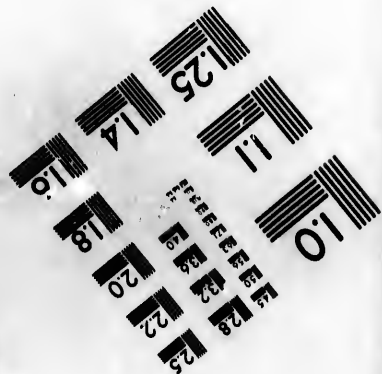
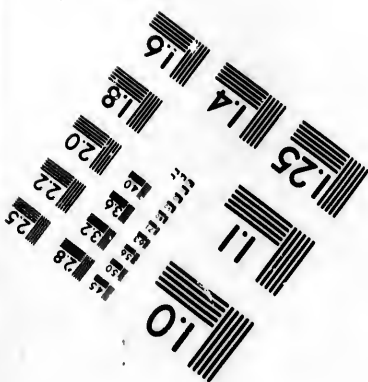
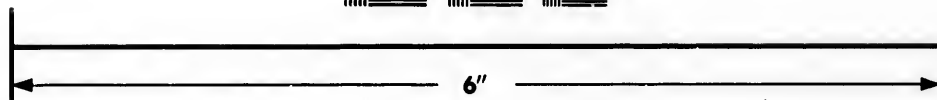
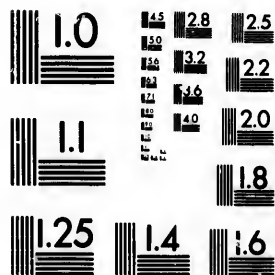


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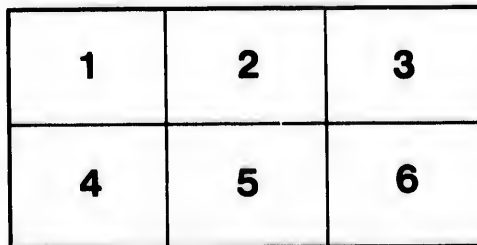
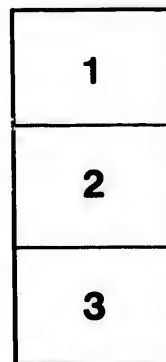
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INFORMATION FOR THE PEOPLE.

The Solicitor General's Speech.

TO THE PEOPLE OF NOVA-SCOTIA.*

Fellow Countrymen,

The speech of the Hon. the Solicitor General, at the late Public Meeting in Halifax, is a document of some importance at the present time. It is important, from the position and character of the speaker—from the occasion on which it was delivered—and from the use which has been attempted to be made of it, as a means to aid the system of Government agitation, now going on throughout the country. It is important to you, because it treats of topics involving your dearest interests; and to me, because it attacks the policy of the majority in the Assembly with whom I have acted, and, upon some vital questions, the soundness of my political opinions.

To affect to treat such a document with indifference, would be to display but little knowledge of the state of public opinion in British North America,—to pass it over in silence, would be to admit the assertion of its admirers, that it is conclusive and unanswerable—to assail its positions anonymously, would not be doing justice to a gentleman, who has thrown himself boldly into the arena; nor would it be satisfactory to the calm and reflecting minds throughout the Province, by whose deliberate judgment, framed upon evidence, the questions at issue must be ultimately decided. I have concluded, therefore, to put my own name to a review of the learned Solicitor's speech: in doing which, I think I am not doing more than his frequent references to myself would warrant, nor that both friends and enemies would require of me at the present time. My object shall be, to set before you, in language so plain and simple that even the unlettered cannot mistake my meaning, the grounds of my belief, that whether the learned Solicitor General's speech was intended as an attack upon the Reformers—a defence of the Governor—a vindication of the conduct of the Legislative and Executive Councils—or as an argument against Executive Responsibility for the Colonies—that, upon each and all of these points, there has been a signal failure, that renders the triumphal boasts of the opposite party ludicrous in the highest degree.

Before referring to the speech itself, let me mark a peculiar feature of the present times, which its delivery serves to illustrate. Some years ago, when myself and a few friends in the capital, began to press those reforms, many of which have been so happily accomplished, and to advocate those principles which we still, under better auspices, proudly assert, nothing could exceed the contempt and indifference with which our efforts were viewed by the party in power. When we met in the long room in the Exchange Office House, we could not persuade one of those who had any thing to hope or to fear, to enter the room, or take any part in the proceedings. From the door of the Reading Room, which adjoins it, they would sometimes look in, with faces expressive of astonishment, that the humble men before them should have the assurance to discuss the mysteries of Government, and devote an hour to public affairs. But times have changed. Those who rule, begin to fear that they cannot hold their position, but with the consent and support of the great body of the people—and, on the occasion to which I refer, Councillors and Officials were seen smiling blandly upon tradesmen and mechanics, who so recently

they affected to despise,—the wealthy merchant, with one foot on the threshold of the Council, and doubtful whether or not he would get leave to draw the other after it, exchanged greetings with the humble dealer, who, elsewhere he would hardly have known; and, even more surprising than all this, there stood her Majesty's Solicitor General, a member of both Councils, and confidential adviser to his Excellency Sir Colin Campbell, *defending the policy of the Government and the conduct of the Governor before the Halifax mob.**

Of course I attributed all these concessions to the same cause to which you will probably attribute them. Surely, thought I, these strange things would never have happened, had not the political discussions of the past few years made the mass of the people less intelligent, less united, and infinitely less powerful than they were—depend upon it all this consideration and civility, result from the weakness displayed by the Reformers at the last election—and from their utter inability to use my great influence upon those which are to come. When I reflected upon the share that I had had in producing this change, I was delighted to find that the learned Solicitor forgot to make it part of the general charge which he brought against the course that I and my political associates had pursued.

I must confess, that, in putting the learned Solicitor General forward to defend the structure and policy of the Government, no little tact was displayed by the opposite party. So that they calculated largely upon his influence, both in town and country, among a body of christians who do not usually think with them—no doubt they thought that, because, to a certain extent, they hated him for the liberal views he was known to entertain in religious matters, to the same extent he would probably find favour in the eyes of many, who preferred those views to the bigotted and narrow rule of exclusion, upon which they have hitherto acted.

There was policy, too, in selecting a man who had only the sin of a few years to answer for, and who had not been, for any length of time, mixed up with the measures which have rendered them so distasteful to a majority of the Representative body, and to those they represent.

If some policy was shown, in selecting a defender, it must be acknowledged that the skill of a practised advocate was also displayed in choosing the topics of the defence. The whole ease was made to turn upon the propriety or impropriety of the rejection of two measures by the Legislative Council,—of these I shall speak by and bye; in the meantime, I may observe, that the charge against Sir Colin Campbell and his advisers goes much deeper. It touches not merely the acts, but the construction of the two Councils; and I assert, that even if all that the Solicitor General has said upon the subject of the Civil List and the Judiciary, was entirely satisfactory, still, that the main charges against Sir Colin Campbell would remain untouched, and would be of a character sufficiently grave to justify the Representatives of the people in asking for his recall.

Before proceeding to the consideration of the three branches, into which the main subject naturally divides itself, I cannot but pause a moment to consider the charge made against the Reformers, that they had "not fairly represented to the country," the conduct and sentiments of their opponents. Well, thought I, when this accusation gravely fell from the

* This was the polite name applied, until lately, to any public meeting for political purposes, called in the Capital.

lip of the learned Solicitor, can you be serious? or is it possible that close application to other and more important duties, leaves no leisure for an examination of the contents, or an estimate of the character, of the Provincial Press? No doubt Mr. Johnston meant what he said, and spoke in all sincerity at the time; but that he spoke without reflection, anybody may be convinced that argues for a moment to the facts. During the four years that I have been in the Legislature, a person of known character and attainments has been employed to report the debates for *The Novascotian*. Passing over minor discussions, all the leading debates, those to which the speaker must have referred, have been faithfully and fully reported. It is true, the debates in the Legislative Council have but seldom been given, because no weekly paper can furnish both; but, as their conduct and policy, whenever attacked, has always found able advocates in the Assembly, all that could be said far, has usually gone to the country with all that was said against them. It is true, that a great deal that has been done and said in both Houses, and many documents connected with the public business, have been omitted, or laid aside, until their interest was gone, merely because there was no space to spare; but so scrupulous have I been upon this point, that I cannot call to mind one powerful oratorical display made by one of my opponents, bearing upon any of the great questions which divide the population, that has been intentionally suppressed. While some of the unsuccessful and successful personal attacks, upon myself and friends—some of the ablest and vindictive attacks of the opposite party—are to be found faithfully recorded in *The Novascotian*, and often *condemned also*; and it is a curious fact, that during the last session, the only persons who complained of injustice having been done them, were two conspicuous members on the other side of the House. While I have thus "misrepresented" the party with whom the learned Solicitor acts, what has been their conduct to me? I could turn to a man's reports in the papers, which they patronize, in which my speeches have been either misrepresented, or entirely omitted, while those of my opponents have been given at full length—I could turn to a book, in which I have been made to utter no sense I ever gave; or to have entered into any man's head—and to one instance, fresh in my recollection, where, in a report of a skirmish, in which on all hands it was acknowledged the enemy got the worst of it, the victory was given to them—a column or two being filled with single speeches on the other side; while mine, which occupied upwards of two hours in the delivery, was compressed into about ten lines.

So much for the conduct of the Reformers, and their opponents, in the most important department of political information to the people. Let us turn to other departments. The *Times* and *The Patriot Observer* are the most conspicuous organs of the Government party—the *Journal* extracts every thing which can make against us, and sometimes mistakes a great deal that is indisputable—but is generally guarded and respectful in expression; but I ask the Solicitor General to range over the wide world of political discussion, and counting some of the London Sunday papers, that live by libel and blackguardism, to select two organs of any party, whose inducements in defamation—more reckless and unprincipled in general management—more fond in accuracy—in the false in fact and inference, than the two papers, through which the public conduct and personal characters of the majority in the Assembly, and those who support them, are constantly assailed. I put it to him to say, if there is a political or personal slander that could enter the most fertile imagination, that has not been committed through these precious publications, against some or other,

if not all, of the members of that majority. I ask him if one set of mine that was capable of perversion has not been perverted—if I have got credit for one effort, however worthy in any cause, however good—and if any part of the public conduct of either myself or my friends, has ever been, through these, the favoured organs of the local Government, "fairly represented to the country?" And if not, I ask the Solicitor General, as an upright and conscientious member of that Government, has he ever raised his voice against that wholesale and indiscriminate slander? And, if he has not, how he can stand up before the Country, and make it matter of charge against men so assiduous, in placing their own views before the people, they do not always present in the most favorable light, the conduct of those who set them such an example? If I chose to turn to the newspaper files during the existence of the two bodies, I could lay before the learned Solicitor, the columns of misrepresentation and abuse of the House of Assembly, far more than could be produced reflecting on the Councils; and therefore, in the Department also, I am prepared to maintain that the local Government have had their advantage.

But there are other modes of "misrepresentation," besides those afforded by the Press. There is the industrious dissemination of a mass of direct falsehood and slanderous insinuation, through the eyes of the same life. Far be it from me to suspect the learned Solicitor General of any participation in this dirty work; but I told him that, in this department also, many of those with whom he has been associated, and who now cover his path with his gavel, and look to him for shelter and defence, have laboured most industriously, and that here also, the assault has not been on our side. I have heard of such things as one near relative of a grave dignitary screaming at his shambles, day by day, and violating one's entrails, invention for another, and a second relative, who could not speak of the majority in the House of Assembly with all the hatred of reason and rebellion, and I have often felt how a word or a line could wound and wither; and yet I have also felt that the cause in which I was engaged did not require that every blow should be returned, or that every circle that closed to allow stones should have their glass house beaten about their ears. I have heard of such things as an Executive Councilor secretly retailing one direct falsehood, and another gross and fraudulent perversion of fact, and quoting the highest officer in the Government as his authority—and yet I have, not thought it necessary to follow even such distinguished examples, contenting myself with dragging these lurking calumniators before the public whenever I could trace them, and making them pay the penalty of exposure. I claim therefore, for myself, and for those with whom I have acted, not only a degree of fairness in representing the sayings and doings of our opponents to the Country, but a degree of magnanimity and forbearance—often under the greatest provocation—to which the party opposed to us cannot be by the shadow of a claim.

Let me now turn to those topics, which form the staple of the learned Solicitor's Speech: the *Civil List* and the *Judiciary*, repeating again, what I have stated before, that even if all that can be lawfully been said upon those subjects, yet is Sir Colin Campbell left without any defence. But, can no more be said upon them? How the vindictive, even of the acts of the Legislative Council, been so triumphant, as to silence any complaints of the systematic violation of Her Majesty's commands in the construction of that body?

The views the majority of the Assembly always took of the *Casual and Territorial Revenue*, were—that those

Revenues were vested in the Crown, not as personal property, to be capriciously lavished upon individuals, or withdrawn from the Country, but as a trust fund, to be husbanded with economy, and expended for the benefit of the whole people. In seeking a transfer of these Revenues, they thought that, as the Representative Branch had always promptly met every just demand upon the local Government—and as there was no reason to believe that it would be less liberal in future than it had been in times past—it was most unwise to have a separate source of income at the command of the Governor, over which the House had no control, and which, by being applied to raise the salaries of a few officers far above the means of the Colony, and the general scale of remuneration to others—created jealousy and uneasiness—and fostered extravagant notions, which continually menaced the Provincial treasury on the one hand, while it injured the tone of society on the other. The House believed that the Representatives of the People would appropriate those Revenues more wisely than the three or four Public Officers, who usually managed the fund, and whose only care appeared to be, to see who should get the most out of it. Perhaps they also thought, as the chief part of those Revenues was derived from a most extraordinary monopoly of the mineral resources of the Province, transferred to individuals for a period of sixty years, that the Crown was bound to make atonement for a grant so impolitic, by making the small income it produced productive of some advantage to the people. In return for the revenues demanded, the House always professed its readiness to grant, either for the life of the Queen, or forever, an adequate Civil List—making the salaries of the Governor and the Judges permanent. It did not conceive itself bound, in making this appropriation, to give to all the officers who had hitherto managed this Revenue the whole amount of salary which they had given themselves. It thought its duty was to take a fair view of the whole subject,—looking to the claims of existing officers—to the duties to be discharged by future incumbents—to the relative emoluments and duties of other officers already provided for—and to the pressing demands of the public service, in various important departments, for every shilling of surplus funds,—and, having done this, to pass such a Bill as should finally settle the question.

Those who took a lead in this measure did not conceive that they were to be tied up by the claims of officers, who, from one cause or other, had hitherto been paid out of all proportion to the resources of the Country—or that they were bound to give them, during their lives, every farthing that they had hitherto received; nor did they suppose that they were excluded, by the large wage of any despatches, founded upon the ex parte statements and remonstrances of those officers, from making to the Government a proposition, which, in their deliberate judgment, they believed to be rational and fair. Nor what was their proposition?

The present Governor and his successors in office were to receive the full sums required by the Colonial Secretary.

Sir Rupert D. George was to receive, during his continuance in office, £1100 Currency, independent of his receipts from the Registry. £700 was to be the salary of his successor.

The Chief Justice was to receive £1100, besides his travelling fees of a guinea a day. £973 10s. was to be given to any future incumbent of the same office, which, with the travel, would have seemed to the highest Judicial Officer of the Province, in all time to come, about One

Thousand Province Notes,—Judge Halliburton having, during his life, about £150 more.

The Puisne Judges were to have, now and hereafter, £700 each, which, with a guinea a day for travel during about three months that they were on the Circuit, would have made nearly £800, to support their dignity and ensure their independence. The Master of the Rolls was to receive £700 a year.

In addition to these sums, which were to have been permanently appropriated in the Bill rejected by the Legislative Council, every other charge borne upon the Revenues to be surrendered, was to be provided for by the annual votes of the House.

Now, I think, when you have calmly examined this scheme of appropriation, you will hardly agree with the Solicitor General, that it involves any thing very illiberal on the part of the House—unjust to the officers—or perilous to the "public honor." A more wise and reasonable measure, I believe, never passed the Assembly—nor was one ever conceived or carried through in a better spirit. I served on the Committee which framed the Bill, and I never saw the duties and claims of officers more fairly considered, nor a more sincere desire manifested to quit, and finally dispose of, a vexed question—and when the Bill was reported, I did not believe for a moment that it would be rejected by the upper Branch. Let us suppose that it had passed both Branches, with a suspending clause, and had been sent home with an Address from the two Houses calling the attention of Her Majesty's Government to the few points on which it varied from the despatches, but stating that the whole subject had been gravely weighed and considered,—and that, in the opinion of both, it was a wise and reasonable arrangement. Does any man doubt that it would have been agreed to at home?

But, says the Solicitor General, it would have been unjust to the Chief Justice, because he had taken certain fees which amounted to more, and an arrangement had been made with him by which they were relinquished. Let me invite your careful attention to this, the strong point of the Solicitor General's case, if it has a strong point at all, of which you may have doubts by and bye—but, for the present, bear with me while I try out the merits of this objection.

Suppose that, at this moment, the Chief Justice were in possession of those fees—suppose that no question as to their legality had ever been raised—suppose that they were not only not illegal, but expressly sanctioned by legislative enactment; but that, growing with the growth of the country, they had become excessive; will the Solicitor General venture to deny to the Legislature the power and the right to abate or even to abolish them altogether—or to vary the mode of payment, or the amount of provision, in any way that they might think proper, in order to save to the country a surplus unwisely drawn; provided always, that they left to the officer a liberal and generous provision for his services, and paid him at a rate far above, rather than below, the scale of remuneration running through the other departments of the public service? I think, even if the Chief Justice were "remitted" back to the situation in which he was in 1837, that the arrangement proposed would have been fair and just, and no breach of the "public honor;" and I shall be mistaken, if, when you have reflected on the subject, you do not think so too.

But, says the Solicitor General, there was an "arrangement" with the Colonial Secretary, founded upon the Acts. Well, if there was, this did not limit or restrain the power of both branches to pass upon the whole subject, nor did it put the

Chief Justice in a stronger position than he would have occupied, nor endow him with any rights more sacred than he would have had, had the fees continued still in existence. I maintain, therefore, that admitting the legality of the fees—whether they were still continued or discontinued, the two Branches had the right to pass upon the whole question, subject of course to the approval of the Crown; and that, in securing to the Chief Justice of this little Colony £1100 per annum, besides his travelling fees, there would have been no breach of the "public honor."

But, when it is considered that the Chief Justice had butly come into the receipt of the fees before they were disputed—that the Representative branch had again and again declared them illegal—that the arrangement had been made by the Colonial Secretary, without the benefit of any counsel or advice from either branch of the Legislature, as to the amount of remuneration necessary for the Chief Justice, and upon that officer's representation of his own case; how much stronger does the right of the two Houses appear to legislate wisely and independently upon the whole question; and what necessity was there for the Legislative Council to assume, that the Sovereign would not reconsider the whole affair—or what right had the Council to assume that her Majesty would not do justice to the country at large, even though some sacrifice was to be made by an individual? Mr. Johnston strenuously insists upon the right of the Legislative Council to assert its independence of the lower House, when the interests of the country are to be considered, and have not we a right to claim for it equal independence of the Crown, when those interests may be sacrificed?

Having then, as I conceive, established the right of the two Houses to deal with the whole question independently, and to place before the Crown such a measure as, (if the Government at home chose, upon reflection, aided by the deliberate opinion of those who were the best judges,) to sanction, would quit doubtful claims, and lead to the transfer of the revenues, let me enquire for a moment what guarantees we had that the bill would have received at home the most favorable consideration? What are the general views which the Home Government have expressed in reference to this matter?

"It is not to her Majesty's Government," says Lord Gleadow, "a matter of any serious concern, whether the salaries to be assigned in the Civil List, be of greater or less amount, provided only they are sufficient for the maintenance of the officers, in whose favour they are granted, in that station of society to which they most belong." And then follows an admirable injunction to economy, in which, while his Lordship deprecates the idea of public officers setting an example of extravagance, he declares, that he is "not only willing to admit, but anxious to assert, that in fixing the amount of official salaries in British North America, great frugality should be observed." It was then to a Government thus most favorably disposed to entertain any proposition, even though it might, in some of its details, not meet every previous arrangement, that the Council was asked to send the Civil List Bill; and lastly they drag the propriety of its interposing between the Sovereign and the people's representatives, to prevent the question from being reconsidered; may, I assert, that if that body had been constructed as it ought to have been, under the despatches of Lord Glenelg, it would not only have passed the bill with a suspending clause, but joined with the House in an address praying that it might be accepted.

You will perceive that I have followed the example of the Solicitor General, and argued the question upon the case of the Chief Justice. If I am right, then all that

has been said, applies with equal if not greater force to the claims of the Puisne Judges, and Sir Rupert George. And the next questions for you to ask, are—were the sums granted sufficient for the maintenance of the Officers—and, if less than they expected, were their claims to more—stronger than the claims of the whole population of the country to the benefit of the surplus?

One would suppose, from the manner in which violations of the "public honor" are talked of, that, at the time when some if not all of these officers were appointed, there was such a dearth of fit and proper persons, that the Government and the people of Nova Scotia had to lure them from other and more profitable employments, and solicit their acceptance of the situations they hold, purely from regard to the public welfare. Will any man assert that this was the case? Will any man deny that all these parties were rejoiced to get them—that, at the dates of their appointment, there were others to be had equally competent—or that the applicants for them, whose claims were rejected, were not grievously mortified at the time; while few, if any of the disappointed, have been able to support, by their private endeavours, the same style of living which these men have since indulged in, at the public expense?

Take the case of the Chief Justice. A young Officer gets tired of the Army, quits it and studies law. After practising a very few years, he applies for and obtains the situation of Puisne Judge, with a salary of £400 a year. If it be said that it was the prospect of becoming Chief Justice that tempted him, I answer, that the emoluments of the Chief Justice, at the time, were less than the amount granted in the Bill that the Council have rejected; and, therefore, that the Province is guiltless of any blame, in either taking him out of the army or placing him on the bench—and that £400 at first, and £500 down to 1836, independent of fees to the amount of about 100 or £150 more, were sums sufficient to secure to the Country the benefit of his services; and, that, if any one of the chances that might have departed his elevation, had occurred, he would have gone down to the grave, like any other Judge, never asking or expecting more than 7 or £900 a year. Now, let us suppose that, on the retirement of Judge Mowers, the Government had said to Mr. Haliburton, you may have this situation, but it is proposed to reduce the income to £1000 or even £900 a year. Would he have taken it? Do any of you believe that he would have refused it? And yet, are we to be told of violations of the public honour, when we offer the same officer £1100, independent of travelling fees? Will you credit a charge of injustice against the majority of the Assembly, who, in including this office in a general arrangement, gave to the incumbent a larger salary than any officer in the whole range of the department of the public service which he voluntarily selected, had when he entered it—£700 a year more than he had when he first tendered his services—and £400 a year more than he had, down to a few years before the Legislature was called upon to claim the revenues and revise the public expenditure of the Country?

Let us turn to another of those unfortunate individuals, with whom the pledged faith of the Government was to have been so strangely violated. Sir Rupert D. George, inherited the office of Secretary of this Province from his father, when a mere youth; and performed the duties of it, by Deputy for some years, until it suited him to make the painful sacrifice of burying himself for four hours a day, in the South West Wing of our Province Building, with the patri- provision, from one source of revenue or other, of some £1000 a year—a range of patronage by no means insigni-

feant—and easy access to the ear of every Governor upon all occasions. I have never yet heard that any great anxiety was expressed by the People of Nova Scotia to have the services of this young gentleman. I have never heard of any brilliant prospects abandoned—but have I ever been able to discover the manifestations of talent and information so commanding, as to have ensured for this individual a destiny more enviable than that which awaited him here. Sir Rupert, I am willing to admit, is a very good officer—that is, he is what they would call, in England, a first class red tape man, but nothing more. On occasions when it has pleased him to absent himself from the Province for a year or eighteen months, I am not quite so certain that any body will see him through his duties were performed by gentlemen of the entire range of talent with himself, for about half the amount assigned to him in the report of the Civil List Bill.

So then, the Province of Nova Scotia having taken a more stripping of ordinary talents, at his own request, and given him an enormous salary—having allowed him to absent himself and do the duty by Deputy, whenever he pleased, a privilege of which he has availed himself several times in a short life—is not to be permitted to pass a general measure, affecting the whole Civil List and the Custom and Territorial Revenues of the Colony, and so it gives to this gentleman the utmost fortune, which, while those Revenues were chiefly at his own disposal, and he had unbounded influence with the Governors and Colonial Secretaries, he had the counsel not to give himself!

But what were we going to give him? Had we shared so close, that Sir Rupert was to be left without a sufficient sum to maintain him in the station in which he was bound to move? Was his case so desperate, as to require the interference of the Legislative Council to prevent Her Majesty's Government from reconsidering it? How much, think you, had the House assigned to the Provincial Secretary? Just the sum given to the Chief Justice—£1100 per annum. Was this all? By another Bill, making various alterations in the Registry Department, and which was also reported by the Legislature, upon the same plea, that it did not give the utmost fortune, Sir Rupert was to have received, in commutation of his claim upon the Deputies in the Country, a pension of £200 a year. So that he was to have been paid, out of the Revenue of Nova Scotia, in all time to come, just Thirteen Hundred Province Notes, or Four Thousand One Hundred and Sixty British Crowns—and this is what Mr. Johnson calls a violation of the "Public Honor." When you reflect that the allowance was more than double the amount given to the Provincial Treasurers—more than the whole sum given to three Judges of the Court of Common Pleas—full as much as the sums awarded, by private Companies, to the Cashiers and Managers of the three Banking Institutions in this Town, will you lend your voices to swell the cry of injustice raised against your Representatives, for not granting more, or will you hold the Council excused for the rejection of the Bill?

Yet, it may be said, that the Puisne Judges and Master of the Rolls were to be affected by the Bill, and injustice was about to be done to them. Let us examine his present office, charge. When the Master of the Rolls accepted his present office, the Salary was £6000—the Bill secured to him £7000—and it gave to each of the other Judges an equal sum. Of Judge Wilkins's prospects and practice, before he accepted office, I am too young to say much; they may have been great, but at all events the Bill secured to him a larger salary than that for which they were voluntarily abandoned. Of the injury to be done to the two other

Judges, perhaps many of us are competent to form an opinion. I have heard the friends of Judge Bliss say, that he never did make, while in practice, more than 2,000 a year; from what I saw of the business of Courts, and from circumstances which were notorious at the time, I feel confident, that, for several years previous to his acceptance of office, Judge Hill did not, on an average, make more—and yet these are the men for whom £7000 a year, and 90 guineas for travel, was not considered enough. Four gentlemen—it really is distressing to think of the straits to which they would have been reduced, had not the Legislative Council kindly stepped in and prevented this breach of public honor."

To me it seems rather strange, that so much solicitude, sometimes manifested to protect the faintest shadow of claim which wealthy individuals may have upon the revenues—when wholesale injury is often inflicted upon the poor, for the public good, without any body ever appealing to the public honour. For instance, how often do we see whole lines of road abandoned for new and better ones, by which those who have built and improved, upon the faith of the old roads going past their doors, are deeply injured, if not reduced to poverty and ruin. This is an every day occurrence. The plea is the public good—the saving of time and distance to the great body of the people. Individual interests give way to a general measure of economy and improvement—and man questions the right of the Government to make the change, if the people submit even to ruin without a murmur. But then, these are generally poor people, and the Legislative Council does not think there is any interference; their sympathies are only excited by the plea, that he is rich, and they only assert the public honor. Judges and Secretaries are concerned. A few years ago a general system of improvement was begun in the streets of Halifax, and, as it progressed, thoroughfares were laid up—small dealers injured—poor persons compelled to migrate, for the enlargement or repair of property, half buried or completely undermined; and not a few were driven out of the country, with broken hearts, the result of a general measure, sound in principle, and aiming at the general good, but often crushing and ruinous in its details. Here was a case for the interference of those whose sympathies have of late been so painfully aroused—did they interfere? Contrast the injury done to hundreds, with that done to four or five individuals, under this Civil List Bill. Many of these persons lost their all—every one of the Officers to be touched by the Bill was to be left with a generous, if not a magnificent allowance. The plea was the same—the public welfare—the necessity for a general arrangement; but there was a difference of rank and fortune—and difference in the ability to make "the public honor" bent to private protection, and a large amount of suffering was borne in silence. The sorrows and misfortunes of the great are often depicted in novels, and set forth in eloquent orations, while the calamities of the humble are regarded as of small account.

So much for the Civil List Bill—let me now turn your attention, for a few moments, to that which touched the Judiciary. Under the beautiful system which the Reformers began to assail a few years ago, you are aware that this little Province became blessed with just ten Judges. Though it was for a long time stoutly denied that there—as one too many, it is now generally allowed, on all hands, that six or more than enough to do the work. In the first session of the present House a Bill passed, which, according to the Solicitor General, would have

"crippled" both Courts, by taking one Judge from each Bench. Into this question I shall not go, further than to say, that it would have given to three of the Judges about six, and to the others about three months work in the year; and the only objection to it that ever seemed to have much weight—that of allowing knotty points to be decided by two Judges out of three, applies with double force to the Admiralty and Equity Courts, where more property is, I believe, annually disposed of, than before the Supreme Court, and in which a single mind decides. But let that pass. The Bill was rejected by the Council—and another sent down.

Now you will perceive, that this bill, while it abolished the inferior Court, so far as concerned Nova Scotia proper, contained it in Cape Breton; and seemed framed to preserve the anomalous system complained of in three Counties of the Province, for no other reason, that I could ever perceive, than to spare the Judges of the Supreme Court the trouble of travelling twice into Cape Breton. I thought at the time, and I think now, if the Council had looked more to the general interests of the country, and less to the feelings and interests of individuals, that it might have been as well. However, such a bill as this it was impossible to pass. We were therefore in this position—what a majority in the House wanted, the Council would not give them—what the Council proposed, did not extend uniformly over the whole Province, and had to be rejected. After three sessions had been spent in negotiation and discussion, a bill was passed by the House, abolishing the inferior Court—appointing one Judge of that Court to the Supreme Bench—giving to each county two terms of the higher tribunal in a year; and, without unnecessarily mixing the judges up with the business of the Sessions, calling those courts about the same time with the others, in order to avoid the too frequent attendance of the people as Jurors, suitors, and auditors—by which there would have been a very important saving of the time of the country. This bill was destroyed in the Council, without any conference being asked, or reasons given—and when we came to compile this act with the destruction of the Civil List and Registration Bills, already referred to, what were we to think? Had even one been passed, we might have been disposed to yield our own opinion upon some of the others—but the whole were frustrated; and no sooner had the Session closed, than a system of agitation was commenced, under the auspices of those who rejected, in order to drive out of the Assembly those who passed these Bills. You may be duped—you may lead yourselves to this system of agitation—you may return the subservient body of Representatives so anxiously desired—but if you do, I am much mistaken if ever you get these questions settled, on any thing like favourable terms, or get the number of your Judges reduced to six. Put in the tools you are asked to select, if you please—but do not say that those who ought to have warned you, shrunk from the task.

What are the reasons given by the Solicitor General for the rejection of the Judiciary Bill? "Two years ago," he says, "the same measure, with some modifications, went from the Council to the Assembly." Well, and when we sent it back to them, adding another Judge, to cure the anomaly as respected Cape Breton, then they would not pass it. But, he says, it was "defective in its details"—"some matters the Council could not amend"—but, why was not a conference asked, or suggestions made—why were not the defective details pointed out, that the united wisdom of both House might have been employed upon them? Was there not time? Even had the session lasted a few days

longer, would not these have been well spent in perfecting those details? But, when no attempt was made—when no conference was asked—when this Bill also, as well as the other two, was destroyed—what was the House to think? What were you to think of the destruction of the Civil List and the Registration Bills, upon the grounds already examined—and of the Judiciary Bill, for the reasons assigned by the Solicitor General; particularly when you trace some of the principal agents of their destruction, the system of Government agitation, now going on throughout the Country, and which, if successful, will certainly prevent the Legislative Council from ever being troubled with them again?

I trust that I have now shown you, that the Speech of the learned Solicitor General hardly affords even a figment to cover the nakedness of the Legislative Council—that the grounds of suspicion, if not of grave accusation against them, remain intact and unremoved. You may ask me, do I charge upon Mr. Johnston any corrupt motives or insincerity in this matter? No, I only charge upon him what he has charged upon me. "Men bound in parties," says the Solicitor General, "cannot at all times follow their own opinions, and may be obliged occasionally to surrender their feelings." I charitably believe that in these matters he has surrendered his—and I am not without my suspicions that, unless the learned gentleman shakes himself clear of the party with whom he has been, and is yet associated, there may be further sacrifices to make, which few persons would lament more sincerely than myself.

I have, thus far, argued this question, as it affects the acts of the Legislative Council—but you will perceive, that whether the view which Mr. J. or I take, be correct, the defence of Sir Colin Campbell must rest upon very different grounds. The rejection of these Bills may illustrate or confirm the opinions which the House formed of the construction of that Body—and had they passed, there is no doubt that less of practical evil might have been traced to its formation. But I assert, without the fear of contradiction, that if they were all upon the Statute Book at this moment, still Sir Colin Campbell would be left without a shadow of defence—and that, if the House of Assembly had asked for his recall, upon the ground of his violation of Lord Glenelg's Despatches alone—to say nothing of his attempt to evade, and final refusal to act upon, that of Lord John Russell, they would have been amply justified, and ought to be sustained by the suffrages of the Country.

Having, as I hope, to your satisfaction, disposed of the learned Solicitor General's charge of misrepresentation against the Reformers, and of his arguments in favour of the rejection, by the Legislative Council, of the Civil List and Judiciary Bills, it becomes my duty to enquire, whether, as a defence of Sir Colin Campbell and his advisers, the document under review affords any solid foundation, upon which a sound and unbiassed mind can safely repose. Let me, therefore, set before you some of the most clear and emphatic of the Sovereign's commands, and show how, in every instance, they were violated, and not obeyed.

VIOLATION THE FIRST

Command.—Members of Council are to be selected, "not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration."

Execution.—Of thirty members put into the two new Councils, eighteen were churchmen. But, it may be said, there were the old members to dispose of—true, but of

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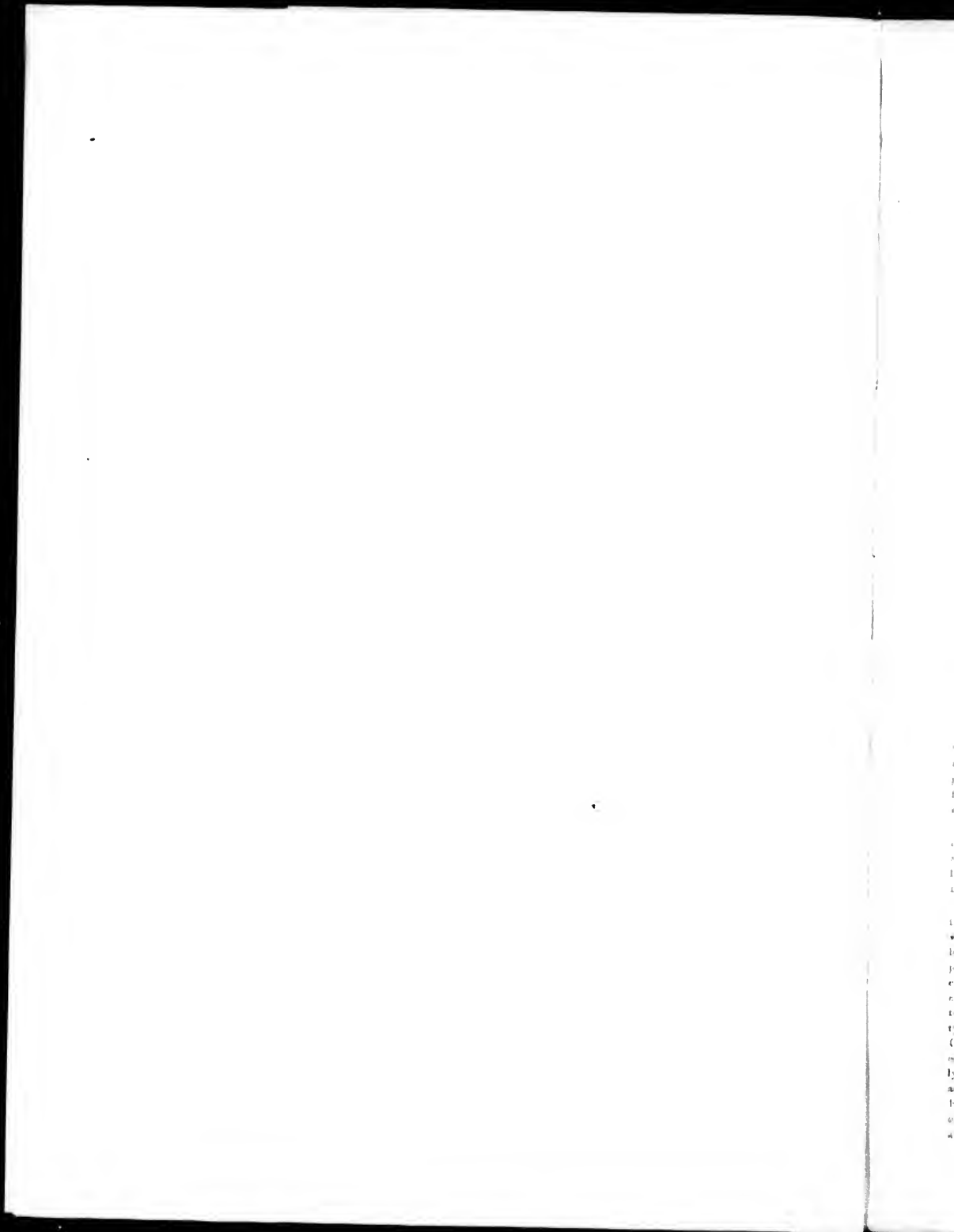
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out from any influence in the Government, and the same overwhelming preponderance is to be secured to the latter, which the House and her Majesty's Ministers have already alike deprecated and condemned." If this language had been held by the Solicitor General to Sir Colin Campbell, and if he had been firm in his determination to have no part in the matter, not because the situation was foreign to his habits, but because he would not seem to sanction a violation of instructions which he did not approve--an insult to the great Disfranchising interest, of which he was a conspicuous member--a disregard of the feelings of the Reform majority, with which, to a certain extent, he sympathised--and an exaltation of that party, to which he not only owed no respect, but my own belief is, that Sir Colin Campbell never would have dared to have violated his instructions in the manner he did, nor to have disregarded advice from such a quarter, thus independently justified. Had he done so, and had he ventured to deprive Mr. Johnston of his office on account of his independence, I believe that that gentleman would have been resisted by the express command of the Colonial Minister, and have strengthened his claim to the respect, both of the people and the Government.

It is mere mockery for Mr. Johnston to tell us that he agrees with me in the eulogy upon Lord Glenelg's Despatch, and desires to see its principles in operation. He knows, or ought to know, that it has been the systematic violation of some, if not all, of the principles laid down in that Despatch, in the last two years; and the pertinacious consistency with which that violation has been aggravated rather than remedied for in the recent appointments, that has led to events which, I believe, we both equally deplore; and which has forced the Reformers to assert and maintain the principle of Executive responsibility, in local affairs, as the only remedy to prevent the perpetuation of a system of exclusion and injustice, which they have struggled against in vain, and which no strength of language can sufficiently condemn. And when Mr. Johnston lauds the old system--an I am entitled to ask him, what other remedy than that which we have applied it affords for a case in which a Governor will not obey his instructions, and persists in acting upon principles of a very reverse of those laid down for his guidance by his ministers of the Crown? The late ambassador, or a demand for his recall, I believe to be the only alternative there may be some other, but I must respectfully request the Solicitor General to point it out.

But, says Mr. Johnston, under the old system, the sons of poor men have been raised to the highest honours of the country. I admit it--in Nova Scotia the poor boys of one generation were generally the rich men of the next. But, what is claimed as a peculiar merit of the old system, has occurred under every Government that has ever been formed in the Country, from the accession of the first of the Stuarts to the present day, and that, if all such combinations be neutralised, opposition, and call into their ranks new accessions of strength. But, will Mr. Johnston affirm that any or all of these men would have been so honored, if they had rendered themselves conspicuous for the assertion of liberal principles? Will he assert that minorities have not always been retained favorably disposed to protect the emboldened and strengthen the power of the official party by whom they were appointed? Will he assert, that, under that system, a majority ever can be placed in the Executive Council, who will cordially sympathize with the Representative Branch or submit to be restrained by its influence? And if not, does he not perceive that such a system only holds out a prospect for the poor boys of one way of thinking--that it is no more

like the British Constitution "than the Heeaba"--that it strikes at the root of freedom of thought and manly independence, and never can and never ought to be viewed with favour by any body of British subjects?

"What Englishman," says the Solicitor General, "would deny that the Representative Body should govern to a great extent? The practice is English, and I would not let an Englishman if I wished to cripple the power of the Assembly." But will the Solicitor General affirm that the House of Assembly has the slightest influence in the Government of this Province?--and will he deny that, from the very absence of all control over the Administration, its power to influence the legislation of the Upper Branch, so wisely and successfully employed in England, and recently in Upper Canada, is not "crippled" and rendered of no avail? On the subject of the Delegation it is not my intention to waste much time. One thing, however, is certain, that if, whenever the Representatives of the People deem it indispensable to conduct negotiations with her Majesty's Government, two Lawyers are to be selected from the other Branch, and indulged with a pleasure trip at the public expense--to thwart the views of the Assembly and press their own claims to promotion; and if the Assembly cannot pay their own Delegates without wasting the public treasure, by paying these gentlemen also; why then there is an end to all negotiation between the People and their Sovereign--the only desperate remedy for inveterate evils is swept away, and a new argument is supplied in favour of local responsibility which no man can successfully controvert. But, it is said, the Council is an independent Body, and can incur any expense they please. I answer, that if they could send Messrs. Stewart and Wilkins to England, on mainly false pretences, and in defiance of the expressed opinions of the House, then can they employ the same persons, during the current year, to make a survey of the great Roads of the Province, for the information of the Council, and insist upon their being paid, before the Assembly's grants for similar services are passed--then can they authorize any one of fifty ridiculous expenditures that might be named, and compel the Council to provide the expense.

But, it may be said, the House of Lords have the same powers. Suppose the Lords were to send up a request to the Queen that two of their members should be despatched on a confidential mission to Russia that request would be at once submitted to a Cabinet dependent upon its majority in the Commons for its very existence. If that majority were favorable to the object, the mission would be sent, and there would be no difficulty about the expense; if unfavorable, no minister would dare to sanction the measure, and no expense would be incurred. I tell Mr. Johnston, then, and defy contradiction on this point, that all the difficulties which have been felt about the Delegation expenses have arisen out of the absurd and anomalous system which he deprecates, and that, if the simple principles of Government were advocated, had been in operation, the perplexity upon this point, by which both he and I have been to a certain extent embarrassed, never could have occurred.

I must confess that I was not a little amused, by the subdued and deprecatory tone used by the Solicitor General in pleading for the old system, with which, although habit and association have made him familiar, I cannot persuade myself that he is much in love. "I ask you," said he, "to bear in mind the peculiar circumstances of the country--and not to expect too much under the existing Constitution--and the people looked at him, as though the most they expected" was to get rid of it. The Assembly treated the Executive Council, as if responsibility rested on them, al-

though they knew that it did not. Every bad act had been charged on that body—although it was well known that it did not govern the country." Now the fact was, that the Assembly knew very well, that by the theory of the old Colonial Constitutions, the responsibility did not rest with the Council—but that, in practice, they must and did govern to a great extent—and they saw clearly enough, that the Government of the Province was conducted, in almost every thing where the commands of her Majesty and the power of the House could be set at naught, upon the well known and avowed policy of the Tory and Official compact of this Province. They felt, therefore, that it was but right and fair to attack the Governor's advisers. But these gentlemen generally turned round and said, why complain of us? If our mouths were not sealed, "we could a tale unfold"—we are not responsible—why not attack the Governor? We are as innocent as the babe unborn. When we complained to the Governor individually, he sometimes told a different story—but, when we complained publicly, he generally gave us to understand, that he had no responsibility—that he took the responsibility—that he was highly pleased with his Executive Council. "Oh very well," thought we—→ if you are both agreed upon that point—if there is no mistake—if there is no chance of changing the Administration but by changing the Governor, then we know what to do—→ say, and have the energy and moral courage to do it." We cited for Sir Colin Campbell's recital—a most painful necessity, but one which I shall reflect upon with satisfaction to the latest hour of my life—and one which the great body of Nova Scotians, however they may have been momentarily excited, will, upon calm reflection, be prepared to sustain.

"The Governor was not bound to take the advice of his Council, or to consult with it, but in a few matters," says Mr. Johnston—and what a melancholy picture does this exhibit of the system. Any two or three individuals, either in or out of the Council, getting the Governor into leading strings, may do just what they please—neither Branch of the Legislature, nor even the Council itself, knowing who gives advice, or who is to blame. And yet this is the system the Solicitor General defends. For the sake of common sense, and of our common country, let it be swept away with other barbarous absurdities of bye-gone times, and let us have a body of Nova Scotians, whose mouths are not sealed—whose acts are known—and whose advice, in all local affairs, Governors shall be bound to follow, and then we shall have open and manly competition among ourselves, and hear no more about "poor old Solibies" being sacrificed, by one part of the population, for getting and patronizing another. "No Member of the Council," says the Solicitor General, "has been brought forward charged with any wrong doing; let the bugle be played on the fact, and I will answer it." Surely he must have laughed in his sleeve, as the simple people around him gaped at this truism, which yet meant nothing—and, as a special plea, was unworthy of his powers of invention. Will Mr. Johnston have the kindness to explain, how proof of wrong doing can be brought home to any member of Council? Suppose his colleagues are interrogated, they are sworn to secrecy—the Member is not likely to turn Queen's evidence upon himself; and if the Governor is asked, he is bound to say, I take the responsibility—not only cannot I accuse, but it is my duty to defend. "I doubt not," says Mr. Johnston, "that the Executive Council have made many mistakes," and yet, but a moment before he told us that they had little or nothing to do. Among the mistakes, however, they never made a greater one, than in supposing that the people of Nova Scotia would be reconciled, by the cry of "poor old sol-

idier" to an irresponsible Executive Council—to, in fact, a Council, chiefly resident in the Town of Halifax, and *utterly irrespective of the opinions, and holding themselves far above the influence, of the members freely chosen by the people.*

The remedy for all this, I believe to be a Executive Council, enjoying the confidence of the Assembly. As the members of Council, in order that the Government may be efficient, must reside in and about the Capital, or, at all events, such a number of them as may be required to conduct the administration, the people who own and improve the other sixteen Counties, should at least have the assurance that their interests and feelings, as well as even their prejudices, have been consulted in the selection—and they should have some mode of signifying their disapprobation, and moulding and modifying the administration, whenever it forfeits their confidence. Without this, the Government is nothing but an Oligarchy, self-selected from a particular town—which, with power to draw into its bosom the merchants, bankers, and lawyers of that town, as they become rich enough to make their support an object, can rule the country as it pleases. It is not to be wondered at, that those who have long possessed this monopoly, should strive to defend it—and is it surprising, that persons who consider themselves qualified, by the weight of their pockets, and the subservience of their principles, for immediate or prospective elevation to a share in its honors, should spring forward on its aid on all occasions. Hence the recent outcry in the Capital, which has been caught up and resounded, by the Compeers of the different Counties, to whom the patent right of enjoying their patronage, and managing their affairs, has been disposed of, in return for the sort of formal services, on all times of difficulty and danger. If I could persuade myself that a small part of the inhabitants of one county should thus govern the rest—if I could, by any train of reasoning, bring myself to believe that such a system was fair and just, my best policy would be to follow some distinguished examples, and have the knee to Baal. But, though a native and resident of the Capital, and having the honor to represent it, I cannot narrow my views to the compass of a few miles; nor forget that my countrymen, whose labor is enriching and adorning the length and breadth of the land, have the same rights and claims as myself and my immediate neighbours. I contend, therefore, for a system of Government, by which a man who is ploughing the sea in a Yarmouth trader—tilling the soil of Cornwallis—sawing deals in Cumberland, shall feel that he has the same rights, and the same prospects before him, that he would have, if his lot had been cast within the favoured circle—and, therefore it is, that I contend for what has been called Responsible Government, but which is nothing more than the old British system under which our brethren in Europe have lived and prospered ever since 1688, and by which mutual confidence between the Representatives of the People and the Representatives of the Sovereign, is made a fundamental and indispensable element in every administration of public affairs.

I do not gather from the learned Solicitor General's speech, that he is a determined opponent of this system, and I should think it very strange if he was, when the Solicitor General of Upper Canada, recently appointed, has declared that he has joined Mr. Thompson's Administration, because he has reason to believe that the Government will be conducted on the principle of Responsibility, and that the moment he feels there is even a discussion of Parliamentary confidence, he shall resign, not only his seat in the Council, but his Crown office also.*

*On the 27th of February last, Robert Baldwin, Esq. Solicitor Ge-

But, though Mr. Johnston does not boldly assail this principle, he hints a number of objections, which make me suspect that it is not a favourite; and that the tranquil reign of irresponsibility would please him better, than a Government dependent on popular favor and the confidence of the Representative Branch. When I heard him say, "I do not oppose responsible Government, on the main principle, if I oppose it at all"—I felt a strong hope that we only differed as to the mode of obtaining it; but when, one after another, difficult, and objections were started, and contrasts drawn, by which it was attempted to be shown that the principle could not be carried out in a Colony, I was reluctantly compelled to bring my mind to a different conclusion. Let us examine a few of these objections by which the ignorant and the timid either have been, or may be, startled by the Solicitor General.

"No man," says he, "has explained the distinction that must of necessity exist between the Government of a Colony and that of the Mother Country. There is the difficulty which I see." Now, although this assertion has been printed in italics, I take leave respectfully to deny its correctness. In the pamphlet I published, on this subject, last autumn, the distinctions were clearly drawn; and if every imaginable shade of difference was not taken into account—enough was said to show how easy these might have been met, had the intention been to write a volume and not a pamphlet. That "distinctions" must "exist between the government" of a Colony and that of the Mother Country, no man in his senses will deny—but the onus lies with the Solicitor General, to show that these are of such a nature, as to render a principle, which lies at the foundation of the one, wholly incompatible with the safety of the other. I believe that amusing contrasts may be drawn between the temples in which we worship and the tables on which we dine, but I know that the same scientific principles apply to the construction and security of both. I believe that even yet all the absurd objections that might be urged against revealed religion, or even against the British Constitution, as applicable to Great Britain itself, have not been urged and answered; but yet it has not been thought necessary to postpone the rational enjoyment of either until the ingenious perversions of the human intellect, "never ending, still beginning" have been exhausted upon them. Neither do I think that we should put off the introduction of the principle of responsibility—the only one by which harmony between the Executive and Legislative Branches of the

Government of a free Colony, was written in H. J. Bonbon, Esq. formerly Chief Justice of Nova Scotia, who was an eye-witness of the progress of Government, from which we extract the following passage:—There certainly appears some difference of opinion between the two systems of Government. Mr. Peltier says:

"In the first place, I believe that it is not a principle of the Colonies to have a Government in which I have no personal interest. I believe that it is not a principle of the Colonies to have a Government in which I have no personal interest. I believe that it is not a principle of the Colonies to have a Government in which I have no personal interest."

"No. As the Mr. Peltier's Solicitor General, I shall be held responsible, both to the Senate and to the people for the carrying out of the proposed measures. I shall be held responsible, both to the Senate and to the people for the carrying out of the proposed measures. I shall be held responsible, both to the Senate and to the people for the carrying out of the proposed measures."

"And I am of course an advocate of the government, and as such, subject to their directions, for whenever, upon any such question of general importance, my own independent judgements shall not lead me to concur in the views of the government, I shall feel my duty both to my Sovereign and my country to dissent, or to report the answer in another shape, if I cannot find that the Government is to be carried on upon principles which are to the wish of the people. I shall regard it as an honor, if my dissent, humble as it is, and what I conceive upon my own principles a necessary consequence, shall cease to be a venial fault of the Crown."

I remain, dear Sir, yours faithfully,
ROBERT BALDWIN,

H. J. Bonbon, Esq. Secy.

Government can ever be preserved, merely because some ingenious objection may be raised from year to year. The few blows yet aimed by the Solicitor General may be easily put aside:

"Were there not controlling checks over the Commons which do not exist here? If the same power were given here, would it not be greater, relatively, than they have in England? What were the checks on the power of the Commons? There was the immense power of the Ministry in new Elections—there was the great control from wielding the patronage of government—there was the influence of the Court and of those about the Court—there was the established hierarchy, and the aristocracy; none of these checks existed in the Colony."

Now I affirm that, every British Colony has all these checks for the preservation of order, and the rational management of its affairs, over and above all the other checks which may exist within the Colony itself—and that our obligation to proceed wisely and prudently, would be ten times more stringent, and our risks from violence or bad faith much greater, than they are in England. The Constitution of Nova-Scotia—the New Constitution, conferred by Lord John Russell, and withheld by Sir Colin Campbell, if in full operation, might, at any moment, be suspended and withdrawn by the Imperial Parliament. Would not the examples of Canada and Jamaica be before our eyes on all occasions, restraining and checking us even if disposed to be unreasonable? But what overruling and restraining power exists any where, that can so effectually prevent an abuse of the principle of responsibility in England? This I conceive to be a sufficient answer to all that the Solicitor General has urged upon this point. If disposed to examine the strength of the internal contrasts which he draws between the two countries, but which I consider quite unnecessary after what has been said, I might shew that there is not a great deal of reliance even to be placed upon these. The Solicitor General will not, I think, venture to affirm, that the People of Great Britain and Ireland cannot turn out a Ministry whenever they please, the patronage of the Government, the influence of the hierarchy, and 'the Court,' to the contrary notwithstanding. The Tories had all these, and yet they were turned out by the People, and have been kept out for years, and can only return to power, when they can persuade the People, and not the Court or the hierarchy, that the Whigs are going too far. As to the influence of the aristocracy, the prizes to be won by popular favor always secures, even for innovation, a fair share of their support, and the prestige of the Governor's name would have double the influence in Halifax than the name of the Queen would have in any city in Britain. The Solicitor General knows full well that the most radical constituency in all England is that in the midst of which the Sovereign resides. 'Westminster's glory' was the familiar sobriquet which Sir Francis Burdett enjoyed in the palmy days of his radical n-tarcity; and at that moment Mr. Lead-ct, whose name is mentioned with such horror by Conservatives in the Colonies, represents that portion of the Metropolis which surrounds the Palace of the Queen.

But, says the Solicitor General, 'would it not be a mere struggle for power, without the influence of great Constitutional questions, which are felt in England? What would be the objects of contention here, whether A should have the navies of office, or B turn him out.' Now admitting that this was a fair view of the case, why should not A, and B, struggle for power and office, and the people decide who is to have them, rather than that A, being in

possession, and leaguings with C. D. E. and F. should shut B. and all the other letters of the alphabet from office, or from any influence in the Government? How often, even in England, does the contest between parties assume the aspect of a mere struggle for power? If the Solicitor General would take the trouble to run his eye over the correspondence of Horace Walpole, he should find upon what flimsy questions the fate of Cabinets has hung, and what contemptible art are sometimes resorted to, to secure victory or avoid defeat, by parties struggling for power.

But the learned Gentleman is mistaken in supposing that there are no great questions, or principles of any importance, in the Colonies, to turn the roughstones of party, or upon which rival combinations could be arrayed, as they are at home. Compared, of course, with the gigantic interests at stake in England, every question that arises in the Colonies is comparatively insignificant—but little things are great to little minds, and to little Provinces—and I could point to a dozen questions of internal policy, upon which the intellectual powers of our public men have been engaged during the last ten years, and to a dozen more which will probably engage them for the ten years to come that were or will be just as much important to the People of Nova-Scotia, as were the questions upon which ministers have come to and gone out in almost every reign since 1688. It cannot be otherwise, in the very nature of things. Such questions arise out of the gradual growth and progress of every country, however small—and are magnified and clothed with importance, real or fictitious, by the ceaseless activity of acute and energetic minds, varying in natural endowments, and the degree and kind of cultivation they may have received. The perils of the sea are no less on board of a *Shallop* than of a *Sixty-Four*—and although the freight may not be so valuable and the number of hands may be comparatively small, there is the same necessity for skill and intelligence—it is of the same importance, in the one case as in the other, that the ablest mariner should assume the responsibility and take the command. It is true that ships have been lost, and shallops too, by making interest, and not merit, the rule of promotion. Provinces have been sacrificed in the same way ere now, by the operation of the Solicitor General's system of Government—and it is for this reason that I so anxiously desire a change. The internal securities against abuse of the new Constitution are:

1st. The skill and prudence of those who may be tempted, and who must be aware, that in every way they move certain to lose power, than by daring to exceed its constitutional boundaries.

2nd. An able opposition, ready to point out their errors and assume their title.

3rd. A Legislature—Council, dependent to a great extent of the People and the Clergy.

4th. A Governor, who may discuss the Council and finally send the House whenever he chooses—and who has a veto on every act.

5th. The People, whose Liberty, and Love for British connection are unshakable, and who, every four years, may rebuke or dismiss public men who are going too far.

It all these are not sufficient to ensure moderation and good behaviour, why then the Imperial Parliament can be called in, backed by the Army and Navy.

In coming now to the consideration of Lord John Russell's famous Despatch, it is only necessary for me to refer you to the Assembly's Address, for a faithful account of the Views they took of it, and of the impressions under which

they acted, in their subsequent negotiations with Sir Colin Campbell. They found that, while in New Brunswick that Government was hailed as endorsing a new and improved Constitution upon the Colonies, in Nova Scotia it was sent to the Assembly with a voluminous bundle of papers, unaccompanied by a single remark—that while, in the sister Province, it was formally committed to the officers, it was intended to affect, here, no such intention of the *reverture* of office was made public, and the whole matter was treated by our Councillors and Officials as one in which they had scarcely any concern. When the Assembly acted upon this Despatch, the Governor acted as though it was not in existence—and when, in order to put an end to such chibbi's play, they called his attention to it, and to the manner in which it had been received in the other Colonies, he doubted the correctness of the reading adopted almost universally, except by the parties it was intended to affect, and said he must refer the whole matter to England.

This, it has been said, was a very proper course to adopt in a doubtful case. It might be—but it was the very best that could be selected to serve the interests of the official compact, and the very worst blow that could be aimed at the hopes and interests of the people. A reference home gave all the parties opposed to the new policy an opportunity of modifying or obstructing the Minister's views, by various representations about their superior claims and the harshness of their individual cases—it gave them the chance of a change of Ministry—or at least of a change at the Colonial office—and of the enjoyment of individual power for another year, to be used in every imaginable mode to annoy or buffet their opponents. What did it give to the Assembly? The assurance that the Governor, who had sent Lord Glenelg's Despatches backwards, was determined not to read Lord John Russell's at all—that the old policy was still to be pursued under the *New Constitution*, and that the results of all their labour and anxiety were to be withheld, for another year at least, by a mere quibble, that no Court in the country would have allowed to be pleaded, to bar the operation of a statute half as plain, or half as strongly fortified by explanatory circumstances, as Lord John Russell's Despatch. Had they heeded, the Minister might have thought them indifferent, and acted accordingly—or a new Governor might have come out, to play over again the same game of solemn trifling. There was no choice, no middle course—the paths of duty and dishonour were before them, and the men who had increased the high treason had proposed, discharged them, with a flourish, with any excuse, the *dishonour rest with you, you had done in their hour of need.*

But, says the Solicitor General, it was wrong "to send home, to his charge, disagreed, a man who had served as a soldier faithfully." Now, here is another instance in which rank and station triumphed over God's people's notions of right and wrong. Suppose that a poor old Corporal, with one arm buried at Badajos, a leg at Talavera, and with a Water-bomb and a horn of meek, were placed in the dock, charged with some offence against the laws of the Province—and his counsel were to urge his services in the field as a reason why he ought not to be allowed to violate the private rights of the leges in Nova Scotia with impunity, with what indignation would the Solicitor General rise and tread such a doctrine under his feet? He would tell his learned brother that soldiers were the mere servants of the law and the Constitution, and that those who had once been employed to defend these, should be the last to attempt their violation. That fighting on the Peninsula gave no warrant for picking and stealing, or assault and battery, in Nova Scotia—that half an arm was no bar to an action of trespass—nor was a wooden

leg an excuse in 'law for running off' with another man's wife; and the old Corporal would be tried, convicted, and handed over for punishment, quite as a matter of course. But when an old General comes to be tried, it is quite another thing—a battle or two must be an excuse for any offence—even the violation of the dearest rights of a whole people, and the distraction of a Province. They manage things better in England—where the independent expression of opinion on political subjects is never restrained, no matter who may happen to menace public liberty, or retard the progress of improvement. Did the Solicitor General ever hear of an old soldier called the Duke of Wellington, who was Sir Colin's Commander-in-Chief, and who, though the greatest captain of the age, wearing badges of distinction from every Sovereign in Europe, was driven out of the Government by the people of England because they did not like his politics? "I will give you no reform," said the Duke to the people of England. "Very well," said the House of Commons, then we will give the Sovereign a hint to remove you from the Cabinet." "I will give you no Reform," said Sir Colin to the people of Nova Scotia. "Very well," said the People's Representatives; "then we will give her Majesty a hint to remove you from the Government." There is a strange analogy in the cases, and who doubts that the results will be similar, notwithstanding the outcry that our Provincial Tories have raised?

I have thus, fellow Countrymen, gone through the speech of the Solicitor General, and trust that I have redeemed my pledge, by proving:

1st. That the charge of misrepresentation, if it has any foundation at all, ought never to have been urged against the Reformers, because it applies with ten fold force to the party whom the learned gentleman defends, and with whom he sets as a member of the Government.

2nd. That the reasons, given for the rejection of the Civil List and Judiciary Bills, by the Legislative Council, are unsound and inconclusive.

3rd. That the defence of Sir Colin Campbell and his advisers, and of the old system of Government, has been too feeble and impotent to afford a shadow of argument upon which a rational mind can repose.

4th. That the Solicitor General's attack upon Responsible Government, should but eulcer the principle which the term involves, more and more to the people of Nova Scotia, for whose advantage it has been conceded by the Crown.

5th. That the charge against your Representatives, of precipitancy, cannot fairly apply to men, who had labored for four years to avoid the necessity for an extreme step, rendered imperative at last by the folly of his Excellency's advisers: and

6th. That even eminent services in the field form no justification for disobedience to the Sovereign's commands, and the mal-administration of civil affairs.

In conclusion, I have only to remind you, that *it is for you now to pronounce your judgment on the conduct of the Reformers and their opponents.* If you believe that the former have faithfully discharged their duty, and are desirous to establish the new Constitution which they have laboured to obtain, fail not, at the approaching election, to return every member who has fearlessly upheld the cause of Colonial Liberty, and to diminish, by every means in your power, the numbers of the minority by whom your interests have been perilled or betrayed.

In the mean time, I remain,

Through civil report and good report,

Your obedient Servant,

JOSEPH HOWE,

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