by the authority of the Pope, who, if I am not mistaken, can exercise no such authority in a British province without her Majesty's permission. This body issued a Synodical letter, which I hold in my hand. This letter denounced as reprobate and dangerous the Holy Scriptures as read in all our churches. It applied harsh epithets to zealous Protestants, anxious to diffuse the Scriptures. It outraged the feelings of a great majority of the people wherever it had been read." Sir, I have read the Synodical letter, and since the hon. gentleman's remarks I have read it again, and I affirm that it breathes the spirit of christian charity and christian duty. I will read one or two extracts in confirmation of what I say, and particularly in reference to the Bible—"An unfounded charge has been brought against us in many different forms; it has been alleged that the Catholic Bishops and Clergy were determined to deprive Protestant children of the use of their Bible, their Catechism, or the formulas of faith. The charge is untrue. No such attempt has been made,—no such desire is entertained by us; but we feel it our duty to publish to the world on this occasion that those who make this absurd and groundless charge against the Catholic clergy are themselves notoriously guilty of what they falsely allege against us." This passage, sir, ought to silence those misrepresentations, which are daily issuing from the press and public speeches of hon. gentlemen,

which are made to mislead the minds of those who have no means of examining for themselves. I will quote one more passage of this document, which is as follows:—"For your own welfare, as well as for the success of the religion you love, we hereby exhort you to show forth, and to defend the faith which is within you, more by works and holiness of life, than by words and professions. Be honest and industrious, sober and moderate; be gentle, kind, and charitable to men of all religious persuasions; perform every duty of a christian, a good neighbour, and a law abiding and devoted citizen. Allow no man to outstrip you in the discharge of what you conceive to be a duty, and your progress in the race of honour, and of virtue, will be the proudest and most effectual proof of the superiority of your religion." The house will perceive, sir, how groundless are the charges brought against those gentlemen for circulating a document breathing such sentiments; a document addressed to their own flock, for their guidance in the discharge both of their religious as well as secular duties, having no reference to politics, or political parties; cementing the bonds of brotherly love, and advising forbearance under provocation, if such should arise. Now, sir, passing from this subject, allow me to call your attention to a celebrated document brought here last session, called the Liberal Protestant Manifesto—those who were in the house remember the scene that took place on the introduction of that document. The hon. member for King's, (Mr. Webster,) rose and enquired if this document, which appeared in the *Morning Chronicle*, purporting to be the joint address of members drawn from both branches of the legislature, was accepted by hon. members of this house. The hon. member for Inverness, (Mr. Young,) rose and said he endorsed every word of it, and affirmed it was also endorsed by every member of his party—this of course included my hon. colleagues, and as they have not disclaimed it, we must conclude they concurred in its adoption as their platform. I will read one or two passages which will, I presume, be sufficient evidence that from its premises has sprung, as a consequence, this other celebrated document, to which I will refer before I close: "Let every Protestant Minister, of every denomination, ask himself what is the duty he owes to God and his people in this great emergency, not surely to be slothful, but to be up and doing." And again—"The railway riots, the sacking, the bloodshed, the terrors of the attack on Gourley's shantie, and the causes of that attack, have made a deep impression on the Protestant mind—not, however, so deep as the open and vehement sympathy with the accused, their escape, by the aid of Catholic Jurors, from the demands of justice. Outrages which stir our very blood, and make the heart palpitate, and glow with indignation, have been perpetrated with impunity, and the delinquents have been sheltered by the same active and insidious power which has trampled down one administration and created another."

The next step taken by the gentlemen opposite was to visit the counties where the elections were to take place, to canvass against the return of members of government. With this document, which was calculated to influence the minds of the electors, and create excitement, the most active canvass was kept up. Still, notwithstanding all the political excitement, the

four government candidates were returned with triumphant majorities, which gave a sufficient answer to this inflammatory address, and ought to have set this question at rest; but the opposition, ever active at getting up excitement; another document has made its appearance. I do not question the right of the Reverend gentlemen whose signatures it bears. I have always held the clerical character sacred above all others, and am ready to pay them the deference to which I hold they are justly entitled. But this document, called the Protestant Alliance, does not appear to me to be got up for religious purposes. I know no article of the Christian religion which requires secrecy, nor am I aware that the interests of religion have ever been promoted at private meetings. I will read one passage from this document, which I think will enable the house to judge of its political character. It is not denied on the face of the document, that it is political. After reciting several of its political objects, it says:—"This is simply the object of the Protestant Association, so far as it has any political character." Whatever intentions may have been designed by the Protestant Alliance of England, the circulation of this document in Nova Scotia at the present time gives it a strong party character. The language used is highly offensive to the Roman Catholic people of this province. We are called by the vulgar name of Papists, and our religion called Popery. I think the gentlemen whose names this document bears would not have injured their cause if they had been a little more choice in their language, and used the words Roman Catholics and Roman Catholic Church, as used by the British Parliament. When I first saw the liberal manifesto of last year in the *Morning Chronicle*, I paid but little attention to it, knowing well that it was the production of a few disappointed politicians. When it was brought under debate here, the hon. and learned member for Colchester (Mr. Archibald) delivered a very exciting speech, and made some charges against myself for bringing in a report in reference to losses sustained by a contractor in cutting down Barrack street. I hold in my hand an additional document which calls in question a Synod held by Dr. Binney, and in which he is designated as another Pope. I do not know where it came from.

Mr. ANNAND.—I believe it came from the county of Annapolis.

Mr. TORR continued.—I believe he had a right to call a synod, as all denominations have,—and I consider the doctrine laid down by the member for Windsor is as dangerous to Protestant as to Catholic independence. According to it, Dr. Binney would be subject to criminal prosecution in calling that assemblage, and none would have a right to do so. I observe that Catholic synods have been called at Moorfields, London, not far from her Majesty's palace, and yet no prosecutions resulted. It is too late in the day to lay down such doctrines as the member for Windsor did the other evening. Compliments were paid to myself for which I feel grateful. The member for Newport said that the member for Halifax had obtained all he wanted, or was in a fair way for doing so. What does the member for Halifax want, except a clear stage and no rival? He seeks no political office of honor or emolument; he may not be qualified

for either, but if offered it would not be accepted; he has other matters to attend to; his ambition lies in another direction. The hon. gentleman said, I did not pray when Mr. McKeagney made the speech alluded to. I may not have done so, but I condemned it then as I condemn it now. I think he and every other member may pursue their duties in this house, without references to religious distinctions. The member for Colchester intimated that that gentleman (Mr. McKeagney) had power to break up the government; he had no such power, as far as I am concerned, I would rather see Catholic members at both sides of the house; but you will not let them; you make war on them; and if one crosses the floor, he is driven back again, by abuse of his religion or his country: you use such language as causes them to band together for self-defence. I look on them as the most modest and unassuming members of the house. They never urge their claims to any extreme length, but I do not see that any should be refused office because they are Catholics, and I deny that any were appointed merely on that ground. The member for Newport described me as one of the most influential and designing of politicians. Designing for what? I came here to serve my adopted country to the best of my humble abilities, seeking no political objects, and if I can be of any service to my constituents, it will be to me a source of happiness.

That is my design. None depend on me for office. I never crossed the threshold of the Provincial Secretary's office to make any claim on him, since I first came to the house. I had no conversation with the Attorney General from the time the house rose last spring, until it met again, except, I believe, twice accidentally. I consider the government best able to deal with these questions themselves. Every supporter of government may be expected to have party claims, requiring consideration, which is all reasonable and just.

The same hon. gentleman to whom I have alluded, said that if the Catholic people were educated, their clergy would lose their influence. That was extraordinary language; and I believe he will be unable to substantiate that the Catholic clerical influence exists on the ignorance of their flock. If we turn our attention to Catholic countries and compare them with those of other countries, we may find materials of more correct estimate. If the hon. gentleman's assertions were true, how gloomy would be the horizon of the dread Rome—the picture drawn by the member for Newport is gloomy indeed.

Rome, the capital of the Catholic world, with a population of 158,578 souls, has only (according to Dr. Lang—a well known Scotch Presbyterian and a tourist) 372 primary day schools, with 482 teachers, and 14,000 children attending them. Berlin, with a population double that of Rome, has only 264 primary day schools.—Rome has also her University, with an average daily attendance of 660 students.

The Papal States, with a population of of two and a-half million, have 7 Universities. Prussia, with a population of Fourteen millions, has but seven. According to the Roman almanack for 1834, Rome had 381 primary day schools. In spite of my anxiety to discover in the gentleman's speech something sensible and truthful, I find myself altogether disappoint-

ted. The charge that Catholics are opposed to the education of the masses is as unfounded as it is untrue. No fact in history is better authenticated than that the Catholic church has been at all times, and under all circumstances, the fostering mother of education. She founded and liberally endowed almost all the great Universities of Europe—those magnificent establishments which, during the middle ages, were the luminous courts of religion and science, of literature and the arts, and which annually send forth into the most distant parts of Europe, thousands of highly educated young men, to become the pioneers of christian civilization among rude and uneducated populations.

The Catholic church was the first to establish common schools for the education of the masses from the days Charlemagne, in the 9th century, down to those of Leo the 10th, in the beginning of the 16th. Common schools sprang up under the shadow of her churches, for the education of the masses, during the time which is designated by Protestants as the dark ages. Roman Pontiffs and Catholic Bishops assembled in Council and enacted laws, requiring the establishment of free schools, in connection with the Cathedrals and Parochial churches. This has been admitted by learned men of every shade of religious opinion—by such men as Hallam, Maitland, Turner, Bishop Tauner, Guizot, the Two Schlegels, Voight, Hurter, and others. I will now turn your attention, sir, to the evidence of Mr. Kay, on European Education. Mr. Kay furnishes the following account of himself and his publication:—

“In 1846 the Senate of the University of Cambridge honored me by appointing me Travelling Bachelor of the University, and by commissioning me to examine the social condition of the poorer classes of the different countries. During the last eight years I have travelled through Prussia, Saxony, the Austrian Empire, Bavaria, Wurtemberg, the Duchy of Baden, Hanover, Oldenburg, Lombardy, Switzerland, France, Belgian, and Holland, as well as England, Wales, and parts of Scotland and Ireland.

“I undertook the greater part of these journeys in order to examine the comparative conditions of the peasants and operatives in the several countries, the different modes of legislating for them, and the effects of these different modes of legislation upon their characters, habits, and social condition.”

Our candid English travelling bachelor tells us that there is in France one primary day school for every 558 inhabitants, and one normal college for every 356,564 inhabitants. In the same year there was in Prussia 1 primary school for every 653 inhabitants, one normal college for every 377,300 inhabitants. In the kingdom of Bavaria, (Catholic) in the year 1846 there was one primary day school for every 603 inhabitants, one normal college for every 550,000 inhabitants.

In the kingdom of Saxony, (Protestant) with a Catholic King, there was in the year 1843 1 Primary school for every 900 inhabitants, 1 Normal College for every 214,976 inhabitants. The Duchy of Baden, Catholic, with a Protestant government, in the year 1841 there was one Primary school for every 700 inhabitants, 1 Normal College for every 500,000 inhabitants. In Austria there

is one primary day school for every 1,247 inhabitants; besides 11,140 repetition or evening class schools, there are 41,809 teachers; there was, therefore, in 1842 about one teacher for every 600 inhabitants in the whole empire of Austria, excluding Hungary. With regard to the educational system of France, Mr. Kay bears the following testimony: "Vast as the efforts are which the German and Swiss states are making to educate their people, the great and minutely considered system of public education which is now in operation throughout every commune in France rivals them in its comprehensiveness, efficiency, and liberality, and in the completeness and well considered nature of its details." Mr. Kay in speaking of the education of his own country, England, says it has been calculated that there are at present in England and Wales nearly eight millions of persons who cannot either read nor write. Of all the children in England and Wales between the ages of five and fifteen, more than the half are not attending any school. Even of the class of farmers there are a great number who cannot read and write. "A very great part of our present village schools are managed by poor and miserably instructed dames, who thus seek to make a livelihood and who literally do no good to the children except it be keeping them for a certain number of hours of the day out of the dirt and out of worse society." I might copy this fearful catalogue down to number 30, to which number our author carries it, but this is sufficient for my present purpose. It will be seen that while France expends annually for the promotion of education two million pounds sterling, England expends only one hundred and twenty thousand pounds. Sir, I would recommend the hon. member for Newport to peruse the pages of Mr. Kay, and Bernard on European education, before he again addresses the house on the subject.— It will also be seen, sir, that the European system secures perfect religious freedom, and in every case when practicable, separate schools are established in order that the religious instruction of the children should not suffer.— This is instanced in the reply given to Mr. Kay by one of the members of the Educational Board in Berlin, who assured him that disputes on this point were unheard of. "We always," he said, "encourage separate schools when possible, as we think religious instruction can be promoted better in separate than in mixed schools; but of course we all think it better to have mixed schools than to have no schools at all, and when we cannot have separate schools we are rejoiced to see the religious sects uniting in the support of a mixed one." These evidences in favour of separate schools are handed down to us from our parent land, and who is it that has studied the educational system of England, although not so comprehensive as some of the European nations that does not see in its framework the whole outlines of denominational education, but we have grown wiser than our ancestors, and we are in favour of the uniformity imported here from the United States. The evidences we have of that system of late years and its practical results should cause us to pause before we introduce it into our virgin soil, unless we wish our population should become Americanised.

The member for the County of Halifax said that

the Financial Secretary was the nominee of certain ghostly fathers; but if the same hon. gentleman, himself, was going to run an election, he would have no objection to the same ghostly influence. Ministers of most denominations take an interest in politics, and have their own predilections and party ties. He might have spared that allusion. He said the Catholics left the ranks of the liberal party because they would not give them separate schools, and office, for no other reason than that they were Catholics. That is a new doctrine to me. All my colleagues know that when the exciting letters of 1856 were published, several times told them the tendency of these was to break up the liberal party. My predictions have proved true. You drove Catholic members out of your ranks by your own conduct, and I for one do not regret it; I believe that a change of government was required, and that it would cause benefit to the country. Affairs at the public offices were conducted no better than they should be, and the people should draw their attention from extraneous subjects, purposely brought in here, to the public works and other matters of public interest. I hope the government will surround themselves with able and intelligent persons, and fill up the offices with gentlemen qualified to discharge their duties; so that we may not have such exhibitions as we have seen here lately. Concerning railroad affairs it appears to me that a want of skill and ability, and of proper preparatory enquiry was visible. There was too much haste at the commencement. I do not altogether blame those concerned; the works were new to them; but they ought to have more practical men, so as to enable all parties to judge correctly what had to be performed, and what its cost would be.

The member for Newport was the first here to parade the Archbishop's name unwarrantedly on the floors of the house; it was uncalled for. He asked whether the Archbishop or Sir Gaspard LeMarchant was Governor. If every one else gave the government as little trouble as the Archbishop does, their official lives might be happy. I believe that you may examine all the public offices, and not find a note or letter, by which his Grace ever asked for an office, directly or indirectly; ever asked that office should or should not be conferred; or ever sought to exercise influence on the government.

The member for Inverness stated that the Atty General had stooped to minds inferior to his own. I think he stooped when he answered that gentleman. If the learned member ever made a speech condemnatory of himself it was that delivered in his opening address. The resolutions condemn him; they show that the government took from February to June to appoint Mr. Condon, but that it took the opposition from June to February to dismiss him. Why was he dismissed? Because of pressure. Even if that act had not occurred, the late government would have lost their Catholic supporters; before that time, my mind was made up to that effect. He was not dismissed until gentlemen determined at which side the balance was. If he had political weight enough, he would have been retained. His letter was made a pretext. When the strangers arrived in the Province, and did not know where to go, Mr. Condon, as President of the



Irish Society, was sent for, and took some charge of them, aided by the Vice President, Mr. Wier. If Mr. Condon advised with me that he was going to telegraph to New York I would have advised him against it, but I do not think that the act was criminal, or sustained the charge brought against him by the member for Windsor. The member for Inverness grounds his dismissal on the letter written in June, 1856, which the learned gentleman had in his possession up to February. The day the dismissal occurred he snubbed myself in the house, remarking that he had taken his course and dismissed Mr. Condon. I never told him not to do so. If Mr. Condon was guilty of an act such as that now spoken of, the member for Inverness was Att'y General and leader of the government, and did not dismiss him, and, therefore, he became guilty rather than Mr. Condon. That is the construction I put on the learned gentleman's conduct.

The member for Inverness speaks of strange circumstances connected with Mr. McKeagney's appointment. What were they? If he thinks that the party to which the member for Sydney belongs, ever exercised any influence to obtain for that gentleman the situation which Mr. Uniacke held, he is mistaken. There is not an Irishman in the country who would use any influence to displace Mr. Uniacke, or deprive him of his situation. It was not done. The requirements of the office demanded a change; but no Irishman in the province would say, put Mr. Uniacke out and give it to the member for Sydney. Another of the resolutions condemned the appointment of Mr. Dickey, and much talk is made about that appointment; it would appear as if persons were all to be frightened to death on that question; it is Barry Dickey, Barry Dickey, from one end of the province to the other. That gentleman is now a member of the Upper Branch, he has talent and ability, and may be of service to his country; if he turn his talents to the interests of the province he will find an extensive field of labour. It has been said that Mr. Miller did not obtain office because he was a protestant; but the former government dismissed him, he was not dismissed because he was a protestant, neither was he refused office on that account. (Mr. Annand—I said, that if he were not a protestant he would have been appointed, after a gentleman opposite made out so strong a case for him.) Mr. Tobin continued.—

The hon. gentleman admitted that he himself wrote much for the *Chronicle*, and hoped to write a good deal more. I do not say that all that appears in that journal is not true, but after the character given to it by the hon. and learned member for Colchester, there is little for me to say, and I dismiss the subject with one single remark, that the question of its truthfulness I leave to be adjusted by my hon. colleague and his friend of Colchester. Now, sir, on reviewing the resolutions under debate, the appointments and dismissals complained of are such as in the nature of ree institutions or a change of government, are unavoidable. In the county and Township of Halifax I am happy to say there is nothing to complain of, and no dismissals from office has taken place, due regard for the public interest has guided its members in the discharge of their public duty, and none has been compromised or has had reason to complain. This is to me a

proud recollection that none can say that their political or religious opinions have been visited with the exercise of power, and that a spirit of conciliation has prevailed over every other consideration, and that the brotherly love spoken of by other gentlemen has characterised our actions. The gentlemen who represent the counties where these dismissals and appointments have taken place must be prepared to justify their conduct at the polls when the day of reckoning arrives; and as I have always studiously avoided interfering with the business or local concerns of distant counties, I have no desire to mix myself up with them now, and trust that gentlemen will be guided by the same rule in reference to the township which I have the honour to represent.

HON. MR. HOWE.—Did the hon. gentleman say that he had made up his mind to leave the government before the dismissal of Mr. Condon.

MR. TOBIN.—Yes.

MR. RUGGLES.—It appears to me, Mr. Speaker, that the question under consideration involves no great principle, but simply resolves itself into these. Were the government right to use the prerogative vested in them by the people? If they have not the right or power to dismiss petty officers on reasons assigned, the sooner we know it the better. The subject of patronage has been treated at the opposite side, so that one might be ready to imagine that such things had not occurred before in the history of the country. If the present government had acted as the late did, in dismissing officers by wholesale, they would find but few here to sustain them. Was not Mr. Goldert dismissed because he exercised the franchise privilege, that all are entitled to? Was not Mr. Miller dismissed to make place for one of the supporters of government? But I wish at the present time to call particular attention to the dismissal of magistrates in 1848. The county of Annapolis was then visited with what was unbecoming the dignity of any government:—The feelings of the people were aroused, by insulting many of their magistrates, and by libelling them across the water, and that feeling is not likely to be soon changed. We complain that, at that time, out of 42 magistrates in the county, 18 were dismissed without reasons alleged, or excuse given. Men of most respectable standing were thus dealt with, who, if they were libelled in a newspaper as they were in dispatches, the libeller would have had to appear before a jury of the country, to answer for the foul charges. When these men remonstrated with the government, and asked that reasons be assigned, they were met with indignity; if the documents were laid on the table at the time in answer to requests to that effect they would have been so far satisfied; the papers would have exhibited the ill-treatment complained of, and I would not have had the trouble of asking for them at this period. Complaints have been made against the present government, for appointing magistrates, among whom there were no liberals. How could that be expected, when a majority of liberals controlled the session there for the last 10 years, and it was almost impossible for any others to obtain any local office in that county. Instead of obtaining justice from these partisans, a conservative would no more think of applying to them, than of thrusting his hand into the fire. The conservative magistrates alluded to, were

turned out without satisfaction; they possessed rights in common with their fellow subjects, but these rights were violated, and the men were turned off without due explanation or satisfaction, and on political grounds. Many acts of annoyance occurred under the old system. One person who built a wharf, found it decided, that it should be given to the public, on no other reason but that he was a conservative. Should that state of affairs exist in any civilized country? It would be a disgrace to any, and was a disgrace to those who put the province in that position. One of these dismissals was such, that none should attempt to justify it even on political grounds. I allude to a man who held a commission of the peace for fifty years; Mr. Sam. Chesley, who had long retired from active business, and did not exercise the functions of his office. Was that done to insult him and his family; was there any other cause, it was evident to all that that was the only one. If a person were to peruse the dispatches alluded to, it would be found, as far as Annapolis was concerned, that it was a base measure from beginning to-end? and, no doubt, if that remark applies to Annapolis, it does to other counties. The treatment affected Mr. Shaw, now a member of this house, and who was dismissed without any reason assigned. The object and intention were well known, but the design has not succeeded. The country exhibited strong conservative principles, and returned the leader of the government for 14 years? Should it be ruled by a tyrannical minority? or should it be in an equitable and efficient state? When the school boards were formed there were only two conservatives to 7 or 8 liberals. Was that carrying out declarations of equal justice? There is one remarkable passage in the dispatch to which I allude, and in which Sir John Harvey stated that about 40 magistrates were left out to equalise parties. (Extracts were read explaining why magistrates were omitted from the commission, and making statements concerning vexatious litigation, &c.) In carrying out the principle it was said to be necessary to dismiss 40 magistrates to equalize the representation of the counties. I ask what was the case in Annapolis, when the Liberals had a majority of 22 at the session, while the county returned a large majority of Conservatives to this house? Am I to be told that the local affairs were well conducted? No, but the reverse.—Public means were lavished freely, whenever they went into the pockets of liberals; and time and again the license fund was expended to gratify the feelings of those who pressed these appointments. If these dispatches, however, was published, I think we would never have such an occurrence again. Although it was written with ingenuity and skill, and with much mystification, it barely saved Sir John Harvey from being recalled. As to the appointments, Mr. Condon has been attacked till all are tired of the question.

The fact is well known, and it is not to be contradicted, that if the member for Windsor had not insisted on that officer's dismissal, he would have remained. It was evident that his interests were sacrificed for the support of that member. He was retained for 7 or more months after the acts were committed of which so much has been said. At length it became necessary to determine, whether to retain him and lose the member for Windsor; or to dismiss him and secure the

hon. member's support. I see no act of disloyalty on his part; he did no more than others would under similar circumstances. He warned his countrymen from being trepanned; instead of coming to work on the railroad as expected, they were to be sent to the Crimea. There were no grounds to justify his dismissal on the plea of disloyalty. I come now to the other subject, which, I regret, has been brought here. I allude to the Protestant Alliance, and I wish that I could believe the member for Inverness, when he said that it was not based on politics. I believe it had that base, and that only. When the leader of the government came up to run his election, manifestoes followed him by thousands, accompanied by letters from gentlemen on the other side of politics, advising the people to turn out the Attorney General, no matter who else they returned. I believe that the document was got up to displace the present government, and to replace those who had recently left office. I do not pretend to say that all those whose names are attached to it have these views, but I have no doubt that many of them had the object stated, and that others were led into the plan. I believe that politics, not religion, was the main object. Are Catholics more dangerous now than they were when they supported the opposition? What gave rise to all this at the present time? If the Catholics had assailed the Protestant religion, that would be cause for the Protestants to unite; but nothing of that kind has been shown. If this be persisted in, it may do more harm than good; and instead of hearing the gospel preached in churches, we may be treated to politics there. When persons reflect seriously on the subject, we may hear no more of these combinations; and I think the sooner that occurs the better. I throw out these remarks to justify the vote which I intend to give. I have been anxious concerning the magistrates dismissed, as to what charges could be brought against them; as none appear, I feel satisfied, and will not occupy the house with any further remarks upon the subject.

HON. FINANCIAL SECRETARY.—A charge has been brought against me for franking certain papers. The charge is untrue, grossly untrue. For the Financial Secretary to frank papers at the public expense, would be a fraud. I have done, and will do, what I think proper; and I do not possess the curiosity which some practise, following members round the benches and looking into their papers,—a system which no gentleman would pursue. The papers I sent were folded under the gallery, and they pay no postage. How, then, dare any say that I franked them? I sent them as I would any other papers, and as an answer to the Protestant alliance document. If one be the bane, let the other be the antidote. Am I wrong in doing that? By-and-bye members may want to know who polishes my boots, and what communications I make to my family. I have missed some of my papers, and I believe they have gone astray by means recently taken to know what I put in the letter bag. I sent the papers with the ends open, I did not frank them, and must not be charged with any act of dishonesty to the country.

MR. LOCKE.—I wish to make a few remarks, Mr. Speaker, in justification of a man who I believe to be injured. Those resolutions bring serious charges against the government, and as yet I have not heard any satisfactory answer. Other

subjects have been introduced, and instead of replying to these statements as they should, gentlemen bring charges against the late government. Is that any justification of their own conduct? I wish to instance one case, that of Mr. Hamilton of Shelburne. (Mr. Locke read the charges made concerning Mr. Hamilton.) This has been refuted by the person concerned; he denies its correctness most positively, both as regards improper withholding of money and his being influenced in the duties of his office by political partizanship. The money was paid when he was engaged at a distance on a survey, and was held in consequence of the obtaining of the desired land being doubtful. When that was settled, the money was forwarded. The officer might have travelled beyond his duty, but no fraud was intended or committed. The money was on its way to the office in Halifax before the charge against the officer was made. He was prepared to remit the amount when the survey was completed. The mode was understood between the purchaser and the officer. When an alteration occurred some years ago, in the system of Crown Lands, the previous officer was not reappointed, Mr. Hamilton was recommended as a suitable person and obtained the situation. Now, on this single charge, made by a member of the house, he is removed, and an injury is attempted to his character. I have no hesitation in describing the accusation as gross and malignant to an extreme.

In 1856, two expressions used in this house led to considerable remark. These were—"governing by a party and for a party,"—and, "to the victors belong the spoils." I recollect when the present Attorney General, with much energy, came forward and denounced those views, and said that the man who uttered them deserved to be hooted from one end of the Province to the other; but now, it appears, he has adopted the same principles. A member says, that government had the right to dismiss an officer if they thought proper; I say so too; I still hold to the saying about the victor and the spoils, but in carrying that out the government should not entertain a charge against a man, and dismiss him, without opportunity of explanation or answer. They might have a right to dismiss, on being pressed to do so, for party reasons,—but they could do that, without advancing damaging charges against the officer. Why not merely carry out the principle on which they act? Why seek up charges when no necessity for that exist? A member remarked, that the government should consult with the members of counties; I agree to that; I admit that they should advise with their supporters;—but all this might be carried out without injury to individuals in the way of which I complain. Another remark calls for some notice;—an hon. gentleman said, that he made no enquiry as to the religious opinions of others;—I take similar view, and wish to have and to give freedom on these subjects; and to know no particular denomination relative to the government of the country. In making appointments, I would not ask what a man's denomination was,—I would look on character, without other distinction, except the pressure of a particular class should make distinction requisite.

**FINANCIAL SECRETARY.**—How do you explain the manifesto, which goes to exclude Catholics

Mr. LOCKE.—I do not take it so at all. It excludes none.

**PROVINCIAL SECRETARY.**—I call for the reading of a paper which is on the table, relative to the case spoken of, and which efficiently answers the references to Mr. Hamilton,—the only part of the hon. gentleman's remarks which was not answered before. That paper will show that a sum of £100 had been over held for two years. The charge is not of doubtful character.

Mr. LOCKE.—The money was placed in his hands, as a deposit, to be paid when the lands could be found.

Mr. TOBIN spoke of the desirableness of the government officers insisting peremptorily for returns from all subordinates, and of the expediency of dismissing, independent of influences, for neglect in making such returns.

Hon. Mr. YOUNG explained, in favor of Mr. Locke's explanation of the case more particularly under consideration; and denied that any instance of dismissal, without due enquiry and opportunity of answer, could be brought against the late government.

Hon. ATTORNEY GENERAL instanced the case of the dismissed magistrates, and explained his views about exercise of partizanship in the performance of duties by the officer concerned.

Mr. LOCKE remarked relative to differences of opinion in reference to such questions.

The paper referred to by the Prov. Secretary was read.

Hon. CHARLES CAMPBELL said—I am astonished, Mr. Speaker, at the hon. and learned member for Inverness for introducing the resolutions now before the house; and although he has announced that he does not intend them as a vote of want of confidence, yet we all understand their effect if carried. Yet we ask the house to consider the position which the country occupied when the present government came into power. The revenue were mortgaged for a sum which it will take centuries to liquidate. The interest upon that sum had to be provided for out of the general revenues, and yet we are taunted at having only £3 4s. 9d. in the chest, and being unable to provide for the Road grant, after having paid £45,000 for the interest I have referred to. The late government left office after having violated the constitution, impoverished the country, and compelled our people to leave the shores of the province. At the last session they were returned by a majority of 16, and dwindled down to a minority because they violated the principles that two years ago they professed. The hon. member for Windsor says—come over to our side, the government is in a tottering condition. Does he suppose that I will rush into the arms of the enemy of my country, or rather of his own country? Does he suppose that I will lend my aid to support a man who has brought the country to the verge of ruin and disgrace, and attempted to sow the seed of religious strife and discord within its borders? No, no; I know him too well. (Laughter.) I will never assist a man who has been proclaimed upon the floors of this house a public defaulter. Therefore, I tell the hon. and learned member for Inverness that I will not go over to his side of the house.

A great deal has been said of the appointment of Mr. McKeagney to the office of Superintendent of Mines. That gentleman now represents a Protestant township—and having been return-

ed by a constituency so respectable and intelligent—why, I ask, should he not be thought qualified to fill the office of Inspector of Mines? He may not have paid much attention to mineralogy, but I presume he has sufficient intelligence to qualify himself for the duties of his office.—Others have been appointed to situations for which they did not possess the requisite qualifications. Take for instance the late incumbent of the crown land office. The government are not afraid to meet the people at the hustings,—their acts have been such as to commend them to the suffrages of every intelligent constituency; they have done justice to all parties and oppressed none. The hon. Mr. Young says, that we are in the same boat, as respects the Legislative Council bill, that he occupied on the question of the school bill. Not at all; he was afraid to carry his bill—we have carried ours, and are prepared to take the consequences. With regard to the case of Mr. Condon—why, if he was not dismissed in June, when he wrote the letters, should he have been dismissed at all?—for he did nothing improper subsequently to cause the government to discharge him.

The house knows the whole story, and it is unnecessary for me to repeat the facts. He quarrelled with Mr. Howe at the meeting at Temperance Hall, and was turned out in consequence. He (Mr. H.) insisted that Condon should be turned out, and it is well known that he stated that if Condon was not dismissed he would turn the government out. The hon. member for Windsor said that the government did not dare to interfere with the Pastoral letter. I ask what the government had to do with it? Nothing; and hon. gentlemen should pause before they use such language. It has also been said that the hon. Provincial Secretary attributed fraud and forgery to the Reverend gentlemen whose names were affixed to the manifesto. I deny that. He said that the paper was a fraud and a forgery, but did not lay the blame on those whose names were attached. I believe that Mr. Hunter never signed that document. I believe it was got up for a certain object. The gentlemen of the opposition admitted that they raised what is called the Protestant platform; that would not do, and the mighty manifesto appeared, which was brought in under the cloak of religion. If, contrary to my opinion, Mr. Hunter signed the paper, and sent it out, let him bear the responsibility. The charge made by the Prov. Secretary was against the paper, not those who signed it. That document was got up, and then the words ascribed to others. I have proof that it was such a fraud,—that names were attached to it which ought not. Did not a letter from Revd. Mr. Jardine state that his name should not be there? It is not requisite that I should go on, and state Doctor Twining's case. I say for myself that I do not wish my religious teacher to mix politics and religion together,—I do not want him to teach me politics, I can study these for myself. The learned member for Colchester said that he was no party to the circular; but is it not well known that he took an active part in the Protestant platform of last winter? and what was this but, when that failed, another similar attempt, under a religious appearance. Those who acted so conferred no favor, I think, on the pastors concerned, by mixing them up with the politics of the country.

Could I for a moment respect the preacher who would try to put the opposition in authority, with the opinions I entertain of their short comings. Gentlemen say that it is no excuse to us, if the late government did wrong; I admit that; we should not follow them; neither do we; at the same time, when they have the face to come here and make mountains of mole hills, we can hardly fail to remind them of their short comings.—They were not satisfied because we did not answer every nonsense they brought forward;—then they taunted us about getting on with the business of the session;—and that not sufficing they brought these other questions down. We have to meet them on their own ground. The learned member for Colchester said plainly that the manifesto was kept back, in consequence of its political tendency. If ministers of the gospel meddle with such controversies they have to take the consequences; I am not going to defend them for it, and do not find fault with them who speak to them about such conduct. I was sorry to hear the learned gentleman lower himself, by saying that the government "dare not," "dare not," refuse the Catholics. Does he believe that? I would dare to do so, and would not support a government that was under the dictation of either party. I can aver that, to my own knowledge, three Catholics were offered office, and would not accept. Knowing this, had I not reason to be surprised, at such charges coming from one who ought to know better. If they came from others, I would not think it worth while to answer. Some other matters, which I intended to speak of, may remain for another opportunity. I think it is proven pretty clearly, that it would not be wise for the people to turn the present government from office yet; or until they are prepared to put better men in their places. I advise that they be allowed to remain for another year. I think much has been shown concerning the mistakes and misconduct of the late government, on the public works. I allude to the Railroads and the Lunatic Asylum, and such matters. Accounts were not forthcoming or understood, in some instances;—£300 was expended on a jollification;—materials for building were manufactured at great expense,—walls were improperly and unsafely constructed,—and parts tumbled down. Why was not all that reported in proper time. Why was it that Mr. Laurie had to be sent for, after importing a great Engineer from Scotland?—There should be some mode of calling people to account who had not done their duty to the country,—and I think a committee of the house, should investigate the entire subject.

WEDNESDAY, March 31st.

DEBATE ON HON. WM. YOUNG'S RESOLUTIONS.

Mr. McFARLANE said:—As there appears, Mr. Speaker, to be a lull in the debate, I take this opportunity of delivering my opinion on the subject under discussion—and as the period limited for the duration of the session is fast passing away, I will endeavor to make my remarks as brief as possible. I have not intruded much on the business of the house, nor do I know that I should have spoken at all on the question, were it not that I believe the resolutions involve a vote of want of confidence in the administration. Session after Session the time is occupied with these constitutional debates—during the present

season we have had two—and much valuable time has been consumed in the discussion of questions, the issue of which was thoroughly understood before they began. I shall not attempt to follow hon. gentlemen through all their tortuous windings, but will confine myself to the more prominent charges which they have seen fit to prefer against the government. And first, sir, the administration are charged with a tyrannical exercise of power, inasmuch as it is alleged that they have dismissed five or six individuals. On this point the action of the government has been most successfully vindicated, not only by the speeches made, but by the correspondence laid on the table of the house. Judging from the constituency which I have the honor to represent—from the views which I believe the people of Cumberland to entertain—I should conclude that if they attached blame to the government at all, it is not for having acted in an arbitrary and tyrannical manner in the dismissal and appointment of officials—but because they had been too lenient and had not gone far enough. As to the dismissal of Mr. Condon, I leave that to the members of government, but I cannot but say, that from all that has taken place, I cannot help coming to the conclusion that the opposition sacrificed that gentleman, not so much for the opinion he had expressed, but for the purpose of saving themselves. Let it not be said, however, that the government, in placing Mr. Condon in office, have proven themselves disloyal—for every candid mind must admit that the vindication of Mr. Condon was in this particular, complete.

Again, sir, the dismissal of Mr. Francheville has been referred to; the explanations given by the hon. Financial Secretary shew beyond dispute that the Executive were justified in the action they took. I agree with the hon. member for Yarmouth that it is from the members of the respective counties, and not from private individuals, that the government should seek for information,—by them it is that the Executive should be guided in their appointments and dismissals. Now, sir, the particular charge made against the government, which it becomes my duty to defend, is the dismissal of Mr. Davidson of Wallace, and I would be prepared anywhere to defend that act. Let me draw attention to the particular circumstances connected with that case. Mr. James B. Davidson is a warm and ardent politician,—he has been so all his life; he is a particular friend and protégé of the hon. member for Windsor, and has not hesitated to assert that he possessed more power with the government than the representatives for the County of Cumberland. At one period of his life he was in partnership with his brother, Mr. David Davidson, and took the benefit of the insolvent debtors act. He is in business no longer, but all acquainted with him, know that he is living in a degree of comfort not warranted by his circumstances.

(The hon. gentleman went on to shew that Mr. Davidson ought to have been dismissed.)  
 Were the government not justified, then, in dismissing that gentleman? I justify his dismissal upon these grounds:—First, he was a bankrupt next; that his office was situated nearly two miles from the place where business is carried on; and thirdly, that he was engaged in trade that should not be permitted by an officer holding the

situation. Under these circumstances I would put it to any member of his own party whether Mr. Davidson should have continued in office. He applied for a certificate to the effect that he was competent to perform the duties of his office, and obtained it. He also applied for a certificate stating that his office was situated in the proper place, but the merchants and others residing in the locality refused to sign it. These are the most prominent facts connected with his dismissal, and I only trust that the government would be enabled to assign as cogent reasons for their action in other cases. The hon. member for Colchester was particularly indignant at that act. If there is a gentleman within these walls who should have been more careful than another in charging dismissals on the government, it was the hon. member himself. He has done what none other dared to do,—authorized the dismissal of the only conservative holding office in his county, with the exception of Mr. Ross, the Post-Master; and yet he ventures to take credit to himself for retaining that gentleman in office. The Sheriff, Prothonotary, Judge of Probate, in fact all officers, even down to the Fish Wardens, are his close political friends; and, sir, I have often wondered that the conservatives of the county did not apply to the government and press for a fair distribution of the patronage. Some strange revelations have been made during the progress of this debate. The papers laid up on our table, so long withheld from the public eye—I allude to the celebrated dispatches relating to the dismissed magistrates—have disclosed facts of a most extraordinary and alarming character. Permit me, sir, to quote a few passages.

(The hon. gentleman here quoted from the despatch a passage referring to the character of the parties dismissed, and urged that in Cumberland the liberal magistrates, at the time the present government came into power, far outnumbered the conservatives.)

Mr. McFarlane continued—Can it be wondered at, then, the day having arrived when some small degree of justice could be done, that the government remedied this strange anomaly.

I have now, sir, to express my views but upon one other subject; I allude to the celebrated Protestant Alliance. When the discussion took place in 1856, I had my fears that the bad feeling exhibited in the evident attempt made to array Protestant against Catholic would lead to most injurious results. The impressions I then entertained my subsequent experience has confirmed. The history of the world teaches us that wherever attempts have been made to proscribe a particular religious body, to fetter the conscience and prevent men from worshipping their God after their own fashion, that civil as well as religious liberty was destroyed. In Nova Scotia no necessity for such an organization existed; nor could any man entertain the apprehension that the Catholic body could ever be predominant in this country. Numerically they are a mere handful, and to say the most of them intellectually, they are not the superiors of the Protestant population. Therefore, I say, sir, that that organization was not required; that its effect will be to excite the worst passions of our nature; to produce religious dissension where harmony existed previously—and may, in the end, subvert the constitution of our country. But I have faith in our people;—go to our midland counties—sound the sturdy yeo-



men who reside there, and you will find the elements of intellectual ability and strong common sense;—they have the ability—I only trust they may exercise it wisely in this instance, that they may understand the acts of designing men who seek to cover their own selfish views by exciting the religious feelings of their countrymen. For these reasons, sir, I shall record my vote against the resolutions introduced by the hon. member for Inverness.

Mr. MORRISON said, after the somewhat lengthened remarks made by the honorable member for Cumberland, I think it but right to give to the house and country a brief statement of the views I entertain on the subject, and whilst I do so I hope that hon. members will accord me some latitude, for it cannot be expected that I could address the house as have the more refined and practised speakers, such as the hon. gentleman who has just resumed his seat. I believe, sir, that the time has arrived when the public men of this country should speak out plainly and firmly, and although my language may not be so eloquent as that used by others, I am consoled by the reflection that I am speaking the truth.

It is useless for us to say that this is not a vote of want of confidence; the government of the day are on their trial; the 53 gentleman who sit around these benches are empannelled as the Jury. It may be that the influences of selfishness and friendly feeling brought to bear on them may induce a verdict in favour of the Government, but fortunately there is a tribunal lying behind to which we can appeal; and, sir, should the government be sustained in their action, I may venture to prophecy that two years will not elapse before that verdict is set aside.

The history of the defeat of the liberal party is familiar to all of us. I believe that when the hon. and learned Atty. General moved in the early part of the session of 1857 his want of confidence resolution, he did not entertain the idea that Mr. Wm. Condon was to be dismissed, he was dismissed, and from that time forward we have seen the government hampered and pressed upon by the Catholic body for appointments to office. It is idle then for the Atty. General to say that the Catholics gave in their adherence to him, it was not the Catholics who joined Mr. Johnston, but Mr. Johnston the Catholics; for up to the hour of Mr. Condon's dismissal no rupture had taken place between that body and the Protestant liberals. It is true that the hon. member for Sydney had exhibited signs of disaffection and pressed the claims of his co-religionists upon the government; in 1856 he stated broadly that unless the body to which he belonged received a larger share of patronage they would overthrow the Administration. In 1857 they carried out the threat, and the hon. and learned Atty. General abandoning all his previously expressed political opinions threw himself with his party into the arms of that body. He treated us to a lengthened speech, but what did it all amount to? An attempt to justify his own action by referring to that of the late Administration; he did not pretend to assert that the Administration had acted with propriety, and forgot the old adage that two wrongs never make a right. We have heard many controversies on the appointment of Mr. Wm. Condon. Sir, I would neither exclude that

person from office because of his religion, nor would I appoint him to office on that ground.

I told the people of Colchester that before I came to town to attend the session, when he was dismissed. They said he must be dismissed. This I heard from both Conservatives and Liberals; but how different was their tone when I came down this time to the Assembly. No Conservative asked then what we were going to do with Mr. Condon. Mr. Johnston was in power this time, and that made all the difference.

Now, sir, I think this gentleman should not have been appointed to office at all, but if he was I certainly think he should have been placed in the same office he had been removed from by the late Government. But we all know the reason why this was not done. There was a serious difficulty in the way. The late Lieut. Governor, Sir Gaspard LeMarchant, refused to sanction his appointment, and as Mr. Condon insisted on obtaining some office, the government were forced to appoint him to one without the assent of the Governor.

A good deal has been said, Mr. Speaker, in the course of this debate in reference to a visit of Mr. Carten to the Prov. Secretary's office, on the subject of Mr. Condon's claims to office; and, notwithstanding all the explanations, I still adhere to the opinion that he went there to use threats to the government in case they refused to provide for his friend Mr. Condon. The hon. Prov. Sec'y, it is true, explained what occurred on the first visit of Mr. Carten, but it appears he was there twice. I should like to know what took place on the second visit, for I think it probable that the threats were used then. So much for the manner of Mr. Condon's appointment. Now let me turn attention for a moment to the nature of the office which this gentleman now holds. He is, by virtue of that office, Inspector of Light Houses. Let me ask if he can be supposed to possess the qualifications necessary for the proper fulfilment of that duty. He knows but little, if anything, of Navigation, and his previous training altogether has been such as to negative the supposition that he is a competent person. Sir, I would almost venture assert that to Mr. Condon could scarcely box the compass, if required to do so, and there are really practical men, members of this House, who understand full well the difficulties attending a due performance of the duty to which I have referred, and that it requires practical skill and knowledge before any incumbent can give satisfaction as an Inspector of Light Houses. What would be the feelings of the tempest tossed mariner who, as he approached our rock bound shores, was informed that the person entrusted with the inspection of those lights which were to guide him to a secure haven was utterly incompetent? I would ask if there were not many friends of the government perfectly competent? Why were they not appointed? Upon this ground alone I would ask a verdict against the Government.

Again, I consider the appointment of the hon. member for Sydney to the office of Inspector of Mines was a most unjudicious act, and one for which the government should be held responsible. I consider it an insult to his profession to take that gentleman from the refinements of the court room, and place him in the bowels of the earth, surrounded with fire, damp and other noxious

vapours incident to a coal mine. Surely that gentleman's ambition must have taken a different direction,—and it is well known that he at one time expected to be appointed to the Crown Land Office,—but the conservatives pressed for the appointment of one of their own friends. I do not blame them; the present incumbent had served his party well, and was entitled to some reward.

There is no ground for the assertion that Mr. McLeod left the liberal party because they refused to recognize his just claims; every man knows that Mr. McLeod's physical condition,—his state of health was such as to justify any government in acting as the late Administration did. The government should have appointed a scientific man, whose training and education fitted him for the office Mr. McKeagney now holds; they did not do so, and therefore I ask a verdict against them from the Commons of Nova Scotia. What has the member for Truro done that he should be disturbed? has been asked. Let me answer. In 1851 he opposed the hon. and learned member for Colchester, and ran against him. Again, sir, when about to run my election, finding that they could not get a man to run against me in the south district, they went over and borrowed the Post Master of the north district to oppose me. Did I say one word about dismissing him? No, sir, altho' I was aware that he holds an office—farms it out, and pockets one half the fees for doing nothing.

(The hon. gentleman here explained with respect to the dismissal of Mr. Davidson, and stated that he was not, and had not been in trade for some years.)

Mr. McFARLANE.—It was not on that ground alone that Mr. Davidson was dismissed.

Mr. MORRISON.—Then I can only say that such was the impression of Mr. Davidson's friends. But let me ask who was appointed to office lately at Parrsboro' by the present government. Mr. Lewis, one of the most innocent, inoffensive men in the province was dismissed, and a party appointed who, I have been credibly informed, went round through the county of Cumberland at the last election carrying kegs of rum. It is easy for a government having the power to furnish and trump up charges against any individual they desire to displace, or whose office is required for one of their own adherents.

Again, sir, I believe that this government should not enjoy the confidence of the people, because they have mismanaged our railways. We are gravely told that there is but £3 4s. 9d. in the chest, that no road grant can be given unless money is borrowed on the credit of the province, and yet they can import an engineer at the rate of £1500 to aid certain Railway contractors in fastening fictitious claims upon the province to the extent of £75,000.

Mr. HENRY.—The Government being inexperienced seamen, require an old coaster to pilot them. (Laughter.)

Mr. MORRISON.—If the hon. gentleman's head was as clear as it is big he would understand the force of the arguments. But, sir, I was remarking on the conduct of the government with respect to the Railway. If they had paid as much attention to that great provincial work as they have to the columns of the Gazette, that great public work would now be in a prosperous condition. The hon. and learned member for Cumber-

land spoke of the relative number of magistrates in certain counties. In Colchester previous to the advent of the present government to power, the bench of magistrates numbered about 51, of which 31 or thereabouts were called Liberals, and 20 Conservatives. Last summer 25 new appointments were made, all conservative; I should like to ask by whose authority? Not a member of the county was consulted, but yet when they desired to extricate the government from the position it occupied, on the Mines and Minerals question, they were glad to enlist the services of the hon. and learned member for Colchester. He went home and transacted their business. The arrangements came out with his name attached to it. He returned, and scarcely was he warm in his seat when 25 Conservative magistrates were appointed in his county without his sanction or knowledge. And all this was done by those who year after year have contended, that local appointments should not be made without consultation with the members of the county.

I may here observe again, sir, that I am a plain farmer, with no pretensions to education, except in a limited degree; but I do not think a government, the leader of which penned such a passage as appears in the answer to the address, is justified in holding me up to the world as an ignoramus. Let me read a paragraph from this elegant literary production.

(The hon. gentleman here quoted from the answer to the address.)

One would almost imagine, sir, that this paragraph had been penned by the hon. member for Victoria, for he scarcely ever addresses the house without introducing a "she or a her."

The speech of the hon. Provincial Secretary was a peculiar one. The words public swindler, fraud, forgery, and other equally polite terms were applied not only to a member of this house, but to the ministers of religion outside these walls. His remarks, however, have been so fully answered, that I do not deem it necessary to reply to them further than to say that such language is neither seemly nor dignified in a member of this house, and that the hon. Prov. Secy. would do well to curb the failing he possesses, and when he assails another confine himself to the truth. With this brief expression of my opinions, Mr. Speaker, I beg leave to say in conclusion that I intend to vote for the resolutions proposed by the hon. and learned member for Inverness.

Mr. GELDERT.—The hon. gentlemen opposite, Mr. Speaker, may believe that they are right, but I wish to say a few words on the resolutions before the house. When I came to the house in 1856, there was much talk about the dismissal of Mr. Geldert, a nephew of mine. I believed the government of the time did right on that question. During the summer of 1857 the people throughout Lunenburg, in reference to the case of Mr. Condon, considered it was wrong to continue that man in office. I said that if he were retained I would vote against the government, and stated this to three members of the administration. The general opinion was that he had acted improperly, and ought to be displaced, and I believe that some of the present government thought the same thing. On two divisions this session evidence has been given that the government has lost the confidence of the people, and my opinion is that they are losing it daily. Has

the leader of the government treated the county which I represent as he wishes Annapolis to be treated? Petitions have come from the county, concerning appointments, but what was the effect? Was there not one person appointed at Bridge-water contrary to the wishes of almost all the people? Was that appointment made because he came from Cumberland? Did the liberals act so when they obtained the power,—or did they not rather act so as to please conservatives as well as others, and extend fair play to all parties? The people wished me to recommend two appointments to the School Board; and after much time had elapsed, one whom I recommended, and who was considered peculiarly suited to the office by the people, was placed there. I allude to Mr. Smith, whose appointment was asked in the spring, and has been made since I came to the house this year. We made no appointments but what the people asked for, and treated all denominations alike—Methodists Baptists, and Episcopalians. How is it now? When the present representatives for the County of Lunenburg were elected, the numbers stood 12 liberals to 13 conservatives. We created 7—5 liberals and 2 conservatives; so that when the present government came into power the numbers stood 17 to 15. What have they done now? The administration have created 20 new magistrates, all conservatives, giving them 35 to 17, or just 2 to 1,—and this in a county represented entirely by liberal members. Would the hon. member for Annapolis wish the same rule to be applied to that county? The people wish equal rights for all, and are beginning to have their eyes opened on these affairs. Their representatives since 1855 wish to do justice to all parties. But we are not responsible for these recent appointments. When I went through the county the people enquired why certain persons, who were generally disapproved of, were appointed to office. I was not accountable, however, and informed them so. I feel glad to vote on these resolutions, and I think if members vote according to the dictates of conscience, that two thirds of the house would be for them.

Mr. ROBERTSON said:—I do not feel inclined, sir, to allow the discussion on the resolutions before the house to pass over without expressing the views I entertain; but it is not my intention to enter at large into the subject before us,—on the contrary, I have determined to confine my remarks principally to the dismissals made by the government in my own county. While referring to the case of Mr. Hamilton, I understood the hon. member for the county of Shelburne to say, yesterday, monies had been paid into Mr. Hamilton's hands for a grant of 200 acres of land—that the grant had passed for 100 acres only, but that Mr. Hamilton had retained the money paid in on the other 100 acres;—but as the hon. gentleman read his remarks, and in so low a tone as to be scarcely audible, I may not have heard correctly. I would beg to ask him if I am right?

Mr. WHITE.—Yes!

Mr. ROBERTSON.—I would like to have the name of the individual;—for in these days of financial difficulty the man who pays once is a prodigy.

Mr. WHITE.—I will give the name.

Mr. ROBERTSON.—I do not question the right of the government to appoint or dismiss officials on political grounds, or for misconduct; but when

charges, such as those contained in the letter of the hon. member for Shelburne, are preferred against a public officer—charges which, if true, would make him criminally answerable in a court of law, surely, the very first principles of justice forbid that he should be ejected from office, without a hearing—upon statements sustained only by the averments of the maker; and which upon investigation, might prove to be entirely unfounded. Sir, I consider that the government should have investigated these charges before dismissing Mr. Hamilton.

The member for the township of Shelburne spoke of wedging men out of office, and referred to the custos for Barrington, and the warden of river fisheries. I think the warden tendered his resignation before the late change of government; but the custos for Barrington is a case in point. The hon. member for Shelburne called on that gentleman and stated (I will do him the justice to say, in a gentlemanly manner) that he had no feeling in the matter himself, but that his political supporters required the office for Mr. Sargeant, whose claims they considered had previously been overlooked. I will not say that the hon. member said—"tender your resignation or be turned out"—but the very act implied as much. The office was resigned, Mr. Sargeant received the appointment; but that gentleman refused to accept the appointment, stating at the time that he had no fault to find with Mr. Horner, and refused to accept an office from which the incumbent had been dismissed solely on political grounds.

During last autumn a gentleman removed from Barrington to the county of Yarmouth, who had held the office of school commissioner. The government took occasion, in consequence of that removal, to dismiss three other gentlemen, two of whom have represented that township in this house, and the other had been a Justice of the Peace for a number of years—discharging his duty faithfully and well, and was highly esteemed in the community in which he resided.

I regret these changes, Mr. Speaker, on account of the spirit they engender. Why they took place I am at a loss to know; they may have been made upon some letter such as that which caused Mr. Hamilton's dismissal; but these offices were local, and should not have been touched by the government, except for the most constraining causes; and I regard the course pursued by the administration as a direct insult to the constituency I represent. I find no fault, personally, with those appointed; but this I will say, that they are not more competent to discharge the duties imposed on them than the gentlemen dismissed. I sat at the Board for many years, and never knew of politics being introduced into our local school business; the late chairman, whose removal to Yarmouth I have spoken of, was a violent partizan, strongly opposed to the liberal administration, and although he exerted himself strenuously in opposition to the then government, at the last election, using the power which his position gave him against them, I never sought his dismissal from the Board.

The government when they came into power last winter professed a desire to act fairly; had they done so, the acts I have referred to, would never have been perpetrated, and I should have been satisfied; but when I find them violating their own principles—and adopting, and carry-

ing to a much greater extent, a policy they had previously denounced and reprobated in the strongest terms, I cannot refrain from stating that in my view they have not only proved recreant to the principles of their party, but have done gross injustice to those, thus summarily and unfairly dismissed.

I will now briefly refer to the resolution touching the dismissal of Mr. Condon. Much has been said of the pressure brought to bear upon the government by his friends; I do not blame his friends, be they Catholic or Protestants, for pressing his claims. That he had claims on the present administration, the hon. and learned Attorney General will not deny; much has been said of the loyalty of Mr. Condon, as though that was the main point to be proved, but I find fault with the manner in which the appointment was made. An important office is to be filled up. What course do the government pursue? Mr. Condon is selected by the Executive; but do they meet at the Council Board in the presence of his Excellency and make that appointment in the only usual legal and proper manner? No sir. Do they publish that appointment in the Royal Gazette that Her Majesty's loyal subjects in the Province of Nova Scotia might be acquainted with the action of the government? No sir; that appointment was made illegally by the Council in the absence of, and it has been said, against the wish of the Lieutenant Governor, and so ashamed were they of the condition to which they were reduced that they did not venture to publish it to the world.

Sir, the government were compelled to resort to a miserable subterfuge that they might place Mr. Condon in office—that he might draw £250 a year from the provincial chest, contrary to the constitution and contrary to law. Sir, I do not hesitate to say that I doubt the loyalty of the government, who have thus violated the constitution which it was their bounden duty to protect and cherish. If Mr. Condon's appointment was looked on by them as an act of justice to an injured man, why did not the Executive stake their political existence upon it,—openly avow their determination to place him in office, and give his Excellency the opportunity to do that which he no doubt would have done—exercise the prerogative, dissolve the house, and appeal to the people.

The Attorney General and Provincial Secretary assert that these resolutions amount to a vote of want of confidence. Well, sir, in my view they are bound to shew themselves entitled to the confidence of the house. The Solicitor General asserted that Young & Co. had been displaced from office because they had mismanaged the public business; but to my mind it is not sufficient for him to shew (as he subsequently attempted) that for every objectionable act perpetrated by the conservatives they attempt to point out a parallel case on our side of the house. In what manner have they dealt with the principles of those measures,—nay, sir, with the measures themselves, that bound their political fabric together for the last 8 or 10 years while in opposition? Look at the Elective Legislative Council Bill; that was a measure strongly advocated by them. But, departing from the bill as propounded by the Attorney General, they bring it here mutilated and shorn of the only principle which might have made it acceptable to the people. Or take

the bill for the Municipal Government of Counties, which, according to the Attorney General, was to cure all the evils of party government. How was that dealt with? During the recess it was virtually rendered a dead letter by the appointment of over three hundred magistrates, whose interests it is that it should not become the law of the land.

Again, sir, take the Prohibitory Liquor Law Bill. If there was a measure which more than another met the earnest advocacy of the Attorney General when in opposition, it was this bill, which might well be considered the adopted child of his old age. It was to work miracles and wonders, and cure half the ills to which frail human nature is liable. But immediately upon his advent to power a change takes place in his feelings,—the child, from being all that was good and pliable, suddenly becomes in his estimation an impracticable young scamp, and is cast by the hon. Attorney General upon the tender mercies of the world, and as far as he was concerned, with a blackened reputation.

In view then of their conduct, respecting the measures to which I have referred, can it be expected that I should have confidence in the men who, in the space of one short year, have either mutilated, violated, or ignored every principle of political action which bound them together when in opposition. They may sustain themselves by this war cry of a vote of want of confidence; it has been responded to by the hon. member for Yarmouth, (Mr. Killam,) who, while he could not justify or defend the government, was compelled by that cry to swallow acts of which he disapproved, and support an administration whose conduct he could not defend. But although they may be sustained by a majority here, this I know, that many who by their votes, support the government, would blush to defend their acts before any five intelligent men of the constituencies they represent.

MR. CHURCHILL.—(The hon. member was not distinctly heard at parts of his address.)—I acknowledge myself somewhat at a loss, Mr. Speaker, to form an opinion what the hon. member is who last addressed the house;—whether a sea captain, or a parson, or a man used to the forest, and in the habit of catching wild beasts. I have always taken him for a sea captain, and profess to have much regard for that class. I feel delicate to attempt occupying the floor of the house in a debate of this kind; much time has been already wasted, if not worse than wasted; it occurs to me, that gentlemen sometimes forget themselves, and the requirements of the country; the spring is fast approaching, and much business of the session yet remains to be transacted. It appears to me that members frequently speak for the purpose of having their speeches go in the papers. It is well known, that Mr. Condon, and the G. G. Washington, and Gourlay's shantee, were the questions which upset the late government. It would be a folly to deny that; and this transaction will be recollected in future. I had some acquaintance with Mr. Condon, when he was in the service of the late government, and formed a high opinion of him, as an officer disposed to attend to the work assigned to him, intelligent and useful; and I think the present government acted wisely in reinstating him in the branch of business which he was

well calculated to look after, by his energy, experience, and industrious habits.

Does the leader of the late government forget how long he slumbered quietly with the Catholics? Has his peaceful slumbers been disturbed, because they ceased to rock his cradle? That seems to be the secret, hence the cry of the Protestant alliance is raised when the Catholics were about joining with the conservatives. I do not see that that was an evil so dreadful. I do not consider that their agreement with the present government, as with the former, makes so great a difference as to terrify the people. I respect the member for Windsor, and wish I had power to help him,—but I do not think so much about his friends. The government has been blamed for doing, and for not doing. The Elective Council bill was rejected, very unwisely. Now, in regard to the appointment of Messrs Whitman and Dickey, I do think it a very prudent one, especially Mr. Dickey, as it is well known there is a gentleman in the upper branch who has evinced a good deal of uneasiness, and one of the same stamp would certainly meet the approbation of his colleague, and must have a good tendency to enliven the upper house; and certainly this must be very agreeable to the rest of the gentlemen, as many of them are advanced in age, and no one ought to deny them the pleasure and amusement which these two gentlemen will afford them from time to time. It is constitutional for the Executive to fill up the vacancies as they occur.—Therefore, I highly approve of their conduct, as they are two real bricks, and we shall know where to find them. Now, Mr. Speaker, respecting the Protestant Alliance, I have not much to say, but feel sorry to see my name-sake that seems to have got into the wrong shop, which is not generally characteristic of any one of that name.

The hon. member from Newport has given us a very high description of the member for Halifax, Mr. Tobin. What need has he to trouble himself in this way; do we not all know he is a man of no inferior stamp. His candid, frank and open manner is characteristic of himself. A soul big as half a bushel, he comes out boldly, takes the bull by the horns, and plays with him as a little child. The real cause of debate is plain enough. With the opposition it is simply this: We have lost and you have gained. That is the question all round. I hope much more time will not be wasted in this debate, and we shall be able to dispose of these resolutions, which ought not to be here at all.

Mr. WADE said, I feel, sir, that I should not be doing my duty to the constituency I represent were I to allow this question to be decided without expressing my views upon it,—especially after certain remarks made by the hon. member for Colchester, which if I have taken them down accurately run thus,—“the government are sustained by a majority that will do anything.” I think the hon. and learned member might have spared that observation; it did not come with a good grace from him, nor do I think it was conceived in good taste or right feeling. I am not here, sir, to promote a spirit of personal animosity; I believe the dignity of this House requires that its members should govern their tempers and control their language—but when such a statement as that is made, I cannot forbear saying that it has no foundation in fact.

Now, sir, the resolutions before the house may

be presented in a very simple form; the question is, are the government justified in dismissing public officers when they act in opposition to the government? I have had an opportunity of two of expressing my opinion on this point,—and have always held that no public officer had the right to exercise the influence which his office conferred against the government that appointed him. In the county I have the honor to represent no dismissals were made. I am therefore not individually concerned, and can look with an unprejudiced eye to the broad principles which lie at the foundation of these resolutions. The *Rin* Secretary has successfully vindicated the government in dismissing Mr. Franchville, and the hon. member for Cumberland has given what in my mind amounts to a sufficient reason for the discharge of Mr. Davison. As to the appointments of Justices of the Peace the action of the liberal administration which came into power in 1857 affords I think a precedent sufficiently strong to justify the course pursued by the present government. It is not my duty to defend the dismissal of Edward McDonald and Richard Huntington. With both the gentlemen I am personally acquainted and know them to be men of integrity and good private character, but it must be admitted that from the time the present administration resumed the reins of power they in their respective papers did beard the government and assailed them in every possible way.

Of the appointment of Mr. McKeagney I have nothing to say, he is here to repel any attacks which are made upon him.

One of the resolutions introduced by the hon. member for Inverness reprobates the appointment of Mr. Condon. I did not concur with the late government in his dismissal for I could not believe him to be the disloyal man he was pictured. I cannot but admit that it cost me some pain to separate from old friends, but I had a duty to perform from which it was impossible I could shrink. A portion of the constituency I represent had been branded as disloyal by a prominent supporter of the late administration, I saw that a division was sought to be created between Protestant and Catholic, and felt that we had arrived at an epoch in the history of the province which demanded decision and energetic action. The question as it presented itself to my mind was; will you allow the hon. member for Windsor to control the government, to dictate the course they should pursue and threaten them with defeat if they should refuse? To maintain my own independence I had to answer the question in the negative. The religious complexion given to the discussion last winter—the introduction of the celebrated manifesto was an act which no unprejudiced mind could approve. The subject of religion should be carefully avoided in Legislative discussions, and although the subject was touched upon but lightly by the hon. member for Inverness, yet, enough fell from his lips to show that the action of the opposition had been deliberately planned.

(The hon. member here read from the debates of 1856 the question preferred by Dr. Webster, in which he enquired whether any and what member of the House endorsed the sentiments contained in the manifesto.)

The scene which occurred is fresh in my recollection, the leading members of the opposition rose one after the other, and stated that they concurred



red in the sentiments contained in that document, and I am bound to assume that it emanated from the same source which gave birth to the manifesto which has recently flooded the country. I felt then as I feel now, that it was a political dodge intended to effect a political purpose. I do not desire to speak harshly of any minister of the gospel, but when a clergyman descends from the pulpit, and enters the arena of politics, it becomes the duty of laymen to speak out. Those who signed this Manifesto are endeavoring to make their sacred calling a political engine. In my view, sir, the country will rue the day that this Association was formed. For the first time in the history of this country do we see a party seeking to attain power through a religious organization, and if successful the natural result will be to establish despotism, and a religious oligarchy.

Looking then to this question in all its aspects I am more and more convinced of the propriety of the course I pursued, and thank God for taking the stand I did; entertaining these views, sir, permit me to say in conclusion that I never can consent to proscribe any religious body. I am prepared to record my vote against these resolutions.

Mr. WHITE.—After the observations of the hon. member for the Township of Shelburne on the resolutions before the house, and more particularly in relation to the displacement of the late principal Deputy Surveyor of the County of Shelburne, I feel it a duty I owe to the government to explain more fully my reasons for recommending that act. First, I ought to state that in reference to the despatches of the late Sir John Harvey to the home government (which for the first time has been made public), I was astonished to hear read from the clerk's table one of those despatches, asserting that no dismissal of magistrates had been made in the county I have, by the unsolicited suffrage of the people, the honor to represent—that none were left out of the new commission but the dead. I ought, therefore, not only to be thankful that I, as one of the actually dismissed, have the honor to stand on the floors of this house phoenix-like, but to defend the present government on the removal from office of an individual upon my representation. I will not go into the general resolutions, as they have, to my satisfaction been fully discussed by other hands,—and I will only make a passing remark on the case of Condon, who I consider a mere "stalking horse." But the consequences arising from the alliance growing out of his case, is to my mind of a novel, but serious nature. The Catholics, sir, we know to be a body in unity, a bundle of sticks not to be broken. The Protestants, on the other hand, are divided into sects, and do not love each other overmuch; and from the first inception of this alliance, I expressed my opinion to my friends that it would create more acrimony between Protestants than ever existed in this province, if it were persevered in; and, sir, are you not beginning to see it exhibited? I will name no names, for they are mostly strangers to me; but I express my opinion in order that, if the agitation be kept up, you may judge whether my deductions are well founded.

I will now pass to the defence of the government for the removal of the late Principal Deputy Surveyor of my county, at my instigation. My hon. friend from the township of

Shelburne will think himself unfortunate in attempting the defence of that officer, when he hears certain facts which his locality and occupation renders it impossible he should know. First, the present Surveyor was a long time in the service under Mr. Morris, and when he was superceded by the late government, I saw a letter from that gentleman regretting his removal, and giving him a high testimonial.

Mr. Hamilton, I presume was at that time appointed from mere party feeling, and I have no hesitation in saying that one of his very first acts was to survey a tract of crown land for certain parties, situate on Clyde river, without making any return to the government to this day; that he has been in the habit of doing so, I infer from another instance. When parties in May 1853 paid him for two hundred acres of crown land which were surveyed off to them and now in their possession, but the grant issued for only 100, and he only paid into the crown land office one half the amount he received,—I know this to be a fact. Another grant I know has not yet been received in consequence of the purchase money not being remitted to the crown land office.

In 1856 I was requested while here to apply to the commissioner of crown lands for an order of survey for 100 acres of land, which I received and forwarded to the party, informing him that he had better call on the Principal Deputy Surveyor, Mr. Hamilton, and ask him if he had a record of applications for land, as he wished to ascertain whether that described in the warrant had been applied for—he stated that he kept no record, and if I am not mistaken the party did not get the land, but it was afterwards discovered by Mr. Hamilton that some other person had previously applied to him for it—this other person I was informed being a more powerful supporter of the then government. That he kept no record is under his own hand in the crown land office.

And this very hard case occurred in which a party paid his money to Mr. Hamilton for a tract of one hundred acres on Clyde River, and the Surveyor having drawn the petition himself, did not insert the exact locality, but afterwards intimated to another party that if he would apply to the office in Halifax, describing the lands, a grant could be got. It was done, and the first applicant, after all his labour in perambulating the land to discover it, lost it. I assert also that it was the common habit of Mr. Hamilton to delay his surveys, insomuch that he undertook to make money after he was displaced, upon applications made months or years before; and this leads me to observe the case of Pitman, named in my letter to the Provincial Secretary. Now, sir, this man Pitman paid into the hands of Mr. Hamilton, in March 1854, two hundred pounds on account of crown lands. Of this sum he remitted one hundred, and retained the balance until May 1857, after he had been called upon to make a return of all moneys he had received on account of the department. Does he state in that return when he received the hundred retained? No, but gives credit for only one hundred in March 1854, leaving you to infer that he had only recently, in 1857, received the other hundred; and I only discovered the real situation with Pitman, who I accidentally met here during the session of 1857, and who was aston-

ished when I then gave him a copy of the return. That his observation about the deposit being for land, "if to be found," was incorrect, appeared from Pitman's statement that he had been long waiting for Mr. Hamilton to survey the land applied for, which is situate near a lake on the old Annapolis road. This fact of Pitman's application for this particular tract proved to be true, as I know he had refused to survey it for Mr. Adams Bowen, an old settler, some time before. So much for Pitman's memory. I will now make some observations respecting the resurvey of the old grant to John Campbell and others, on Jordan River, so confidently spoken of by the hon. gentleman for the Township of Shelburne.

I would like to know whether that hon. gentleman ever saw that grant and the plan attached to it? if he had, he would not have asserted or believed it was "fanciful." The river is well laid down on that plan, and I believe more perfectly than any other in the county—its serpentine course—several affluences, lakes, and above all the remarkable Island near the head of the grant and included in it, and which has caused so much trouble to parties there and some trouble and annoyance I presume to the late government. Now, sir, although this cannot be very interesting to the house, it becomes necessary for me to explain the facts. About three or four years ago application was made by A. Barclay Esq., and others for the purchase of 200 acres of crown land on the river Jordan, and Mr. Hamilton at their request surveyed the same over this remarkable Island, thereby taking in lands in possession of Joshua Snow, Esq., and others, as part of the old grant. A party feeling appeared to influence Mr. Hamilton and the applicants, and they appeared determined the land *should* be crown land at all events, Mr. Snow, and his friends were equally determined to defend their rights against this invasion, and continued to cut and haul timber and logs from off it to the amount of some thousands I presume. Here I may remark, began the interesting correspondence between the late Attorney General (the hon. member for Inverness) and Mr. Hamilton. Then followed the seizure of a large number of these logs by the county surveyor, they were advertised and sold some time in the latter part of 1855 or early in 1856, and were knocked down to one McKay. The sale was forbidden by the owners of the logs and purchasers notified that the title to them would be tried.

It was about this time that the hon. Attorney General (Mr. Johnston) was consulted, and upon whose opinion the parties acted, and I think the hon. gentleman from Inverness, will say that he, in a letter to Mr. Hamilton declined making the late government a party in an action relative to these logs. I may further say that Mr. Snow and his friends have driven the logs down the river and that the purchaser at the crown sale could not get men to work on them on his account, so strong was the general feeling that injustice was done. So much for the history of the logs, now I will go back to the land. Mr. Hamilton had orders from the then government to trace the bounds of the old grant in order to ascertain the fact of the survey to Barclay and others, being beyond the grant, he did so, and most injuriously as I will shew, brought the head of the old grant first below his survey to Barclay and others, and the government I presume confirmed it as a grant has issued to them, but the

land and water marks on the original plan were too well defined to be easily abandoned by the owners and they held on and continue to hold until a court of law disposes them. Now sir, the accuracy of this resurvey or tracing was doubted and Mr. Snow caused another surveyor, accompanied by one of the men who was with Hamilton, to carefully follow Mr. Hamilton's lines, and it was not long before the discovery was made that the courses in many places were altered from the original plan, some degrees *downwards*, so that it appeared nicely managed to shorten the old grant and thereby shew his survey to Barclay and others as crown lands. I trust I have made this matter clearly understood, but if is not yet settled, I would not be surprised if Barclay and others yet applied to this house or the government for compensation.

I regret exceedingly that gentlemen have forced me to make explanations which are distasteful to me, and I will not inflict on your patience a longer and more expensive difficulty arising from this man's supposed inaccurate resurveys of old grants, and which in one case ended in litigation and breaking up the peace of families.

I could point out to the hon. member for the Township of Shelburne what he ought to have known, and I believe does know, that in running a division line between the old settlers land at Ragged Islands and the Green Harbor grant this same surveyor altered the courses of the lines, so injuriously to the latter that the parties have been on the eve of litigation, and that, if not corrected, will remain a matter in dispute. And further, has the hon. member never heard of an old location at the head of Ragged Islands being surveyed, the front of which is settled, that in surveying it the difference of variation between the date of the grant and of the present time was allowed on the other side of the north point, thereby crossing the lots diagonally? Why, sir, I will venture to say that during this surveyor's incumbency, he did not make one mistake survey between man and man to ten of the present surveyors, his successors, so strong was public opinion. I repeat, sir, that I have been compelled reluctantly to enter into these details, and having done so, I think no reasonable man would say I did wrong in recommending his removal from office. I regret that the hon. member from the Township of Shelburne, who ought to know me better, or the hon. member from Inverness, should have attributed the removal of Mr. Hamilton on party grounds. If I know myself say I am one of the last men in this house who could be tempted to remove any officer without good cause. As the appointment of magistrates has been alluded to, I think the hon. gentleman from the township of Shelburne will do me the justice to say that they are made irrespective of party, and that my only object was to equalize as near as possible religious and political pre-eminence, and I may say that I considered myself fully justified in making the recommendation; for upon the change of government on looking over the list of magistrates in the County of Shelburne, I found out of eleven there were eight liberals and three conservatives—seven Presbyterians, one Baptist, one Episcopal, and two Methodists. That the School Commission was composed of six liberals and two conservatives—six Presbyterians, one Churchman and one

Baptist. And this state of things in a population where the largest number is Baptists, second Methodists, third Episcopalians, and the least number Presbyterians. I make these statements, because the predominancy of party and sectarianism has been a matter of public observation in the county. I may add that there has been no removal from the office of the magistracy, although it will be allowed that a summons issued in this form—"You are hereby required to summon N. B. to appear before me at my office to answer C. D. in the sum of three pounds or a half"—This is a curiosity. The summons was served by the plaintiff—that judgment was entered and execution issued, when through the friendly advice of a more knowing one proceedings were stayed.

But I will not inflict on the house further reasons why there might be a wholesome purification of officials such as I have described.

Mr. LOCKE said.—My hon. friend from Sheldburne has not dealt fairly with Mr. Hamilton. I complained that he had been dismissed without a hearing upon charges which he had no opportunity of answering, and I think I successfully refuted the statements made to the government. The hon. member has thought fit to introduce a new set of charges of which up to the present moment I had heard nothing, and I have known doubt that when the whole subject is investigated, it will be found that Mr. Hamilton did no more than his duty.

(On the 24th of March, immediately subsequent to remarks by the hon. Financial Secretary, the subjoined answer and explanations were made. The notes of these remarks were mislaid, and their absence from the published report was not noticed for some time. As the explanations were of interest, they are now given.)

Mr. ARCHIBALD, (in reply to hon. Finl. Secretary.)—That is a strange style of argument, but he will not dismiss the question in that way. The Financial Secretary repeats the one style of address over and over again. He has given the substance of this speech about ten or fifteen times; and almost always, this session, when he attempts to answer me, down he brings us to Guisborough. As he is so anxious to enter into the politics of that county, let me remind him of some of his attempts at deluding the people. Is this the man to talk about figures and economy? How much did he say that the late government wasted on the Saint Peter's Canal? £17,000!—and when I brought him to book, and when I proved that the expenditure was only between 4 and £5000, the people turned up their eyes at such statements from a Financial Secretary, who ought to know better. What think you of the highest financial officer making a statement of that kind? If parts of his speech were stereotyped it would save us time, and the reporters trouble. He speaks of the loyalty of the county of Colchester. The people of the county are as loyal as any in the province. That which is mentioned as a stigma, I claim as a pride. It is a proud distinction of the sturdy women of the county; that they would not submit to the oppression of any man.

When the old country sought to do what was wrong to Colonists, they stood up in opposition. I claim for them the same right to retaliate injury which their neighbours across the water had, and

did they do what they ought not, when unconstitutional attempts were made on popular and public privileges? Ought they to have remained supine until the heels of the older country were placed on their heads? No; and if the British parliament made any attempt to invade our rights, we would have the right to resist, in accordance with the spirit of Britons. What does the explanation of the removal of Mr. Franchville amount to? What right had they to damage him in secret, and deprive him of office and salary, by a side wind? The hon. gentleman's own statement convinced me that the story of the change of the locality of the office was got up for the purpose, and that it afforded no vindication of the conduct of the government. Who made any statement about Irishmen being disloyal? If Condon, however, were proved guilty, that ought to remove him from office,—and the late government, I contend, did what was right on the question. That the language used was such as no officer should use, none doubt. If any body of men insisted on his restoration to office, to that extent, they identify themselves with his disloyalty. The learned gentleman opposite ran over much ground, in making the kind of speech which we have frequently heard from him. I rose to reply to observations about the County of Cumberland; instead of feeling any degradation, that I have descended from such men, I feel a pride concerning such descent which any member of the legislature might well entertain.

HON. PROVINCIAL SECRETARY.—I merely take the opportunity of saying that the rumour which the learned gentleman has stated, in reference to my office, is without foundation. I am sorry that any one in the position he occupies should say so without being prepared to sustain it. In allusion to a gentleman having threatened me, and threatened the government, except Mr. Condon were appointed, that rumour is without foundation.

Mr. ARCHIBALD.—I had the statement from a gentleman who told me the person who I was given to understand, said what I have repeated.

PROVINCIAL SECRETARY.—Name. It is destitute of truth. I call for the name.

Mr. ARCHIBALD.—I will be prepared to give the name. If the house think right I am prepared now. I did not bring a rumour here without being responsible for it.

PRO. SECRETARY.—The question lies with himself; he ought to be prepared to state particulars when he repeats rumours. I give the statement an unqualified contradiction,—and except he wishes me to hold him at the author, he is bound to give the name.

Mr. ARCHIBALD.—I brought it here because I believed it correct. The gentleman reported to have made the remark is Mr. Carten—the gentleman from whom I heard it is Mr. Fulton of Wallace.

PRO. SECRETARY.—I will inquire of Mr. Carten what authority there is for this. I state that Mr. Carten never acted in my office so as to warrant the statement made. Is Mr. Fulton the person who was unseated by me for the county?

Mr. ARCHIBALD.—Yes.

Mr. ANNAND.—Another gentleman said the same.

PRO. SECRETARY.—Will the member for Halifax give the name?

Mr. ANNAND.—The name will be given when the gentleman is here.

(The debate was adjourned.)

THURSDAY, March 25th, 1858.

Hon. PROVINCIAL SECRETARY—As there is nothing before the house, Mr. Speaker, I wish to call attention to the statement made by the hon. member for Colchester last evening.

Before leaving the house I addressed the following note to Mr. Carten, and handed it to one of the messengers of the house:—

HALIFAX, March 24th, 1858.

SIR,—Mr. Archibald stated in the Assembly to-day, that it was reported that you had visited me and threatened me with loss of my office unless Mr. Condon obtained a situation, and gave Mr. Stephen Fulton, of Wallace, as the person to whom you made the statement.

You will oblige me by an immediate communication, stating explicitly whether there is any foundation for such an assertion.

Yours faithfully,

CHARLES TUPPER.

Mr. Samuel Carten.

A few minutes since Mr. Carten handed me this reply:—

HALIFAX, March 25th, 1858.

SIR,—In answer to your note of last evening, as to what Mr. Archibald stated in the Assembly, that I threatened you with loss of office, I never made use of the words to you, Mr. Fulton, or any other person.

Yours respectfully,

SAMUEL CARTEN.

To Hon'ble. Provincial Secretary.

Now, sir, I think I may leave this unfounded rumour in the hands of those who brought it here. In the only conversation I ever had with Mr. Carten, on the subject referred to, he explained his wishes in as respectful a manner as any person who ever entered my office, and nothing approaching a threat was indicated.

Mr. Carten says he is quite willing to go before any Justice of the Peace in this city, and testify that he never used any threat of any kind to me, directly or indirectly.

Mr. ARCHIBALD—I also took pains to ascertain whether I had correctly apprehended and related the statement made to me. I telegraphed immediately to Mr. Fulton, from whom I had my information, and received the following telegram in reply:

"Carten, complaining of Condon not being replaced, said he told Tupper Condon put him in office and could put him out."

Therefore, sir, it is that I was justified in making the statement; but the truth of this statement does not rest solely on Mr. Fulton's assertion, but can be corroborated by a member of this house.

Hon. ATTORNEY GENERAL—I should like to ask whether the hon. member for Colchester thinks he is acting fairly towards members of this house in bringing here statements of the nature made use of by him yesterday—based upon mere hearsay—and which from his own relation, as compared with the telegram he has just read, appears to have been misrepresented. The hon. gentleman yesterday said that Mr. Carten threatened the hon. Prov. Secretary with loss of office

unless Mr. Condon received some appointment. The telegram does not bear him out in that assertion. In my opinion, sir, no hon. gentleman who values his position or the dignity and character of this house, would lend an ear to every idle tale or repeat it again here.

Mr. ARCHIBALD—I differ exceedingly with the Attorney General as to the bearing of the question a' issue. The whole story of Mr. Condon's dismissal and appointment has been mixed up with conversations and letters innumerable; and I can see no reason why I should be precluded from indulging in the same license, taken by other hon. gentlemen. He talks of the dignity, and character of this house. Is there no character or dignity attached to a provincial officer, a member of the government; or is it consistent with his position, that he should allow the government to be threatened with making an appointment by a private individual.

Mr. TOBIN had lived in this community for a number of years, and never heard that it was considered the duty of a government to take cognisance of all that was said by private individuals. Even if Mr. Carten had made use of the statement referred to in Mr. Fulton's telegram, it was no great crime. Mr. Carten was an independent man, and could be controlled by nobody; nor was anybody else responsible for his statements.

Mr. ANNAND had heard the statement made by the member for Colchester last evening, and was confident that it accords strictly with the telegram received from Mr. Fulton. A gentleman now present in this house heard the statement made, and can corroborate what the hon. member for Colchester said.

Mr. WIER said.—As I am the person alluded to, I will briefly state to the house what actually did occur in my presence. Mr. Carten said that after the appointment of Mr. Quinlan he went into the Provincial Secretary's office and told him that he saw his friend Mr. Condon was about to be sacrificed; that Mr. Secretary Tupper owed his position to Mr. Condon—and that Mr. Condon should not be sacrificed.

Hon. PROVINCIAL SECRETARY.—I am in the judgment of the house—the statement made yesterday was, that it was rumoured that a gentleman had entered the Provincial Secretary's office and threatened him with loss of office unless Mr. Condon was appointed. Mr. Carten denies that there is any truth in that statement. I told Mr. C. it was the intention of the government, as they were satisfied that Mr. Condon was not amenable to the charge that had been preferred against him and had been unjustly dealt with, to give him some appointment. But no threat was ever used—no ungentlemanly or improper language applied by Mr. C. to myself.

The question lies then between the hon. member for Colchester, Mr. Fulton, and the hon. member for Halifax. I know that these telegraphic messages are extremely convenient, and may be made very effectual use of sometimes.—When I was running my election last year, Mr. Fulton professed to have had a telegram from a member of the late government, respecting Mr. McNab's appointment, and I suppose it was from the hon. member for Colchester, and that the favor is now returned. I think it would be more creditable to that hon. member if he ascertained the accuracy of rumors before he brings them here.



Hon. Mr. Howe—Mr. Condon was not appointed from February until June, and in his belief he never would have been appointed had not pressure been brought to bear upon the government. Mr. Carten's remarks evidenced that pressure. That the expressions were used could not be gainsaid; for, while the Prov. Secretary was contradicting the hon. member for Colchester yesterday, a gentleman in the gallery said that a similar statement had been made by Mr. Carten to him.

Hon. PROVINCIAL SECRETARY again denied that any threatening or ungentlemanly language had been used by Mr. Carten.

The discussion here dropped, and the adjourned debate was resumed.

DEBATE ON HON. WM. YOUNG'S RESOLUTIONS.

Mr. HOWE said—This debate, Mr. Speaker, has already occupied a great deal of time, and I am not desirous to protract it. It seems but fair, as the Attorney General and the hon. member for Inverness have yet to address the house, that I should precede them, that they may have point blank range at each other. I would not speak at all, but as many of the supporters and members of the government have been highly attentive and complimentary to me, it would be discourteous not to return my acknowledgements.—The learned member for Digby, in his speech today, laid all the blame of his political inconsistency upon the member for Windsor. He would not have gone over to the enemy but for my letters. Nobody complains of his going, but if he intended to go, in my opinion, he should not have met in caucus with his old friends—concurred in their acts—and only deserted them when there was a hostile majority without him.

Mr. WADE—I deny it. (Cries of order.) The member for Windsor must recollect that I carefully avoided all reference to the secret action of the party, but now that the subject has been referred to, I may state that I distinctly informed them that if they took the action proposed I must leave them. If the member for Windsor dares to drag my name into this debate, I will be prepared to meet him.

Hon. Mr. HOWE—The learned member for Digby need not threaten me. I dare drag any body into this debate. What I wish to know is whether he was present at the meeting at which it was determined, that if William Condon did not tender his resignation, he should be dismissed? The learned member seems to regret deeply the conduct of the Protestant gentlemen who have formed an Alliance, and who he and others have dragged without ceremony into this debate. But let me ask him, if they have not the same right to publish a religious or political manifesto that the Catholic Prelates had to issue their Synodical letter in July last? Would he deny to Protestants the rights which Catholics exercise and enjoy? If not, upon what pretext does he venture to assail Ministers of the Gospel for doing what the laws allow to be done—for following the example of those, whose daring denunciations of all that Protestants hold sacred, he has not mustered courage to impugn? There was not much else in the member for Digby's speech, so I pass on to the more elaborate production of the learned Solicitor General. I listened to that gentleman, as I always do, with infinite pleasure. When he rises we are sure of amusement if not of instruction. He is humorous if not logical; and, when compared with some of his colleagues, his eloquence has the smack and flavor of old wine, while theirs too often resembles the rumblings of a beer barrel or the acidulous droppings of a vinegar cask. Though the weight of his indignation fell upon the firm of Young and Co., there was something irresistibly comic in his description of the new firm. In that sketch the man overcame the politician, as it was apparent that he would rather peril his office than spoil his joke.

It appears to me, sir, that the learned Solicitor General did not touch some topics introduced into his speech with the seriousness they deserved. I could not believe him in earnest when he described Responsible Government as a system fraught with tyranny and injustice. If I thought he was, I would turn him to our mother country, whose history, until the introduction of Responsible Government, is marked, from age to age, and from reign to reign, with anarchy and bloodshed, until the simple expedient was adopted of routing a bad administration by a resolution instead of the sword. Since that period England, Ireland, and Scotland, have presented a marked contrast to the nations of continental Europe, in which there are no securities for human freedom, in which constitutions are made and unmade with marvellous rapidity, and in which struggles for liberty always end in the establishment of despotic power. In the neighboring Republics Responsible Government has been established under other forms, but, though the mode be different, they preserve, through the ballot box, the spirit of the British constitution. Let the Solicitor General take these great countries, England and the United States, descended from the same stock—speaking the same language, governed by the same principles of action, whose power extends over a large portion of the globe, and where, on the face of the earth, will he find any other with which they can be compared? In both he will find practical freedom in the widest sense of the phrase—laws faithfully administered—life and property secure. These are the fruits of Responsible Government, and no knows that where it exists not they are not to be found.

The Solicitor General gave us many quotations from Scripture, not exactly in the spirit of a divine, for he touched with an irreverent hand things sacred as well as things profane. He made the sermon on the Mount to sound very like the sermon of a mountebank. (Laughter.) He referred to the period when Herod and Pilate shook hands. The passage might have been made more significant. The union was brought about to please the priests of those days, as another alliance was formed by certain gentlemen opposite last winter. In both cases a victim was required. I will not point to the innocent whose destruction was meditated when the Attorney General and the member for Halifax joined hands last session, but this is quite apparent that the Priests were also to be conciliated and gratified by that union. (Laughter.) He tells us that Christians, when smitten on one cheek should turn the other. But I am under the impression that the Protestants of Nova Scotia have been smitten on both cheeks, and I believe there is a point where forbearance ceases to be a virtue. Are Protestants forever to put up with indignity



and insult? Are they to be held up to contempt and ridicule by crown officers—to be branded with infamous crimes by Provincial Secretaries—to see the Scriptures they reverence scoffed at and denounced by Catholic Priests, and yet are they to be denied the right to organize for self-protection—for the defence of the principles they are bound to cherish and regard? Let me give a few illustrations. The Rev. Mr. Rand is an educated, pious, Baptist Minister. How often has he been styled Roderick Random—scoffed at and denounced because he dared without permission from the Pope, to study the Micmac language, and perform the duties of a Missionary among the Indians. I hold in my hand a Catholic publication in which the Rev. Mr. Uniacke is described as “the unicorn of the Round Church”—“the brawling Parson of the Round Church”—“the hellowing bull of Bashan, from Dutch Town.” And in which the Rev. Mr. Martin is called “wretch,” “the hoary criminal of the Guardian,” “an old sheep whistling rogue and ram tender,” “a deformed beast of grace.”

Mr. Johnston—From what paper does the hon. gentleman quote? What date?

Mr. Marshall—Is it the Christian Messenger?

Mr. Howe continued—Let the gentlemen opposite keep their powder dry. They will find out by and by that Protestants know how to defend themselves alike from open enemies and insidious friends. I will lay the extracts on the table that gentlemen may study them at their leisure.

The religious controversy which raged here years ago did not interest me much, because, at that time, I did not believe that any portion of our people were to be disturbed, or were disposed to take unwarrantable liberties, or secure to themselves, by combination, advantages not common to the whole. I never dreamed that, when our mother country was involved in war with a foreign power, any parties in this country would sympathise with our enemies—rejoice in their success—or correspond and co-operate with their abettors in time of war. Bear in mind that all this was done before any Protestant Alliance was formed. It excited astonishment and disgust, but was met by no organization. We were smitten on that cheek, but soon the blows came in another direction. An armed mob took possession of our public works, committed atrocious outrages on a body of unoffending Protestants; they were protected by a Catholic combination, carried by perjury and intimidation through the courts, and then the boast that all this was done in the name of religion was hurled in our faces as a warning for the future. All this was done and yet no Protestant Alliance was formed. We had been smitten on both cheeks before Protestant clergymen and laymen combined for self-defence. All this, and more—the government was overturned because some of us ventured to denounce these insults and outrages, and to discharge as politicians, our public duties with spirit and independence. Still the Protestant clergy moved not. They were perhaps morbidly sensitive, lest their motives might be misinterpreted. The election passed over and they moved not. At length came the crowning outrage and indecency, when, in midsummer last, a body of Catholic Prelates assembled in the heart of this Protestant Province—denounced the scriptures, and hurled defiance at the spiritual guides

of the great mass of the people. Let me quote a passage or two from their Synodical letter, for the edification of the Solicitor General:

“They must be preserved from the thief and the robber, and the ravening wolves of heresy and immorality, which threaten them on every side.

“Every good Catholic must be prepared at any sacrifice to resist the impious attempt to force upon his children books that are dangerous to their faith or morals.—Not to speak of many other objectionable books which have been purchased out of the public funds for distribution amongst Catholic children, WE DO NOT CONSIDER THE ENGLISH BIBLE, whose innumerable errors have been admitted by the most learned Protestants themselves, TO BE THE WORD OF GOD. We do not regard the English Protestant version as a true, or entire copy of the Bible, for not only is there a studied corruption of texts, but many of the Sacred Books are pronounced apocryphal, or omitted altogether. We do not consider it a proper Book for Catholic Youth, stamped as it is by the reprobation of the Church.

“With our united voice and authority we not only give you this solemn warning of the *danger of mixed schools*, but we also enjoin upon you the duty of guarding both yourselves and your little ones against the poisonous drug of *infidel and immoral books and newspapers, which are in daily circulation even in the remote parts of the country.*

Now, Mr. Speaker, when this letter was published, this defiance given, when all that we hold sacred was treated as reprobate and untrue—when this open attempt was made to break down the authority of that volume upon which all our hopes of happiness hereafter, all our religious liberties in this world, rest, can the Solicitor General be surprised that Protestants every where should see the necessity of organization; that those Prelates should be rebuked and the country protected from insult hereafter. These Clergymen have given expression to their feelings in the document put forth by the Alliance. I desire to give expression to mine in the resolution which I now lay on the table, and which I shall move at a future day.

Whereas, Christianity is the only true basis upon which a sound system of education can safely repose.

Resolved, That no school within this province shall be entitled to aid from the public funds, until it shall have been made to appear that the Holy Scriptures, of the Old and New Testaments, are daily read therein.

The hon. Solicitor General tell us that Protestants by combining never did any good. I cannot agree with him. By combination of Protestants civil and religious liberty was secured to Britain—to Holland, and to all the nations upon the continent that enjoy it now. Protestants have been compelled to combine as they are combining here, in the United States, in Canada, and in all the British Provinces which surround us. The aggressive spirit of Catholicity which has aroused our people, is everywhere the same. In Upper Canada Protestants of all shades of political opinion have been compelled to combine to protect their Common School System, and to rebuke the Priests by whom it was assailed. At the late election liberals and conservatives heartily coalesced, and a triumphant majority has been returned hostile to the influence of

which their interests were assailed. I hold in my hand a report of the speeches delivered at the great banquet in Hastings to celebrate the triumph achieved. A few extracts will suffice to show the provocation given and the reasons there are for combination and resistance, in Canada.

Mr. Wallbridge says:—

“When we introduced responsible government, therefore, we had to introduce along with it, as a necessary adjunct, national education. For some years the system of common schools prospered in our country. Every denomination was satisfied with them, everything went on in harmony, and some of us fancied we were coming to the time when the lion and the lamb should lie down together. Such harmony was there that the Protestants entrusted the management of the educational department to a Roman Catholic Bishop. But by and by there came to this country a Roman Catholic Bishop from a foreign land, who had never been accustomed to the workings of free institutions, but had been used to having the dictates of the church obeyed without the slightest enquiry. He was one who desired to set up the will of the church against the liberties of the people. So long as he confined himself within the pale of his own church, we had nothing to say to him, but when he began to use the power of his church to affect the Protestant portion of the community, it was time, as a duty we owed to ourselves and to our children, to sound the alarm. Parliament, however, permitted separate schools to go into existence, and in 1855 an Act was passed which put the Roman Catholic separate schools in precisely the same position as the common schools in regard to the amount of money received. We regretted to see the Roman Catholics withdraw, for we wished to see our schools common in fact as they were common in name. We do not wish two classes of society brought up separately to suspect one another. Well, by the act of 1853 Parliament granted that indulgence. Did it satisfy the parties who demanded it? No; but from that time onward there has been a most firm determination not only to maintain that law, but to extend it, so as to bring about the destruction of our common system. We accordingly found that a Bill was introduced, which had it passed, would most effectually have snuffed out our common school system.”

What says another of the speakers at this banquet, Mr. Mowatt, M.P.P.

“We were driven on our side to bring in the element to which I refer, because our common school system was attacked, and undisguised hostility towards it proclaimed by the Roman Catholics. Now, that system is one in which we glory. We boast indeed of the material progress our country has made. We look with pride on its advancing population and its increased wealth, but of neither of these nor of aught else connected with the land in which we live, are we so proud as we are of our system of common school education. (Cheers.) And it is right and natural that we should guard it carefully against all attacks, and that we should closely watch those who make them. If they attack as Roman Catholics, we surely may if necessary defend as Protestants. Those of our opponents to whom I allude frankly tell us that they would very much rather have no system of public education at all than that which now exists and which we

value so highly. They would substitute for it a thoroughly denominational system, of which the separate schools we have now are but an illustration. Such a change would be destructive, and so far from yielding to it, for my own part I go so far in regard to sectarian schools as to assert that we should not have even such as the law now sanctions, but that they should be swept away altogether. (Loud cheers.) We gain nothing by allowing the law to remain as it is. It was hoped when that law was first passed, and it is hoped now by those who are in favor of its being left to stand, that the special privileges given to Roman Catholics would have the effect of saving our general system from attack. But it has not had that effect. (Hear, hear.) Though we felt the separate school law to be an evil, yet we submitted to it quietly for a while; but there is no reason why we should submit to it any longer, when the reason why we were asked to submit to it hitherto has proved to be no reason at all. The permitting separate schools to exist has not accomplished the object of saving our common system from attacks, and, this being so, there are many reasons why we should oppose them out and out, not as Protestants merely, but as Canadians—not as Protestants, but as citizens—not as Protestants, but as lovers of sound education and anxious for its universal diffusion. (Cheers.) These separate schools are institutions in which an education is given to those who attend them far inferior, as you all know, to what is given in the public schools; and the consequence is that so long as we permit them, so long we deprive our Roman Catholic fellow-citizens of the privileges of an education such as our own children receive. (Hear, hear.) And it is of too much importance to us as citizens, that all our children, those of Roman Catholics and Protestants alike, should be well educated, to allow us to sanction a system which would prevent one class from receiving the education which the other obtains. (Cheers.) But the Roman Catholic laity are far more interested in obtaining the abolition of of these schools than we are. We suffer from any division in the matter of education, but not nearly so much as they do; and it would be a far greater advantage to them than to us, that we should succeed in repealing the statute under which these schools are established. It is thus satisfactory to know that, which we are compelled to contend, to some extent, as Protestants, yet we are contending for what is important to our country in all its interests, and is especially important to the Roman Catholics themselves. (Hear, hear.)”

In New Brunswick also the reading of the Bible in schools is becoming the question of questions. Let me quote a single passage from a late paper printed in that Province:

“We all know perfectly well the efforts which the Catholic Hierarchy have made in the United States and in Canada, to overthrow and to destroy the common school system. And we all know that they have signally failed in the United States, though their failure is not so signal in Canada. When, therefore, the Catholic Bishops assembled in Halifax, put forth their manifesto declaring that no effort should be spared to secure for them (the Catholic children) if possible, the blessings of a thorough Catholic education in the schools of the district in which they

live," the public were justified in believing that an attempt would be made in this province when the government proposed to remodel the school system, to introduce the system of separate sectarian schools. If this was not meant by the manifesto it meant nothing, and that it did not mean nothing was shown by the language of the organ of the Hierarchy in this city, which told us in its usual off hand tone of impudence that it published the manifesto "in order that the views of the Catholics might be clearly understood and that trouble might be avoided." Of course no one can doubt that by "trouble" was meant the opposition to the government measure, of all whom the organ of the Hierarchy could influence, provided the government measure did not permit of the disposal of the public money in such a way that by its means "the blessings of a thorough Catholic education" could be obtained. We shall be much mistaken if the government will not run the risk of the organ's continued and more bitter opposition.

"But, perhaps on that score the government need fear little opposition. Seeing that the whole Protestant population, and a large portion of the Catholics who put not their faith in Hierarchs, are united in their determination to have common schools. It is more than probable that for the present, at least, the manifesto will be a dead letter. The enemy, however, that is not to be attacked boldly in front may, by a cunning general, be divided and attacked in detail. Whether this "dodge" will answer remains to be seen. The last manoeuvre is to get up a cry against direct taxation, to accuse the government of a desire to make places, by means of a school bill. Of course, if dissention can be sowed in the ranks of those who will support the common school system, by defaming the government on the details of their bill, that will be attempted. What those details are no one out of the Cabinet can know, and it is therefore premature to speak concerning details. But we warn all Protestants and liberal Catholics not to be misled by the jesuitical attempt of the organ of the Hierarchy, to distract public attention from the main point at issue in the school question. For Protestants and liberal Catholics the question is common schools or separate schools."

Is it not clear, then, that the aggressive spirit displayed by the Catholic Priests all over the continent has created and is creating the necessity for Protestant activity and organization? The Solicitor General fancies that this Alliance will not last; perhaps not, but he may be mistaken. So long as the spirit displayed at Gourlay's shanty is rampant here—so long as treason to our sovereign is openly preached and rewarded—so long as governments are thrown down that Catholics may show their power or gratify their revenge, so long will this Alliance endure. When the necessities in which it originated have passed away, if they ever do, it may pass away also. But the learned gentleman may be assured that this "monstrous" combination, as he was pleased to call it, will endure until its work is done. As the learned gentleman seemed fond of Hebrew illustrations, let me remind him that the Catholics at home, having secured emancipation for themselves, have recently combined to deny it to the Jews.

But the Solicitor General tells us that Protestant clergymen should keep out of politics—

Why? are they less intelligent, or less deeply interested in the prosperity of the Province than Catholic priests, who have no families, no social ties, and yet are ever dabbling in politics where they happen to be? Are Protestant ministers to stand by and see treason preached—education perilled—heads broken—graves violated, and criminals going unpunished? Are they to bear scoffing and insult—to see their Bible denounced, and hold their hands, while Catholic priests lead their flocks to the hustings and overturn and form Governments as they please?

The Provincial Secretary paid me a good many compliments, and deserves some notice at my hands. His speech was certainly, in one respect, the most extraordinary I ever heard in this Assembly. He mentioned the names of, or made pointed references to, 43 individuals, eight or ten clergymen, and myself being among the number. There may have been degrees of comparison in our demerits, but I appeal to the gentlemen who heard him, if he left a rag of character to one of the 43? For scurrillity, malignity, and defamation—his speech stands unrivalled by any others I ever heard, and is likely so to stand, for it is not at all probable that it will become a model for imitation.

He told us that his mouth had been "sealed up for a year;" but really when opened at last, the breaking of the seventh seal was nothing to it, if we are to take his own estimate of the destructive power of his eloquence. A good deal of noise may be made by the explosion of a bottle of ginger-beer; a good many dresses are sometimes soiled by it, but no other harm is done.—And so when the learned gentleman uncorked himself, the noise and the nastiness were out of all proportion to the damage. (Laughter.) He informed the house that I once "prostituted" the Press, and in conducting a newspaper spared neither sex nor age. But if he ventures to put files of the *Colonist* or *Catholic* upon the table, I will find him ten personal attacks, ten foul words in either of them for one that he can discover in the old *Novascotian*. Indeed, I have always been under the impression that that paper was, in my time, a model of elegant literature and political refinement. (Laughter.)

But, sir, the Provincial Secretary went a good deal farther. He charged me with being a defaulter, and did me the honor to apply sundry other epithets not very complimentary. I fear that he tempted me into some indecorum. The language I applied to him on the instant, was the only language that was appropriate, and I can only regret that it was not parliamentary. I shall waste but little time upon his charges. As Collector of Excise I collected and paid over £38,000. £4780 passed through my hands as Commissioner for building the Telegraph and for Indian affairs. As Treasurer of the Casual Revenue, I collected and disbursed £14,815; and as Chairman of the Railway Board I expended £504,233. These sums amount to £561,951, more than half a million of money. Now I defy the Provincial Secretary to show one fraudulent figure in all the accounts of these receipts and expenditures, or to trace one shilling of all this public money into my pocket by "any indirection." If he could, sir, I should have heard from the Attorney General long ago, and not from the Provincial Secretary. The latter seems indignant because I never prosecuted any body for so

famation. A nice life I should have had, had I brought actions against every body that abused me, or criticised my public conduct. For twenty years I have lived through storms of calumny, and never prosecuted a printer or a political opponent in my life. The Doctor knows this right well, and knows also that I never intend to.— But one action was ever brought against me during the twelve years of my connection with the press, and in that case the parties were in the wrong. A public man who can only maintain his character by the terror of the law, will never stand very high in public estimation. But now, sir, let me ask the attention of the house to some curious facts. If I am a defaulter now, I must have been one when I left office in 1844. If I am guilty of any of the offences with which I am charged by the Provincial Secretary, they were committed prior to 1855. Now, sir, I ask the Provincial Secretary, in presence of this house and of the country, how it happened that, in the session of 1855, he came fawning upon me, with any quantity of pretty names and laudatory speeches, to induce me to overthrow the Government and put myself at the head of a new one, of which he was to be a supporter if not a member? Let him also explain how it happened that when I spurned his proposition, as incompatible with my personal honor and the obligations I owed to my friends, he came back a second time, and offered to the man he now slanders *carte blanche* to lead him where he pleased, one stipulation only being made, that Mr. Johnston should be Chief Justice? If I am a bad man now I was a bad man then. There is no offence which has been charged which does not bear an earlier date. And what shall be said of the man who, knowing these charges to be false, slanders me now, or believing them true, would, two years ago, have made me Provincial Secretary and leader of the Government? If he believed then what he says now, his conduct was more despicable than I have language to describe.

The Provincial Secretary has a great respect for an individual, who I have never called a defaulter. Now I find on the public journals of this country a resolution to this effect:—

“Whereas,—The Hon. Alexander Stewart, Master of the Rolls, since his appointment to that office, contrary to the above and only decision of the local Legislature on this subject, has drawn the sum of £650 sterling instead of that of £560 allowed by the Bill of 1844 “as and for the salary of that office:” being the sum of £90 sterling or £112 10s. currency annually more than he was entitled to according to the terms on which he accepted office.

“Therefore, Resolved, That it is the opinion of this House that the sum of £112 10s. annually, which has now been paid for nearly two years, has been improperly drawn and received in payment of the salary of the Master of the Rolls, and should be again refunded and paid to the Treasurer of the Casual and Territorial Revenue of this Province.” Now suppose that the Provincial Secretary could find on the public record such a resolution as that, true or false, aimed at the learned member for Inverness, or at myself, would we ever hear the last of it? It being there just or unjust, it should have shown him how easy a thing it is to prefer an accusation.—It should have taught him moderation, in dealing with the men in the various parts of the province

who he has stigmatized, because perhaps they have mistaken their rights, or been found with a few pounds of public money in their pockets.

Had the Provincial Secretary honored me only with his notice I should not perhaps have addressed the house again. But he has defamed other gentlemen who are not here to defend themselves. Among them one, who, for many reasons, might have been spared: Sir, a more able, honorable, and distinguished man, never graced the floor of this Assembly, than my late lamented friend the Honorable James Boyle Uniacke. His noble form, easy deportment, graceful manners, and ready flow of language, are familiar to many who listen to me to day. No man who ever grappled with him, as I did in the early part of my life, would under estimate his powers. A mind ever fruitful—a tongue ever eloquent—humor inexhaustible, and pathos which few could resist, were among the gifts or attainments of my honorable friend. His colloquial powers were even more marvellous than his forensic or parliamentary displays. He charmed the Senate by his eloquence, but how delightful was he when surrounded by a knot of friends, beneath the gallery, or seated at the head of his own hospitable board. How often have I thought when meeting abroad the choice spirits of both continents, how rare it was to find a man in all respects a match for James Boyle Uniacke. But he was not only distinguished as a legislator.—His means and his intellect were embarked in every enterprise which promised the advancement of the common interest, or the growth of public spirit. He took an active part in the introduction of gas and water into this city, and was president of both companies for a time. He built the Penitentiary with grants carried through this house by his influence. He aided us in developing and practically working the new constitution, and he gave to the great public works now in progress his steady support.

Such was the man, sir, to whom and to the management of whose Department, foul language has been applied here by members of the government, even at the very moment when my honorable and learned friend was in the agonies of death. The Sepoy and the Savage, it is true, torture their victims in that hour, but a christian warrior turns from them with disgust or slays them for their barbarity. The hawk and the kite may peck out the eyes of the noble steed who has run his course, even while the heart is still palpitating and the blood is warm. What shall I say of such foul birds as the Provincial Secretary and the hon. member for Victoria, who have settled upon the reputation of my departed friend, even while his great heart was breaking and his noble spirit was winging its upward flight. What need be said? We all know him and we know them. A serpent may crawl over the statue of Apollo, but the beautiful proportions of the marble will yet be seen beneath the slime. (Cheers.) That my friend may have had his errors I am not here to deny, but I rejoice that, whatever they were, God in his infinite mercy, and not man in his malignity, is hereafter to be his judge.

When failing health made it desirable for Mr. Uniacke to retire from the active duties of the Crown office and the leadership of the government, he was appointed to the land office, over which he presided for four years. The course

terms have been applied to that Department while under his charge, and language used here, of which the members of government who employed it ought to be ashamed. [Here some explanations were offered by the Provincial Secretary, and by the hon. Charles Campbell, who disclaimed any intention to disparage Mr. Uniacke. Mr. Howe continued.] He was bound to accept their disclaimers, and glad that they were made. But the Provincial Secretary had spoken of the management of the land office as "feeble and incompetent," and had charged "fraud and incompetency" in another passage. The member for Victoria had spoken of the land office, while Mr. Uniacke presided over it, bear in mind, as "a nuisance and a curse." Whether this language was meant to be applied to Mr. Uniacke or to his office Mr. Howe would proceed to show that it was deserved by neither, during the four years that that gentleman had administered the Crown Estate.

[Mr. Howe here produced the official returns, and compared the state of the crown land Department, during the incumbencies of Mr. Morris and of Mr. Uniacke. During the 24 years that Mr. Morris had charge of the Crown lands he had granted but 363,063 acres while Mr. Uniacke had granted 247,947 acres in four years. From 1842 to 1852 the average quantity granted in each year did not exceed 23,711 acres, while from 1851 to 1857 the average was 61,984. To prove how much more work had been done by Mr. Uniacke than by Mr. Morris he contrasted the number of grants issued, which averaged but 193 during the latter's last ten years, while 383 had been annually issued by the former from 1854 to 1857. Looking at the financial aspect of the Department, and its power to produce Revenue, he showed that while from 1828 to 1838 but £1754, or £250 per annum, had been paid in by Mr. Morris. While, from 1841 to 1853 he had paid over but £11,291, or about £1129 per annum, Mr. Uniacke had paid in 4 years £26,815, or about £6703 per annum. In fact the Crown lands had been made to produce, by Mr. Uniacke, in four years, more than twice the sum, in solid revenue, that Mr. Morris had been able to extract from them during the entire 24 years of his incumbency. Though a Deputy or two might have misbehaved, or some small amount might have been lost by the defalcation of subordinates, what were these, about which so much fuss had been made, compared with the great results which had been achieved—compared with the large sum of £26,815 paid into the Treasury. For the first time in the history of the Province had the Crown lands, under Mr. Uniacke, been made a permanent and available source of Revenue.]

What, then, Mr. Speaker, are the charges against the Department? A want of science or of accuracy? There is no such charge. Mr. Hendry is scientific if Mr. Uniacke was not; and I am prepared to show not only that the field work is done with great care, but that the internal arrangement and economy of the department were never so perfect as they are now. Is delay complained of? The amount of grants issued and work despatched shows there can be no such complaint; but I know that, under the former management, Land claims left before the Council when I went out in 1844 were still there when I came back in 1848. But, it is said, some

of the Deputies have done wrong. If this be true, Mr. Uniacke is not to blame; Mr. Hamilton and Mr. Logan were appointed by Mr. Morris in 1852, and Mr. Thompson in 1853. If either were deserving of censure, it could only be because they had disobeyed Mr. Uniacke's instructions; and it is apparent that the moment his attention was called to suspicious circumstances, in the Lunenburg case, he at once ordered an investigation. I trust I have now said enough, Mr. Speaker, to vindicate the public character and official acts of my lamented friend from unmerited imputations. Having done so, I will

No longer seek his merits to disclose,  
Or draw his frailties from their dread abode;  
There they alike in trembling hope repose,  
The bosom of his father and his God.

Let me know, Mr. Chairman, ask the attention of the House to another Branch of the public service, and to the acts of another old friend whose conduct and whose works have been this session rudely assailed. The Hon. Hugh Bell, since he grew to man's estate, has lived for half a century in this community, respected for his integrity and honorable dealings, yet advantage was taken of some error in accounts, running over some £120,000 to blow upon his character. The founder of an Institution, honorable to humanity, he has been arraigned here because some defects have been discovered in the masonry, as though he had robbed a Church. Let me do justice to my honorable friend, who is not here to defend himself. Self-educated, but highly intelligent, a natural orator, with an independent spirit, Mr. Bell was selected by his fellow citizens and returned to this House without opposition. How he demeaned himself, we all know. Ever mild and gentlemanlike—never savage or vindictive,—generous, fluent and sincere—true to his friends, but courteous to his opponents, he commanded great esteem; and, when elevated to the Upper branch, did not leave an enemy behind him. The children that he has bred are, among our citizens, remarkable for their correctness of conduct, their integrity and intelligence. Mr. Bell was selected to occupy a seat in the Executive Council, and placed at the head of the Board of Works by the spontaneous action of his friends. Personal distinction or advantage he never sought. He never thought of himself when offices were to be given away. He thought only of the Insane. One measure was always uppermost in his mind, and he only cared for office or lingered in it that he might carry that measure, and establish an Asylum for the relief of those whom, for his own inscrutable purposes, the Almighty has deprived of reason. It was carried at last, and the Asylum, reared under the general superintendance of my honorable friend, is now nearly completed—an ornament to this harbor—and the hope of the friends of the afflicted in all parts of the Province. On the change of Government, Mr. Bell was removed from his office. Of this he did not, nor did his friends, complain. But the gentlemen opposite were not content to enjoy the patronage thus seized upon—they immediately commenced to blacken my worthy friend's reputation. For twelve months they have been at this precious work, and, if we were to credit half they have said and written, we would suppose that fraud and incompetency had characterized all his proceedings—that the Lunatic Asylum, after costing



twice as much as it ought, was about to tumble down.

Now, in the first place, let me observe that, in all the earlier stages of this work, Mr. Bell consulted Miss Dix, a lady who has devoted her life to the amelioration of the condition of the Insane, who has visited all the Asylums in Europe and America, and has had more practical experience, than any man on this continent. That lady did us the honor to come into this Province and give us the benefit of her knowledge. By her advice my friend selected the site of the Asylum, and a more beautiful or appropriate one could not be found in Nova Scotia. She selected and forwarded the plans after which the edifice has been built. If, then, Mr. Bell went to the fountain head for information, and got the best, who is there who will venture to assert that he did wrong?

But, it has been said that Mr. Chambers, the Superintendent, was intemperate and incompetent. I do not believe that he was either; but what I do believe is, that this person, whatever his faults may have been, has been hardly treated, and has been dismissed from the public service without a fair chance of self-defence. Mr. Chambers brought with him from Canada a certificate which I hold in my hand, and in which the military officers, under whom he served, there testify:

"Mr. Robert Chambers, who has been employed in this department for nearly three years, has conducted himself with diligence, attention and sobriety."

Here is a certificate, signed by Mr. Thomas Goudge, of the Engineer Department, a respected member of the community, known to us all, who says:

"I have known Mr. Robert Chambers since 1850, and it affords me pleasure to give this testimonial as to the general propriety of his conduct and character—his practical acquirements as an architect are of a very respectable order."

In 1855 Mr. Chambers produced to Mr. Bell a certificate, which I also hold in my hand, signed by Captain Barry, and by the Clerk of the Works in the Royal Engineer Department, and in which they declare that he is "competent to undertake the general superintendance and direction of any buildings or works. He is a good mechanical and architectural Draughtsman, fully experienced in preparing the general working, detail plans and sections of buildings and ground." They also certify that he is an excellent "judge of masonry and of all kinds of artificers' work," and that he is "steady, zealous and confidential."

Messrs. Peters, Blaiklock & Peters, the builders of the New Barracks, also say that Mr. Chambers was fifteen months in their employ, and that "it affords them pleasure to testify to the general propriety of his conduct." "As regards his professional abilities, they consider him quite competent to undertake the charge of any buildings given him to superintend." While in their employ "he had a general charge of the works then in progress."

Will it be asserted, then, that Mr. Bell did wrong, even if Mr. Chambers be in fault, in employing a man so certified and recommended? I hold his drawings in my hand, and his working plans could be produced, proving

his knowledge of his profession. But it has been said that the building is defective—that the lime was bad, and the sand worse—that that bricks cost £5 or £6 per thousand, and that but for a loose wall that the present government have built outside, the building would have tumbled down. [Mr. Howe then proceeded to show that all these charges were grossly exaggerated, or entirely destitute of foundation. He produced—

1st. A letter from Mr. Robert Davis, addressed to the Chairman of the Committee appointed to investigate his claims, in which Mr. Davis rebutted the statements that had been made injurious to the character of his work, and to his own reputation of a mechanic.

2nd. A certificate, signed by Mr. Robert Malcom, Henry A. Wright, and William Finlay, two of them sworn city surveyors, and experienced master mechanics, and the other an architect of high character; who declare that "the materials used in the Asylum are of the best quality," and that "the work has been performed in a good, substantial and workmanlike manner." This certificate was especially valuable, because the characters and experience of these men were known to us all, and because one of them had been a competitor with Mr. Davis for this very work. Of the sloping wall, built by the Government, these persons say: "We are of opinion that it is of no practical benefit, and having been done so late in the season, thereby exposing the footings of the wall to the action of the weather, would have a tendency seriously to injure the work."

3. A certificate from James Sinnott, Senr. well known to the whole community, showing that the lime used was of the best quality of brown lime, made of Chester stone, and burnt at Dartmouth.

4. Accounts of expenditure, showing that the bricks had cost £2 16s. 6d. per thousand, instead of £5 or £6 as had been asserted. Two certificates of master builders proving that the bricks were of a very superior quality, and finally, amidst roars of laughter, Mr. Howe produced two or three of the bricks themselves which nobody in their presence would venture to disparage.

He also handed in Mr. Chamber's answers to 11 questions put to him by the Government, which he only regretted had been too long delayed, but which were candidly expressed, and in the main satisfactory.

This, then, is the work that we have heard so much abused. This is the man that the Provincial Secretary has ventured, because he is comparatively poor and friendless, to style "intemperate and incompetent." Mr. Chambers may take his glass, and I assume he does, as nearly all the engineers, and architects, and mechanics in England do, men who have done the work and built the modern wonders of the world. But what then, do not members of the Government do the same, and if they are fit for their work why should he not be fit for his?

These details are tedious, Mr. Speaker, but this defence was necessary. It was due to my old friend, and it was but just to the comparatively friendless architect, who I could not see ruthlessly trampled upon, as if reputation was not as dear to him as it is and ought to be to us. By and bye the Provincial Secretary will himself grow old, and if he does, I hope he may have

served the country with half the fidelity and honor which my venerable friend has exhibited in every phase of his useful life: whose monument, when he dies, will be this Lunatic Asylum, raised by his talents and exertions for the alleviation of human misery. We were told, sir, that £300 was expended in some sort of celebration, of which the Government of the day knew nothing. This is not true. A day of general festivity, in honor of the foundation of Halifax and of the close of the Russian war, was appointed by the Government. The foundation stone of the Lunatic Asylum was laid upon that day. £300 were expended in the ceremonies and festivities appropriate to such an occasion in all British communities. The amount was paid by the Board of Works. But if it had been wasted, which it was not, let it be borne in mind that £300 had been given by my venerable friend out of his own pocket in aid of this Asylum. That £200 has been entrusted to him by one gentleman to be similarly applied; and that another benevolent individual, whose attention had no doubt been attracted by my old friends, speeches and public appeals, has bequeathed towards its funds about £12 or £1400 more. Let us then bear no more such slanders and misrepresentations as we have had. The Lunatic Asylum will be standing, an ornament and an honor to this country, long after the present Administration has been forgotten: and so long as it does stand, the name of my old friend will be remembered with veneration and respect.

The House here adjourned with the understanding that Mr. Howe should close his address on the morrow.

THURSDAY, April 1.

Mr. Howe occupied some time with a recapitulation of his arguments, in reference to the Land Office and Lunatic Asylum, of the previous day, enumerating the documents to which he had referred, and laying them on the table that members might refer to them. We have already condensed the substance of the whole. Of Mr. Davis, the builder of the Asylum, he felt it his duty to say, that he was one of the most upright, trustworthy and industrious mechanics in this city. He had built the Bank of British America, the Nova Scotia Bank, the Market House, and many other of our most elegant and substantial structures. There was scarcely a street that did not contain some evidence of his handiwork and integrity. Mr. Howe then referred to and was about to read a letter addressed by Mr. Davis to the select committee, in which he successfully vindicates his conduct in reference to the Asylum. Mr. Wade objected to the reading of the letter, as the committee had not reported, and Mr. Howe passed on to other topics.

The hon. Provincial Secretary has indulged himself in certain strictures upon my Railway policy, not called for by the scope of this debate, nor very accurate. He has argued as though I and I alone had ever thought of involving this country in heavy expenditures on account of Railways. It is true that I first called attention to the practicability and importance of a Railway to Windsor in 1835, but abandoned the scheme for many years, as at that time premature. Subsequently, many of our leading men, on all sides of of politics, Mr. Cogswell, Mr. George R. Young, Mr. James and Mr. Crofton Uniacke, and many

others, embarked in the intercolonial scheme, and the public revenues of this country were pledged to the extent of £25,000 per annum, for 20 years, with ten miles of land in aid of that enterprise. When that failed I fell back upon the Windsor road, and, if allowed to have constructed it in 1850 it would have cost but £400,000, would have been long since finished, a cheap experiment would have been tried, and the burthen upon our revenues would have been light, even if it did not pay. But Mr. Johnston, Mr. Uniacke, and other leading public men, went on to the Portland Convention. They came back, full of enthusiasm for great intercolonial projects, and nothing would content them but the overland route through New Brunswick, to which they had been pledged at Portland. £24,000 per annum, let it be borne in mind, would have tried the safe experiment of a Railroad to Windsor, and a larger sum than this, for 20 years mind, had been granted for the Quebec line several years before. When the delegates returned from Portland the Windsor line was scouted, and a great meeting was held at Temperance Hall in aid of the European line. I attended that meeting, and there, for the first time, propounded the policy since so successful here, and which, after a vain struggle to do otherwise, has been forced upon the Province of New Brunswick. At that meeting the delegates were full of enthusiasm, but not one of them could tell us how the money was to be raised to build five miles of the road they advocated. Then it was that I showed that Maine, Nova Scotia and New Brunswick, were all too poor to raise the funds required by subscriptions of stock, and that, without such subscriptions, it was folly to suppose that stock could be sold in England. Besides; if it could, as it was clear that the road would not pay, it would not be honest to ask the Capitalists of England to put their money into an enterprise into which we would not put our own. I suggested the only alternative, that the Provinces should pledge their public revenues, obtain the guarantee of the Imperial Government, if they could, borrow the money honestly and take the risk of the adventure. This suggestion was received with acclamation, by every man, with a single exception I believe, in the room; of all political parties. This suggestion embodied my policy, which all felt to be sound, at that time, and to which Nova Scotia, (except for one period when she lost a year by trying Mr. Johnston's experiments,) has ever since adhered. For this policy, whether it succeed or fail, I am responsible—the glory or the shame of it is mine, and I am content to wait for the results. Had the Imperial guarantee been obtained, we should have got two millions of money for the cost of one. I did my best to get it, while others laboured to thwart and prevent me. I toiled for two years to unite the Provinces, and the British government, in a British American Railway policy. Had I succeeded, by this time there would have an Inter Colonial Highway, on British territory, open from Halifax to the western boundary of Canada. But self-interest and powerful connexions were brought to bear upon the enterprise. Canada and New Brunswick were handed over to the great Contractors. The results are before us. Canada has had to pay £3,000,000 sterling, for which she had no security. New Brunswick,

after wasting two years, had to buy off the contractors at a cost of £90,000 and adopt our policy. The Provinces have all had to make their roads with money at 6 per cent. instead of 3½, and to make them in the war period when labour and provisions were high. The blame of all this must rest upon those who raised the obstructions isolated the Provinces, and wasted precious time.

But the Provincial Secretary desires the House to believe that I mystified and deceived the country as to the cost of Railroads. This is not true. In all my negotiations with Earl Grey I assumed Major Robinson's estimate as the basis of calculation. When I moved the resolution to provide for the Windsor Railroad in 1850 I took as the basis the estimates of Wightman and Chesborough made by order of the Legislature.

The belief, that railroads could be made much cheaper in America than they had been, did not originate with me. When Mr. Chandler and myself went to Canada in 1851, we found the leading members of the Canadian Government, relying chiefly, I believe, on information collected by Mr. Keefer, impressed with the belief, that, at the then rates of labour and provisions, railroads might be made for about £5000 sterling a mile. The St. Andrew's Road, then in course of construction, had been let for less. About the same time Mr. Robert Chambers of Edinburgh, who came to this country, assured that the Peebles railroad, in which he and his brother were largely interested, would cost no more; and shortly after Messrs. Skyes, King and Brookfield came forward and offered to construct our Main line for £5200 per mile. I acted, then, from time to time, on the latest information that could be obtained. I was not an Engineer, and could make no calculations. What I did was to assume that those who had had experience knew what they were about. If I have been deceived, it is apparent that those who were the best informed were equally abroad in their calculations.

	Per mile.
Major Robinson's estimate in currency, was	£8750
Mr. Wightman's	7335
Mr. Jackson's	8125
Mr. Skyes'	6500

I had never seen a mile of Railroad located in my life, and my business was to get the work done as cheaply as I could. But mistakes are every day made by Architects and Engineers. Our canal was to be completed for £10,000. It has cost £26,000; and £17,000 more required to finish it. I hold in my hand a certificate, on which Messrs. Peters & Blaiklock base a large claim upon the British Government, for building the new Barracks, and in which all the engineers and builders in the city certify that labour and materials have risen one-third in price during the last four years. Add one-third, then, to our Railway Estimates, and the amount will probably cover the cost. If the Provincial Secretary can show that our roads could have been built as well and built for less, I may be to blame. If he cannot I care not what he says.

But I will assume, for the sake of argument, that the estimate, brought down here by the present chairman of the Railway Board, with the aid of all the new light shed upon the subject by Mr. Laurie and the Provincial Secretary, is

correct, and that our roads are to cost £9608 per mile, and then will show that, taking into account the character and style of the work, that we will have the cheapest roads in the world.

	Per mile.
The Belgian Railroads cost	£18,000 sterling,
German	13,000
French	26,832
English	40,000

Taking these sums in currency and it will be seen that our roads cost less, by £12,892 than the Belgian, by £6642 than the German, by £23,932 than the French, and by £40,392 than the English. Mr. Laurie, taking his own estimate of the cost, admits that our roads will cost less by £1600 per mile than those of New York.

Let us now see how our available resources will stand, and what we can probably do with the funds at our disposal. We have £1,000,000 to be borrowed in England, 100,000 Halifax Debentures, 60,000 Province Paper, 20,000 representing 1-3 of £60,000, borrowed through the Savings Bank at 4 per cent.

£1,180,000

There is thus £1,180,000 available for Railway construction, £883,946 will be required to finish the roads to Truro and Windsor, leaving £296,254 towards an extension of the line. To finish the 40 miles to Pictou, will, at £9608 per mile, require 384,320, leaving £98,226 to be provided for over and above the million to be borrowed. To raise this amount ought not to tax severely the wit of any Government really disposed to push these works forward, even if they do not pay a pound over their working expenses.

But suppose they pay 3 per cent., we shall have but £30,000 to provide, and our ten per cent., which must go on increasing with the growth of the country, already yield £24,000 to meet this interest, and in two or three years will pay the whole. Why all this outcry, then, about the country being ruined by these railroads? If they yield 6 per cent then shall we have a great productive property, a great labour saving machine in fact, in the bosom of our country, adding in solid capital, upwards of a million of pounds; the actual worth of the Province, and yet we are told by the Provincial Secretary that the country is "none the richer" for my labours.

"None the richer," sir. Yes, we shall be richer in honest pride—in self confidence—in enterprize—in science—in elevation of Provincial character. I have shown you that, even if the roads do not pay, the money expended will have created permanent property, indirectly of inestimable value, and fastened to the surface of our soil. That, if they do pay, you are richer by a million brought in to the country and made productive. I will now show you how much richer we shall be even if these roads do not yield a sixpence over their expenses. 65,000 persons were carried over our short road to the Grand Lake last year, and the trains ran only about 10 months. If they had run the year round the numbers would have been 75,000. Dr. Lardner calculates that a first class passenger, riding 100 miles on a railroad, saves 30s. stig. of what it would cost to carry him by coach. A second class passenger

saves 17s. Now I add both sums together, and strike 7 off, and dividing the remaining sum by 2 it would appear that every passenger carried by train 100 miles in Nova Scotia will save 20s. etc. But let us make it currency and assume that, when our roads are fairly opened, 100,000 will travel over these 100 miles within the year. Is it not clear that there will be a saving of £100,000 in the mere cost of locomotion. But if time be money let us see what that is worth.—Lardner calculates, at a very low rate, that 4s. 8d. per head is saved in the value of time by each of these passengers. If we take it at 4s. and it should be higher in this country than in England, the saving will be £20,000, while the road expenses cannot be less than £4500. These sums added together amount to £124,500. Deduct the interest of your million, and you have £64,500 to spare, even if there is no direct revenue from the Roads. Yet we are told that the country is to be "none the richer" for the member for Wind-

80r.

Thus far, I have spoken of Passenger traffic only. Let me turn your attention to the saving of freight. One horse will, over English roads, draw one ton 20 miles in a day. At that rate it would take a horse 5 days to draw a ton from Halifax to Pictou, even if our roads were as good, which they are not. A Locomotive will carry 100 tons from Halifax to Pictou in 4 hours, and come back with a similar load on the same day. It is clear, then, that four days are saved in the transportation, while estimating the cost of the driver and team at 10s. per day, reduces the expenses by £2 per ton each way. Suppose 12,000 tons to be carried 100 miles in each year, the saving on internal freight alone would be £48,000, which added to the saving in passengers, would give us a clear annual gain of £112,500, after all the interest is paid. Yes, sir, we shall be richer. Richer in the saving of time. Richer in facilities of intercourse—in the shelter and comfort of our people, transacting the business of the country. Aye, sir, and richer in means of defence; because, by means of these roads our Provincial Militia can be rapidly concentrated for the defence of our Arsenals in time of war, or as rapidly brought to bear upon an enemy that may menace our eastern or western seaports.

But, I may be asked, will these roads pay the interest on the expenditure? I never said they would. I always said what I say now, that the honor and the interests of the Province alike required that they should be built. and I am content to wait till they are finished for a final judgment on my policy.

The Provincial Secretary told us that he held me responsible for the errors of the Chief Engineer. The Government have appointed a medical gentleman to the charge of the Lunatic Asylum. Suppose he were to poison or shoot half the patients instead of curing them, would the Prov. Secretary, having exercised his best judgment in the selection, be content to be hung for the murder?—(laughter.) In selecting a Chief Engineer the late government exercised its best judgment. He came of an honest race, and his father and grandfather had been known to this community for half a century. Of Mr. Forman personally, I knew nothing before going to Scotland, but he was a Nova Scotian, and his reputation in the

country where he had studied and was employed, stood high. When he came out here, he brought testimonials of the first character. In the Railway Bills the Legislature made the Chief Engineer the officer of the Government, not of the Board. The Governor in Council was to approve of the lines selected before they were offered to contract. In no respect therefore can I be held answerable for errors in Engineering. I was an officer not a member of the Government. But have we not a most extraordinary spectacle presented to us just now? Certain disputes have arisen between the Board and the Contractors, since I retired from office, and a committee of seven gentlemen has been selected from this house to adjudicate upon them. Those disputes involve claims upon the Treasury to the extent of £70,000. Now, is it not clearly the duty of the Government to defend the interests of the Province, and, at all events until they are proved to be in the wrong, to sustain their own officers? But what do we see? While that committee is conducting this investigation the Prov. Secretary comes here and attempts to break down the character of the Engineer, by declaring him totally incompetent.

Hon. Provl. Secy.—No. I studiously and carefully avoided saying anything with respect to the capacity of that officer.

Mr. Howe.—I have no desire to misrepresent, but I have on my notes the words "totally unqualified" as applied to Mr. Forman, and the Prov. Sec. did entertain us about "blunders and bog holes;" while the member for Victoria (also a member of the government) went further, and certainly did insinuate that the Windsor Road had been put in the wrong place to favor people's plaister quarries and land speculations.

Hon. Mr. Campbell also disclaimed having intended to make any attack upon Mr. Forman.

Mr. Howe was content to accept both disclaimers, and good humouredly explained two matters referred to by Mr. Campbell. The Prov. Secy. had called upon him to "table" Earl Grey's letter. The place to do that was in England where he had published it, and where it would have been tabled on the instant, if it had been required. The learned gentleman had spoken lightly of my capacity and powers of mind. Perhaps with reason, but really, passing over all that I have done and said besides, I think I may, without vanity, place the speech at Southampton and the letters to Earl Gray, beside any Orations or State Papers that the Prov. Secy. has yet produced. I think he would stand higher in this House if he had more modesty—if, instead of ill-natured declamation and verbose puerilities, he would give us sound information and logical argument.

We were told that the intercolonial scheme failed through my blundering. I have discussed that subject at large in my letter to Mr. Hinks, and need not waste time with it now. It failed, because it was the interest of a powerful combination of English contractors and members of Parliament, that it should fail. Nobody can prove this by direct testimony, but it had been proved to everybody's satisfaction by a whole mass of evidence. Astronomers have recently ascertained the existence of some tremendous power, not yet visible by the finest instruments. But what

is known to exert a marvellous controul over our planetary system. The fact can be demonstrated though the body cannot be seen. So it must be in this case. We know that a secret and controuling power exists, and was exerted upon our Railway policy, though we may not yet be able to determine the moment, the agent, or the mode.

The Prov. Secy. vaunts over my defeat in Cumberland, but he well knows that, though a comparative stranger, I ran two elections in that County, and when I had time to meet the people, carried them handsomely. He knows or might have known that my friends could have secured my return the last time, by compromise, but refused. He knows also that I was beaten because I only arrived in the County a few days before the election, many in the remote settlements believing that I was not coming at all, and was still in the United States. He may glorify himself over the victory, but really, if the humour seized me, and I had a summer month and a pair of good horses, I should not consider it any great feat to turn him out again.

That Mr. Hincks may have been disappointed at my not joining him in England is probable, but I could not be in two places at once. I was running the Cumberland election all winter. Sir John Harvey died on the day the contest closed, and I could not leave an old officer, suddenly and unexpectedly called to administer the Government without a Provincial Secretary.

The pile of sleepers, found by Mr. Laurie and Dr. Tupper at the Long Lake are easily accounted for. Strange as it may seem, in this wooded country, we had the greatest difficulty to procure sleepers at fair prices, and in reasonable time, when we commenced our Railroads. To insure a supply at a cheap rate we imported a moveable steammill for sawing them, sold it to a man named Stewart, entering into a contract with him to take so many thousands. Delays occurred, and they were not supplied in time, and the furnishing of the sleepers was let with the later contracts. Those cut by Stewart were taken, however, and piled by the lake, where they remain as a reserve, for repairs, and for the general supply of the lines.

But we were told that the Provincial Railroads will not pay—that Inter-Colonial ones are the remedy. The gentlemen opposite, having thrown away the chances of an Inter-colonial Railway when they were very fair, having failed to carry out the Jackson scheme when they had the power—some of them having opposed Railways, from first to last, with all their might, are now very anxious to give us more. What is the meaning of all this? Simply that the Provincial Secretary, having all along humbugged the people of Cumberland with great things to be done for them in the railway line, if they would only throw me out, is very anxious to keep up the delusion. The road is on its way to Pietou; but, upon the principle on which the Irishman drove the pig, the Doctor is anxious that his constituents should believe that it is going to Cumberland.

The Provincial Secretary asked, "what had the member for Windsor to do with the introduction of Responsible Government? It grew with the country." Constitutions do not grow like beets and turnips, (and to grow them, seeds and

cultivation are required.) Great constitutional changes and reforms, especially when they are opposed, (and when are they not?) require the aid and combined action of politicians to carry them forward. I may not have done much, but I was, at least, an humble laborer in the field. In that Pamphlet of mine, published 19 years ago, and for which the Attorney General has so often called me to account, the new system was developed, explained and vindicated, at a time when not three men in the British Parliament, and no large number in the Colonies, understood it. I need say no more than this—that Land my friends advocated and maintained the new principle of Administration, while the friends and patrons of the Provincial Secretary opposed their introduction. We prevailed. The honour and the distinction of success in a good cause was ours; and we can contemplate with pride the Provinces flourishing under the system which we labored to introduce.

Mr. Howe now turned to and discussed, good humouredly, the cases of the men who had been dismissed from office. The Sovereign, under our system, must possess the power to dismiss any officer at any time. That power could, in practice, be only exercised under advice. There was no limit but the power of the Legislature, which could dismiss the advisers if it was abused, if not restrained by a sense of justice and due regard to the interests of the Province. He did not deny, then, to the Government, the right to dismiss any or all of these men, nor should we have complained if the right had been claimed and exercised without miserable attempts, in most cases, to damn and destroy the men's characters. He spoke of the Rogerses, Franchville, Logan, Davidson, Lewis, Randal, Morris, as men he had long known, and who were, in the places where they lived, held in the highest esteem. He had read all that had been written, and heard all that had been said, about their dismissals, and he did not believe that either of these men had forfeited their characters, or done anything of which they ought to be ashamed. Mr. Hamilton he knew but slightly, but had understood from the Shelburne members that he maintained a fair reputation in his county; and one thing was quite apparent, from the statements made here, and from a letter addressed to Mr. Locke, which he held in his hand, that the man had not had anything like a fair investigation. Mr. Franchville, we are told, did not enjoy the confidence of the community or know one fish from another; but the true reason for his dismissal is, that he possesses so much of the people's confidence that, in a sharp contest for the county of Guysborough some time ago, the Fin. Secretary only beat him by 17 votes. Randal Morris, we are told, "lived in an inconvenient place." But why not give the true reason, that, at elections, Morris himself was inconvenient. That my flag was always flying over his ship-yard, and that the friends of Provincial progress were rallied under it. Davidson, we are told, was dismissed because he had been a bankrupt 17 years ago, yet another person had been appointed to a similar office in Parrsboro', who was a bankrupt about 7 years ago. One or two of the cases were indefensible. One he could only express sorrow for, because, although it was the common one of a very young man exposed to strong temptations, it involved



severe wounds upon his family, who were highly respected. In another case, though he was not surprised that the person had lost his office, for he had had repeated warnings, and should have paid his balance or resigned; still, there were palliating circumstances which, in dealing with him, had not been considered or fairly stated to the House. The reason given for dismissing Mr. McKenna was, that he and Mr. Bell did not agree. But as Mr. Bell was removed before the other was quarrelling with himself.

The Provincial Secretary has endeavoured to shift the blame off his own shoulders, for not restoring Mr. Chandler, as he formerly endeavoured to lay it upon mine for removing that officer. He tells us that the Judges would not consent to restore him. If this is not correct, then is it a mean evasion of responsibility. If it is true, there must have been good reasons for the removal. In either case Mr. Chandler is much indebted to his friend.

Before I sit down, sir, I must trouble the House with a few observations on the speeches of one or two other gentlemen, but I will endeavor to be brief. The hon. member for Halifax, (Mr. Tobin asks—"Was not Mr. Condon Mr. Howe's friend, a Nova Scotian not an Irishman? Where did he learn his disloyal sentiments?") I will answer the hon. gentleman. Mr. Condon was my friend, as hundreds and thousands have been, and are, from political causes leading to personal and political association. I always respected the manliness of his character, for, unlike good many others that I could name, what he believe he is not ashamed to avow. In early life I never knew that he entertained any extreme opinions. He was a Nova Scotian, and let me say, that I do not believe the Queen has more loyal subjects anywhere than the Nova Scotians of Irish origin, when they are let alone. But they are not let alone. They are eternally tampered with by Irish Priests, from Maynooth and elsewhere, who come out here with their ultramontane notions of religion, and hatred of England, as the staple of their politics, foreign and colonial. From these men Mr. Condon learnt his extreme opinions, and from such newspapers as the *Dublin Nation* and the *New York Citizen*. Perhaps he may not have been improved by his short residence in California. I never believed of him, however, that he would sympathize with the enemies of his country in time of war. I knew his wife's family and highly respected them, and appointed him to office, that he might remain at home and be a stay to them. The removal of this man gave me no pleasure. How could it? On the contrary, the necessity for it gave me infinite pain. Tried by any test Mr. Condon must be condemned. If my "friend" he should have telegraphed to me, and not to my enemies. If a loyal subject, he should have held no intercourse with the enemies of his country which went to thwart the policy of its government. Hundreds of Germans came here, enlisted for the Foreign Legion. They made no complaint of being entrapped, and whoever heard of the Germans of Lunenburg endeavoring to make them desert? I do not complain that the man is a rebel, but that, being one he wants to hold the Queen's commission at the same time. Mr.

Condon says in his letter that "honest Irishmen do not love the British Government." But neither do they seek or desire to retain office under it. Fancy Smith O'Brien or John Mitchell complaining that they had been dismissed from office, and the consistency of Mr. Condon may be measured, by his demanding a latitude which the men he admires would consider simply absurd.

The hon. member for Halifax, and the learned member for Sydney, deprecate all religious strife and animosity. Having provoked it, and seeing the consequences they have marvellously changed their tune. They have set the heather on fire, and now would quench it if they could. Do they not both remember the passionate appeals made by Mr. McKeagney to his co-religionists in the session of 1856, when I was not here? Long before the Railway riots, before the Crampton meeting, before a word was written or said by me offensive to Roman Catholics, did not the member for Sydney do his best to rouse their passions, and withdraw their support from the Government? Were not the Separate School clauses forced in that session, before I wrote a line? Was not Mr. McLeod driven out at the commencement and Mr. Tobin at the end of it? It is very convenient now to lay all the blame on the member for Windsor.

We are accused of bigotry and intolerance, forsooth because we will not patronize treason and violence, separate Schools and Synodical letters. Where should I learn to be a bigot? My father was a zealous Protestant all his life, yet lived on terms of mutual respect and friendship with Bishop Burke. That Prelate never taught disloyalty in his diocese, or attempted to control the education of the Province. To the day of his death the late Bishop Fraser was my own valued friend. But well I know, that if an enemy had landed on our shores, there was not a man in the province who would have sooner put himself at the head of his clansmen to resist him, than that high spirited and loyal man. Let me do justice, and acknowledge that I believe his successor, Dr. McKinnon, would do the same. I never said, and do not now believe, that, among the Scotch and French Catholics of Nova Scotia there is any disaffection—nor did I believe, until the Russian War broke out, that any portion of the Irish Catholics would carry their old world passions and prejudices so far, as in such an emergency to sympathize with the enemies of their country.—When they did, when they abetted violence and demanded separate schools, I took my ground and mean to maintain it. But I have not changed my opinions nor my policy. I am no more of a bigot than I ever was. No person ever knew me to wound any man's feelings or to do him any injustice on account of his creed. The learned member from Sydney tells me that he has broken the image which he formerly treasured in his heart. I cannot break so easily my pleasant pictures of the past. Old companions in arms may become estranged, unreasonable and unjust, but when they do I remember only those passages of life in which they exhibit finer characteristics. Those who have once enjoyed my confidence, or lived in my affections, are apt to live there still, whatever may be the convulsions that subsequently divide us. When I first came to this House, a near re-

lation of the hon. member from Clare was my friend and fellow labourer in all the struggles of that period. I have not seen him for years. What he thinks of me now I know not, but he will ever dwell in my memory and I can only think of him as of a friend.

Mr. Howe then replied to the observations made upon the enlistment question, but, as these were given at large in the report of last session, we omit them here. He concluded by thanking the House for the patience with which they had heard him, and by the expression of a hope that he had discussed the subjects before him in a spirit of candour and moderation.

HON. FINANCIAL SECRETARY.—I rise to make a few remarks, touching observations which have been addressed to the house during the debate. Much that has been said I consider not worthy of notice. We have been charged with following out the policy of gentlemen opposite. In one sense that may be partly true. The late government and its supporters, made it requisite that there should be party, and party strife of the warmest character. By introducing that system they have arrayed the people, one against another. Those who attained to office in 1857, had to follow out the policy of responsible government to some extent, as pursued by their predecessors, who introduced it in its worst features, and resisted every attempt of the conservative side for the adoption of measures for the good of the country, and to carry out responsible government honestly. Who opposed the municipal corporation bill, which would give to the country the appointment of its own officers? Those who now charge us with not carrying out our policy. We cannot do so. The existing system of government is unfit for it in its present state. The opposition rejected every part of it that gave control to the people, and took that which gave themselves power. They resist it now, the extension of that power to the people which they professed to give when they introduced the system. That is an answer to those who talk of our policy. They were first negligent in not introducing all the system, and now they are guilty of wasting time, and attacking the government for not doing what they themselves resist. They blame us as enemies of the public works. After commencing large works, and causing embarrassment by want of caution and skill, they left the government—subject to difficulties and onerous duties—to their successors; and now have the audacity to charge us with being enemies to the works, which we had to carry on under their difficulties. In reference to the appointments made to the Legislative Council, do the opposition want the government to approach that body, and ask it to denude itself of power, without first completing its numbers, and so placing it in a state fit for deliberation on so important a question? If I sat in that branch, under such circumstances, and such a bill were carried by this house, I would resist and petition the Queen, stating that the government was carried on inconsistently with the constitution of the country; that one branch was incomplete, while it was called to consider a measure adverse to its own privileges. Concerning selections according to counties, the government did right to put the proper man there. That is my answer to that objection.

One gentleman, the member for the county of Halifax, who comes under the denomination of meddler, thought proper to travel out of the record, to make allusions to what I said relative to the learned member for Colchester. I give him this answer: I never pay much attention to what he says, and only intend to make a passing reply to any of his remarks. I draw a vast distinction between his views and those of the member for Colchester.

I turn attention to remarks much more worthy of notice. The member for Windsor, in his speech of seven hours, gave me opportunity for making copious notes; some of which only I will make use of in reply to parts of his remarks. Brief space only was given by that gentleman to the resolutions, and the rest to various matters which I cannot now treat as they might be treated.—He spoke of his ideas of dismissals from office, and qualification for it. The cry on these subjects is raised by a desperate party out of office, and not by the persons most concerned, or the people of the Province. We have no petitions here on the subject, and no published letters asking for enquiry. On the questions the meaning of the old adage of "save me from my friends" strongly applies. Those dismissed are not defended by dragging their names forward, and giving charges against them publicly. The Government held private character sacred; the parties received notice for what they were dismissed.—but by the action of the opposition these questions have become subject in record, in a way not at all calculated to be pleasing to those concerned. Without petition or due cause the opposition bring forward these questions, being anxious to have anything to adduce against the government. Did the member for Windsor deal with those subjects on their merits—does he deny the truth of charges? No,—but for political purposes they are brought here. It may not be worth while that I should occupy time on the hon. member's speech,—but I consider it of a dangerous character, and calculated to have dangerous effect on the youth of the country. He excuses one man, because another has been guilty of some other offence, and speaks of us all having our faults, as if that could justify those liable to serious charges. He might well deny that he did not belong to the Protestant Alliance, for he seems not to have much religious doctrine of any kind. He speaks of men being fine fellows, and makes light of their public misdoings,—and mis-states circumstances, with a degree of levity not at all calculated to improve the public morals. He also brings the ten commandments into the question, setting one part of the decalogue as a kind of palliation for offences against another part, and thus exhibits the damaging example to youth, of one of our cleverest men making light of crimes by joking and sneering in a way not at all applicable nor appropriate to the case.—Therefore it is that I take a passing notice of that part of the hon. gentleman's speech, thinking it of dangerous tendency, and requiring some corrective accordingly. He then goes to topics which have been in question, and to some which require contradiction.

The hon. member enquires, why the government did not appoint Mr. Miller. I took considerable part on that occasion, during a former session. Mr. Miller approached the house by petition;—no charge appeared against his charges

ter;—he was dismissed from office on the plea of insubordination. During the controversy, the then government alleged, that he held opinions, respecting the service to which he was attached, which would prevent any government from appointing him, until he gave up such views. The member for Windsor turned to a number of certificates relating to doings at the Lunatic Asylum. Those papers might be very good in themselves, but are of little use in reference to the subject for which they are produced. The certificates, relative to the person having charge of the construction of the work go for nothing, if his conduct be really what it ought not to be. The overseer was not sufficiently temperate for his duties; I do not condemn a man for taking a glass of wine, but I have nothing to do with one who, from that cause, cannot mind his business. Soon after I came to the government, I paid a visit to the works. I found the men sitting about, idle. They did not know who I was, and gave no satisfactory answer to my questions, seeming to think I had no right to enquire. It was then about 11 o'clock of the day; no overseer was present, and the men appeared watching for his arrival. Five men were employed selecting the bricks, and time thus occupied, in consequence of material not being ready for the contractors. While I was making these inspections, other members of government came on the ground, and, on understanding who they were, the men turned to their several employments. An examination of the building proved the existence of many defects. The specifications showed there was no drainage provided for the interior of the building;—and who ever before heard of putting up, even the meanest house in the land, in a gully hole, without any drainage; Yet, for this public building, there was no outside drainage, to keep the premises from flowing with water. There was a tank outside, and a drain from the cellar to the tank; but when the tank overflowed, the water went back again to the cellar. The shrinking was such, that when the building settled, some twenty-three or twenty-seven of the window-sills broke down. There were leaks in various parts of it, and the building materials were not duly prepared, nor cemented by requisite mortar. Stones could be picked from the building, and the hand and part of the arm, could be thrust between the layers, at parts of the walls. I do not blame Mr. Davis, by these remarks; an overseer was there, whose duty it was to see that the work was properly constructed. The building was improperly put up, and cost more than it ought, if proper economy were used. The overseer's accounts came more immediately under my superintendance. I found one charge of £34 for model sashes, which the contractor ought to have provided; and on enquiry from a carpenter, I found that he would make them for £4. Many items appeared mystified in the same way, and sometimes the parties did not seem to know the difference between superficial and solid contents. The account was handed back, but it was returned again, for rather a larger amount, and getting rid of the £34 charge. If a man obtained all the certificates in the city of Halifax, could you continue him under these circumstances? My charge relates to incompetency; I do not believe him dishonest. That was the way in which the late government went on dealing with a public build-

ing. It was to cost £21,000; £17,000 has been now expended, and not more than one-third of the work done, and that done badly. I wondered to hear it said, the other day, that a wall put up to support the building had injured it;—only for that, I believe, part of the building would have tumbled down.

The next part which I notice in the address of the member for Windsor, is that in reference to denominational influence. He spoke of the scenes at the last elections, and said that Catholics were driven to the hustings, to support members of government. Did he know that to be done at Annapolis? or at Pictou? or was it at Guysborough? I deny the charge, as regards the county I represent; and let members opposite make out a satisfactory case if they can. Let them keep to facts. When those charges are read, many who know them to be incorrect, and who did not vote for me before, will do so at another opportunity. The hon. member denied that he was the agitator for Railways; and said that that should be ascribed to Mr. Cogswell, and Mr. Collins, and Mr. G. R. Young. He ought to let the last name alone. That gentleman stood here, and prophetically and emphatically told the country that if the Railways were commenced as a public government work, it would be a fatal error. He said that you would feel it in your road vote, and in your school monies. He is now no more; but his words have come true. You have felt it in both particulars. When I heard the member for Windsor, I thought of the declaration made by myself about his conduct to any man that stood in his way. He had better, I think, let that name alone. The hon. member says that if the late government had made mistakes, had not mistakes occurred elsewhere also? But that is not what I charge against him. When we said that the works would cost more, and that the mode was unwise, we were denounced on the floors of the house, and denounced in the galleries, and met with no little difficulty in passing to and from the house, in consequence of that. If subsequently he had said that he believed the construction of public works in the way contemplated would be beneficial—but that the cost had been underrated, and that he was ready to give all the assistance he could to the works, and that he did not consider those into whose hands the works fall to be enemies of the same,—then the country would give him credit for good intentions and proper conduct. The country was not disinclined to judge men fairly, whether in or out of office; but it objected to the judgment of men who made such mistakes, and who sustained them as these had been. The people were not to be so dealt with—they were foreseeing and would estimate a public man as he deserved. When he forgets himself, and proves that he is not the man he was expected to be, though he may have gone up like a rocket he may come down like a stick, as has been said on a former occasion.

The hon. member spoke of the Catholic papers absolving the Revd. Mr. Uniacke, and calling him names. When did that take place?—was it to day; or last year? Is he not aware that that was said when the Catholics sustained himself and his party; and where was his sensitiveness then about speaking lightly of Protestant ministers? Where was the Protestant Alliance? Why was that matter brought here?—Was it necessary

now? Why not then? Because now the Conservatives are in office, and are aided by the Catholics—therefore it is that an attempt is made to raise a political feeling on the question; but that will not do for the country. The hon. member let out something in his speech of seven hours. He said that when the Conservatives got a hold of the public works, a row was kicked up, and it was requisite to form an Association;—so that it was not religion alone, but the public works also; and the latter probably assumed the more prominent place in the estimation of some gentlemen. Let us hear no more of the hon. member's peculiar guardianship of religion, a stronger arm than his may be depended on for its support. Objection was not made to Catholic opposition at a time when offence was given, because then aid was required;—now, when no such offence appears, it is pretended that to have that aid is something dreadful. He would fain make us believe that the government is subject to great pressure from the Roman Catholics. I declare, however, whether the assertion be credited or not, that no pressure from high or low, rich or poor, have been brought to bear on me, nor on my colleagues that I know of. When I was coming to Halifax, some influential persons of that denomination warned me, remarking that there were many of the poorer of their people in the city, and that if they attempted to press, I should not be pressed by them, and that in yielding I should not consider that I was serving those who gave me the advice. That was the language used to me by gentlemen having a large stake in the country; and I would not do right did I not state the circumstance. That is the kind of pressure that I have experienced; they kept pressure off instead of the reverse. We have had pressure, however, from some who ought to be ashamed of its exercise, and who were not Catholics. Talk not to me of priest-ridden people, I see more of that out of the Catholic pale than within it.

I was amused at the distinction made by the member for Windsor between Scotch and Irish Catholics. He enquired whoever heard him say a word against his friend Mr. Bourneuf, or his dear old friend the member for Clare. He was so complimentary that I feared for the fidelity of my old friend; I doubted whether Eve was more tempted by the serpent than the member for Clare, by the member for Windsor. He said—Would I not have made Mr. Doyle Solicitor General,—and did I not want to make him Judge, but his own people would not let me. If so, why does he charge them unjustly? If they would not consent to that, when they had the power, why attribute improper pressure to them now! He who acts in that way, sows the wind, and may expect to reap the whirlwind. He says also, would I not do anything I could for my friend Mr. McLeod,—did he press? No; although the member for Windsor wished that one of the denomination should be head of a department. If there was no pressure then, why conclude that there is now? That people supported the hon. gentleman for ten years, and with the enthusiasm peculiar to themselves. It comes hard from him, therefore, to cast any slur on their character,—particularly when he himself gives evidence that when he wanted to do what neither they nor I would agree to, they told him to stay his hand. Who that recollects the eloquence and talents of Lawrence O'Conner Doyle,

but regrets his departure from the country; and that he did not so act as to remain honored and useful here? The hon. member says, that the member for Guysboro' made little of the Gourlay's shantle row, as compared with the conflict at Fox Island. They did contend like men there, and when it was over bore no malice, but were ready to fight for one another next day. But here, in the city of Halifax, with troops at your back, the fight of Gourlay's shanty appears to have frightened you out of your propriety. I could take half a dozen men from my county that would beat all the set you speak of. What was done in the Fox Island affair? The ring-leaders were arrested, convicted and punished. We did not try to implicate all the Catholic inhabitants of Guysboro',—we did not insult them—No; if we acted so we would have failed. The people love fair play—they come from the best blood of England and Ireland,—and you mistake the proper way of dealing with them, if you trample on fair play and common justice; if you try to prejudge, and assail their clergy. Here you raised the popular feeling;—the late Prov. Secretary issued his proclamation, and soldiery were sent to the scene. That was a nice way to take up Irish rioters;—you know nothing about it, and should not speak of it. I wonder that men are so un-Irish, who were so long carried on their shoulders. That the hon. member is so differently situated to-day, is his own fault,—and I believe it will be sometime before they lift him up again.

We acted in the way I describe—180 miles from the capital; and in tory times, too. Who took up the men, and who sat as a jury? Catholics as well as Protestants. No distinction was made; the majesty of the law was respected, and took effect, and the people banded themselves together for that purpose. I found myself at the head of 130 fellows, special constables, who would very quickly sweep your railway rioters aside. No taunts or insults were used; they who were in fault were tried and punished by the laws of the province,—and that is an example which the hon. gentleman may follow when he attains to power again, and meets with similar difficulty. If he asks me how to quell a riot, I say not by prejudging, or charges of disloyalty; but by more rational means. I also am mixed up with those charges, as taking part with those implicated. I care little for that, as do those who are best acquainted with me. The late Mr. Uniacke has been spoken of, and I may ask who performed the duties of his office for the last twelve months? The under officer, assisted by others, and we were delighted to have the work done, and to let the principal take the salary. When gentlemen opposite do as much for one of our friends, they may charge us with injustice. We did a little more than our duty in the kindness evinced in that instance. Harshness is one of the last charges that should be brought against the government in reference to their dealings with that officer.

I turn to the Journals of 1839, to show the disposition of the member for Windsor to visit any one with his indignation whom he thought in his way. At that time it was considered well to send a delegation to England, and the late Mr. Hantington and Mr. Young were selected from this branch. It appeared, however, that another was going also, and a committee of the



house waited on the Lieut.-Governor, to enquire in what character Mr. Stewart was going to the old country, what business he had to perform there,—whether he was authorized to make any stay in England, or to interfere in the politics of the province. The Governor stated that the hon. gentleman was going as a delegate from the Legislative Council, and that he supposed he had a right to go. Mr. Stewart was hated by the member for Windsor—hated for his talents and his position, and according to habit he continued to exhibit his animosity. On the 24th March, 1840, he moved a resolution in this house, reflecting on the council's delegate, and declaring that his appointment was regarded as an insult to the house. I feel, sir, that if I was the actor in that scene, I would ere now have solicited some one to remove that record, and to obliterate the names of those who voted for the resolution. I never attack a man 3000 miles away, while I have an opportunity of opposing him when he is here. I hate attacks in the dark. A justification was given the other day, concerning an intimation that Mr. Stewart had taken a sum of £90, which he had no right to; that was named as a kind of set off to other charges. The hon. gentleman gave us a specimen of what I call boxing figures at another part of the session, and this according to a mode of boxing crime: the charge was answered by reference to a letter signed by the hon. gentleman himself, as Provincial Secretary,—and I may enquire what position does Mr. Stewart hold now? He is understood to be rich;—he enjoys health; and on retiring from a high office, her Majesty placed the ribbon on his breast, as a man worthy of her confidence. The more those who are in the wrong agitate, the deeper they get into difficulty, while a man like Mr. Stewart, lives respected and honored.

The House met at 3 o'clock. The adjourned debate on the hon. Mr. Young's resolutions was resumed.

Mr. RYDER said—As no hon. gentleman seems inclined to occupy the floor, I beg leave to offer a few remarks on the subject now under debate. I hope hon. gentlemen will pardon me for trespassing briefly on their attention, and I have even confidence that they will do so when they reflect that it is not often I encroach on the time of the house. My forte, Mr. Speaker, is not the making of long speeches. I have been for the last eighteen years a member of this house, and my object has, I trust, ever been to promote the welfare and advance the interests of the constituency I represent and the country generally. As far as lay in my power I attempted to remedy that unfair state of things which existed, and by which the French Acadian population were almost wholly excluded from office. When the late government held the reins of power, I made one or two recommendations for appointments, which they honored me by adopting, but not until they had first made due inquiry and ascertained the political leanings of the nominees. (Laughter.) When the present government came into power, I, conceiving that I had a right to do so, as one of their supporters, nominated three French Acadians to the magistracy; pressure was brought against me by a number of gentlemen residing in the county to suggest to the government the

removal of certain officers who they conceived should not have been appointed. Among these was a Way Office Keeper, who stands pretty high in the estimation of the community, and had voted against me at the last election. I said to my friends, "Shew to me that the people desire his dismissal, and I will acquiesce." Petitions went round, and that gentleman obtained more signatures to the petitions in his favor than were appended to those against him; consequently, he was not removed. As to Mr. Condon, I do not think him chargeable with all the disloyalty that some hon. gentlemen would have us believe; privately, his character stands fair in this community; publicly, he has done nothing that merits his being proscribed from office. Holding these views, sir, and believing that the government have acted moderately and wisely, I shall vote against the resolutions proposed by the hon. and learned member for Inverness.

Dr. BROWN said—This question has taken a wide range, and is now thoroughly understood by the house. I should not take up the time of the house, were it not that it will be expected that I should not give a silent vote, but offer a few reasons for the course I intend to take.

I do not hesitate to say, that I disapprove of the late appointments to the Legislative Council—Messrs. Whitman and Dickey—and I am still of the same opinion. I think that a government really in earnest in changing the constitution of that body ought not to have made these appointments. They ought at least to have waited until they had an opportunity to consult their friends and supporters in the Assembly, before they ventured to take a course so much at variance with their professions for the last four or five years.—But suppose, for this fault, which I do not intend to excuse, I should withdraw my support from the government and assist the hon. member for Inverness in overthrowing the government—with whom would I find myself cemented?—what should I gain by change? The hon. Attorney General and his friends have at least shown that they are now desirous of making the Council Elective, for they have staked their existence as a government on the success of the measure. What have the hon. and learned member for Inverness, the hon. member for Windsor, and their friends done? While admitting the necessity of this and similar changes in their speeches, they uniformly deny them to the people by their acts. These are the benefits which the people of Nova Scotia are to expect from a change of government. If the hon. member who moved these resolutions had made out a case for himself, he might have reasonably asked my support in overthrowing the government; he has only made it appear that nobody but himself and friends, who would participate with him in the emoluments of office, would be gainers by the exchange.

As to the dismissals of office-holders, and appointment of Magistrates complained of in these resolutions, the present government have but followed the footsteps of their predecessors, and having sustained the policy of the late government in similar acts, I cannot consistently condemn the present administration. In fact, I confess I do not feel, and have never entertained that holy horror of dismissing from office, which has for several years given rise to so much discussion here and elsewhere. I never sympathized with the opinions of the learned leader of the



government, when in opposition, in his denunciations of the late government's distribution and management of patronage. I have always thought, and still think, that no officer in the country should be placed beyond the reach of the people's power to displace him—and that it is not necessary always to show cause for the removal. This acts as a wholesome restraint on officials of every grade and character which would not otherwise be felt.

What great harm is done suppose some subordinate is subjected to mortification, or it may be injustice, if the public are benefitted by the change. When an old fogey in his dotage still clings to office, it is right for the people to have the honor to give him his ticket of leave, even without enquiry.

For these reasons I feel bound to vote against the resolutions before the house. I cannot sit down without adverting to the common waste of time this useless and unprofitable discussion has occasioned. It will cost the country thousands of pounds, and lead to no useful or practical result.

[The speeches which followed we have not been able to obtain, and therefore give the division, which was as follows:—]

Some conversation ensued between Mr Henry and Mr Archibald, relating to the resignation of his office of Provincial Secretary, by the former gentleman, upon Mr Condon's dismissal. A call of the house was had, and the division was then taken on the amendment of Mr Henry, when there appeared:—For the amendment, Messrs. Bourneuff, Bent, Churchill, Killam, Fuller, Caldwell, C. J. Campbell, McKeagney, Tobin, Financial Secretary, Martell, Henry, McLearn, Moses, Shaw, Bill, Ryder, J. Campbell, Ruggles, McFarlane, Smyth, Wade, Attorney General, Brown, Provincial Secretary, Solicitor General, McKinnon, White and Robicheau—29.

Against—Mr Esson, Rhinard, McKenzie, Bailey, Parker, Geldert, Munro, Chambers, Dimock, Archibald, hon. Mr Young, Wier, Morrison, Anand, Locke, McDonald, Robertson, honble. Mr Howe and Chipman—19.

The second resolution, introduced by the hon. Mr Young, relating to Mr McKeagney's appointment, was then put and negatived 29 to 19—the names standing as previously. The house then divided on the remaining resolutions introduced by hon. Mr Young, the members and names remaining the same.