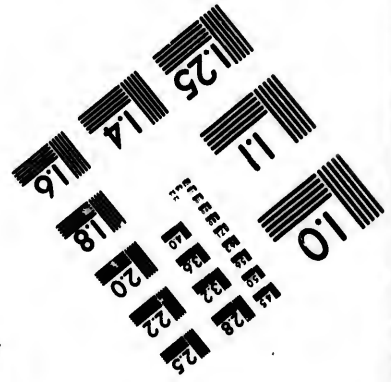
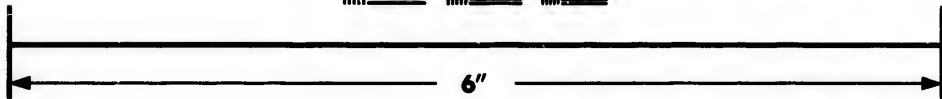
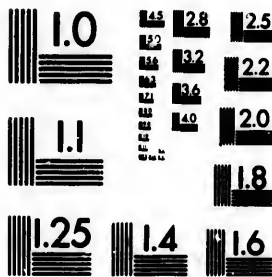


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

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

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1985

Technical and Bibliographic Notes/Notes techniques et bibliographiques

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

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

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

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

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

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

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

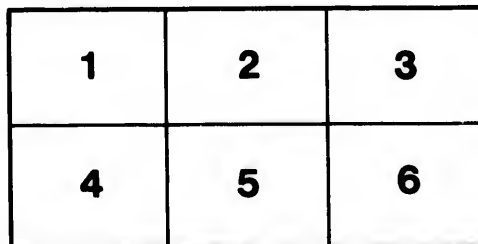
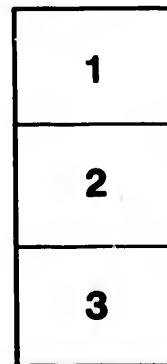
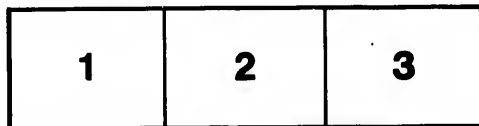
Library of the Public
Archives of Canada

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

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

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

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



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

La bibliothèque des Archives
publiques du Canada

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

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

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

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

Capt

Captain Philip Westhall
with the Author's best respects.

RESPONSIBLE GOVERNMENT.

LETTERS

TO

THE RIGHT HONORABLE

Lord John Russell,

&c. &c. &c.

ON THE

RIGHT OF BRITISH AMERICANS

TO BE

GOVERNED BY THE PRINCIPLES

OF THE

BRITISH CONSTITUTION.

"Look on this Picture, and on that."

HALIFAX, N. S.

1839.

My

be
me
Pr
tha
fid
the
of
of
jec
wh
Er
lit
up
th
m
aff
an
th
it
be
pe
m
g
ce
sh
I
b
p
la
s
p
u
t
t
a

LETTER I.

Halifax, Nova Scotia, Sept. 18, 1839.

MY LORD,

I BEG your Lordship to believe that no anxiety to seek for notoriety beyond the limited sphere in which Providence has placed me, tempts me to address these letters to you. Born in a small and distant Province of the Empire, and contented with the range of occupation that it affords, and the moderate degree of influence which the confidence of some portion of its population confers, I should never have thought of intruding upon your Lordship, had not the occupations of my past life, and the devotion to them of many days of toil and nights of anxious enquiry—led me to entertain strong opinions upon a subject which your Lordship has undertaken recently to discuss, and which, while it deeply concerns the honor and the interests of the Empire, appears to be, by Her Majesty's present Ministers, but little understood. Whether or not the Anglo-American population, upholding the British flag on this side of the Atlantic, shall possess the right of influencing through their representatives the Governments under which they live, in all matters touching their internal affairs, (of which their fellow subjects living elsewhere know nothing, and with which they have no right to interfere,) is a question, my Lord, that involves their happiness and freedom. To every Nova-Scotian it is no light matter, that the country of his birth—in whose bosom the bones of a hardy and loyal ancestry repose, and whose surface is possessed by a population inferior in none of the physical or moral or mental attributes which distinguish his race, to any branch of the great British family—should be free and happy. I share with my countrymen their solicitude on this subject—I and my children will share their deep disgrace if the doctrines recently attributed to your Lordship are to prevail, to the utter exclusion of us all from the blessings and advantages of responsible Government, based upon the principles of that Constitution which your Lordship's forefathers labored to establish, and ours have taught us to revere. To the consciousness of social and political degradation which must be my portion, if the future government of North America is arranged upon the principles recently avowed by the ministry, I am reluctant that the reflection should be added that the Colonists were themselves to blame, in permitting a great question, without ample discussion and remonstrance, to be decided upon grounds which they knew to be

untenable and untrue. In addressing your Lordship on such a topic, it is gratifying to reflect, that your past life is a guarantee that the moment you are satisfied that a greater amount of freedom and happiness can be conferred on any portion of your fellow subjects than they now enjoy, without endangering the welfare of the whole—when once convinced that the great principles of the British Constitution can be more widely extended, without peril to the integrity of the Empire, you will not hesitate to lend the influence of your great name and distinguished talents to the good old cause “for which Hampden died in the field and Sidney on the scaffold.”

Lord Durham's Report upon the affairs of British North America appears to have produced much excitement in England. The position which his Lordship occupies as a politician, at home, naturally draws attention to whatever he says and does—and the disclosures made in the Report must appear so strange to many, and the remedies suggested so bold and original to many more, that I am not surprised at the notice bestowed by friends and foes on this very important document. From what I have seen, however, it is evident that his Lordship is paying the penalty of party connexion, and that his opinions on Canadian affairs, instead of being tried upon their merits, are in many cases applauded or opposed, as his views of British and Irish politics happen to be relished or condemned. It is almost too much to expect that my feeble voice will be heard amidst the storm of praise and censure that this Report has raised; and yet there may be some, who, disliking this mode of estimating a state paper, or distrusting the means of judging possessed by many who express opinions, but whose practical experience of the working of Colonial Constitutions has been but slight, if indeed they have had any, may feel disposed to ask, what is thought of the Report in the Colonies? are its leading features recognized as true to nature and experience there? are the remedies suggested approved by the people whose future destinies they are to influence and control?

The Report has circulated for some months in the Colonies, and I feel it a duty to state the grounds of my belief, that the attribution by his Lordship of many if not all of our Colonial evils and disputes to the absence of responsibility in our rulers to those whom they are called to govern, is entirely warranted by the knowledge of every intelligent Colonist—that the remedy pointed out, while it possesses the merits of being extremely simple and eminently British, the making them so responsible—is the only cure for those evils short of arrant quackery—the only secure foundation upon which the power of the Crown can be established on this Continent, so as to defy internal machination and foreign assault.

It appears to me that a very absurd opinion has long prevailed among many worthy people on both sides of the Atlantic, that the selection of an Executive Council, who, upon most points of domestic policy, will differ with the great body of the inhabitants, and the majority of their Representatives, is indispensable to the very existence of Colonial Institutions; and that if it were otherwise, the Colony would fly off, by the operation of some latent principle of mischief,

which
tain
pres
inhal
the b
to th
name
Dow
neig
richl
tion
body
I h
popu
the l
the l
ested
men
joy a
itself
lectu
a Pe
and
more
othe
ancc
can
thos
resu
com
offe
to u
gran
that
and
by t
the
to a
pic
clai
app
as t
they
I
lige
wot
is n
We
the
the

which I have never seen very clearly defined. By those who entertain this view, it is assumed that Great Britain is indebted, for the preservation of her Colonies, not to the natural affection of their inhabitants—to their pride in her history—to their participation in the benefit of her warlike, scientific and literary achievements, but to the disinterested patriotism of a dozen or two of persons, whose names are scarcely known in England, except by the Clerks in Downing Street,—who are remarkable for nothing above their neighbors in the Colony, except perhaps the enjoyment of offices too richly endowed ; or their zealous efforts to annoy, by the distribution of patronage and the management of public affairs, the great body of the Inhabitants whose sentiments they cannot change.

I have ever held, my Lord, and still hold to the belief, that the population of British North America, (the French Canadians, since the late insurrections, of course excepted,) are sincerely attached to the Parent State ; that they are proud of their origin—deeply interested in the integrity of the Empire—and not anxious for the establishment of any other form of Government here than that which you enjoy at home—which, while it has stood the test of ages, and purified itself by successive peaceful revolutions, has so developed the intellectual, moral and natural resources of two small Islands, as to enable a People, once comparatively far behind their neighbors in influence and improvement, to combine and wield the energies of a dominion more vast in extent and complicated in all its relations, than any other in ancient or modern times. Why should we desire a severance of old ties that are more honorable than any new ones we can form ? Why should we covet Institutions more perfect than those which have worked so well, and produced such admirable results ? Until it can be shown that there are forms of Government combining stronger executive power with more of individual liberty—offering nobler excitements to honorable ambition, and more security to unassuming ease and humble industry, why should it be taken for granted, either by our friends in England, or our enemies elsewhere, that we are panting for new experiments, or disposed to repudiate and cast aside the principles of that excellent Constitution, cemented by the blood and the long experience of our fathers, and upon which the vigorous energies of our brethren, driven to apply new principles to a field of boundless resources, have failed to improve ? This suspicion is a libel upon the Colonist, and upon the Constitution he claims as his inheritance—and whose principles he believes to be as applicable to all the exigencies of the country in which he resides, as they have proved to be to those of the fortunate Islands in which they were first developed.

If the conviction of this fact were once acknowledged by the intelligent and influential men of all parties in Britain, Colonial misrule would speedily end, and the reign of order indeed commence. This is not a party question—I can readily understand how the Duke of Wellington and Sir Robert Peel may differ with your Lordship or the Earl of Durham, as to whether measures should be carried which they believe will impair, and you feel will renovate, the Constitution ;

but surely none of these distinguished men would wish to deny the Constitution itself to large bodies of British subjects on this side the water, who have not got it—who are anxious to secure its advantages to themselves and their children—and who, while they have no ulterior designs that can by any possibility make the concession dangerous, can never be expected to be contented with a system the very reverse of that they admire—and in view of the proud satisfaction with which, amidst all their manly struggles for power, their brethren at home survey the simple machinery of a government which we believe to be, like the unerring principles of science, as applicable to one side of the Atlantic as to the other, but which wo are nevertheless denied.

Many persons, not familiar with the facts, may wonder how this occurs—and be disposed to doubt the correctness of my assertion. It seems strange that those who live within the British Empire should be governed by other principles than those of the British Constitution, and yet it is true notwithstanding. Let me illustrate the fact by a few references to British and Colonial affairs. In England the Government is invariably entrusted to men whose principles and policy the mass of those who possess the elective franchise approve, and who are sustained by a majority in the House of Commons. The sovereign may be personally hostile to them—a majority of the house of Lords may oppose them in that august assembly, and yet they govern the country, until; from a deficiency of talent, or conduct, or from ill fortune, they find their representative majority diminished, and some rival combination of able and influential men in condition to displace them. If satisfied that the Commons truly reflect the opinions of the constituency, they resign—if there is any doubt a dissolution is tried, and the verdict of the country decides to which party its destinies are to be confided. You, in common with every Englishmen living at home, are so familiar with the operation of the system, and so engrossed with a participation in the ardent intellectual competition it occasions, that perhaps you seldom pause to admire what attracts as little attention as the air you breathe. The Cabman who drives past St. Paul's a dozen times a day, seldom gazes at its ample outline or excellent proportions; and yet they impress the Colonist with awe and wonder, and make him regret that he has left no such edifice in the west.

As a politician then your Lordship's only care is to place or retain your party in the ascendant in the House of Commons. You never doubt for an instant that if they are so they must influence the policy and dispense the patronage of the Government. This simple and admirable principle of letting the majority govern, you carry out in all your Corporations, Clubs, and public Companies and Associations, and no more suspect that there is danger in it, or that the minority are injured when compelled to submit, than you see injustice in awarding a cup at Epsom or Doncaster to the horse that has won rather than to the animal which has lost the race. The effects of this system are perceptible every where. A Peer of France, under the old régime, if he lost the smiles of the Court, suffered a sort of

politi
sligh
an ir
rally
State
of hi
selfr
feel i
entire
servi
they
quali
pene
an ac
is a s
by w
His
their
blanc
child
the P
and
vern
Fr
Scot
that
Adm
of
polic
why
Prin
be d
ston
lity
ple.
not
are
und
out
Y
L
exce
happ
Low
coul
coul
upo
whi
—b
exis

political and social annihilation—a Peer of England, if unjustly slighted by the Sovereign, retires to his estate, not to mourn over an irreparable stroke of fortune, but to devote his hours to study, to rally his friends, to connect himself with some great interest in the State, whose accumulating strength may bear him into the counsels of his Sovereign, without any sacrifice of principle or diminution of self-respect. A commoner feels, in England, not as commoners used to feel in France, that honors and influence are only to be attained by an entire prostration of spirit—the foulest adulation—the most utter subserviency to boundless prerogatives, arbitrarily exercised—but that they are to be won, in open arenas, by the exercise of those manly qualities which command respect, and by the exhibition of the ripened fruits of assiduous intellectual cultivation, in the presence of an admiring nation, whose decision ensures success. Hence there is a self-poised and vigorous independence in the Briton's character, by which he strangely contrasts with all his European neighbors. His descendants in the Colonies, notwithstanding the difficulties of their position, still bear to John Bull, in this respect, a strong resemblance—but it must fade if the system be not changed; and our children, instead of exhibiting the bold front and manly bearing of the Briton, must be stamped with the lineaments of low cunning and sneaking servility, which the practical operation of Colonial Government has a direct tendency to engender.

From some rather close observation of what has occurred in Nova-Scotia, and the adjoining Colonies, I am justified in the assertion that the English rule is completely reversed on this side the Atlantic. Admitting that in Lower Canada, in consequence of the state of society which Lord Durham has so well depicted, such a policy may have been necessary, surely there is no reason why the people of Upper Canada, Nova-Scotia, New-Brunswick, Prince Edward Island and Newfoundland, should, on that account, be deprived of the application of a principle, which is the corner stone of the British Constitution—the fruitful source of responsibility in the Government, and of honorable characteristics in the People. If the Frenchmen in one Province do not understand or cannot be entrusted with this valuable privilege, why should we, who are all Britons, or of British descent, be deprived of what we do understand, and feel that we can never be prosperous or happy without?

Your Lordship asks me for proofs. They shall be given.

Looking at all the British North American Colonies, with one single exception, so far as my memory extends, although it has sometimes happened that the local administration has secured a majority in the Lower House, I never knew an instance in which a hostile majority could displace an Executive Council whose measures it disapproved, or could, in fact, change the policy or exercise the slightest influence upon the administrative operations of the Government. The case which forms the exception was that of the Province of New-Brunswick—but there the struggle lasted as long as the Trojan war, through the existence of several Houses of Assembly, and was at length conclu-

ded by an arrangement with the authorities at home, after repeated appeals, and two tedious and costly Delegations to England. But the remedy applied, even in that case, though satisfactory for the time, can have no application to future difficulties or differences of opinion. Let us suppose that a General Election takes place in that Province next year, and that the great body of the People are dissatisfied with the mode in which the patronage of the Government has been distributed, and the general bearing of the internal policy of its rulers. If that Colony were an English Incorporated Town, the people would have the remedy in their own hands; if they were entrusted with the powers which as British Subjects of right belongs to them, they would only have to return a majority of their own way of thinking, a few men would change places, the wishes of the majority would be carried out, and by no possibility could any thing occur to set the People and their Rulers into such a state of collision as was exhibited in that fine Province for a long period of years. But under the existing system, if a hostile majority is returned, what can they do? Squabble and contend with an Executive whom they cannot influence—see the patronage and favour of Government lavished upon the minority who annoy but never outvote them—and, finally, at the expiration of a further period of ten years, appeal by Delegation to England, running the hazard of a reference to a clerk or a Secretary, whose knowledge of the various points at issue, is extremely limited—who has no interest in them, and who, however favourably disposed, may be displaced by some change in the position of parties at home before the negotiations are brought to a close.

In 1836 a General Election took place in Nova-Scotia, and when the Legislature met for the despatch of business, it was found that the Local Government had two thirds of the members of the Representative Branch against them. A fair minded Englishman would naturally conclude that the Local Cabinet, by a few official changes and a modification of its policy, would at once defer to the views and opinions of so large a majority of the popular branch. Did it do so? No. After a fierce struggle with the local authorities, in which the Revenue Bills, and the appropriations of the year, were nearly lost, the House forwarded a strong address to the foot of the Throne, appealing to the Crown for the redress of inveterate grievances, the very existence of which our Colonial Rulers denied, or which they refused to remove.

To give your Lordship an idea of the absurd anomalies, and ridiculous wretchedness of our system up to that time, it is only necessary to state, that a Council of twelve persons administered the Government, and at the same time formed the Upper Branch of the Legislature, sitting invariably with closed doors. Only five of these twelve gentlemen were partners in one private Bank—five of them were relations—two of them were heads of Departments—and one was the Chief Justice, who in one capacity had to administer the law he had assisted to make, and then in a third to advise the Governor as to its execution. To heighten the absurdity of the whole affair it is hardly necessary to add, that only nine of these twelve

were
pect
Prov
our
ble
oppo
the
was
satis
belo
have
pon
so a
Lor
Her
they
and
had
H
don
Rep
have
the
of C
cess
the
ever
ged
E
the
try.
the
they
hap
they
cre
fro
and
the
cer
sen
rel
ses
the
que
na
tion
liev
mo

were members of a particular Church, which, however useful or respectable, only embraced one fifth of the whole population of the Province. To the passage of certain measures for the regulation of our Currency, the derangement of which was supposed to be profitable to those who dealt in money, the Bankers were said to have opposed their influence. Any attempt at reduction of the expense of the Revenue Departments, the heads of which sat at the Board, was not likely to prevail,—while the patronage of the government was of course distributed by the nine Churchmen in a way not very satisfactory to the four fifths of the people who did not happen to belong to that Communion. Such a combination as this never could have grown up in any Colony where the English principle of responsibility had been in operation. Indeed there was something so abhorrent to British feeling and justice in the whole affair, that Lord Glenelg at once decided that it was “too bad,” and while in Her Majesty’s name he thanked the Commons for the representation they had made, he directed the Governor to dissolve the old Council and form two new ones, free from the objections which the Assembly had urged.

Had the instructions given been fairly followed out, there is little doubt that in Nova-Scotia, as in New-Brunswick, the People and their Representatives would have been contented for a time, and would have felt that, in extreme cases, an appeal from their local rulers to the Colonial Secretary would be effectual. The existing machinery of Government might have been supposed to be adequate to the necessities of the country, with perhaps an entire revision and repair, at the hands of the master workmen at home, once in ten years, or whenever the blunders of subordinates in the Colony had completely clogged its operations.

But mark the result. The Governor was instructed to call into the new Councils those who “possessed the confidence of the country.” Now you in England are simple enough to believe, that when the Whigs have, in a house of 658 members, a majority of eight or ten, they possess the confidence of the country; and if their majority should happen to be double that number, would think it droll enough if they were entirely excluded from political influence, and if the new creations of Peers, and selections for the Cabinet, should all be made from the ranks of their opponents. This would be absurd at home, and yet it is the height of wisdom in the Colonies. At the time these commands were sent out, the party who were pressing certain economical and other Reforms in Nova-Scotia, were represented by two thirds of the members of the Popular Branch. The relative numbers have occasionally varied during the past three sessions: at times, as on the recent division upon a Delegation, the Reformers have numbered 33 to 11 in a House of 46—on some questions the minority has been larger, but two thirds of the whole may be fairly taken as the numerical superiority, on all Political questions, of the Reformers over their opponents. It will scarcely be believed then, in England, that in the new appointments, by which a more popular character was to be given to the Councils, six gentle-

men were taken from the minority, and but *two* from the ranks of the majority. So that those who had been thanked for making representations to the Queen, and who were pressing a change of policy, were all passed over but two, while those who had resisted and opposed every representation, were honored by appointments, and placed in situations to render any such change utterly hopeless. The Executive Council—the local Cabinet, or Ministry—therefore, contained one or two persons of moderate views, not selected from the House, one from the majority, and eight or ten others to render his voice very like that of the “man crying in the wilderness.” He held his seat about half a year, and then resigned, feeling that while he was sworn to secrecy, and compromised by policy he did not approve, he had no influence on the deliberations of the Cabinet or the distribution of patronage. Things were managed just as much in accordance with the Royal Instructions with respect to the Legislative Council. The pack was shuffled, the game was to remain the same. The members of the majority, as I have said before, were all omitted in the new creation of Peers, but one; while, both from the House and beyond it, some of the most determined supporters of old abuses were selected; and, among them, a young Lawyer who had shown a most chivalrous desire to oppose every thing Her Majesty so graciously approved; and who, in the excess of his ultra zeal, had, upon the final passage of the address to the Crown, when almost all his friends deserted him, voted against the measure in a minority of *four*.

Here then your Lordship has a practical illustration of the correctness of Lord Durham's observations; and may judge of the chance the present system offers of good Colonial Government, *even when the People have the Queen and the Colonial Secretary on their side*. Such policy would wither all hope in the Novascotians, if they did not confide in the good sense and justice of their brethren within the four seas. We do not believe that the Parliament, Press and People of England, when rightly informed, will allow our local authorities “to play such tricks before high Heaven,” or force us to live under a system so absurd—so Anti-British—so destructive of every manly and honorable principle of action in political affairs. The House of Assembly, as a last resort, after ample deliberation, determined to send two members of that body, as Delegates to England, to claim the rights of Englishmen for the people of this country. Your Lordship's declaration tells me that on this point they will be unsuccessful—but patient perseverance is a political characteristic of the stock from which we spring.

You ask me for the remedy. Lord Durham has stated it distinctly—the Colonial Governors must be commanded to govern by the aid of those who possess the confidence of the People, and are supported by a majority of the Representative Branch. Where is the danger? Of what consequence is it to the people of England, whether half a dozen persons, in whom that majority have confidence, but of whom they know nothing and care less manage our local affairs; or the same number, selected from the minority, and whose

policy the bulk of the population distrust? Suppose there was at this moment a majority in our Executive Council who think with the Assembly, what effect would it have upon the funds?—would the stocks fall? Would England be weaker—less prosperous or less respected, because the People of Nova-Scotia were satisfied and happy?

But, it is said, a Colony being part of a great Empire, must be governed by different principles from the Metropolitan State. That, unless it be handed over to the minority, it cannot be governed at all! That the majority, when they have things their own way, will be discontented and disloyal! That the very fact of their having nothing to complain of will make them desire to break the political compact, and disturb the peace of the Empire! Let us fancy that this reasoning were applied to Glasgow, or Aberdeen, or any other town in Britain, which you allow to govern itself. And what else is a Province like Nova-Scotia, but a small community, too feeble to interfere with the general commercial and military arrangements of the Government, but deeply interested in a number of minor matters, which the People to be affected by them only can wisely manage, which the Ministry can never find leisure to attend to, and involve in inextricable confusion when they meddle with? You allow a million of people to govern themselves in the very capital of the Kingdom, and yet Her Majesty lives in the midst of them without any apprehension of danger, and feels the more secure, the more satisfaction and tranquility they exhibit. Of course, if the Lord Mayor were to declare War upon France, or the Board of Aldermen were to resolve that the duties upon Brandy should no longer be collected by the general Revenue officers of the Kingdom, every body would laugh, but no one would apprehend any great danger. Should we, if Lord Durham's principle be adopted, do any thing equally outré, check us, for you have the power; but until we do, for your own sakes, for you are as much interested as we are—for the honour of the British name, too often tarnished by these squabbles—let us manage our own affairs, pay our own officers, and distribute a patronage altogether beneath your notice, among those who command our esteem.

The Assembly of Nova-Scotia asked, in 1837, for an Elective Legislative Council, or such other reconstruction of the Local Government as would ensure responsibility. After a struggle of three years we have not got either. The demand for an Elective Upper Branch, was made under the impression, that two Houses chosen by the People, would sufficiently check an Executive exempt from all direct Colonial accountability. From what has occurred in the Canadas—from the natural repugnance which the House of Peers may be supposed to entertain upon this point—and from a strong desire to preserve, in all our Institutions, the closest resemblance to those of our Mother Country, a responsible executive Council, as recommended by Lord Durham, would be preferred. Into the practicability of his Lordship's plan of a union of all the Colonies under one government, I do not intend to enter—*that is a distinct question, and*

whenever it is formally propounded to the Local Legislatures, will be gravely discussed upon its own merits; but whether there be union or not, the principle of responsibility to the popular Branch must be introduced into all the Colonies without delay. It is the only simple and safe remedy for an inveterate and very common disease. It is mere mockery to tell us that the Governor himself is responsible: he must carry on the Government by and with the few officials that he finds in possession when he arrives—he may flutter and struggle in the net, as some well meaning Governors have done, but he must at last resign himself to his fate, and, like a snared bird, be content with the narrow limits assigned him by his keepers. I have known a Governor bullied, sneered at, and almost shut out of society, while his obstinate resistance to the system created a suspicion that he might not become its victim—but I never knew one, who, even with the best intentions, and the full concurrence and support of the Representative Branch, backed by the confidence of his Sovereign, was able to contend on anything like fair terms with the small knot of functionaries, who form the Councils, fill the offices, and wield the powers of the Government. The plain reason is, because, while the Governor is amenable to his Sovereign, and the Members of Assembly are controlled by their constituents, these men are not responsible at all, and can always protect and sustain each other, whether assailed by the representative of the Sovereign or the representatives of the People. It is indispensable then, to the dignity, the independence, the usefulness, of the Governor himself, that he should have the power to shake off this thralldom, as the Sovereign does if unfairly hampered by faction, and, by an appeal to the People, adjust the balance of power. Give us this truly British privilege, and Colonial grievances will soon become a scarce article in the English market.

The planets that encircle the Sun, warmed by its heat, and rejoicing in its effulgence, are moved and sustained, each in its bright but subordinate career, by the same laws as the sun itself. Why should this beautiful example be lost upon us? Why should we run counter to the whole stream of British experience, and seek, for no object worthy of the sacrifice, to govern men on one side of the Atlantic, by principles the very reverse of those found to work so admirably on the other. The employment of steamers will soon bring Halifax within a ten days voyage of England. Nova-Scotia will then not be more distant from London than the North of Scotland and West of Ireland were a few years ago. No time should be lost therefore in giving us the rights and guards to which we are entitled, for depend upon it the nearer we approach the Mother Country the more we shall admire its excellent Constitution—and the more intense will be the sorrow and disgust with which we must turn to contemplate our own.

I have the honor to be,
&c. &c. &c.

LETTER II.

MY LORD,

I HAVE read the speech delivered by your Lordship, on the 3d of June, as reported in the Morning Chronicle, several times; and beg your Lordship's attention to what I conceive to be the rational solution of the difficulties raised in that speech, to the concession of the principle of local responsibility. Had your Lordship been more familiar with the practical working of the existing Colonial Constitutions, and with the feelings of the people who smart under the mischiefs they produce, you would not perhaps have fallen into some errors by which that speech is disfigured; nor have argued the question as one in which the obvious, manifold, and vital interests of the Colonists, were to be sacrificed to some vague and indefinite injury that might be sustained by Imperial interests, if Executive power were taken from the ignorant and given to the well informed—if it passed from the hands of officers to whom but a nominal responsibility can attach, into those of men subject to constant scrutiny, and, whenever they fail in their duty, liable to exposure and disgrace.

Lord Durham recommends that the English rule, by which those who conduct public affairs resign when they have lost the confidence of the Commons, should be applied to the Executive Councillors in North America. Your Lordship denies the existence of the analogies upon which Lord Durham's views are based:

"It does not appear to me that you can subject the Executive Council of Canada to the responsibility which is fairly demanded of the ministers of the Executive power in this country. In the first place, there is an obvious difference in matter of form with regard to the instructions under which the governor of the colony acts. The Sovereign in this country receives the advice of the ministers, and acts by the advice of those ministers, and indeed there is no important act of the crown for which there is not some individual minister responsible. There responsibility begins and there it ends. But the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a governor receiving instructions from the Crown on the responsibility of a Secretary of State. Here then at once is an obvious and complete difference between the Executive of this country and the Executive of a Colony."

Now, my Lord, let me beg your Lordship's attention to a few of the reasons why I conceive that such an argument as this ought not to stand in the way of the permanent peace, prosperity and happiness, of a million and a half of human beings. "The Sovereign in England receives the advice of the ministers, and acts by the advice of those ministers"—but are there not limits assigned by law within which those advisers are bound to keep? and is not the Sovereign bound to know and to apprize the country when they overstep them?

What is the question at issue now between Whigs and Tories? is it not, whether, according to the spirit and practice of the Constitution, Sir Robert Peel had or had not a right to advise the changes in Her Majesty's household, upon which he insisted, before he would consent to form an administration? Suppose the present Cabinet were to advise Her Majesty to cut off Sir Robert's ears, or to bombard the City of London, would she obey? or would she not say, gentlemen, you are exceeding your powers, and unless you conduct yourselves with more discretion you must resign? It is plain, therefore, that there are bounds, beyond which, even in the mother country, neither the advisers nor the monarch can pass; and none who seek Colonial responsibility are so mad as to require, that corresponding restrictions shall not be binding here—that there shall not be a limit beyond which no Executive Councillor can pass, and over which no representative of Majesty will consent to be driven. These bounds must be clearly defined in the Act of Parliament which establishes the new system, or in the instructions sent to the Governors, to be communicated to the Legislatures, and which they may, if they see fit, embody in a Bill, that, so long as it exists, shall be to all intents and purposes, the Constitution of the Colony.

But your Lordship says:—"The Governor is acting, not in that high and unassailable position in which the Sovereign of this country is placed." Why should he not occupy a position nearly as independent, and be perfectly unassailable, so long as he does not interfere (as the Sovereign would not dare to do) with matters for which *others are responsible*—nor allow himself or his Council to overstep those boundaries which British subjects on both sides of the Atlantic, for the protection of their mutual rights and interests, have established, and for a jealous recognition of which he, in case bad advice be given him, is *alone responsible*. The Queen's position is unassailable only so long as she does no act which the Constitution does not permit to be done—the Governor, if assailed, would, in like manner, turn to the Constitution of the Colony committed to his care, and show that, on the one hand, he had neither trenched upon the rights essential to the security of Colonial liberty, nor, on the other, timorously yielded aught which the laws for the protection of Imperial interests had made it criminal to yield.

Your Lordship is mistaken, therefore, in supposing that the Sovereign is divested of all responsibility—although I admit it is much more difficult to call him or her to an account than it would be the Governor of a Colony. If the Queen were to deprive Sir Robert Peel of his ears, or open a few batteries upon London, an émeute or a revolution would be the only remedy; but a Governor, if he consented to an act which shut out British manufactures, or was tempted to levy war upon a friendly state, could be called to account without difficulty or delay—and hence, I argue, that the facility and certainty of inflicting punishment for offences of this sort, would prevent their commission, and operate as a sufficient guard to the Imperial interests, which your Lordship seems so anxious to protect. If it be said that the People in a Colony may sustain Councillors who give

unconstitutional advice, my answer is, that the same thing may occur in England. When it does, a peaceful modification of the Constitution, or a revolution, follows—but these cases are not so frequent as to excite alarm, nor is there any reason to believe that they will be more so, in the Colonies, whose power to enforce improper demands is so questionable.

“He is a Governor receiving instructions from the Crown, on the responsibility of a Secretary of State.” This passage suggests some reflections, which I feel it my duty respectfully to press upon your Lordship’s attention. One of the evils of the existing system, or rather hap-hazard mode of Government, devoid of all system, is the various readings given to the medley of laws, usages, and Colonial Office Despatches, by which we are at present ruled. An excellent illustration of the difficulty of obtaining an interpretation of these, about which there can be no mistake—which he who runs may read—may be furnished, by contrasting the views put forth by your Lordship with those acted upon by Sir Francis Head; and which, after a bloody rebellion, brought on to prove the value of his theory, he still avows in every succeeding edition of his Narrative, with a consistency and complacency worthy of all praise. “The responsibility,” says your Lordship, “rests on the Secretary of State.” “The responsibility,” says Sir Francis Head, in every act of his Government and every page of his book, “rests on me.” From the moment of his entering into Upper Canada he threw overboard all the instructions from the Colonial Secretary, (who, according to your Lordship ought to have been obeyed, for he was alone responsible) he struck out a course of policy entirely new—commenced “putting the padlock on the mind,”* to be followed by some hundreds of handcuffs on the wrists and padlocks on the body; his language to Lord Glenelg throughout was “you must support me”—“the fear is that I will not be supported at the Colonial office.” In fact, from first to last, Sir Francis gave instructions to, instead of receiving them from, the Secretary of State; and finding that Lord Glenelg would not permit him to try his experiments in Government, and combat the fiery dragon of democracy in the bosom of a British Province, at the cost of a good deal of blood and treasure, and the prospects of a foreign war, without occasionally offering a little advice, the worthy Baronet resigned, and has ever since been publishing his complaints to the world, and claiming its sympathy, as a sufferer for conscience sake, in upholding the only correct reading of Colonial Constitutions, and which the Secretary of State, and the Whig Government of which he was a member, did not understand. The Doctors in this case differed—the patient was left prostrate, mangled, bleeding and exhausted, listening to their altercations, but suffering from every gash made to convince each other at her expense—and there she lay, until recently, when, beginning to suspect that both had been talking nonsense and trying absurd experiments, she lifted her languid head, stretched out her wounded limbs, and began to fix her eyes upon the only remedy by which health can be restored.

* Vide the Baronet’s “Narrative.”

Let us, in order to convince ourselves that the conclusion to which Upper Canada is coming after all her sufferings, is a sound one, examine the two prescriptions and modes of treatment, and ascertain whether either contains any thing which ought to rescue it from the oblivion that invariably closes over the nostrums by which the science of politics, like the science of medicine, is often disfigured for a time.

A Colony where the Governor is alone responsible, is Sir Francis Head's interpretation of the system under which we live. It is one very much affected by Colonial Governors every where. Unlimited power, within a wide Province, is a beautiful idea for an individual to indulge; especially when it is attended with but little risk and only nominal responsibility. Of all the British Colonial Governors, who have wielded this vast authority—plumed themselves upon the possession of these plenary powers,—and, in the exercise of them, vexed, distracted and excited to disaffection, one Province after another—how many have been tried or punished? How many have met with even a reprimand from the Ministry, or a cold look from the Sovereign whose authority they had abused? I leave your Lordship, whose historical reading has been much more extensive than mine, to point out the instances—I have searched for them in vain. It is true that debates in Parliament occasionally arise upon such subjects, but these, judging by their practical effect, can hardly be taken into account. A Governor knows well that, so long as he holds office, the Ministry by whom he was appointed will defend him—that their majority in the Commons precludes the possibility of a vote of censure being passed against him,—while the Duke, under whom he probably served, having a majority in the Upper House, he is perfectly safe, so long as he commits no act so flagrant as to outrage the feelings of the nation, and which, coming home to the heart of every man and woman in England, would make it unsafe for any parliamentary combination to attempt to protect him. Thus fenced in during his administration, what are his perils when he retires? The Colonists, too happy when rid of the nuisance to be vindictive, and hoping better things from a successor of whom they are unwilling to suspect any evil, cease to complain—His Excellency is removed to another Province, with a larger salary, to act the same farce over there—or, retires to his estates in the mother country, to form one of that numerous body of ex-Governors, who live upon the consciousness of having, once within their lives at least, wielded powers, within a wide space, and over the destinies of many thousands of their fellow beings, that are never permitted to be wielded by any individual, however high his rank, or widely extended his influence, without full and ample responsibility, within the British Islands themselves. These men, whether they go into Parliament or not, always sympathize with Governors abroad, acting upon their darling theory; and, as they are often consulted by ministers who know perhaps a little less than themselves, they are always at hand to stifle the complaints of the Colonists, when appeals are made to England.

Your Lordship will perceive, therefore, that when a Governor declares, as did Sir Francis Head, that the responsibility rests on him, he merely means, that he is about to assume extensive powers, for three or four, perhaps for eight or ten years, without the shadow of a chance of his ever being called to account for any thing he may do or leave undone. To enable you to form some idea of the peace, prosperity, and satisfaction, likely to be diffused over a Province, by a Governor acting upon this principle and exercising these powers, let me request your Lordship to imagine that, after twenty or thirty years of military service, by which I have become disciplined into a contempt for civil business, and a fractious impatience of the opinions of all beneath me in rank, Her Majesty has the right, and graciously deigns to exercise it, of making me Mayor of Liverpool. Fancy that up to the moment when the information is conveyed to me, though I have heard the name of that City several times, and have some vague notion that Liverpool is a large commercial port in England, yet that I neither know on what river nor at which side of the Island it is situated—nor have the least knowledge of its extent, population, requirements, or resources—the feelings, interests, prejudices or rights, of its inhabitants. Within a month, having had barely sufficient time to trace out the situation of the place upon the map, read a book or two about it—hear an under Secretary talk an hour or two of what neither he nor I understand, receive a packet of Instructions, of which half a dozen different readings may be given, and become thoroughly inflated with my own consequence, I find myself in Liverpool, and feel that I am the great pivot upon which all its civil administration—its order and defence—its external relations with the rest of the Empire and the rest of the world, turns—the fountain from which its internal patronage is to flow; and to which all, for a long period of years, must look, for social and political ascendancy, if they have no merit—and, if they have, for a fair consideration of their claims.

Your Lordship will readily believe, that a man thus whisked away from the pursuits which have occupied his thoughts for years, and plunged into a new scene—surrounded by human beings, not one of whose faces he ever saw before—called to the consideration of a thousand topics, with almost any one of which the assiduous devotion of half a life would be required to make him familiar; and having to watch over vast interests—balance conflicting claims—decide on the capacity of hundreds, of whose characters, talents and influence, he is ignorant, to fill offices of the duties of which he has not the slightest conception—that a man so situated, must be either very vain or very able, if he is not appalled at the extent of the responsibility he has assumed; and must be an Angel of Light indeed, if he does not throw the good City of Liverpool into confusion. This, my Lord, is no fancy sketch—no picture, highly colored to produce effect, but which, on close examination, an artist would cast aside as out of drawing—it is a faithful representation of what occurs in some British Colony almost every year.

But it may be said all this is granted, and yet there is the Legis-

lature to influence and instruct. Liverpool shall still serve for illustration, and we will presently see to what extent the Representative Branch operates on the conduct of a gentleman, who assumes the responsibility, and is placed in the circumstances described. Let us suppose that the City Charter gives me for my advisers, from the moment I am sworn in, ten or a dozen individuals, some of them the heads of departments, enjoying large salaries and much patronage—others, perhaps, discarded members of the popular branch, and not a few *selected by no rule which the people can clearly understand*, but because they happened to flatter the vanity of one or other of my predecessors, or to be connected with the families, or favourable to the views or interests, of some of those by whom they were advised. This body, be it observed, by usage never departed from, hold their situations as Councillors for life: the people have no control over them, neither have I—they are sworn not to inform upon each other, nor is it necessary they should, because, as I have assumed the responsibility, and they for their own interest favor the theory, if any thing goes wrong they can lay the blame on me. This body then, which owes no allegiance to the people of Liverpool—which often, in fact, has an interest the very reverse of theirs—which, suspected of usurpation and improper influence, pays back the imputation with unmeasured contempt; and hardly one fifth of whose number could, by any possibility, be thus honored if their seats depended on popular selection—this body I am compelled to call around me in order that my administration may commence, for without some such assistance I am unable to take a single step. They come—and there sit, at the first Council Board, the *responsible* Mayor, who knows nothing and nobody, and his *irresponsible* advisers, who, if they do not know every thing, and they are seldom greater wits than their neighbors, know their friends, a lean minority of the citizens,—from their enemies, the great majority; and are quite aware that, for their interest, it is necessary that I should be taught, as soon as possible, to despise the latter, and throw myself into the arms of the former. Will any sensible man, calmly viewing the relative situations, opportunities and powers of the parties, believe that any act of administration done, or any appointment made, for the first six months, is my act or my appointment? I may choose between any two or three persons whose names are artfully set before me, when an office is to be filled, and if determined to show my independence may select the worst; but I must choose from the relatives and friends of my advisers, or from the small minority who support them in the hopes of preferment, for to that section of the whole the city patronage must be religiously confined; and it is of course so managed, that I scarcely know or have confidence in any body else.

Can your Lordship believe that such a state of things would give satisfaction to the citizens? Would they not begin to grumble and complain—to warn—to remonstrate—and to expose the machinations and manœuvres of the monopolists? It would be very odd, and they would be very un-English Englishmen, if they did not. But, as I have come to Liverpool to demonstrate the beauties of this system of

City Government, which I highly approve—as I have assumed the whole responsibility, and become inflated with the consciousness of my extensive powers—and, above all, as I am taught by my advisers to look upon every complaint of the *system* as a libel upon my judgment, and an insult to my administration, I very soon begin to dislike those who complain—to speak and write contemptuously of them in private and public—to denounce any who have the hardihood to suggest that some alterations are required, by which the opinions and rights of the majority shall be respected, as men dangerous to the peace of the City, and disaffected towards Her Majesty's person and Government; until, in fact, Liverpool becomes very like a town, in the olden time, in which the inhabitants generally being hostile to their rulers, the latter retire to the Citadel, from which they project every description of missile and give every species of annoyance.

By and by the time arrives for the Legislative branches of the City Government to assemble:—one of these, being elected at short periods, under a low franchise, which includes the great body of the independent citizens, may be taken as a fair reflexion of all their great interests, their varied knowledge, passions and prejudices. The other is a body of life Legislators, selected by my advisers from among their own relatives and friends, with a few others, of a more independent character, to save appearances; but in which they always have a majority of faithful and determined partizans. The business commences—the great majority of members in the Representative Branch, speaking the matured opinions of the people, complain of the system, and of the advisers it has placed around me, expressing the fullest confidence in me, whom they cannot suspect of wishing to do them harm, but asking my co-operation towards the introduction of changes without which they assure me the city never can prosper. But my advisers, having a few of their adherents also in this body, they are instructed to declare any change unnecessary—to throw every obstruction in the way—to bully and defame the more conspicuous of those who expose the evils of the existing system, and to denounce them all as a dangerous combination, who, with some covert design, are pressing, for factious objects, a series of frivolous complaints. Of course, as the minority speak the sentiments which I have imbibed, and put themselves forward as my personal champions on all occasions, they rise in my esteem exactly in the same proportion as the other party are depressed, until they become especial pets; and, from their ranks, as opportunities occur, all vacancies are supplied, either in the list of irresponsible advisers who in my name carry on the government, or in the number of life Legislators who do their bidding in the Upper Branch.

I respectfully beg your Lordship to ponder over these passages, which I assure you are true to nature and experience—and ask yourself, after bringing home such a state of things to the bosom of any British City, how long it would be uncomplainingly endured? or how long any Ministry, duly informed of the facts, would allow it to continue? Look back, my Lord, and you will find in every

rotten Corporation, swept away by the immortal Act of which your Lordship was one of the ablest defenders, a resemblance to our Colonial Governments, as they at present stand, too strong to be mistaken—and, let me venture to hope, that the man who did not spare corruption so near the national centre of vitality, who did not hesitate to combat these hydra headed minorities, who, swarming over England, every where asserted their right to govern the majorities, will not shrink from applying his own principles—the great principles of the Constitution—to these more distant but not less important portions of the Empire.

Your Lordship will, perhaps, urge, that Sir Francis Head succeeded in pleasing the people, and getting the majority on his side. Admitting the full force which the worthy Baronet gives to this case, it is, after all, but the exception to the general rule. The true history of events in Upper Canada, I believe to have been this: a small, but desperate minority, had determined on a violent revolution; this party might have contained some men so wicked, that a love of mischief and desire for plunder were the governing principles, and others, moved by attachment to Republican Institutions—but, small as it was, the greater number of those found in its ranks, had been driven there by the acts of another equally small and equally desperate minority, who had long monopolized, and, under the present system, may and will monopolize, for a century to come, the whole power and patronage of the Government, dividing among them the revenues of the country. The great mass of the people of Upper Canada belonged to neither of these bands of desperadoes. They were equally determined, with the one, to uphold British connexion, and as equally determined, with the other, to get rid of a wretched system of irresponsible local administration, under the continuance of which they well knew the Province could never prosper. When Sir Francis Head arrived, he entered the Colony, if we are to believe his own account of the matter, almost as ignorant as my imaginary Mayor of Liverpool. Sir Francis admits his ignorance, but denies the consequences that must be deduced from it—that he was led and influenced, in the first acts of his administration, until the Compact found him ripe for their own purposes, and embroiled even with the moderate men on the other side. Then commenced that extraordinary flight of proclamations, addresses and declamatory appeals, which, winged with the ready pens of a professional author, and shot from the long bow of the Family Compact, created so much false excitement, and carried so much misrepresentation into every corner of the Province. In these the great question at issue in Upper Canada, which was one between the interests of the family compact and the principles of the British Constitution, was winked out of sight; and the people, not only of that but of the surrounding Colonies, were made to believe that they were to choose between British and Republican Institutions—that Sir Francis and the family compact (Archdeacon Strachan, with the Clergy Reserves, one seventh of the Province; and Attorney General Hagerman, with the corrupt patronage and influence of administration, under their arms)

represented the former—and McKenzie and his band of desperadoes the latter. Thus appealed to, the British population every where, as the cunning men at Sir Francis' elbow well knew they would, said with one voice—*if that is the question*, then we are for the British Constitution, and hurrah! for Sir Francis Head. McKenzie was an outlaw in a week; his small band of desperadoes was scattered by the energy of the people, the great mass of whom never dreamed of breaking the connexion with the Mother Country. Then came the period in which the compact glorified themselves and Sir Francis—the fever of loyal excitement—in which the miserable minority of officials, feeling strong in the success of their manœuvres, and still stronger in the strength of British thousands profusely spent—Regiments of militia to be officered, equipped, and paid—began to wreak their vengeance upon every man who had been known to be hostile to their monopoly; and to identify opinions, not more extreme, when thoroughly understood, than those held by the most moderate section of the Whigs in England, with “privy conspiracy and rebellion.” But the period was fast approaching when this unnatural excitement was to subside—when hundreds of thousands of British subjects, looking steadily through the mists that had been raised around them, were to ask of each other, has this case been decided upon the true issue? *was that the question?* For evidence of the solemnity with which this enquiry has been put, and the all pervading unanimity with which it has been answered, I refer your Lordship to the meetings which have been held in every section of the Province—to the opinions boldly expressed by every Newspaper, with a few, chiefly venal exceptions, printed in Upper Canada—to the bold and determined stand taken by many of the bravest and ablest men who crushed McKenzie's rebellion, and beat back the sympathizers upon the frontier—to the extraordinary union of Orangemen and Catholics, Methodists, Baptists, Churchmen and Presbyterians, whose watchwords are British connexion and British responsibility, and down with the Compact, and the absurd idea cherished by Sir Francis Head, of a government in which the whole responsibility rests upon the Governor. If your Lordship doubts the utter explosion of your theory even in this Province, where, for a time, I admit it seemed to flourish, the approaching general elections will furnish evidence enough—and even Sir Francis, if he were to come out again with another sheaf of Proclamations and Addresses, to preach this *unitarian* doctrine of responsibility, would no longer be listened to by the Upper Canadians, who have embraced a higher and purer faith.

Having, as I conceive, then, shown your Lordship that the idea of a Colony in which nobody is responsible but the Governor, while his responsibility is only nominal, however delightful it may appear in the eyes of those who have been or hope to be Governors, is one that never can be a favorite with the Colonists, and has been repudiated and rejected by those of them among whom, for a limited period, and under a system of delusion, it seemed to flourish—let me turn your Lordship's attention for a few moments to the doctrine main-

tained by Lord Glenelg against Sir Francis Head, and now put forth by your Lordship in opposition to the Earl of Durham—that the *Colonial Secretary* is alone *responsible*, and that the Governor is an agent governing the Province *by instructions from him*.

Whatever new readings may yet be given of our unwritten Constitutions, this is the one which always has been and always will be the favourite with Colonial Secretaries and under Secretaries, and by which every Clerk in Downing Street, even to the third and fourth generation yet to come, will be prepared to take his stand. And why? because, to deprive them of this much talked of responsibility, which means nothing, would be to deprive them of the power to which they cling—of the right of meddling interference with every petty question and every petty appointment, in 36 different Colonies. While things remain as they are—the very uncertainty which reigns over the whole Colonial system, invests the Secretary of State with a degree of power and influence, the dim and shadowy outline of which can scarcely be measured by the eye, but which, from its almost boundless extent, and multiform and varied ramifications and relations, possesses a fascination which few men have been born with the patriotic moderation to resist. Though a Secretary of State may occasionally have to maintain, in a particular Province, a doubtful struggle, for the *whole responsibility*, and the *whole of the power*, with some refractory Governor, like Sir Francis Head,—yet even there he must exercise a good deal of authority, and enjoy a fair share of influence; while in all the others his word is law, and his influence almost supreme. A Judge, a Crown officer, a Secretary or a Land Surveyor, cannot be appointed without his consent—a silk gown cannot be given to a Lawyer without his sanction, while his word is required to confirm the nomination of Legislative Councillors for life, and irresponsible Executive Councillors, in every Province, before the Queen's mandamus is prepared. The very obscurity in which the real character of Colonial Constitutions is involved, of course magnifies the importance and increases the influence of the gentleman who claims the right to expound them. More than one half the Colonists who obtain audiences in Downing Street, are sent there by the mystification in which the principles of the system are involved; while the other half are applicants for offices which, under a system of local responsibility, would be filled up, as are the civic offices in Manchester and Glasgow, by the party upon whose virtue and ability the majority of the Inhabitants relied. Adopt Lord Durham's principle, and, above all, give to each Colony a well defined Constitution, based upon that principle, and embodied in a Bill, and "the Office" will become a desert. The scores of worthy people, with spirits weary of the anomalous and cruel absurdities of the system, and sincerely labouring to remove them, now daily lingering in the anti-rooms, would be better employed elsewhere, in adorning and improving the noble countries which gave them birth, and whose freedom they are labouring to establish—while at least an equal number of cunning knaves, whose only errand is to seek a share of the plunder, had much better be transferred to the

open arenas, in which, under a system of responsibility, public honours and official emolument could only be won. But then the office of Colonial Secretary would be shorn of much power, which, however unwisely exercised, it is always delightful to possess—the dim but majestic forms of authority, which now overshadow half the world, would be chastened into reasonable compass, within boundaries, if less imposing and picturesque, for all practical purposes more simple and clearly defined—nor would under Secretaries and Clerks have so many anxious and often fawning visitors, soliciting their patronage—listening to their twaddle—wondering at their ignorance, and yet struggling with each other for their smiles. The Mother Country would, it is true, hear less of Colonial grievances—Parliament would save much time, now devoted to Colonial questions—and the people of England would now and then save a few millions sterling, which are required to keep up the existing system by force of arms. But these are small matters compared with the dignity of a Secretary of State.

Here then, my Lord, you have the reason why your reading of our Constitutions is the favorite one in Downing Street—let us see now whether it is more or less favourable to rational freedom, and good government in the Colonies, than that advocated by Sir Francis Head. Your authority and that of Lord Glenelg is with me in condemning his, which I have done, as deceptive and absurd; he will probably join me in denouncing your's, as the most impracticable that it ever entered into the mind of a Statesman to conceive.

The City of Liverpool shall again serve us for the purposes of illustration. Turn back to the passages in which I have described a Mayor, ignorant of every thing—surrounded by irresponsible but cunning advisers, who, for their own advantage, embroil him with the majority of the citizens—while his countenance, and the patronage created by the taxes levied upon the city, are monopolized by a miserable minority of the whole—and insulted and injured thousands, swelling with indignation, surround him on every side. After your Lordship has dwelt upon this scene of heartburning and discontent—of general dissatisfaction among the citizens, of miserable intrigue and chuckling triumph, indulged by the few who squander the resources and decide on the interests of the many, but laugh at their murmurs and never acknowledge their authority; let me beg of you to reflect whether matters would be made better or worse, if the Mayor of Liverpool was bound, in every important act of his administration, to ask the direction of and throw the responsibility on another individual, who never saw the City—who knows less about it even than himself—and who resides, not in London, at the distance of a day's coaching from him, but across the Atlantic, in Halifax, Quebec, or Toronto, and with whom it is impossible to communicate about any thing within a less period than a couple of months. Suppose that this gentleman in the distance possesses a veto upon every important ordinance by which the City is to be watched, lighted and improved—by which docks are to be formed, trade regulated, and one third of the City Revenues (drawn from sources beyond the control of the

popular branch), dispensed—and suppose, that nearly all whose talents or ambition lead them to aspire to the higher offices of the place, are compelled to take, once or twice in their lives, a voyage across the Atlantic, to pay their court to him—to solicit his patronage, and intrigue for the preferment, which, under a better system, would naturally result from manly competition and eminent services within the city itself. Your Lordship is too keen sighted, and I trust too frank, not to acknowledge, that no form of government could well be devised more ridiculous than this—that under such no British City could be expected to prosper; and that with it no body of Her Majesty's subjects, within the British Islands themselves, would ever be content. Yet this, my Lord, is an illustration of your own theory—this is the system propounded by Lord Normanby, as the best the present Cabinet can devise,—and may I not respectfully demand why British subjects in Nova-Scotia, any more than their brethren in Liverpool, should be expected to prosper or be contented under it, when experience has convinced them that it is miserably insufficient and deceptive—repugnant to the principles of the Constitution they revere, and but a poor return for the steady loyalty which their forefathers and themselves have maintained on all occasions?

One of the greatest evils of the Colonial Constitution, as interpreted by your Lordship, is, that it removes from a Province every description of responsibility, and leaves all the higher functionaries at liberty to lay every kind of blame at the door of the Secretary of State. The Governor, if the Colonists complain, shrugs his shoulders, and replies, that he will explain the difficulty in his next despatch, but in the mean time his orders must be obeyed—the Executive Councillors, who under no circumstances are responsible for any thing, often lead the way in concentrating the ire of the people, upon the Colonial Secretary, who is the only person they admit their right to blame. It is no uncommon thing to hear them, in Nova-Scotia, sneering at him in public debate—and in Canada they are accused of standing by while Lords Glenelg and Melbourne were hanged in effigy and burned, in the capital, encouraging the populace to pay this mark of respect to men, who, if your Lordship's theory is to be enforced, these persons, at all events, should have the decency to pardon, if they cannot always defend.

I trust, my Lord, that in this letter I have shown you that in contemplating a well defined and limited degree of responsibility to attach to Executive Councillors in North America, I have more strictly followed the analogies to be drawn from the Constitution, than has your Lordship, in supposing that those officers would necessarily overstep all bounds—that, in divesting the Governor of a vague and deceptive description of responsibility, which is never enforced, and of a portion of authority which it is impossible for him wisely to exercise; and yet holding him to account for what does fall within the scope of his character as Her Majesty's Representative, the constitutional analogy is still preserved—his dignity left unimpaired, and the difficulties of his position removed. I trust also that I have

proved to your Lordship that the Colonial Constitutions, as they at present stand, are but a medley of uncertainty and confusion.—that those by whom they are administered do not understand them—and lastly, that whether Sir Francis Head's interpretation or your own be adopted, neither offer security for good government,—the contest between them merely involving a difference of opinion as to who is to wield powers that neither Governors nor Secretaries can usefully assume, and which of these officers is nominally to bear the blame of blunders that both are certain to commit.

I have the honor to be,
 &c. &c. &c.

LETTER III.

MY LORD,

THE next passage of the Speech of the 3d of June, which I am bound to notice, is that in which you say :—

“ The Governor might ask the Executive Council to propose a certain measure. They might say they could not propose it unless the members of the house of Assembly would adopt it, but the Governor might reply that he had received instructions from home commanding him to propose that measure. How, in that case, is he to proceed? Either one power or the other must be set aside. Either the Governor or the House of Assembly, or else the Governor must become a mere cypher in the hands of the Assembly, and not attempt to carry into effect the measures which he is commanded by the home government to do.”

This objection is based upon the assumption that the interests of the Mother Country and those of the Colonies are not the same—that they must be continually in a state of conflict—and that there must be some course of policy necessary for the Imperial Government to enforce, the reasons for which cannot be understood in the Colonies, nor its necessity recognized. This may have been the case formerly in the West Indies, where the conflict was one between the ideas engendered by a state of slavery and a state of freedom, but it is not true of the North American Provinces, to the condition and claims of which my observations are chiefly confined. Of all the questions which have agitated or are likely to agitate Nova Scotia, New-Brunswick, or Prince Edward Island, how few, when rightly understood, can be said to involve any Imperial interest, or trench upon any principle dear to our brethren at home, or the concession of which could disturb the peace of the Empire? Have any of these Colonies claimed a right to regulate the foreign trade or foreign policy of the Empire? have they ever interfered, except to

carry out the views of Her Majesty's Government, with any of the Military or Naval operations? have they exposed a grievance, the continued existence of which is indispensable to the well being of the British Islands; or demanded a right, the concession of which would not be serviceable to themselves without doing the least injury to the people of Britain? For what have they asked? for the control of their own revenues, and the means of influencing the appointment and acts of the men who are to dispense them; and who are, besides, to distribute hundreds of petty offices, and discharge functions manifold and various, within the Colony itself. The people of England have no knowledge of these matters, nor any interest in them, to give them the right to interfere—interference does much mischief to the Colonists, and can do no good to their brethren across the water. If British Statesmen would let these things alone, and it is *over these only that we claim to enforce responsibility*, and confine themselves to those general arrangements affecting the whole Empire, of which we admit them to be the best judges, and in the conduct of which we *never ask to take a part*, it would be impossible to conceive how such a case could arise, as that supposed by your Lordship—or how the Governor could be charged with “a measure” which his Executive Council would not dare “to propose?” Admitting that there might be some subjects, requiring discussion in the Provinces, but which the Colonists were not prepared to adopt, surely an Executive Councillor could be got, even if he were opposed to the views of Ministers, to submit the measure and explain those views to the popular Branch—or might there not be “open questions” in the Colonies as at home?

The conclusion at which my mind arrives, then, after the best attention that I can give to this branch of the subject, is, that if the duties and responsibilities of Government are fairly and judiciously divided between the Imperial and Colonial authorities, no such case as that assumed by your Lordship can occur—and, if it should, surely the good sense of all parties concerned may safely be trusted, to avoid any violent or unpleasant collision. But did it never occur to your Lordship to enquire, whether the very evil anticipated, as an insuperable objection to the new system, does not disfigure and annually occur under the old? What else were the Executive Councillors in Upper and Lower Canada doing for a series of years but “proposing certain measures,” to be as certainly rejected by the popular branch? What else are they about now in Newfoundland? What but this were they doing in New-Brunswick, down to the close of Sir Archibald Campbell's administration? In all these Provinces a state of constant collision between the Executive and the popular branch, which could by no possibility arise under the system I contemplate, would answer the objection, even if the difficulty suggested could be fairly taken into account. If it be said that the Councillors now do not refuse to propose measures, I answer, but if the Legislatures invariably reject them, does Government gain anything, or is public business advanced by the system? What a figure did the Executive cut in Nova-Scotia, in 1838, when the Councillor

who brought down from the Governor a grave proposition, led the opposition against it? and how stand things in this Province now— are not all the Councillors selections from a lean minority of the Commons, in which body almost every debate terminates in a vote of implied want of confidence in them; and where the Governor they surround has, on several occasions, only been saved from an insulting vote of censure, by the good temper and moderation of the majority? This is a state of things too ridiculous to be long continued. To me it seems essential that Her Majesty, in every Colony, should be represented by an Executive, not only willing “to attempt” but “able to carry” any measures that it may be necessary to propose.

The next objection taken by your Lordship to the introduction of Provincial responsibility, one eminently calculated to have weight with the body you addressed, and to alarm the timid every where, was drawn from an application of the principle to the management of foreign affairs. “If,” says your Lordship, “the Assembly of New-Brunswick had been disposed to carry the point in dispute with the North American States hostilely, and the Executive Council had been disposed to aid them, in my opinion the Governor must have said that his duty to the crown of this country, and the general instructions which he had received from the minister of the crown, did not permit him to take that course, and, therefore, he could not agree with the Executive Council to carry into effect the wish of the Assembly. That is allowed. Does not then this very exception destroy the analogy you wish to draw, when, upon so important a point as that of foreign affairs, it cannot be sustained?” Your Lordship, in delivering this passage, of course was not aware that, without the alteration of a single syllable, you answered the very objection that yourself had raised. If the Executive Council of New-Brunswick advised Sir John Harvey to declare war upon the State of Maine, “he must have said that his duty to the Crown, and his instructions, did not permit him to take that course.” Most certainly he would, if a measure so ridiculous had been attempted in New-Brunswick, which no body who knows anything of that Province, could for a moment imagine. I do not believe that there are ten men in it, certainly there are not fifty in all the lower Provinces put together, who do not know that the Sovereign alone has the right to declare war upon foreign powers, and who are not willing that, upon all the relations of the Colonies with these, and with each other, the Imperial Government shall decide. A few of the New-Brunswickers blamed Sir John Harvey for *not acting upon Her Majesty's instructions*, to maintain exclusive jurisdiction over the disputed territory, notwithstanding the *advice* received from the Minister at Washington—but, if those instructions had not existed, and had not been positive, no one would have been idiot enough to suppose that Sir John Harvey would have been bound to make war, on a point of honor or policy, newly discovered by his Executive Council, and upon which Her Majesty's Government had had no opportunity to decide. Suppose, when Parliament was

granting a Charter to Hull, it was objected that the Mayor might be advised to make war upon Sweden (and, in the case of an elective officer, the danger would be greater than if he were appointed by the Crown) would not the same House of Commons, that thought it unsafe to let a Colony manage its internal affairs for fear it would engage in foreign wars, laugh at the possibility of such an absurdity being committed by any body of Englishmen out of Bedlam? Why then should it be taken for granted that we are not English in our habits and opinions—our education and training—our capacity to discern the boundaries of authority,—and that therefore it would be unsafe to depend upon our wisely exercising powers, which, in the British Islands, millions exercise for their own security and without danger to the state? In the case of Hull, if the objection were gravely urged, the ready answer would be, “no greater powers can be exercised than are *granted in the Bill*; and if there is the least danger of the City authorities doing any thing so ridiculous, put in a clause that shall restrain them.” And I say—after soberly protesting that the very suspicion of such an attempt is an insult to the understanding, and an imputation upon the character, of our population, which they do not deserve—that if you wish “to make assurance doubly sure,” put a clause into the Bill which concedes the principle of responsibility, so far as relates to domestic affairs, and by which all such belligerent Councillors shall be *expressly restrained*.

Whether this point were or were not thus defined, that any Executive Council, merely because they were responsible to the People, would, after receiving such an answer as your Lordship admits a British Governor must give, proceed in defiance of his authority to levy war upon a friendly state, I cannot for a moment believe. If they did, they certainly would so completely fail, and render themselves so supremely ridiculous, that the attempt would not be likely to be repeated, at least for a century to come. Let us suppose the case to have occurred in New-Brunswick: that the Executive Council, being responsible, had advised Sir John Harvey to proceed hostilely—and that, on his declining, they had levied war. In the first place, as all the regular troops were at Sir John’s disposal, as Commander in Chief within the Province, and not merely as Civil Governor, they not only could not have moved a soldier, but would have had the whole military force of that and the adjoining Provinces against them. As the Governor’s order to the Colonels and officers commanding the Militia is indispensable, before a single step can be taken, under the laws by which that force is embodied, of course no hostile order would have been given, nor could those laws have been modified or changed without Sir John’s assent. And if it be urged, that volunteers would have flocked to the aid of the Executive Council, may I not enquire where they would have obtained arms and ammunition, when all the military munitions and stores were deposited in military warehouses, under the care of Commissaries, and Officers of Ordnance, responsible only to the Crown? Oh! no, my Lord, whatever effect such innaginary cases as these may have upon men at a distance, unacquainted with

the state of society in British America, and the general intelligence which prevails,—here they are laughed at, as the creations of a fertile imagination, taxed to combat political improvements that were feared without being understood. If, even under the federative Government of the United States, in which each State is much more independent of the central authority than any Colony would be under the system I contemplate, this right of private war has only been once asserted, by a single State, in more than half a century, and then was scouted all over the Continent, is it to be supposed that British subjects will pay less respect to the authority of their Queen, than do Republican Americans to that of their President?

There is one bare possibility, which your Lordship has not suggested, in opposition to the new system, and yet it is scarcely more ridiculous than some that have been urged—that the Colonial Councilors might claim the control of the squadron upon the North American coast, as well as of the land forces, in their anxiety to engage in foreign wars. The danger in this case would be nearly as great as in the other—for, in modern warfare, a fleet is nearly as necessary as an army; and yet, it is certain that the Admiral upon the station would know how to treat such a claim, should it be preferred by a Council, who, in the wanton exercise of authority, were disposed to transgress all bounds?

The next objection which I am bound to notice, is thus given in the Report:—"Let us suppose that an officer of Militia in Upper Canada, after an action, was to order that the persons taken in that action should be put to death on the field. I can conceive it possible, in a state of exasperation and conflict with the people of the neighbouring state, that the Assembly might applaud that conduct, and might require that it should be the rule, and not the exception, that all invaders of their territory should be treated in that manner, and that the parties should be put to death without trial. Supposing that to be the case, could the government of this country adopt such a rule? Could the Secretary of State for the Colonies sanction such a rule, and not decide, as my honorable friend the Under Secretary has done, that the practice would meet with his decided reprehension?"

Now, my Lord, admitting that such a case might occur once in half a century under the new system, let me remind your Lordship that it has already occurred under the old. If it is to have any weight, the fact of its occurrence in a Province in which the Executive Council is irresponsible, and the Colonial Secretary in the exercise of his full powers, makes in favor of my argument; while I have a right to deny, until proof is furnished, that it could occur, if matters were more wisely ordered, and a more rational system established, by which all temptations to foreigners to make inroads into British Provinces, speculating upon the disaffection of the people, would be removed. But, my Lord, life has been taken, under your system—"death" has been inflicted "without trial," illegally, as you infer—and has any punishment followed? Have the laws been vindicated? No!—then why not? Simply, I presume, be-

cause your beautiful mode of Government has produced such a state of things in a British Province, that the Ministers of the Queen dare not bring the man charged with this high offence to trial. Under a system of responsibility, by which the population were left to manage their domestic affairs, I hold that no such violation of law would be likely to occur; and, that if it did, investigation would be as safe, and punishment as certain, as though a crime had been committed in Middlesex or Surrey.

I have thus disposed, my Lord, of the Military questions; and, as I have left Her Majesty and her Representatives in full command of the Army and Navy, and of the Militia force of British America, and have asserted no claim of the Colonists to interfere with foreign treaties, and diplomatic arrangements affecting the Empire at large, I think, if peace be not maintained with foreign states, and punishment, for offences *strictly military*, be not awarded, the blame will not rest with the Executive Councillors, who are to exercise no jurisdiction over these matters, and cannot be responsible if others fail in their duty.

Let me now turn to another class of objections, arising out of our Colonial and Foreign Trade. "Again," says your Lordship, "neither could this analogy be maintained with regard to trade between Canada and the mother country, or Canada and any other country; how then can you adopt a principle from which such large exceptions are to be made? If you were to do so, you would be continually on the borders of dispute and conflict; the Assembly and the Executive on the one hand requiring a certain course to be pursued, while the governor on the other hand would be as constantly declaring that it was a course he could not adopt; so that, instead of furnishing matter of content and harmony in these provinces, you would be affording new matter for dispute and discontent if you were to act upon this supposed analogy." Now, my Lord, I feel it my duty to state, that you may take from any part you please to select, of England, Ireland, or Scotland, 200,000 persons, and among them you will not find a larger number than are to be found in Nova-Scotia, well informed as to the degree of authority in matters of Trade, which, for the good of the whole Empire, and the preservation of the advantages in which all are to participate, it is necessary to confide to the care of the Sovereign and the wisdom of the Imperial Parliament. The great Corporations of London, of Bristol, and of Liverpool, do not presume to interfere with these, except by petition and remonstrance, neither do we. Each of these Cities has the right to levy small duties within their own limits, for matters of internal regulation or to aid public improvements, and these rights they exercise, in common with us, when they do not contravene any British Statute, necessary for the protection of the Trade of the Empire. But, if it can be shown that a law bears unequally upon London or Halifax, and that a flagrant case of hardship exists—or if the industry of any portion of the People, either in England or the Colonies, is taxed, while no corresponding advantage is reaped by any other portion,—or that, if

reaped, it is an unfair and illegitimate advantage,—an appeal is made to Parliament: we have hitherto been contented, although not directly represented in that Assembly, to abide the result of that appeal; or to pass Bills, taking our chance of their being assented to in England. The same thing would occur, even if the Executive Council was responsible, for, upon this point, there is no part of our population prepared to set up absurd or irrational claims. If Parliament should undertake to legislate directly against our interests—to cut up our commerce, and prevent the growth of domestic industry, and, after fair notice and ample proof of injury, were to persist in such a course, why then a state of things would arise which similar policy produced elsewhere, in other times, and upon the results of which either responsible or irresponsible Councillors could exercise but little influence. But, as political economists, at home, are every day becoming convinced that the more liberty they afford to the Colonist to conduct his commercial operations, the greater will be his demand for British manufactures,—and as, under the guidance of this enlightened policy, the laws of Trade and Navigation are annually becoming less restrictive, it is not probable that difficulties, which were never insuperable, will all of a sudden admit of no rational remedy; or that the boundaries of Colonial and Imperial authority, now so well understood, and the recognition of which is so easily enforced, will often be called in question on either side. If the Colonists assert rights which do not belong to them, and persist in their contumacy, disturbing solemn Treaties and setting Acts of Parliament at naught, why then they have broken the social compact, it is a case of rebellion, and they must be put down.

Let us reduce the difficulty to practice, for the purpose of illustration. Suppose that both Branches of the Legislature pass a Law by which a heavy duty is laid upon British broadcloths, and those from the United States are admitted duty free; and that the Executive Council, being responsible, advise the Lieutenant Governor to assent to it. Such an absurd piece of bad faith as this could never be attempted in the Lower Provinces—for public opinion would never sanction any interference with the general laws, not intended to remedy abuses, or that struck at Colonial without promoting British prosperity; nor would any changes be popular, which violated the fraternal comity, by which British subjects every where are bound to encourage and protect each other. But I have supposed the law passed and presented: the Governor would say in this case, as he now invariably says—as your Lordship admits he must say, if urged to provoke a foreign war—Gentlemen, you are exceeding your powers; to legislate for your own advantage is one thing; to legislate directly against your brethren at home, for the advantage of foreigners, is another; this Bill must either be modified or rejected, or reserved for Her Majesty's assent before it can go into operation. If the parties urging it persisted, a dissolution might be tried, and an appeal to British subjects, in a case where the Governor was clearly right, and his advisers wrong, would never be made in vain; particularly when aided by the Constitutional op-

position, which, under a system of responsibility and manly competition, would exist in every Colony. But if it failed—if such an almost impossible thing were upon the cards, as that a majority could be found in Nova-Scotia, to sustain such an act, or any thing bearing a resemblance to it, then a case would have occurred for the interference of the Imperial authorities, who should say to us frankly, if you will come into unnatural and hostile collision, the weakest has the most to fear.

Had your Lordship been as familiar with the mode of dealing with such subjects as most Colonists are who have watched the proceedings of Colonial Assemblies, you would have been satisfied that no danger was to be apprehended from violent collisions about matters of trade. When a new duty is proposed in Nova-Scotia, or a reduction suggested, the first question asked on all sides is, will the proposition violate the letter, or does it even run counter to the spirit, of the Imperial Acts? If it does, in eight cases out of ten, the person bringing the measure forward drops it, on being assured of the fact—in the ninth case, where a doubt exists as to the policy and wisdom of Imperial legislation, it is found, on enquiry, that the clause which seemed to press upon us, originated in a wide view over the whole field of commerce, which British Statesmen, often better than others whose positions afford fewer advantages, are enabled to take, and that its repeal would inflict an injury and not confer a benefit. The tenth case is perhaps one in which the Imperial Parliament, either from haste, or prejudice, or insufficient information, has committed an error in political economy, or inflicted a wound upon Colonial without benefitting British industry. In this case, (and they only occur once in a great while) no one ever dreams, that, as your Lordship expresses it, the Imperial Legislature is to be "overruled" by that of the Colony: we never doubt but that an appeal to the good sense and justice of our brethren over the water, will be successful. A Bill is passed, perhaps, to meet the difficulty; and an explanation of the facts and reasoning in which it originated, is sent with it, in the form of an Address to the Throne, and in most cases is found to be successful.

This is the mode at present: what reason is there to suppose that it would be much changed, if we had an Executive Council, whose powers and responsibilities did not extend to matters of general commerce, already provided for by Imperial Legislation? If we are so fond of violent conflict and factious opposition, what hinders us from indulging our propensities now? Shall we be less considerate the more kindly we are treated? Shall we have less respect for Imperial legislation, when we see it leaves us the entire management of our domestic affairs, and only deals with those great interests which transcend our authority and are beyond our control? Suppose twelve Novascotians, who are not responsible to any authority under Heaven, are made accountable to the rest of their countrymen, shall we have a man the more for forcible resistance than we have now—or a gun, a pike, a bomb, or a barrel of powder?

I have thus, my Lord, gone over the arguments urged by your

Lordship in the speech of the 3d June. I have omitted none that appear to me to have the slightest bearing upon the great question at issue, and I trust I have given to each a fair and satisfactory answer. I have written not only under a solemn sense of duty, but with the full assurance that sophistry, woven around this question, either on one side of the Atlantic or the other, would be torn to shreds in the conflict of acute and vigorous minds now engaged in its discussion. Had your Lordship, in announcing the decision of the Cabinet, forborne to state the reasons upon which that decision was founded, I might, like counsel at the bar under similar circumstances, have felt myself compelled to acquiesce in a judgment, neither the justice nor the policy of which I could fathom. But when the arguments were stated, and when I saw a question involving the peace and security of six extensive Provinces, and the freedom and happiness of a million and a half of British subjects, disposed of by a mode of reasoning which I knew to be deceptive and unsound,—when I saw, in fact, that the parties claiming their rights were to be turned out of court, with all the argument and all the evidence upon their side,—I felt that to remain silent would be to deserve the social and political degradation which this unjust decision was to entail on my countrymen and myself—to earn the Helot mark of exclusion from the blessings of that Constitutional freedom, which our forefathers struggled to bequeathe; and which we should never cease to demand, as a patrimony that runs with our blood, and cannot be rightfully severed from our name.

I have the honor to be,
 &c. &c. &c.

LETTER IV.

MY LORD,

The business of factious demagogues, of all parties, is to find fault with every thing—to propose nothing practical—to oppose whatever is suggested—to misrepresent and to defame. The object of honest and rational politicians ought to be to understand each other—to deal frankly, abhorring concealment, that mistakes may not be made about facts, terms, or intentions—to deal fairly, giving credit for a desire to elicit truth, and a wish to weigh in a just balance both sides of every question. Having put before you such evidence as I hope will lead your Lordship's mind to the conclusion, that the system by which the North American Colonies are at present governed, must be abandoned, it is not improbable that your Lordship may enquire what it is that we are desirous to substitute for that system? The demand is a reasonable one—the party who

seek this change are bound to prove that they have a safe, and intelligible remedy, for the evils of which they complain. If I cannot show to your Lordship, that, without endangering the authority of the mother country over her Provinces, weakening the Constitutional powers of the Crown, or trenching on the high privileges and wide range of duty assigned to the Imperial Parliament, a better form of Government than that which I am anxious to overturn—one more nearly conforming to the practice and spirit of the Constitution, as understood at home—to the wants and peculiar situation of these Colonies, and less repugnant to the feelings and prejudices of Englishmen every where, can be established—then I must quit the field of argument, and cannot complain if your Lordship adheres to your old opinions.

The Queen and Parliament.

From what has been already written, it will be seen that I leave to the Sovereign, and the Imperial Parliament, the uncontrolled authority over the Military and Naval force distributed over the Colonies—that I carefully abstain from trenching upon their right to bind the whole Empire, by treaties and other diplomatic arrangements, with foreign States—or to regulate the trade of the Colonies with the mother country, and with each other. I yield to them also the same right of interference which they now exercise over Colonies, and over English Incorporated Towns, whenever a desperate case of factious usage of the powers confided, or some reason of state, affecting the preservation of peace and order, call for that interference. As the necessity of the case, the degree and nature of this interference, would always be fully discussed by all parties concerned, I am not afraid of these great powers being often abused, particularly as the temptations to use them would be much lessened if the internal administration were improved.

The Colonial Office.

The Colonial Secretary's duties should be narrowed to a watchful supervision over each Colony, to see that the authority of the Crown was not impaired, and that Acts of Parliament and public treaties were honestly and firmly carried out; but he should have no right to appoint more than two or three officers in each Province—and none to intermeddle in any internal affair, so long as the Colonial Government was conducted without conflict with the Imperial Government, and did not exceed the scope of its authority. This would give him enough to do, without heaping upon him duties so burthensome and various that they cannot be discharged with honor by any man, however able; nor with justice or safety to the millions whose interests they affect. His responsibility should be limited to the extent of his powers; and, as these would be familiar to every Englishman, exposure and punishment would not be difficult, in case of ignorance, incapacity or neglect.

The Governor.

I have shown, in the illustration drawn from the City of Liverpool, that most Governors come out to Colonies so ignorant of their geography and topography, climate, productions, commerce, resources and wants—and above all, of the parties, passions and prejudices, which divide them—and the character, talents, and claims, of the men by whom the population are influenced and led, that for the first six or twelve months they are like overgrown boys at school. It is equally clear that while the business of Government must move on, and the administration commence from the day on which the new Governor arrives, the *Schoolmasters*, from whom all his facts are derived—his views of internal affairs—and his impressions, not only of different parties, but of individuals of each party, gathered, are the *irresponsible Executive Councillors*, whom the present system calls around him—and who, possessed of such advantages, rarely fail, before he can by any possibility escape from their toils, to embroil him with the popular Branch of the Legislature, and the mass of the people by whom it is sustained.

Now let us suppose, that when a Governor arrives in Nova-Scotia, he finds himself surrounded, not by this irresponsible Council, who represent nothing except the whims of his predecessors, and the interests of a few families, (so small in point of numbers, that but for the influence which office and the distribution of patronage gives them, their relative weight in the country would be ridiculously diminutive)—but by men, who say to him, “may it please your Excellency, there was a general Election in this Province last month, or last year, or the year before last, and an administration was formed upon the results of that Election—we, who compose the Council, have ever since been steadily sustained by a majority in the Commons, and have reason to believe that our conduct and policy have been satisfactory to the country at large.” A Governor thus addressed, would feel, that at all events he was surrounded by those who represented a majority of the population—who possessed the confidence of an immense body of the electors, and who had been selected to give him advice by the people who had the deepest interest in the success of his administration. If he had doubts on this point—if he had reason to believe that any factious combination had obtained office improperly, and wished to take the opinions of the People—or if the Executive Council wished to drive him into measures not sanctioned by the Charter, or exhibited a degree of grasping selfishness which was offensive and injurious,—he could at once dissolve the Assembly, and appeal to the People, who here, as in England, would relieve him from doubt and difficulty, and, fighting out the battle on the hustings, rebuke the Councillors if they were wrong. *This would be a most important point gained in favour of the Governor*—for now he is the slave of an irresponsible Council, which he cannot shake off; and is bound to act by the advice of men, who, not being accountable for the advice they give, and

having often much to gain and nothing to lose by giving bad advice, may get him into scrapes every month, and *lay the blame on him*. The Governors would in fact have the power of freeing themselves from thralldom to the family compacts, which none of them can now escape, *by the exercise of any safe expedient known to our existing Constitutions*. It will be seen, too, that by this system, whatever sections or small parties might think or say, the Governor could never by any possibility become, what British Governors have of late been every where, embroiled with the great body of the inhabitants, over whom he was sent to preside. The Governor's responsibility would also be narrowed to the care of the Queen's Prerogative—the conservation of Treaties—the military defence—and the execution of the Imperial Acts : the local administration being left in the hands of those who understood it, and who were responsible. His position would then be analogous to that of the Sovereign—*he could do no wrong* in any matter of which the Colonial Legislature had the right to judge, but would be accountable to the Crown, if he betrayed the Imperial interests committed to his care.

The Executive Council.

Executive Councillors now are either Heads of Departments—or Members of the two Branches who are generally favourable to the policy of these, and disposed to leave their emoluments intact. One or two persons of more independent character, and slightly differing with the others upon a few points, are sometimes admitted ; but a vast preponderance in favour of the views of the official compact, is always, as a matter of course, maintained. The Heads of Departments are always very well paid for their trouble in governing the country, by the enormous official salaries they receive ; their colleagues either are looking to office, or have means of providing for their relatives and friends ; while, if it should so happen, that such a thing as a Colonial Executive Councillor can be found, for any length of time in office, who has not served himself or his friends, the title, and the consciousness of possessing for life the right to approach and advise every Governor, and give a vote upon every important act of administration, without a possibility of being displaced, or called to account for any thing said or done, is no mean reward for the small amount of labour and time bestowed. Formerly these people, in addition to other benefits, obtained for themselves and their friends immense tracts of Crown land. This resource is now cut off, by the substitution of sales for free grants—but, looking at the Executive Council, or Cabinet, as it exists in any of the North American Provinces at present, we find a small knot of individuals, responsible neither to the Queen, the Secretary of State, the Governor nor the People—who owe their seats to neither, but to their relatives and friends, through whose influence and intrigues they have been appointed—and who, while they possess among them some of the best salaries and nearly all the patronage of the country, have a common interest in promoting extravagance,

resisting economy, and keeping up the system exactly as it stands. It will be perceived, that such a body as this may continue to govern a Colony for centuries; like the Old Man of the Mountain, who got upon Sinbad's back, ordinary exertions cannot shake it off. To understand more clearly how un-English, how anti-Constitutional, how dangerous this body is—it is only necessary to contrast it with what it ought to but never does resemble. In England the Government of the Country is invariably carried on by some great *political* party, pledged to certain principles of foreign or domestic policy, which the people for the time approve—but the Cabinet in a Colony is an *official* party, who have the power forever to keep themselves and their friends in office, and to keep all others out, even though nineteen out of every twenty of the population are against them. What would the people of England say, if some twenty families, being in possession of the Treasury, Horse Guards, Admiralty, Colonial Office, &c. had the power to exclude Whigs, Tories and Radicals—to laugh at hostile votes in the Commons, and set the country at defiance—to defend each other against the Crown and the People; to cover ignorance, incapacity, corruption and bad faith? Would they bear such a state of things for a week? and yet your Lordship seems to think that we should bear it, for an indefinite period, with patience.

Now, for this body, I propose to substitute one sustained by *at least a majority of the Electors*—whose general principles are known and approved—whom the Governor may dismiss, whenever they exceed their powers, and who may be discharged by the People whenever they abuse them. Who, instead of laying the blame, when attacked, upon the Governor, or the Secretary of State, shall be bound, as in England, to stand up and defend, against all comers, every appointment made and every act done under their administration. One of the first results of this change, would be to infuse into every department of administration a sense of accountability, which now is nowhere found—to give a vigorous action to every vein and artery now exhibiting torpidity and languor—and to place around the Governor, and at the head of every department of public affairs, the ablest men the colony could furnish—men of energy and talent, instead of the brainless sumpshs, to whom the task of counselling the Governor, or administering the affairs of an extensive department, is often committed under the present system. In England, whether Whigs, Tories or Radicals, are in, the Queen is surrounded, and the public departments managed, by some of the ablest men the kingdom can produce; but suppose a mere Official faction could exclude all these great parties from power, how long would the government possess the advantage of superior abilities to guide it?—would it not at once fall far below the intellectual range which it now invariably maintains?

But, it may be asked, would not the sudden introduction of this system work injustice to some who have taken offices, in the expectation of holding them for life. Perhaps it might, but even if this were unavoidable, the interests of individuals should give way to the public good. The Boroughmongers had the same objections to the

Reform Act—Recorders and Town Clerks to that which cleansed the Corporations. This, like all minor difficulties, might easily be provided for; and I am sure that there are but few of those seeking to establish Responsible Government, who desire to overturn even a bad system in a spirit of heartless vindictiveness.

The Legislative Council.

The Colonies, having no hereditary Peerage, this Body has been constructed to take its place. From the difficulty of making it harmonize with the popular branch, some politicians in Lower Canada, and it was said that the Earl of Durham at first inclined to the opinion, thought it might be abolished. I think there is no necessity for this—first, because it would destroy the close resemblance which it is desirable to maintain between our Institutions and those of the mother country,—and again, because a second legislative chamber, not entirely dependent upon popular favor, is useful to review measures, and check undue haste or corruption in the popular branch. Besides, I see no difficulty in maintaining its independence, and yet removing from it the character of annual conflict with the representative body, by which it has been every where distinguished.

The main object of the Executive Council being the preservation of a system by which they enjoy honors, office and patronage, uncontrolled and uninfluenced by the people,—and they having the nomination of Legislative Councillors, of course they have always selected a majority of those whose interests and opinions were their own, and who could *help them to wrestle with and fight off the popular branch*. Hence the constant collision, and the general outcry against the second chamber. The simple remedy for all this appears to be, to introduce the English practice: let the people be consulted in the formation of the Executive Council, and then the appointments to the Legislative will be more in accordance with public sentiment, and the general interest, than they are now. I should have no objection to Legislative Councillors holding their seats for life, by which their independence of the Executive and of the People would be secured, provided they were chosen fairly by those to whom, from time to time, the constituency, as at home, entrusted the privilege—and not as they are now selected, to serve a particular purpose, and *expressly to wrangle, rather than to harmonise, with the popular branch*. The House of Lords includes men selected by all the administrations which the People of Britain have called into power—the Houses of Lords in the Colonies have been created by *all the administrations which the People never could influence or control*.

Some members of the second Branch should of course have seats in the Executive Council, because in that Chamber also the acts and policy of the Government would require to be explained—but here, as in England, though very desirable, it would not be essential, that the administration should always be sustained by a majority in the Upper House.

The Commons.

One of the first effects of a change of system would be a decided improvement in the character of all the Colonial Assemblies. The great centre of political power and influence would, in the Provinces, as at home, be the House of Commons. Towards that body the able, the industrious, the eloquent and the wealthy, would press with ten times the ardour and unanimity which are now evinced—because then, like its great prototype in Britain, it would be an open and fair arena, in which the choice spirits of the country would battle for a share in its administration—a participation in its expenditure—and in the honor and influence which public employment confers. Now a bon vivant, who can entertain an *Aid-de-camp*—a good looking fellow, who dances with a Governor's Lady—or a cunning one, who can wheedle a Clerk or an under Secretary in Downing Street, may be called to take a part in governing a Province, *for the period of his natural life*. Then, these disreputable and obscure channels of advancement would be closed, and the country would understand the reason and feel the necessity for every such appointment; and the population would be driven to cultivate those qualities which dignify and adorn our nature, rather than debase it. Now, any wily knave or subservient fool, feels that his chance is as good as that of the most able and upright man in the Colony, and *far better, if the latter attempts to pursue an independent course*—then, such people would be brought to their proper level, and made to win their honors fairly before they were worn.

Another improvement would be, the placing the Government of a Colony, as it always is in England, in a majority in the Commons—watched, controlled, and yet aided by a Constitutional opposition. Under the present system the *government of a Colony is the opposition of the Commons*, and often presents in that body the most unseemly and ridiculous figure. Numberless instances might be given of this. The three Executive Councillors who sit in the Assembly of Nova Scotia, have been resisting, in miserable minorities, on a dozen divisions during the last two sessions, votes by which the Commons recorded a want of confidence in them and their party—and, in fact, the Government, instead of taking the lead in public measures, with the energy and ability which should belong to a government, cannot take a single step in the Assembly without the sanction of its opponents. Every emergency that arises, and for which an administration ought to be secure of a majority, presents some absurd illustration of the system. When the border difficulties with the State of Maine occurred last winter, the Government of Nova Scotia had not the power to move a single man of the militia force (the laws having expired) or to vote a single shilling, until the majority came forward, as they always have done, in the most honorable manner, and, casting aside all political differences, passed laws for embodying the militia, and granted £100,000 to carry on the war. But, will your Lordship believe, will it be credited in England, that those

who voted that money—who were responsible to their constituents for its expenditure.—and, without whose consent, for they formed two thirds of the Commons, a shilling could not have been drawn, *had not a single man in the local Cabinet* by whom it was to be spent, and *by whom, in that trying emergency, the Governor would be advised.* Nor are things better when the Legislature is not in session. In consequence of the establishment of Steam Navigation, a despatch was sent out this spring, after the House was prorogued, requiring the Governor of this Province to put the main Roads in thorough repair. Of course he had no means to accomplish the object, nor could his Executive Council guarantee that a single shilling thus expended, would be replaced, or that a vote of censure would not be passed upon him if he spent one; and, to obviate the difficulty, they were seen consulting and endeavouring to propitiate the members of the majority, *whose places, upon such terms, they are contented to occupy;* and to which, so far as I am concerned, if such humiliations are to be the penalty, they are heartily welcome.

It has been objected to the mode proposed, that it would lead to the rotation of office, or extensive dismissals of subordinates, practiced in the United States; but no person abhors that system more than myself, nor has it found any favour in the Colonies, where the English practice is preferred, of removing the Heads of Departments only. To those who are afraid of the turmoil and excitement that would be produced, it is only necessary to say, that if upon the large scale on which the principle is applied at home, there is no great inconvenience felt, how much less have we to fear where the population is not so dense—the competition not so active—nor the prizes so gigantic. A ministry that in England lasts two or three years is supposed to fulfil its mission—and a quadrennial Bill is considered unnecessary, because Parliament, on the average, seldom sits longer than three or four years. As, under a system of responsibility, the contest for power would be fought out here, as it is in England, chiefly on the hustings, an administration would therefore last in Nova-Scotia, until the Quadrennial Bill was passed, for six years certain—two years more than the Governor, unless specially continued, is expected to hold his appointment; and, if it managed judiciously, there would be nothing to prevent its holding the reins for twenty or thirty years. Of course an Executive Council in the Colonies should not be expected to resign upon every incidental and unimportant question connected with the details of Government; but whenever a fair and decisive vote, by which it was evident that they had lost the confidence of the country, was registered against them, they should either change their policy, strengthen their hands by an accession of popular talents and principles, or abandon their seats, and assume the duties and responsibilities of opposition. If there was any doubt as to what the nature of such votes should be, the Parliamentary usage would be the guide on this as on all minor matters.

Appointments, Internal Improvements, &c.

One of the greatest evils of the present form of Government is, that nothing like system or responsibility can be carried into any one branch of the public service. There are, exclusive of Militia and Road Commissions, nearly *nine hundred* offices to be filled in the Province of Nova-Scotia alone, all essential to the administration of internal affairs—not one of them having any thing to do with *Imperial interests*; and will it be believed in England, that the whole of this patronage is in the hands of a body whom the people can never displace? that the vast majority in the Commons have not the slightest influence on its distribution? while the greatest idiot, who gives his silent and subservient vote in the minority, is certain of obtaining his reward? But the evil does not stop here; it is utterly impossible for the people either to bring to punishment, or to get rid of, a single man of the whole nine hundred, if the local government chooses to protect him.

Perhaps the most cruel injury that the system inflicts upon the Colonists, arises from the manner in which they are compelled to conduct their internal improvements. This has been noticed by Lord Durham; but perhaps his Lordship did not fully comprehend the reasons which render the mode, however anomalous and injurious, in some degree acceptable to the constituency, in order that other evils may be prevented, which might be a great deal worse. It will be perceived that the nine hundred offices, already referred to, are generally distributed by the irresponsible official party in such a way as to buy their peace, or strengthen their influence in the country. Let us see how this operates in practice. Suppose a County sends to the Assembly four Representatives, all of whom support the local Government—the patronage of that County is of course at their disposal, to strengthen their hands, and keep down all opposition—but should the whole be hostile to the Compact, then it is used to foster opposition, and create a party to displace them. If there is a division of sentiment among the members, those who support, are always aided in mortifying and getting rid of, those who attack the Government. Though but one of the four is an adherent of the Compact, every man in the County knows, that his influence is worth much more than that of the other three—that, while one can obtain any favour he wants for a friend or partizan, the others cannot, unless by the barter of a corrupt vote, or the sacrifice of principle, even obtain justice. Now, if besides these nine hundred offices, about five hundred commissions, for the expenditure of the Surplus Revenues of the Country upon roads, bridges and internal improvements, were given over to be disposed of in the same way, the hands of the Compact would be so much strengthened, that it would be still more easy to create a party in a county, to endanger the seat of any member who ventured to give an independent vote. To obviate this risk, which was seen at an early period to menace the independence of the Commons, it was determined that the members from each County should recommend the Commissioners for the ex-

penditure of monies within it, and this being acquiesced in by the Governors, for some time before its political bearing was much regarded by the Compacts, has grown into usage, which they have not ventured openly to attack—although, as they still contend that the right of appointment is in the Executive, they seldom fail to show their power, and vent their feelings, by petty alterations almost every year. The advantages of this arrangement are, that the majority of the constituency, and not the minority, as in every other case, distribute the patronage under this branch of expenditure—and, as the Members who name Commissioners have a great deal of local knowledge, and are moreover responsible to the people, they can be called to account if they abuse this trust. But still, from the very nature of things, it is liable to abuse. Road Commissions may be multiplied, and sums unwisely expended, to secure votes at the next election, or to reward, not a good road maker but a zealous partizan. The Executive has not the control it would have if these men were selected by the Government—and the legislative power, which should be used to unmask corruption, is sometimes abused to afford it shelter. The remedy which our Compact always suggest, like all their remedies for political discrepancies, aims at the extension of their own influence, and the firmer establishment of their own power. They are loud, upon all occasions, in denouncing the corruption of the road system—the minority in the Assembly are eloquent on the same theme; while, through the columns of some newspaper in their pay, they are always pouring forth complaints that the Roads are wretchedly bad, and will never be better, *until the expenditure is placed in their hands*. It will be perceived, however, that to follow their advice, would be to make, what is admitted on all hands to have its evils, a great deal worse; because, if these nominations are taken from those who possess local information, and given to men who have little or none, who will not be advised by those who have, and who can be called to account by no power known to the Constitution, besides a great deal more of blundering being the result, the *partial responsibility*, which now makes the system barely tolerable, would be entirely removed. Political partizans would still be rewarded; but, instead of all parties in the country sharing the patronage (for members of the minority as well as of the majority make these appointments) it would be confined to those only who supported the Compact; and who, however imbecile, ignorant or corrupt, would then be, as every other officer in the Colony is now, independent of any description of popular control. If any doubt could be entertained as to whether the public would lose or gain by the change, evidence enough might be gathered; for some of the vilest jobs, and most flagrant cases of mismanagement, that disgrace the history of the Road Service in Nova-Scotia, have been left as monuments of the ignorance or folly of the Compact, whenever they have taken these matters into their own hands.

But, make the Governor's advisers responsible to the Assembly, and the Representatives would at once resign to them the management of such affairs. It would then be the business of the Execu-

tive, instead of leaving the Road service to the extemporaneous zeal or corrupt management of individuals, to come prepared, at the commencement of each Session, with a general review of the whole system; and, supported by its majority, to suggest and to carry a comprehensive and intelligible scheme, embracing the whole of this service—accounting for the previous year's expenditure and appointments, and accepting the suggestions of Members as to the plans of the current year. We should then have an Executive to which every Commissioner would be directly accountable—to which he could apply for instructions from January to December; and which, being itself responsible, would be careful of its proceedings; and yet, being more independent than individual members are in dealing with their own constituents, would be more firm and unyielding where it was right. This is the simple, and I am satisfied the only safe remedy, for the abuses of the Road system. To take the distribution of commissions from fifty men, possessed of much local knowledge, and partially responsible, to give it to twelve others, having less information, and subject to no control, would be an act of madness. Fortunately, in this as in all other cases, we have no occasion to seek for new theories, or try unsafe experiments; let us adopt the good old practices of our ancestors and of our brethren—let us “keep the old paths,” in which, while there is much utility, there is no danger.

My Lord, there is an argument used against the introduction of Executive responsibility, by Sir Francis Head, which it may be well to notice, because it has been caught up by shallow thinkers every where, and is often urged with an air of triumph, that, to those who look beyond the surface, is somewhat ridiculous. It is said, if this principle had been in operation, Papineau and Mackenzie would have been miniaters in the respective Provinces they disturbed! But, do those who urge this objection ever stay to enquire, whether, if there had been responsibility in the Canadas, either of these men could have assumed so much consequence, as to be able to obstruct the operations of government, and create a rebellion, in a British Province? Nothing made a Dictator tolerable in ancient Rome, but a sense of common danger, arising out of some unusual and disastrous posture of affairs, which rendered it necessary to confide to an individual extraordinary powers—to raise one man far above all others of his own rank—to substitute his will for the ordinary routine of administration, and to make the words of his mouth the law of the land. When the danger passed away, the Dictator passed away with it: power, no longer combined in one mighty stream, the eccentric violence of which, though useful might be destructive, was distributed over the surface of society, and flowed again through a thousand small but well established channels, every where stimulating and refreshing, but no where exciting alarm. In political warfare, this practice of the ancients has been followed by the moderns with good success. O'Connell in Ireland, and Papineau and Mackenzie in Canada, grew into importance, from the apparent necessity which

existed for large masses of men to bestow upon individuals unlimited confidence, and invest them with extraordinary powers. I wish that the two latter, instead of provoking the maddest rebellions on record, had possessed the sound sense and consummate prudence which have marked every important step of the former's extraordinary career: but, who believes, that if Ireland had had "justice," instead of having it to seek, that ever such a political phenomenon as the great Agitator would have appeared, to challenge our admiration and smite the oppressors with dismay? And who dreams that, but for the wretched system upheld in all the Colonies, and the entire absence of responsibility, by which faction or intrigue were made the only roads to power, either of the Canadian demagogues would ever have had an inducement, or been placed in a position, to disturb the public peace? I grant that even under the forms which I recommend, such men as Papineau and McKenzie might have existed—that they might have become conspicuous and influential, and that it is by no means improbable that they would have been Executive Councillors of their respective Provinces, advising the Governors, and presiding over the administration of their internal affairs. But suppose they had, would not even this have been better than two rebellions—the scenes at Windsor, St. Charles, and St. Eustache—the frontier atrocities—and the expenditure of three millions sterling, which will be the cost before the accounts are closed? Does any man in his senses believe, that if McKenzie or Bidwell could have guided the internal policy, and dispensed the local patronage, according to the British mode, that either of them would have been so mad as to dream of turning Upper Canada into a Republic, when, even if they succeeded, they could only hope to be Governors for a few years, with powers very much more restricted, and salaries not more ample, than were their's for life, or as long as they preserved their majority. Possessed of honors and substantial power, (not made to feel that they who could most effectually serve the Crown, were excluded by a false system from its favor, that others less richly endowed might rise upon their ruins,) would these men have madly rushed into rebellion, with the chance before them of expatriation, or an ignominious death?

You well know, my Lord, that rebels have become exceedingly scarce at home, since the system of letting the majority govern has become firmly established—and yet they were as plenty as blackberries, in the good old times when the Sovereigns contended, as Sir Francis Head did lately, that *they only were responsible*. Turn back, and you will find that they began to disappear altogether, in England, about 1688, and that every political change, which makes the Executive more completely responsible to the Legislature, and the Legislature to the country at large, renders the prospects of a new growth "small by degrees and beautifully less." And yet, my Lord, who can assure us, that if the Sovereigns had continued, as of old, alone responsible—if hundreds of able men, all running the same course of honorable ambition, had not been encouraged to watch and control each other—and if the system of governing by the mi-

nority and not by the majority, and of excluding from power all who did not admire the mode, and quarrelled with the Court, had existed down to the present day—who, I ask, will assure us, that Chatham and Fox, instead of being able ministers and loyal men, might not have been sturdy Rebels? who can say that even your Lordship, possessed of the strong attachment to liberty which distinguishes your family, might not, despairing of all good government under such a system, instead of using your influence to extend, by peaceful improvements, the happiness of the people, be at this moment in the field at their head, and struggling, sword in hand, to abate the power of the Crown? So long as the irresponsibility principle was maintained in Scotland, and Viceroys and a few Bishops and Courtiers engrossed the Administration, there were such men as Hume and Lindsay, and such things as Assemblies in Glasgow, General Tables in Edinburgh, and armed men in every part of that noble country, weakening the Government, and resisting the power of the Crown; and up to the period when Lord Normanby assumed the government of Ireland, and it became a principle of administration that the minority were no longer to control the majority, and shut them out from all the walks of honorable ambition, what was the attitude in which Mr. O'Connell stood towards the Sovereign? Was it not one of continual menace and hostility, by which the latter was degraded, and the former clothed with a dangerous importance?—and what is his attitude now? Is it not that of a warm hearted supporter of a Queen, whose smiles are no longer confined to a faction but shed over a nation, every man of which feels that he is free to obtain, if he has ability and good fortune to deserve, the highest honors in her power to bestow? Daniel O'Connell, (and perhaps it may be said that his tail suggested the comparison) is no longer a political comet blazing towards the zenith, and filling the terror stricken beholders with apprehensions of danger, and a sense of coming change; but a brilliant planet, revolving in an orbit with the extent of which all are familiar, and reflecting back to the source of light and honor the beams which it is proud to share. Who any longer believes that O'Connell is to shake the Empire and overturn the Throne? And who doubts, had he *despaired* of justice, but he too might have been a rebel—and that the continued application to Ireland of the principle I denounce, would, ere long, have revived the scenes and the sufferings through which she passed in '98?

If, my Lord, in every one of the three great Kingdoms from which the population of British America derive their origin, the evils of which we complain were experienced, and continued until the principles we claim as our birthright became firmly established, is it to be expected that we shall not endeavour to rid ourselves, by respectful argument and remonstrance, of what cost you open and violent resistance to put down? Can an Englishman, an Irishman, or a Scotchman, be made to believe, by passing a month upon the sea, that the most stirring periods of his history are but a cheat and a delusion—that the scenes which he has been accustomed to tread with deep emotion, are but mementoes of the folly, and not, as he

once fondly believed, of the wisdom and courage of his ancestors—that the principles of civil liberty, which from childhood he has been taught to cherish, and to protect by forms of stringent responsibility, must, with the new light breaking in upon him on this side of the Atlantic, be cast aside as an useless incumbrance? No, my Lord, it is madness to suppose that these men, so remarkable for carrying their national characteristics into every part of the world where they penetrate, shall lose the most honourable of them all, merely by passing from one portion of the Empire to the other. Nor is it to be supposed that Novascotians, New Brunswickers, and Canadians—a race sprung from the generous admixture of the blood of the three foremost nations of the world—proud of their parentage and not unworthy of it, to whom every stirring period of British and Irish history—every great principle which they teach—every phrase of freedom to be gleaned from them—are as familiar as household words, can be in haste to forget what they learnt upon their parents' knees, what those they loved and honored clung to with so much pride, and regarded as beyond all price. Those who expect them thus to belie their origin, or to disgrace it, may as soon hope to see the streams turn back upon their fountains. My Lord, my countrymen feel, as they have a right to feel, that the Atlantic, the great highway of communication with their brethren at home, should be no barrier to shut out the civil privileges and political rights, which, more than any thing else, make them proud of the connexion—and they feel also, that there is nothing in their present position or their past conduct to warrant such exclusion. Whatever impression may have been made by the wholesome satire, wherewith one of my countrymen has endeavoured to excite the others to still greater exertions, those who fancy that Novascotians are an inferior race to those who dwell upon the ancient homestead, or that they will be contented with a less degree of freedom, know little of them. A country that a century ago was but a wilderness, and is now studded with towns and villages, and intersected with roads, even though more might have been done under a better system, affords some evidence of industry—Novascotian ships, bearing the British flag into every quarter of the globe, are some proofs of enterprise—and the success of the native author to whom I have alluded, in the wide field of intellectual competition, more than contradicts the humorous exaggeration, by which, while we are stimulated to higher efforts, others may be for a moment misled. If then our right to inherit the Constitution be clear—if our capacity to maintain and enjoy it cannot be questioned—have we done any thing to justify the alienation of our birthright? Many of the original settlers of this Province emigrated from the old Colonies, when they were in a state of rebellion—not because they did not love freedom, but because they loved it under the old banner and the old forms; and many of their descendants have shed their blood, on land and sea, to defend the honour of the Crown and the integrity of the Empire. On some of the hardest fought fields of the Peninsula, my countrymen died in the front rank, with their faces to the foe—the proudest naval trophy of the last American war,

was brought by a Novascotian into the harbour of his native town—and the blood that flowed from Nelson's death wound in the cockpit of the Victory, mingled with that of a Novascotian stripling beside him, struck down in the same glorious fight. Am I not then justified, my Lord, in claiming for my countrymen that Constitution, which can be withheld from them by no plea, but one unworthy of a British Statesman, the tyrant's plea of power? I know that I am—and I feel also, that this is not the race that can be hood-winked with sophistry, or made to submit to injustice without complaint. All suspicion of disloyalty we cast aside as the product of ignorance or cupidity—we seek for nothing more than British subjects are entitled to, but will be contented with nothing less.

My Lord, it has been said, that if this system of responsibility were established, it would lead to a constant struggle for office and influence, which would be injurious to the habits of our population, and corrupt the integrity of public men. That it would lead to the former I admit—but that the latter would be a consequence, I must take leave to deny; until it can be shown, that in any of the other employments of life fair competition has that effect. Let the Bar become the Bar only of the minority, and how long would there be honour and safety in the profession? Let the rich prizes to be won in Commerce and Finance be confined to a mere fragment, instead of being open to the whole population, and I doubt whether the same benefits, the same integrity, or the same satisfaction, would grace the monopoly, that now spring from an open, fair, and manly competition, by which, while individuals prosper, wealth and prosperity are gathered to the State. To be satisfied that this fair competition can with safety, and the greatest advantage, be carried into public as well as private affairs, it is only necessary to contrast the example of England with that of any Continental nation where the opposite system has been pursued. And if, in England, the struggle for influence and office has curbed corruption—and produced examples of consistency and an adherence to principle, extremely rare in other countries—and in none more so than in the Colonies, where the course pursued strikes at the very root of manly independence, why should we apprehend danger from its introduction, or shrink from the peaceful rivalry it may occasion? But, my Lord, there is another view that ought to be taken of this question. Ought not British Statesmen to ask themselves, is it wise to leave a million and a half of people, virtually excluded from all participation in the honorable prizes of public life? There is not a weaver's apprentice or a parish orphan in England, that does not feel that he may, if he has the talent, rise through every grade of office, municipal and national, to hold the reins of government, and influence the destinies of a mighty Empire. The Queen may be hostile—the Lords may chafe—but neither can prevent that Weaver's Apprentice or that Parish Orphan from becoming Prime Minister of England. Then look at the United States, in which the son of a Mechanic in the smallest town, of a Squatter in the wildest forest, may contend, on equal terms, with the proudest, for any office in twenty eight different States; and

having won as many as contents him, may rise, through the national grades, to be President of the Union. There are no family Compacts to exclude these aspirants—no little knots of irresponsible and self elected Councillors, to whom it is necessary to sell their principles, and before whom the manliness of their nature must be prostrated, before they can advance. But, in the Colonies, where there are no prizes so splendid as these, is it wise or just to narrow the field, and confine to little cliques of irresponsible politicians, what there are? No, my Lord, it is neither just nor wise—every poor boy in Nova-Scotia (for we have the feelings of pride and ambition common to our nature) knows that he has the same right to the honors and emoluments of office, as he would have if he lived in Britain, or the United States—and he feels, that while the great honors of the Empire are almost beyond his reach, he ought to have a chance of dispensing the patronage and guiding the administration of his native Country, without any sacrifice of principle or diminution of self respect.

My Lord, I have done. If what has been written corrects any error into which your Lordship or others may have fallen, and communicates to some, either in Britain or the Colonies, information upon a subject not generally understood, I shall be amply repaid. Your Lordship will perhaps pardon me for reminding you, that, in thus eschewing the anonymous, and putting my name to an argument in favor of Executive Responsibility for the North American Colonies, I am acting under a sense of deep responsibility myself. I well know that there is not a Press in the pay of any of the Family Compacts, that will not misrepresent my motives and pervert my language—that there is not an overpaid and irresponsible Official, from Fundy to the Ottawa, whose inextinguishable hostility I shall not have earned for the remainder of my life. The example of your Lordship will, however, help me to bear these burthens with patience. You have lived and prospered, and done the State good service, and yet thousands of corrupt Boroughmongers and irresponsible Corporators formerly misrepresented and hated you.—Should I live to see the principles for which I contend, operating as beneficially over British North America, as those immortal Acts, which provoked your Lordship's enemies, do in the mother country, I shall be gratified by the reflection, that the patriotic and honorable men now contending for the principles of the British Constitution, and by whose side, as an humble auxiliary, I am proud to take my stand, whatever they may have suffered in the struggle, did not labour in vain.

I have the honor to be,
 With the highest respect,
 Your Lordship's humble admirer,
 And most obedient Servant,

JOSEPH HOWE.

a-
ly
ole
ir
be
re
ne
at
py
n-
rs
or
he
of
a-
of

ny
n-
on
d.
in
u-
an
I
ily
ny
al,
all
ur
sa-
od
es-
ng
ts,
ry,
ra-
re-
ke
not

t,

