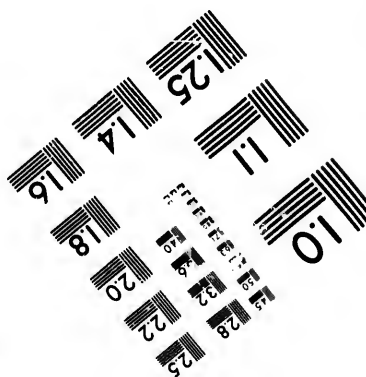
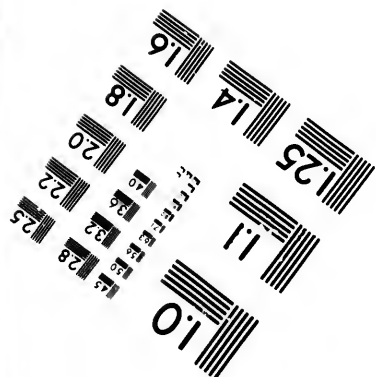
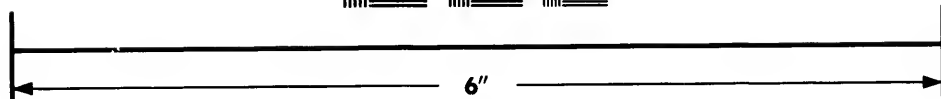
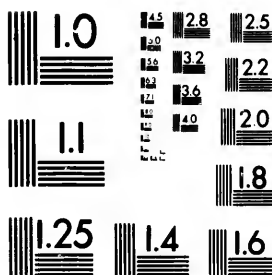


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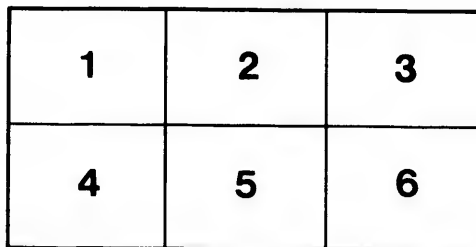
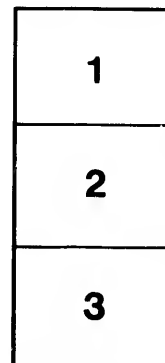
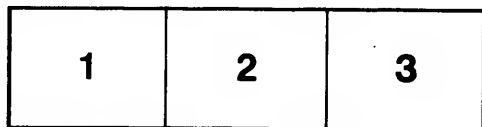
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Joseph Howe

THE  
S P E E C H E S

AND

PUBLIC LETTERS

OF

THE HON. JOSEPH HOWE.

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—————  
EDITED BY WILLIAM ANNAND, M.P.P.  
—————

VOLUME FIRST.

BOSTON:

JOHN P. JEWETT & COMPANY.

HALIFAX: A. & W. MACKINLAY. MONTREAL: B. DAWSON & SON.

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## P R E F A C E .

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For nearly twenty years I have been the intimate friend of the gentleman, some of whose speeches and letters I have undertaken to edit and publish. Many of the speeches, included in this collection, I have heard delivered. Some of the public letters have been read in my presence, in the Legislature, amidst spontaneous expressions of high approbation, even from the writer's political opponents. The effects produced upon the public mind, and upon the affairs of his native Province, by Mr. Howe's mental and bodily labors, no man better than myself, perhaps, can fairly estimate. Both as a Legislator, and as a public journalist, my opportunities for observation and experience have been ample; and, from a very extensive acquaintance and intercourse with persons from all parts of British America, of all shades of politics, I have no reason to think that I over estimate the opinion entertained by his countrymen of his talents and exertions.

My object is to preserve, while preservation is possible, the sentiments and opinions of a remarkable man, who has figured during an eventful period of our Provincial history; to enable my cotemporaries — the men and women of the present day — to peruse again, and to estimate for their literary merit, or oratorical value, productions that formerly stirred their blood, or largely influenced their affairs; to give to the rising generation the means by which to judge, not only of the intellectual calibre of the race they are to succeed, but of the true character



of a countryman's struggles and labors of which they are to reap the benefit.

Beyond the boundaries of British America, it is not probable that this work will attract much interest, or find much circulation. Statesmen who figure in the great centres of intellectual life, whether in Europe or America, can alone be expected to command general attention. To those centres the thoughts and eager inquiries of millions naturally turn, who no more expect profit or pleasure from reading what has been written or spoken in remote Provinces, than the Hebrews of old expected lessons of love, and principles susceptible of world-wide diffusion, in a small village, remote from Jerusalem.

And yet, some of the principles, to the establishment and diffusion of which JOSEPH HOWE has devoted half a life, are not unworthy of the attention of statesmen at home or abroad. The system of responsible government, of which he was the earliest, as he was, confessedly, the most eloquent and able advocate in the maritime Provinces, is, in its application to Colonial affairs, as much a modern invention, as the steam engine or the electric telegraph; and, like those great discoveries, can be made practically beneficial to any community of Englishmen in any part of the world.

The use that can be made of public credit in developing the resources of new countries; and the obligations which rest upon governments to employ it for the completion of public works to which private enterprise is unequal, as illustrated in Mr. Howe's Railway speeches and correspondence, are subjects not unworthy the serious consideration of gentlemen, however contracted or enlarged may be the fields in which they are called to discuss or to administer public affairs.

The "Organization of the Empire" may not, in the rather incidental modes in which it has been treated in one or two of

the speeches and letters included in this collection, arrest the attention of those who might be disposed to view it differently, had the subject been exhausted in a more elaborate treatise, to which we regret that Mr. Howe has not, ere now, found leisure to devote his talents. But, however imperfect the treatment, the grandeur of the subject will not be denied; and he can scarcely be called a statesman, and certainly would be a very unworthy Englishman, for whom it has no attractions.

From the hundreds of speeches delivered by Mr. Howe, on all sorts of occasions, and in all parts of the Provinces, I have selected only so many as were indispensable to illustrate his peculiar style, and extraordinary versatility. Some of these, very imperfectly reported and never revised, I have taken just as they appeared in the newspapers of the day. Of his letters, I have omitted nearly all the more sarcastic, preserving only a very few of that description, including the two addressed to Lord Falkland. I would have struck out from many of the speeches, personal hits and sarcasms, amply provoked, and well deserved at the time of delivery, but which I am quite sure Mr. Howe would not, at this moment, repeat;—but I found, if I did so, I could not preserve the spirit of the scenes through which the speaker was often compelled to fight his way. Such passages occur most frequently in replies and extemporaneous criticisms, called forth by keen attacks; and often exhibit the dexterity and readiness of a debater, after the interest of the question has entirely passed away.

Of contributions to the public press, or editorials, as they are professionally termed, I have given but two or three, out of hundreds that must have been written by Mr. Howe. These will serve as specimens of a style of writing, which many mere literateurs despise, but of which those only who have tried it, know the difficulties and the value.

I have included in these volumes two poems, written for  
\*\*

public celebrations, and two political pasquinades, which were drawn into the Parliamentary debates of 1855. In early life, Mr. Howe wrote a good deal of verse, but he had not much leisure for poetic reveries, when the sterner duties of active manhood were assumed. The Muse did visit him occasionally, but was often compelled to don the garb of the Amazon, and launch a javelin at the enemies of his country. It is probable that a volume of Contributions to Colonial Literature, including such of his poems as are worth preserving, may be published in the course of next year.

Of many Lectures, or public addresses, delivered before Scientific and Literary Societies, I have selected but three.

I do not publish these volumes that I may challenge for my friend comparison with those who have, in the higher walks of political literature, won deserved distinction. But I regard them as gatherings from the stores produced by one robust, self-cultivated, Colonial intellect. Better speeches, and better letters, we may read every day; and yet to draw the comparison fairly, we should remember that it is rare to find good speakers who are also good writers, or good writers who can speak at all.

HALIFAX, NOVA SCOTIA, }  
October, 1858. }

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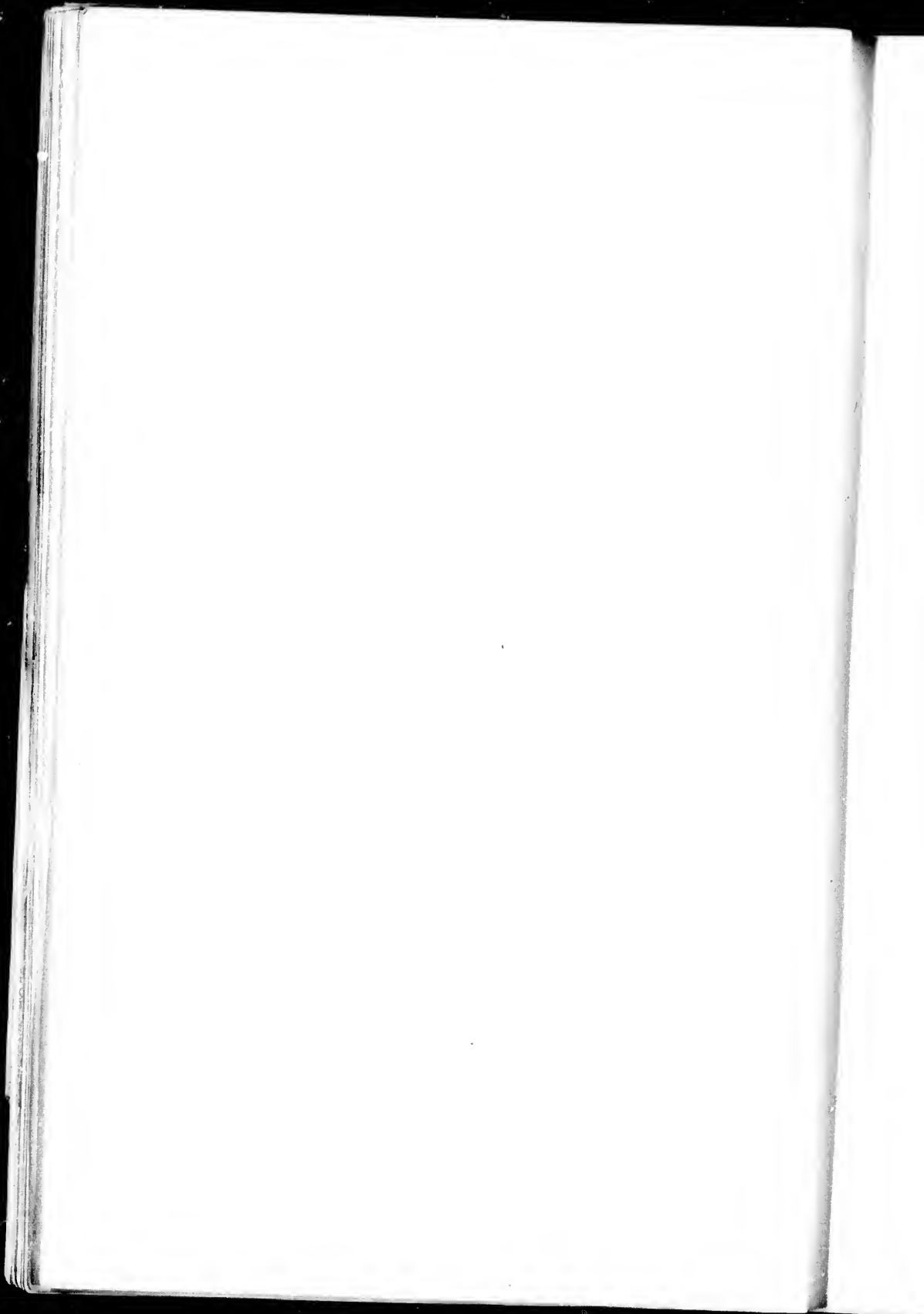
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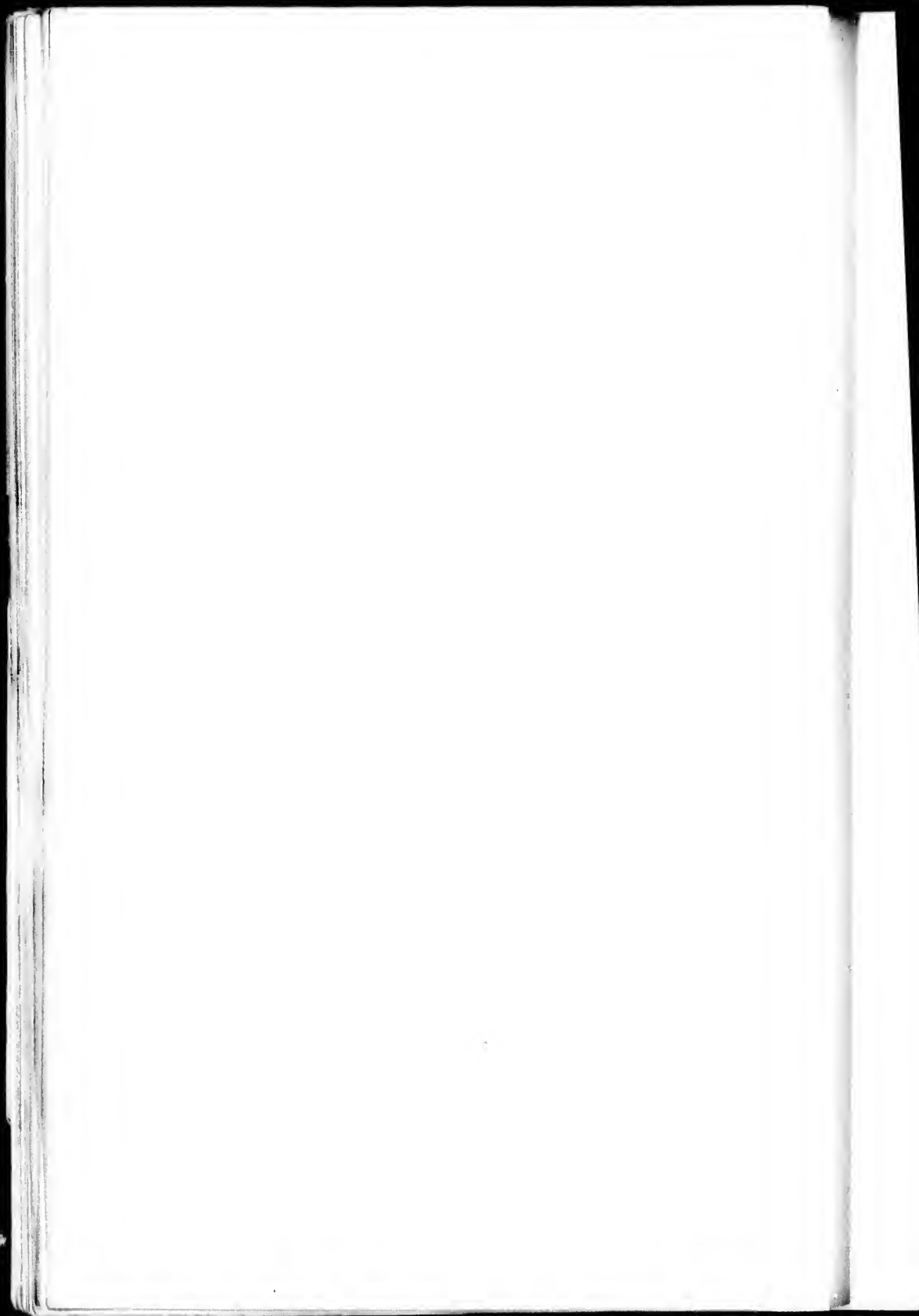
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SPEECHES.

(1)





## BIOGRAPHICAL.

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IN a speech delivered at Southampton, in 1851, Mr. Howe gave the following account of his origin: "During the old times of persecution, four brothers, bearing my name, left the Southern counties of England, and settled in four of the old New England States. Their descendants number thousands, and are scattered from Maine to California. My father was the only descendant of that stock who, at the Revolution, adhered to the side of England. His bones rest in the Halifax churchyard. I am his only surviving son; and, whatever the future may have in store, I want, when I stand beside his grave, to feel that I have done my best to preserve the connection he valued, that the British flag may wave above the soil in which he sleeps."

Frequent references to his father occur in Mr. Howe's speeches, and, wherever his name is mentioned, it is accompanied by eulogy so warm, and descriptive touches so filial, as to assure us that his memory is deeply revered. He well deserved the affection he inspired. He died in 1835, at the advanced age of eighty-three, having held the offices of King's Printer, and Postmaster General of the Lower Provinces, for many years. He was a fine-looking man, intelligent, courteous, and benevolent. He wrote well, and though having no taste for political disputation, spoke on religious subjects in a strain of simple, natural eloquence, not often equalled, and rarely surpassed.

Mr. Howe's mother's maiden name was Edes. She was the daughter of a Captain Edes, who, with his wife and two children, came out from England to settle and carry on business at the South, but whose plans and prospects were marred by the breaking out of the Revolution. She was a widow,

and after the death of his first wife, who had been Miss Minns of Boston, Mr. John Howe married her. The fruits of this union were two children, a son and daughter. The daughter died at sea, on her return from Peru, where she had gone to join her husband, and was buried in Virginia. These volumes will illustrate the life and labors of the son.

Mr. Joseph Howe was born in 1804, in a pleasant cottage, on the banks of the North West Arm, since burnt down, but in which his parents then resided. Here he spent the first thirteen years of life: and here was nurtured the robust constitution which, for half a century, has seemed to defy mental and bodily fatigue. Here was imbibed the love of nature, of field sports, of the sea, of woodland rides and rambles, which are still retained. Here was nourished the poetic spirit, that, in all the earlier portions of his life, broke out into verse; and which, though chastened and subdued by a severe political training, colors all his speeches and writings still. He received no regular education, having to walk two miles to get to school in summer, and in winter being kept at home. But he had his father to talk to in the long evenings, and books to study. Hard exercise and desultory reading alternated, and a well-stored mind was ever present with him, upon the large resources of which he could at any moment draw.

At thirteen, he went into the Gazette office, and for ten years worked at the printing business, occasionally assisting his brother\* in the post office; and, at times, during his absence, taking charge of both departments.

During his apprenticeship Mr. Howe attracted general attention by the publication of a little poem, entitled Melville Island. This Island stands at the head of the North West Arm. Prisoners were confined there during the last French and American wars. The situation and incidents connected with the island were poetical, and perhaps the most was made of them. Other pieces in prose and verse followed, and were published in the newspapers of the period under anony-

\* John Howe, the eldest of five children by the first marriage, succeeded his father in both offices. He died in 1843.

mous signatures. He thus trained himself by the practice of composition, rather than by the study of language.

In 1827, Mr. Howe purchased, in connection with Mr. James Spike, the weekly Chronicle newspaper from Mr. William Mims, who had been for many years its editor and proprietor, and changing the name of the paper to "The Acadian," came before the country as a public writer for the first time. If not entirely unknown and unpractised, he was, as I have often heard him acknowledge, ignorant enough of every thing that an editor ought to know. He had a cheerful spirit, however, a ready pen, and tact enough to feel his way and avoid the premature discussion of topics which he did not understand. The file of the Acadian is now beside me. It contains some lively sketches of natural scenery, some passable poetry, and some juvenile attempts at editorial writing, jejune and commonplace enough. There are no attempts at political writing, and the volume contains no evidence that, at this period, the editor had formed any clear or definite notions of the condition or requirements of his country.

Towards the close of the year, Mr. Howe sold his share in the Acadian to his partner, Mr. Spike, and purchased "The Nova Scotian" from Mr. G. R. Young, who had established that paper three years before. Aided by the very able pens of his father, Agricola, and of his brother, the late Attorney General, Mr. Young had, by great industry and ability, secured a very respectable circulation. Wishing to enter the legal profession, he offered his establishment to Mr. Howe for £1050, a large sum for a newspaper at that period. The offer was accepted, and in January, 1828, Mr. Howe came before the public as sole editor and proprietor of The Nova Scotian.

In the judgment of many the enterprise was not without hazard. It was hardly to be expected that a young man, inexperienced and unskillful, could sustain the interests of an establishment upon which much acknowledged talent and information had been concentrated. Many withdrew their subscriptions in this belief, and many more, it is fair to assume, only continued them until an experiment was tried in which

they had not much confidence. It succeeded, however, beyond the reasonable hopes of him who was most interested.

By dint of unwearied industry, a sanguine spirit, and great cheerfulness and good humor, all the difficulties which beset Mr. Howe's early career as a public journalist, were met and overcome, and *The Nova Scotian* was established on a solid foundation. British, foreign, and colonial newspapers and periodicals, were daily read. The debates in the House of Assembly, and important trials in the courts, were reported by his own hand, and his position naturally brought him into familiar intercourse with nearly all the public men of the day. The establishment of agencies, and the transaction of business, in the interior, compelled him to travel over the inland districts and to visit all the seaport towns. In these journeys many valuable acquaintances were made, and much information was acquired. Gradually he became familiar, not only with the people best worth knowing, and from whom any thing could be learnt, but with the whole face of his native country, and with the political literature of all countries which expressed their opinions in the English language. Such leisure as he had was given to more serious investigations, or to the attractive novelties of the day. I have often seen him, during this period, worn out with labor, drawing draughts of refreshment alternately from Bulwer's last novel or from Grotius on National Law. His constitution was vigorous, his zeal unflagging. It was no uncommon thing for him to be a month or two in the saddle; or, after a rubber of racquets, in which he excelled and of which he was very fond, to read and write for four or five consecutive days without going out of his house.

Seven years of this kind of mental training, which preceded his first noticeable display as a public speaker, did much to repair a very defective education. I have glanced over the files of *The Nova Scotian* from 1828 to 1835, and, to anybody who will do the same, the process of intellectual cultivation and development, will be very apparent.

In the volume for 1828, there are almost no politics. Those sketches of country towns and rural scenery, which, under the

heading of "Western and Eastern Rambles" enlivened the pages of *The Nova Scotian* for several years, and enlightened a good many worthy people who never go from home as to the beauties and fertility of their own country, were commenced in this year. So was the Club, a series of papers, after the model of Blackwood's *Noctes Ambrosianæ*, and to which Sam Slick, Doctor Grigor, Lawrence O'Connor Doyle, and Captain Kincaid, all of whom subsequently distinguished themselves in other fields, are said to have contributed. There was, perhaps, too much of personality in these dialogues, but there was unquestionably a good deal of wit, humor, and vigorous writing. There is also in the earlier files, some beautiful poetry, by Henry Clinch, then a student at King's College, and now Rector of South Boston, a gentleman whose productions I hope yet to see in some collected form in every library in the Province.

In 1829, Huskisson's system was promulgated, and Mr. Howe, who had previously been an admirer of Adam Smith, became thenceforward an ardent Free Trader, in which faith he has continued down to the present time. In this year he published Halliburton's *History of Nova Scotia*, losing heavily by the speculation, the edition being, at that early period, too large. The book, however, was invaluable. It exhausted the subject, and made thousands familiar with facts till then locked up in the Provincial archives. The publication of this work laid the foundation of a friendship between the author and publisher, which was only shaken by political differences twelve years later, but which the subsidence of excitement has happily revived.

In the spring of this year we find Mr. Howe fairly embarked in a political question, and holding his ground with some promise of that courage and dexterity, by which success was secured in subsequent contests. During the session of 1829, Mr. John A. Barry brought himself under the censure of the House for words spoken in debate. The subject was referred to the Committee of Privileges, who, in an elaborate report, cited the precedents bearing on the case, and recommended that Mr. Barry should be deprived of his privileges till atonement

was made. He took his seat in defiance of the House, was arrested, and committed to jail. The citizens of Halifax generally sympathized with Mr. Barry, and a mob hooted the members and pelted them with snow-balls, on the adjournment. Mr. Barry was detained in prison till the House rose, when he was liberated by the prorogation, and conveyed in triumph to his house. During his imprisonment, and for more than a year thereafter, he continued to publish long letters in the newspapers, in which the report of the Committee of Privileges was severely criticised, and everybody who happened to differ with him was roughly handled.

Mr. Howe, who had been a spectator of the scene, took a moderate and independent view of the questions at issue. He thought Mr. Barry was to blame — that his manner, even more than his language, was insulting to the House, and that all the subsequent proceedings flowed naturally from the first offence, which ought not to have been given. It required some nerve for a young man, without standing or influence, to express these opinions, in the midst of a community so excited that they had pelted their representatives. They were expressed, however, despite the remonstrances of his friends and the threats of Barry's partisans, with whom, and with that gentleman personally, he was at once involved in controversy. He did not flinch, however, but reviewed the whole case in a series of articles, and had the satisfaction to find that the stand he had taken was very generally approved.

Towards the close of this year, I find a long editorial, recommending the formation of a Mechanics' Institute in Halifax. It was not founded, however, till three years later, when Mr. Howe read the inaugural address on the 11th of January, 1832.

In this volume, also, I find the first of those reviews of public affairs in New Brunswick, Prince Edward Island, and Newfoundland, that subsequently became popular, were extensively read in those Provinces, and which, at a later period, had a tendency in them all to strengthen the hands of the progressive parties, and to lead to the establishment of sound principles of government.

In 1830, we find the first of a series of "Legislative Reviews," the composition of which — and they were continued from year to year — familiarized the writer's mind with the measures then before the country, and gradually wrought the conviction that others were required. The "Brandy dispute," as it has been called, broke out towards the close of this session. The House and Council came into violent collision, and the Revenue bills were lost. The debates were animated and exciting, to a high degree. The late S. G. W. Archibald led the popular party, with a brilliancy and daring that astonished even his most ardent admirers. Richard Uniacke, one of the handsomest men of his day, led the forlorn hope that stood by the Council. John Young, Alexander Stewart, Charles Fairbanks, Beamish Murdoch, and others, dissented the points at issue with more or less ability. A general election impended, and came in the course of the summer. Into this exciting contest, Mr. Howe threw himself with ardor and indomitable perseverance. He reviewed the documents and debates put forth on each side; and, both before and during the elections, gave to Mr. Archibald and his friends the benefit of a searching criticism, and of an animated defence. All the leading men of the popular party were returned, except Murdoch, and the country naturally looked for some results commensurate with the fierceness of the contest, and the apparent importance of the principles involved.

But no results followed, at all calculated to satisfy expectations that had been so highly raised. New Revenue bills were passed, but no atonement was exacted for the sacrifice of the old ones. The leader of the popular majority was put aside, and his rival was appointed Chief Justice. The Council still retained their ancient constitution, and excluded the public from their deliberations. Under a threat of collecting the Quit Rents, a permanent addition of £2000 a year was made to the Civil list, without any stipulation for the surrender of the Casual Revenues. Long debates on the cost of the judiciary ended in nothing. Motions made by John Young or Herbert Huntington, for a retrenchment of the public expenditure, were laughed at and rejected. The country was uneasy and dissatisfied at this state of things, and Mr. Howe expressed



their feelings, and his own, in language which often gave to the prominent men of the day great offence.

In 1834, Mr. Stewart moved a series of resolutions touching the constitution of the Council, which were seconded by Mr. Doyle. Animated and very interesting debates ensued, but no change was made. The opposition, baffled, divided, or intimidated, by the government, made no advances, and gained no solid advantage. From this period, Mr. Howe seems to have taken a bolder and more independent position. His editorials attracted more and more attention, and were formally denounced by zealous partisans of government in the House. He recommended that the men who had been elected to improve the institutions of the country should go forward and do their work, or that men of more vigor and determination should be sent to supply their places. Many enemies were made by this independent course, but his reputation daily extended and his pen began to command a pretty extensive influence.

Mixed up with the politics of that day was the currency question. The government had issued large quantities of Provincial notes, irredeemable in gold or silver. The Halifax bank had done the same. The usual consequences resulted. The precious metals were driven from circulation. Paper was depreciated, and commercial panic and distress ensued. Independent men, both in the Legislature and out of it, saw the necessity for grappling with this tremendous evil. A battle commenced, which ran over two or three years, and only ended when banks were compelled to pay gold and silver on demand — when they were restricted to the issue of £5 notes, and when the surplus of Province paper was withdrawn.

The Parliamentary leaders in this conflict for sound principles of finance, were Judge Bliss, Charles Fairbanks, Herbert Huntington, and others. Outside, The Nova Scotian lent to the cause great assistance, and its editor only ceased to labor for it when the victory was won.

Up to this period, 1835, I have not been able to find on record any speech made by Mr. Howe. He may have spoken occasionally at commercial gatherings or at the meetings of one or two local societies with which he was connected: but if

he did, no report of those efforts, whatever they were, ever appeared, and the general mass of his countrymen did not know that he could speak at all. Everybody knew that he could write, and it was equally well known that seven years of close study, and attention to public affairs, had made him an acute politician; but nobody was prepared for a successful debut, as a popular speaker; and I believe that Erskine's is the only other case in which distinction, in this particular line, has been so unexpectedly and suddenly achieved.

Twenty-two years have elapsed since the delivery of the first speech included in this collection. For many reasons it may be regarded as one of the most remarkable. As a forensic effort, aimed at the consciences and sympathies of a jury, by a man who had never addressed a court before, and never did again, it was most successful. As an ingenious argument, addressed by a layman to a legal tribunal upon an important branch of the law, it is sufficiently curious. But when we consider that a municipal system that had existed for nearly a century was smitten down in a day by this single speech, and never recovered from the effect of the blow until superseded by a liberal Act of Incorporation, its value, whether regarded as an appeal to the passions or to the good sense of the community, can scarcely be overestimated. To deliver such a speech, at such a time, required some moral courage. Responsible government was then unknown to the institutions of British America. There was not an incorporated city in any part of the Provinces. They were all governed, as Halifax was, by magistrates, who held their commissions from the crown, and were entirely independent of popular control. Neglect, mismanagement and corruption, were perceptible everywhere, and nowhere had greater dissatisfaction been created than in the capital of Nova Scotia. The remedy for all this was not very clearly discerned in 1835, but a sense of the grievance was universal. Immediately after Mr. Howe's acquittal, all the magistrates in Halifax resigned. An attempt was then made, by the selection of others, and by the appointment of a legal gentleman as Custos, to retain the old system, but it only staggered on for a few years longer. The cry for an Act of

Incorporation became daily more loud and general, and gathered strength as the demand for municipal reform in the mother country came, wafted across the Atlantic in every mail. In 1810, Mr. Howe went into the Provincial Cabinet stipulating for responsible government and the incorporation of Halifax. A bill was brought down in the session of 1811, and soon after, he had the satisfaction to see the old system which he had attacked and exposed, swept away, and his native town clothed with municipal privileges and securities, in the enjoyment of which it could flourish and expand.

I have thought it best to give the report of this trial entire, as it appeared in the papers of the day, and in a small pamphlet now almost entirely out of print. I did not hear Mr. Howe's defence, but I have heard him laughingly describe the circumstances which compelled him to its preparation and delivery. "I went," said he, "to two or three lawyers in succession, showed them the Attorney General's notice of trial, and asked them if the case could be successfully defended? The answer was, No. There was no doubt that the letter was a libel. That I must make my peace, or submit to fine and imprisonment. I asked them to lend me their books, gathered an armful, threw myself on a sofa, and read libel law for a week. By that time I had convinced myself that they were wrong, and that there was a good defence, if the case were properly presented to the court and jury. Another week was spent in selecting and arranging the facts and public documents, on which I relied. I did not get through before a late hour of the evening before the trial, having only had time to write out and commit to memory the two opening paragraphs of the speech. All the rest was to be improvised as I went along. I was very tired, but took a walk with Mrs. Howe,\* telling her as we strolled to Fort Massy, that if I could only get out of my head what I had got into it, the magistrates could not get a verdict. I was hopeful of the case, but fearful of breaking down, from the novelty of the situation and from want of practice. I slept

\* Mr. Howe married, in 1828, Catharine Susan Ann Mac Nab, only daughter of Captain John Mac Nab, by whom he has had ten children.

soundly and went at it in the morning, still harrassed with doubts and fears, which passed off, however, as I became conscious that I was commanding the attention of the court and jury. I was much cheered when I saw the tears rolling down one old gentleman's cheek. I thought he would not convict me if he could help it. I scarcely expected a unanimous verdict, as two or three of the jurors were connections, more or less remote, of some of the justices, but thought they would not agree. The lawyers were all very civil, but laughed at me a good deal, quoting the old maxim, that 'he who pleads his own case has a fool for a client.' But the laugh was against them when all was over."

## TRIAL FOR LIBEL.

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### THE KING *vs.* JOSEPH HOWE.

THE special jury summoned to try this cause having been called, eleven only answered to their names. One gentleman who had been a magistrate, was excused from serving by the court, and the Attorney General having prayed a tales, the following persons were sworn:—

CHARLES J. HILL,  
ROBERT STORY,  
EDWARD PRYOR, Jun.,  
JAMES H. REYNOLDS,  
DAVID HALL,  
EDWARD GREENWOOD,

JOHN WELNER,  
ROBERT LAWSON,  
ARCHD. McDONALD,  
SAMUEL MITCHELL,  
THOMAS A. BAUER,  
DUNCAN McQUEEN.

Mr. Hill having been appointed foreman,

JAMES F. GRAY, Esq., opened the case with the following Address:—

*My Lords, and Gentlemen of the Jury,*—It becomes my duty, as one of the retained counsel in this case, under the direction of the Attorney General, to open the charge and explain the principal circumstances connected with it. Although this charge is not one of common occurrence here, it is well known to the law, and is provided for by fixed legal principles. The indictment in this case, after setting forth the usual inducements, states the particulars on which the charge is founded. As it is not usual for the officer to read the indictment in libel cases, the opening counsel may feel it his duty to explain its particulars, so as to enable the jury to understand the nature of the charge.

The indictment states, that on the first of January, a certain libel was published in The Nova Scotian newspaper, with a view to injure and degrade, and bring into disgrace, the magistrates of the town of Halifax. The libel, which is described as false, infamous, defamatory, and malicious, was signed *One of the People*, and contained charges on which these counts were laid. [Here Mr. Gray read, and made brief

remarks on, the letter as contained in the indictment.] To this indictment Mr. Howe pleaded, and declared himself not guilty. On this the usual steps occurred; and now, gentlemen of the jury, you are impanelled to investigate the circumstances of the charge; to try whether the defendant has published the letter charged, and whether it comes under the denomination of what is called in law, a libel. The letter was contained in a newspaper of which Mr. Howe is the acknowledged editor and proprietor. When the publication was made, the magistrates applied to the Governor, praying that such a course should be adopted as would bring the matter before a court of justice. His Excellency transmitted the application to the Attorney General, and placed the affair in his hands. The law officer, in virtue of his office, has more power than any other advocate, and of two courses he might make choice of either. He could have filed an *ex-officio* information, on behalf of the crown, which, without any preliminary inquiry, would place the defendant upon his trial. That course he did not adopt. I am glad that he did not, although the practice has been frequently resorted to in England. He adopted a course more consonant to the principles of public liberty; he laid the charge before the Grand Inquest of the county, a bill was found by them, and now Mr. Howe takes his trial as he would for any other criminal offence. He is put upon his trial as the publisher of a letter which is designated a libel. It may be said by some, why prosecute the publisher? Why endeavor to punish him, instead of the author of the alleged libel? The answer to this may be given by saying, that it is the publication which constitutes the offence.

In this case it will be shown, that the letter was published, and that Mr. Howe was the instrument of publication. The proprietor of a newspaper is liable for all which appears in that paper. Even if he were ignorant of a matter until it came before the public, still is he held responsible; when he undertakes to manage a paper, he is answerable for all that appears in its columns, and he should be so answerable. If in all cases the author should be resorted to, how is the author to be found? Or, if an author were given, might it not be in the following manner:—not intimating, however, that Mr. Howe would act in the supposed manner; from what I believe to be his spirit, I would conclude that, in any case, he would rather appear himself than give up an author,—but suppose that it was obligatory to proceed against an author rather than a printer, might not the publisher give the name of some person without property, from whom a fine could not be exacted, and to whom confinement in a prison would be provision of food and

lodging? The publisher is the person guilty of the offence; between him and the public the question rests. He should be guarded as to what he publishes, and so guarded in doubtful cases as to be able to make amends for any difficulties which may ensue.

A libel in law, is defined to be a malicious defamation, either by writing or pictures, tending to blacken the character of the dead, and thus to excite the living; or reflecting on the living so as to injure reputation, and to endanger the peace of society. As regards public persons, official characters, magistrates and other functionaries, the law considers a libel a higher offence than when committed against private individuals. When committed against persons in authority, the crime is looked upon as an attack on the government; not only as a breach of the peace, but as a scandal against all authority. You, gentlemen, are to say whether this publication comes under this description; whether it is directed against a body of magistrates, and is calculated to bring such a body into contempt, disrepute, and disgrace.

We will have to prove, not only the publication of this letter, but that Mr. Howe published it, and that its intention and design is as laid in the indictment, to injure and degrade the magistrates. Having done this, as the law formerly was, we might stop; you would have to pronounce on the fact of publication and the intent; and if enough on these points were shown to you, our case would have been complete. But in consequence of great exertions of English lawyers, an alteration in these matters has been made; cases of libel are now placed on the same footing as all other criminal cases; the jury are made judges, taking the law for their guidance from the court. This enables a jury to take a view of all the circumstances of a case; formerly the court had the sole consideration of the question of libel, now it is for you to say whether or not the matter charged is of a libellous nature, as well as to say who is the publisher, and what his intent. One ingredient in a libel is malice. Before the passing of the statute alluded to, the question of malice was virtually referred to the court; and if malice was to be inferred, the legal inference was, that malice was contained. Now it is for the jury to decide on this, as on the other features of the case. Malice has not the same meaning in legal, as in common language. By legal malice is meant, that the party charged did an injurious act which he was not justified in doing. If a libel be published calculated to do evil, to bring persons into contempt and disrepute, such a publication must be supposed malicious until the contrary be shown. But the contrary cannot be shown, except by proving the publication accidental, or accounting for it in some way which is impossible in this case, for the proprietor of a

paper is responsible for all that appears in its columns. If so, then the present defendant is guilty of publishing a malicious libel: he has published that which has a tendency to produce disgrace and contempt towards certain persons; and the law infers that he did it maliciously.

As regards the mode of prosecution, — this libel is not aimed at any one individual; no one is selected as a particular mark; if a particular person or persons had been selected, you would not have found the indictment laid by the whole body. This difference exists between a proceeding by indictment, and one by civil action. Under an indictment, the proof of truth or falsehood cannot be allowed; the question is concerning the committal of an injurious act. I am instructed to say, that nothing would be more desirable to the magistrates than that such proof could be allowed; but it cannot. In indictments, the king becomes a party in behalf of the public against a person who is charged with some act injurious to good government. If an individual had proceeded by indictment, you might say — although I do not intimate that you ought to say so, for true or false, a matter of injurious tendency should not be published — but you might say, the person who comes forward in this sheltered manner does not deserve such a shelter. No such objection can be made in the present case; the magistrates have no right to hold a civil action; as a public body they cannot seek redress by private action. They had no remedy left except to proceed in the present mode; and, in this mode, the prosecution has been conducted in the most liberal manner. The grand jury have passed their opinion on the case, it appears in this court, and here you are made the judges of it. But suppose justification could be given in any such case, is this such an one? Is a particular person injured here, or a particular number of persons? No, but a whole body. Is the present time only alluded to? No, but the long period of thirty years. This body, during that period, is charged with having dishonestly pocketed public money. Is such a charge capable of justification? How many of them have handled public money? Several of the body charged, now alive, and some now no more, have performed public duties, without any benefit to themselves; they have acted as guardians of public order without ever having been receivers of public money. Yet this charge affects all. I wish that justification could be allowed, for it would fall short; it would be in vain for the defendant to prove against one, two, or three; he should show that the whole body were guilty, or justification could not be sustained. Under this libel, which of the body charged can say that they are innocent? it allows that all are not guilty; but who can say, I am one of the innocent men alluded to? If no notice were taken of this



matter, it might be said, such and such charges were made against the whole body, and no steps were taken to rebut them. This consideration induced the prosecution, but many of the magistrates regretted that it could not be brought in another shape. It is impossible for the jury to say there is not sufficient defamatory, malicious matter in this letter, to constitute a libel. The defendant stands charged with every passage taken together, and with each taken separately; one part does not alter the effect of another; the persons excepted are not designated; all are charged in general terms. Caution at least would have been expected from the defendant. It may be said, who does not know the persons more particularly alluded to? Who is there that cannot select those charged in the publication? But I ask, is this confined to the town of Halifax? Is it confined to the Province of Nova Scotia? The ability of the publisher of this generally well-managed paper, has extended its circulation over the neighboring Provinces and States, and this libel is disseminated wherever the paper goes. If in a foreign land, one of those charged were, very naturally, to take some credit for having served in an honorable office, it might be said, for that very reason you are subject to disgrace; the body to which you belonged were publicly charged with wrong-doing, and you stand as one of the implicated. None of the magistrates, none of their connections, but might meet with such insults, and all owing to the publication of this libel. The talent and industry of the editor, which occasioned the wide circulation of his paper, instead of giving a license, ought to furnish additional reasons for caution and prudence. The liberty of the press is a theme with many; but if the liberty of the press is to justify every publication, then, no matter what we said, who was injured, none could get redress. The liberty of the press has been defined to be a liberty to publish thoughts, subject to legal consequences. Is this such a candid discussion of public measures or men, as could be tolerated? far from it. If a belief were entertained that certain of the magistrates were guilty, the supposed guilty persons should have been named in the charge; those acknowledged to be innocent would not then be implicated; although the letter would still contain a libel, because there were other modes of correcting the evils complained of. The courts of justice were open, in which complaints might be made, and would be attended to; by a petition to the Governor, the dismissal of a guilty party might be procured; so that if grievances existed, and the truth only were published, it would not be justifiable, for no necessity could exist for the publication. Discussion respecting public men should be confined to public measures, and to the manner in which public duties were performed; but this sweep-

ing erimination could not be at all justified; if it were, worse effects would follow than would result from any restriction of the press.

There is no doubt that the counsel for the prosecution are contending against the popular side of the question; but juries in Halifax have always done justice between parties, uninfluenced by such considerations. I am sure, gentlemen, that you will freely and properly decide as to the merits of the case; you will say whether the charges in this letter are such as should have been made, and whether their nature or their consequences call for consideration. Whatever your verdict may be I shall be satisfied, and will now leave the question in the hands of those, who, I am confident, will act justly in the matter.

Hugh Blackadar was called on the part of the prosecution to establish the publication of the alleged libel. Mr. Blackadar did not answer, and Mr. Howe immediately admitted that he was the proprietor of *The Nova Scotian*, and that the article had appeared in that paper, with his knowledge, on the 1st of January last. The Prothonotary then read the letter, which is as follows:—

“‘There is no truth at all!’ the oracle!  
The Sessions shall proceed—this is mere falsehood.’

SHAKSPEARE.

“MR. HOWE: Sir,—Living as I do in a free and intelligent country, and under the influence of a Constitution which attaches to our rulers the salutary restrictions of responsibility in all matters of government, is it not surprising that the inhabitants of Halifax, should have so long submitted to those shameful and barefaced impositions and exactions, which have from year to year been levied on them, in the shape of town and county taxes. Repeated attempts have from time to time been made, by independent-minded persons among us, to excite amongst their countrymen some spirit of resistance or opposition to those unwarrantable and unequal exactions, which have been drained from the pockets of the public. But it seems to me that the torpid indifference to public matters which has hitherto been the general characteristic of the people, has at length become quickened and aroused by a calm and deliberate reflection on what must be their future condition if they any longer neglect to look after the servants of the state. In a young and poor country, where the sons of rich and favored families alone receive education at the public expense—where the many must toil to support the extortioners and exactions of a few; where the hard earnings of the people are lavished on an aristocracy, who repay their ill-timed generosity

with contempt and insult; it requires no ordinary nerve in men of moderate circumstances and humble pretensions, to stand forward and boldly protest against measures which are fast working the ruin of the Province. Does there, Mr. Editor, exist in any free state, save Nova Scotia, a responsible magistracy, who would for thirty years brave and brook the repeated censures of the press, without even attempting a justification of their conduct, or giving to the public some explanations that might refute those *unjust and licentious libels*, which have repeatedly been a disgrace to them or to the press of the country. Are the journals of our land exclusive; do they admit only the wild and reckless portion of the people, and shut their columns against the sober and discreet supporters of the men in power? I cannot think this, Mr. Howe; and yet weeks have elapsed since charges too grave to be slighted and too plain to be misunderstood, have been placed, through the medium of the press, before the eye of the public, and yet no champion of the sacred band has taken the field to deny or to explain. I caudly and willingly admit that there are in the ranks of the magistracy, individuals justly entitled to the esteem and respect of their fellow townsmen, but they have mostly left the arena, disgusted with the scenes that were enacted by their more active and energetic brethren. I will venture to affirm, without the possibility of being contradicted by proof, that during the lapse of the last thirty years, the magistracy and police have, by one stratagem or other, taken from the pockets of the people, in over exactions, fines, &c., &c., a sum that would exceed in the gross amount £30,000; and I am prepared to prove my assertions whenever they are manly enough to come forward and justify their conduct to the people. Can it not be proved, and is it not notorious, that one of the present active magistrates has contrived for years to filch from one establishment, and that dedicated to the comfort of the poor and destitute, at least £300 per annum? Can it not be proved, that the fines exacted in the name and on the behalf of our Sovereign Lord the King, have annually for the last thirty years exceeded £200; and of this sum His most Gracious Majesty has received about as much as would go into the royal coffers, if the long dormant claim of the Quit Rents was revived imprudently. Is it not known to every reflecting and observant man, whose business or curiosity has led him to take a view of the municipal bustle of our Court of Sessions, that from the pockets of the poor and distressed at least £1000 is drawn annually, and pocketed by men whose services the country might well spare. These things, Mr. Howe, cannot much longer be endured, even by the loyal and peaceable inhabitants of Nova Scotia. One half of the most respectable of the middling orders have

this year been sued or summoned for the amount of their last years' poor and county rates; and nearly the whole town have appealed or are murmuring at the extravagant amount of the assessment for the present year. I will venture to affirm, and have already affirmed in a former number, that £1500 ought to defray all ordinary expenses for the county; and by the speech of His Excellency at the opening of the session, we are informed that the people of England have, with their wonted generosity, relieved us of a large portion of the extraordinary expenses which the visitation of Providence rendered necessary. In fine, Mr. Howe, the affairs of the county have been for years conducted in a slovenly, extravagant, and unpopular manner, and the people have been entirely in the dark, as regards the collection and appropriation of their monies; but they have now amongst them a Chief Magistrate, who has pledged himself to be candid, and I trust we will find him impartial also. I am neither a flatterer nor physiognomist, but I cannot help observing in the martial tread and manly mien of our present Governor, some of the outwards features of the late Sir John Sherbrooke, and if the inward man be corresponding, there is yet some hope for

THE PEOPLE."

Mr. Howe inquired of the court whether he were not entitled to the names of the prosecutors. The chief justice answered that the court knew nothing on that subject; they referred to the Attorney General. The cause was brought before them by the grand inquest of the county, and should be tried in the usual manner.

Mr. Howe then entered upon his defence, and spoke to the following effect:—

*My Lords and Gentlemen of the Jury,*—I entreat you to believe that no ostentatious desire for display has induced me to undertake the labor and responsibility of this defence. Unaccustomed as I am to the forms of courts, and to the rules of law, I would gladly have availed myself of professional aid; but I have felt that this cause ought to turn on no mere technicality or nice doctrine of law, but on those broad and simple principles of truth and justice to which an unpractised speaker may readily appeal, and which an impartial jury can as clearly comprehend. I have felt besides, that if the press is to be subjected to a series of persecutions such as this, it is indispensable to the safety of those who conduct it, that they should learn to defend themselves.

Believe me, also, that the notoriety and excitement of this proceeding, are foreign to my taste. Men of my profession, whose duty it is to mingle in public contests, and while watching over the general interest, to

wrestle with those who menace or invade, are too often reproached with the invidious tasks they perform; and suspected of a morbid fondness for contests, into which they are impelled, by a sense of the obligations that public faith, and common honesty, call on them to discharge. Those who know me best, well know, that I would rather give the little leisure that a laborious life affords, to my books and my fireside—to the literature that ennobles, and the social intercourse that renders society dear, rather than to those bickerings and disputes by which it is divided; and by which man is too often, without sufficient cause, set in array against his fellow man.

But, my Lords and Gentlemen, while this is my disposition, and these my favorite pursuits, I have too strong a sense of what I owe to my profession, and to the well being of the community in which I reside, to shrink from any peril—from any responsibility or toil, that the vital interests of these impose. I have never done so—and though often sorely beset, and mentally and physically, if not legally tried, I have endeavored at all hazards, and sometimes against fearful odds, to keep on a course of consistent public duty, from the even line of which no consideration could sway me to the right or to the left. In obedience to that sense of duty I now stand before you, to answer to the charge contained in the indictment which has been read and explained to you by Mr. Gray. To that indictment I have pleaded *Not Guilty*, and I am now to explain to you why I conceive that I have been harshly and yet innocently arraigned.

And here I may be permitted to thank Heaven and our ancestors, that I do not stand before a corrupt and venal court, and a packed and predetermined jury, to contend against those horrible perversions of the constitution and the law, by which justice and common sense were formerly outraged, and by which many an innocent and virtuous man has been cruelly condemned. Aided by the talent and the independent spirit of the English bar, and by the intelligence and determination of English juries, the press has long since achieved a triumph, which, without placing it above the law, or endowing it with any mischievous privilege, has formed its chief security and defence. Formerly, in cases of libel, instead of the jury being called on to give a general verdict, founded on their own view of the law and the facts, they were directed to determine only whether the matter in question had been published by the party arraigned; and if it had, the judge assumed his guilt, and a wicked minister often awarded the punishment. But, thank God, those days are passed. Such a prostitution of judicial power can never occur again under the shadow of the British law, for no jury within the wide

circle of the empire, would submit to such an infraction of their privilege, even if a judge could be found daring enough to attempt it. Men charged with libel are not now to be tried by the mere fact of publication, nor even by the tendency of what they print, though that may be most evil and injurious; but as they are tried for all other crimes — by the intention, the motive, with which they committed the act. If, in resisting a burglar, I knock my friend upon the head, I cannot be convicted of crime; and if in opposing a public robber, I utterly destroy his reputation by the exposure of his malpractices, the jury try me by my motive, not by the severity of the infliction, unless the punishment be utterly disproportioned to the crime. Nay, if in performing this justifiable act, I, without any bad design, inflict some injury on the innocent, the jury have the right, on a careful review of my conduct, to balance the object in view against the unintentional evil, and to give me a discharge.

To fix and determine these principles, cost years of litigation, and legislation, and although our hearts might be nerved, and our feelings sublimated, by turning back to the fiery ordeals through which they passed, I will not now occupy your time with references, that I know the clear and distinct direction of the bench will render unnecessary. Their lordships will tell you that you are the sole judges of the fact and of the law; and that although every word of what I have published were false, and its tendency most injurious, that you are to try me solely by the motive and intention by which I was controlled. Nor, gentlemen, were such the case, would I be afraid to be so tried; even then I would rely on your firmness and sagacity, confident that you would vindicate your rights and do me justice. And if, in a situation of so much greater peril, in a position ten thousand times more invidious, I could appeal to the court, the jury and the law; with how much more security and confidence may I not only rely upon your verdict, standing before you as I do, for publishing what, had the opportunity been afforded, I would have convinced you was true, and the tendency of which has been and must be most salutary and beneficial.

And here may I not ask if it is not a most extraordinary thing, that men whose conduct has been publicly and fearlessly arraigned — that men who pretend that they have been injured, and that an ample investigation is indispensable in order that their characters may be cleared — should have brought their action in such a way as to defeat the very object they pretend to have in view. If they were serious, why did they not bring their action on the case, lay their damages, and submit their administration to the most ample inquiry? But they have chosen their course, they have made their election, and depend on it they shall

have the full benefit of every advantage it affords. Shortly after the publication of the letter recited in this indictment, a notice appeared in the Halifax Journal, requesting the public to suspend their opinions until the magistrates could come forward and prove the falsity of the charges in a court of justice. The public have suspended their opinions; you gentlemen of the jury have doubtless suspended yours, waiting the promised proof; and now you see the way in which it is to be given. Could you be convinced of their innocence, unless I were permitted to bring evidence—why then have they brought their action in a way that renders that impossible? Why have they not afforded the means indispensable to a calm and enlightened review of their public conduct?

Gentlemen they dared not do it. Yes, my Lords, I tell them in your presence, and in the presence of the community whose confidence they have abused, that they dared not do it. They knew that “discretion was the better part of valor,” and that it might be safer to attempt to punish me, than to justify themselves. There is a certain part of a ship through which when a seaman crawls, he subjects himself to the derision of the deck, because it is taken as an admission of cowardice and incompetence; and had not these jobbing justices crawled in here through this legal lubber hole of indictment, I would have sent them out of court in a worse condition than Falstaff’s ragged regiment—they would not have dared to march, even through Coventry, in a body. [Laughter and applause, which were suppressed by the court and officers.]

How different has been their conduct and mine. They have shrunk from inquiry, though they have strained after punishment. I have in every shape dared the one, that I might, so far as laid in my power, be able to secure the other. They have filled every street and company where they appeared with complaints of falsehood and injustice. They have crammed the newspapers with libel cases to mislead or overawe. They have taken six weeks to determine on this prosecution, leaving their adversary but a few days to prepare; and finally, they have brought their action by indictment, well knowing that the court could not admit evidence but on the side of the crown. Does this look like innocence?—is it candid—is it fair? Can a body against whom grave charges have been preferred, present this mockery of an investigation as a full and sufficient answer to the public? How different has my conduct been. From the moment that I heard of this prosecution, I refrained from all publications that might by any possibility influence the public mind. I have neither sought to deprecate the wrath of their worships, to excuse, to justify, or explain. But I have taken every pains that the even course of justice should not be disturbed, and now,

instead of seeking an escape by objections to the indictment, or cavilling at the insufficiency of proof, I fling myself fearlessly into the contest; and, so far as I can, shall endeavor to make even this one-sided prosecution of some public utility, by defending myself on the broadest possible grounds.

Had their worships brought their action on the case, whether they or I were worsted, would have been of little consequence — the truth, the whole truth, and nothing but the truth, would have been elicited in the course of the examinations, and the public mind would either have been satisfied of their guilt, or have been soothed and tranquilized by the most convincing proofs of their innocence. Were I to imitate their disingenuous example, no public good could possibly arise. But they have driven me to the wall; they have sought to punish rather than explain — to silence rather than to satisfy. They have sought by fine and imprisonment to break the spirit of their accuser, rather than to clear their characters by a fair and candid trial. They have placed me in the unpleasant and invidious position in which I stand; before me this august tribunal — behind me the county jail, and the consequences be upon their heads. If this trial tortures them much more than it tortures me, they have themselves to blame. While they wince under the lash, let them remember they knotted the cords for me — that they, a numerous and powerful body, leagued themselves against an humble individual, because he merely performed a duty which they knew he could not honorably avoid.

In the trial of indictment for libel, as their worships the magistrates very well know, the defendant is not allowed to prove the truth of his publication, and therefore is cut off from what, in an action on the case, is often his strong ground of defence. But he has the privilege of explaining to the jury any thing which may illustrate the motives and intentions by which he was influenced, to satisfy them, that so far from wishing to provoke a breach of the peace — so far from incurring the guilt of which he stands accused, that his motive was praiseworthy, his intentions honorable, and his act demanded by the circumstances in which he was placed. This privilege I shall now proceed to exercise. It is one that the court will not deny, as it is so essential to the safety of persons similarly accused.

The first question which occurs to a rational mind — the first that an impartial juror will ask himself, is this — what motive could the accused have had for attacking a body, in the ranks of which were some of his own relatives and personal friends; and which embraced some of the leading men of the principal families in the place, whose support and



countenance might be of essential service — whose enmity it would be impolitic if not highly injurious to provoke. What interested or malicious motive could I have had? Gentlemen, I had none. With nearly all the individuals assailed, I had been on friendly terms for years; to some of them I was bound by nearer ties; with no one of them had I ever had altercation or dispute. I had for those that are really estimable among them, and in spite of this persecution I still have, the most unbounded respect. But this only extended to their private characters. As magistrates, having the guardianship of morals and the public peace; as the legislators of the county; the collectors and dispensers of its revenues; the trustees of its property; the auditors of its accounts; the almoners of its establishments, I knew them, as you know them — as almost every man in the community knows them, to be the most negligent and imbecile, if not the most reprehensible body, that ever mis-managed a people's affairs. Had I not believed this to be the fact — had not the concurrent testimony of thousands in the community impressed it strongly on my mind — had not the just complaints of those who were daily injured by the gross neglect of duty on the part of some, and the still grosser malversations of others, continually resounded in my ears — had not my own experience and observation, and the reasoning and calculations of much shrewder minds, furnished abundant proofs — had not grand jury after grand jury arraigned the system which they upheld — nay, had not my own labors as a grand juror abundantly convinced me that these charges were true, I should not have been standing here to-day to speak in my own defence, for I would not have dared to publish the letter in which their conduct was censured and exposed. And can they be so blind and weak as to suppose, that by punishing a printer, even if that were possible in such a case, the public, for whose benefit their doings were unveiled, can be hoodwinked and deceived? Can their characters, like the religion of Mahomet, be propagated by persecution? They may expect much from the result of this trial; but before I have done with them, I hope to convince them that they, and not I, are the real criminals here; and I shall be mistaken if it does not prove the downfall of their imbecility — the grave of their corruption.

You would have been amused, Gentlemen, had you been in court on Tuesday last, when this grave body marched in, with one of their number at its head, who, with amazing power of face, read a resolution to their Lordships, that had been passed at a meeting of the sessions, the purport of which was that they were most anxious that Mr. Joseph Howe should be allowed to bring evidence, in order, if he could, to sub-

stantiate the charges contained in the libel. The prosecution had been commenced at their instance by the crown officers — a Bill of Indictment had been found — and his Lordship dared not, for his head, vary the rules of law by which the issue was to be tried; when in marched this immaculate body, with the modest request that the rules of law should be broken, the principles established in reason and experience overturned, in order that that might be done, which they had previously taken every pains to prevent. Did this look like conscious innocence? Were there not some legal minds connected with that body, who knew that such a mission must be fruitless; who could have explained the nature of the law, and prevented that extraordinary exhibition? If it proceeded from ignorance, what must we think of the sagacity of the body — if it did not, what else was it, but a most barefaced attempt to deceive? It appeared to me as if they had loaded a field piece, presented it at the breast of their foe, whom they had tied to a stake, and having lighted the fuse, gravely took off their hats, and making a very polite bow, begged that it would not go off, till he had got behind his wall. But before I have concluded, I hope to put them in the situation of the unfortunate Irishman, who, to prevent the explosion, crammed his wig into the muzzle, and give them a “hoist with their own petard.” [Laughter.]

I must again express my regret that they have not taken another mode of trying this question. I wish that he who read the resolution on Tuesday before their Lordships, had brought his action for damages. If he had, he would never have come here again to torment their Lordships with resolutions; or, at all events, when their worship took the field again against the press, they would fight under another leader. If they really had no legal advisers in this matter, they might themselves have learned from Blackstone “that law is a rule, not a sudden order from a superior to or concerning a particular person; but something permanent, uniform and universal.” But, I believe, that they have been so much in the habit of departing from all law in their own brick temple, that they thought there was not a court in the country, where it might not be dispensed with to suit their particular views. I am happy that there is not only a court above their power, but that a jury also comes between them and their intended victim. Holt, and some of the older authorities, hold that the sessions may take cognizance of libel; if so, I rejoice that their worship were not aware of the fact, for had they got me within their power, to be dealt with by their law, they would not have allowed me the privilege of addressing you.

In conducting this defence, I do not mean to say, and if I read the

law aright, their Lordships cannot permit me to say, that the charges in the paper published are true. The truth would be no defence in a criminal action, as the magistrates very well know or they would not have brought it; but I shall be permitted, and it is my duty, to show you the state of my own mind at the time I published the letter, in order that you may judge of my guilt or innocence — ascertain my real motive and intention, and decide whether I deliberately did that which would tempt to a breach of the peace, or was laboring to restore and preserve it. This is my duty to you; your duty to me is to try me as our Heavenly Father tries us, not only by the acts we do, but by the purity of our hearts.

Although upon the issue of this trial, the declaration can have no bearing (as the law makes me responsible for what I publish) it is perhaps due to myself to state, that I did not write one line of the letter mentioned in the indictment; I never advised the preparation of it, and made no alteration of, or addition to it, so far as my memory serves, and this I state upon my honor, as I would declare upon my oath. But when the letter was sent to me, I did not hesitate to insert it; because although many might be startled by the broad and general assertion, that so large a sum as £1000 a year had been taken from the pockets of those who ought never to have paid it, I had satisfied myself, and if the opportunity were afforded, I would satisfy you, that by the neglect, incompetence and corruption, of the parties charged, we have been annually despoiled of a much larger amount. And strong in that belief, I published the letter, and should have betrayed the trust I hold, had I caused it to be suppressed.

Though I shall not seek to discover any flaws in the indictment, permit me to turn your attention for one moment to its language. I am aware that words that sound awkwardly in common use, often creep into legal papers; still I cannot but think, that though the preface to this might be very appropriate, if I were found raising an armed insurrection against His Majesty's Government, it is greatly strained, inasmuch as I have only rebelled against the majesty of the sessions. "The jurors of our Lord the King upon their oath present, that Joseph Howe, late of Halifax, in the County of Halifax, printer, being a wicked, seditious and ill disposed person, and being a person of a most wicked and malicious temper and disposition" — now of all this I do not complain; though it sounds harshly, it is I believe the usual form; and were there nothing more, I would leave you, gentlemen, many of whom have known me from my childhood, to judge of the maliciousness of my disposition; but there is another passage, which seems to have been introduced to

stigmatize and defame ; and which, though it may be believed by a few persons about the sessions, will find no echo from your box or from this country. It is further set out that being such person as aforesaid, and "greatly disaffected to the administration of His Majesty's Government in this province, and wickedly, maliciously, and seditiously contriving, devising, and intending to stir up and excite discontent and sedition among His Majesty's subjects," etc. If this were true, I should consider it hopeless to trouble you with any defence ; but for a full and sufficient answer to the charge, I may safely refer to what I have written, and you gentlemen have read. If I have preached sedition, you have encouraged me by your favor and support ; the country by which I am to be tried has rebelliously responded to my opinions. I might, therefore, leave this language to pass for what it is worth, but I will just turn to one of my sermons on sedition, and contrast it with the character drawn of me here. In the file of *The Nova Scotian* for 1830, there is one of them, under the head of "England and her Colonies," which commences thus :—

"When we hear the cry of disloyalty and disaffection raised in this colony, as a more full development of the powers of public bodies calls for a salutary reform ; or when the people are roused by encroachments, to drive local rulers within the circle of public safety ; we cannot but smile at the cunning of those, who, as they fail to satisfy the reason, seek to operate upon our fears."

The object of this article appears to be to prove, "That there does not exist, within the wide range of the British Empire, a people more proud of the name, and more attached to the Government of England, than the people of Nova Scotia." This seems to be a strange text for a sermon on sedition. But observe, I further declare that I have "a well grounded conviction, that the foundations of loyalty to Britain, in the only sense in which that term ought to be used, are laid deep in the hearts of our countrymen ; and are not to be overturned by those petty contentions which may attend the improvement of our local government, or which are inseparable from the very resistance that a free people will, on all occasions, offer to the folly or encroachments of their rulers."

After showing of what elements our population is formed—that a part of it springs directly from the loins of the loyalists, and a larger part is made up of emigrants from the British Islands, and their descendants, who find here "no circle of citizenship, into which it is necessary to force an entrance by a renegade abuse of England and her institutions ;" it proceeds :—

"But there are other grounds of attachment to England, besides a

direct descent from those who have been born upon her soil, or those who have suffered expatriation in her cause. Though the blood of Britons flows in our veins, that would be of little consequence, if every thing else did not conspire to keep their spirit alive in our bosoms. The language which we speak, like a noble stream has come rolling onwards from the days of the Saxon Heptarchy down to the present time, becoming in every age more pure and more expressive, bearing along the treasures of mighty minds, and sparkling with the effusions of genius. Of that stream we are taught to drink from our childhood upwards; and in every draught there is a magic influence, turning our thoughts and our affections to the hallowed fountain from which it sprung. For enlarged and cultivated views — for the truths of natural, moral, and political science, we are indebted, in an eminent degree, to the statesmen and philosophers of Britain. Our souls are stirred by the impassioned eloquence of her orators, and our feelings and taste are refined by the high inspiration of her poets. Nor does any servile feeling mix with our participation of those treasures. They are a free gift from the founders of the British empire, and the fathers of British literature, science, and song, to the children of that empire, and the inheritors of that language, wherever their lot may be cast. They are as much the property of a Briton by the banks of the Avon, the Hillsborough, or the St. John, as by the Liffey, the Tweed, or the Thames."

Having stated the reasons why these strong impressions, many of which were cherished by the old Colonies, can never be effaced by any such train of circumstances as attended their unfortunate struggle, the disseminator of sedition goes on; and although the extract may be tedious, I must trouble you with it, because it gives to this part of the indictment an answer as complete, as I shall by and by give to the others: —

"Those whose dreams are disturbed by what they are pleased to call disaffected and republican tendencies; who affect to fear that this colony will, at no distant day, throw itself into the circle of the American Union, may gather from these facts, and many others, ample sources of consolation. What is there in our circumstances or our feelings to justify such a slander? What is there so advantageous or so fascinating in such a connection, as to induce a violation of the strongest and most honorable sympathies that distinguish our population — which have grown with our growth, and are strengthening with our strength? If there were such advantages, — which we do not by any means admit, — our very pride would forbid us meanly to seek a participation, when we had borne no part in the heat and burthen of those days of trial by which

they were obtained. Could we join in the celebration of American festivals, every one of which was a disgrace to the arms that have protected, and not oppressed us, ever since we had a hut or a foot of land to defend? Could we throw up our caps on the fourth of July, and hail with triumph a day, that made our fathers outcasts and wanderers on the earth? Could we join heart and hand with a republic which fell upon the rear of Britain, when her front was presented to hostile Europe, in a struggle for the liberties of the world? Were we to permit the American banner to float upon our soil — if the bodies of our fathers did not leap from their honored graves, their spirits would walk abroad over the land, and blast us for such an unnatural violation.

“Yet it may be said, that we have nothing to set against these national gratulations and glorifyings; and that it is natural for us to sigh for Washingtons and Franklins of our own; and for endless anniversaries, to remind us of the deeds and the glories of our ancestors. We do not wish to disparage the names to which Republican America accords a high standing in her annals, nor to speak lightly of the services great men have rendered to their country; but is it possible that any subject of the British Empire — that any member of that mighty whole, can be at a loss for matter of gratification and of pride? Can he sigh for days to remind him of past glory, or names to make the blood stir about his heart? Every page of our history is redolent of fame; and there is not a second of the year unhallowed by some glorious reminiscence. The nation of which we make a part, and of which we are neither serfs nor bondmen, but free, equal, and unfettered members, has no parallel either in ancient or modern times. It extends to every quarter of the globe; the sun never sets upon its surface; and by whom shall its boundaries be defined? The seas are but high roads for its commerce; the winds but the heralds of its greatness and its glory! Nor are its mighty energies wielded to oppress or destroy — but to protect, to enlighten, and benefit mankind. While Russia sends forth her armies to seize some tract of territory, and to transfer millions of slaves from one species of bondage to another; the children of Britain go forth to distant regions, obtain a triumph over uncultivated nature, carry with them their language and institutions, and lay the foundations of an empire. While the rulers of Austria, Portugal, and Spain, are employed in forging new fetters for the mind — in retarding the progress of knowledge and improvement; the statesmen of Britain are engaged in working out those reformations which the active intelligence of a free people are continually suggesting. For ages has she stood like a beacon light upon the borders of the old world, luring the nations to

wealth, intelligence and freedom. From countries the most despotic and debased, the eyes of the slave have wandered towards the unquenched and unquenchable fire of British liberty; and his spirit has rejoiced in the assurance, that sooner or later some spark would fall upon the smothered energies of his land. Advancing onwards by the guidance of her example, one after another, the nations are breaking their yokes upon the heads of their task masters, and asserting those rights, the knowledge and advantages of which have been taught them by the example of England. Then is it from the fellowship of such a nation as this that we are to go in search of a more honorable Union? Are we to fly to the United States for food for our pride, or for objects and associations, around which our feelings and sympathies can cling? Must we needs turn Republicians, because our forefathers have left us no valuable inheritance — no imperishable monuments of glory?"

And it concludes with the following sentence:—

"Here are the true grounds of Colonial fealty to England; here are the real foundations of loyalty in Nova Scotia. Here are the securities for the present; here are the assurances of the future. And let those who now imagine that their characters and their influence are the only connecting links which bind this country to its 'father land,' be assured, that long after they have gone to their accounts, and faded from this transitory scene,—nay, after hundreds of similar sages have disturbed its counsels, and stood in the way of its advancement,—Nova Scotia will be still holding on her course, by the side of her illustrious parent, with a purer spirit of loyalty animating the hearts of her population, than is now 'dreamt of in the philosophy' of the men by whom her (I might almost have said *my*) character is slandered."

By a fiction of law, we are bound to believe that His Majesty is present in all his courts. I wish to Heaven that in this case, that were no fiction. I wish that His Majesty really sat beside their lordships, and could hear those sentiments contrasted with the language of that indictment; I doubt not he would do me the justice to wish that he had many more such preachers of sedition in his dominions. While I sat in my office penning these passages, which were to excite disaffection and rebellion, some of their worships were plundering the poor; and others by their neglect, were tacitly sanctioning petty frauds and grinding exactions; and if His Majesty sat upon that bench, while I could appear before him with my files, and show him that I never published a sentiment that might not have been written within his palace walls, and defended in any court in his realm, these prosecutors would shrink before the indignant glance of the Sovereign, whose trust they had

abused. His Majesty would tell them that he who robs the subject, makes war upon the king; that he who delays or withholds justice, excites discontent and sedition; and although they might put on as bold a front as they assumed last Tuesday, he would drive them from his presence; he would tell them that they were the rebels; and that against them, and not against me, this bill of indictment should have been filed.

I regret, gentlemen, that from the nature of my defence, it will take up much time; the labors of the day will be exhausting to us all, but I feel the responsibility that rests upon me. I anticipate the effects of your decision, both on the press and on the community, and must solicit a patient hearing. It may be recollected that the publication under review was preceded by another, written by the same person and inserted in the *Nova Scotian* a few weeks before. In the first, popular complaints were alluded to, neglect was charged, and some hints of corruption were given. The wish evidently was, to arouse the body of magistrates to a state of self defence — to cause an alteration in the system pursued, or to elicit some proof that the charges made by numerous writers and by grand jurors, were without foundation. By reference to that letter we shall see the impression which was on the writer's mind — the object he had in view — and it will be also seen that a part of the £1000 a year, which he says was "taken out of the pockets of those who ought never to have paid it," was charged against the unequal system of assessment, which it was partly his wish to expose.

My own experience as a grand juror had fully satisfied me, that the general views of this writer were correct; that these inequalities and abuses did exist, and were mainly attributable to the sessions. I may be accused of seeking to overturn the government, but at all events I am no friend to annual parliaments, and for this sufficient reason. The grand jury on which I served, like all others, existed for a year. It took us nine months to find out that wretched abuses existed; and after we had quarrelled for three with their worships, who are a permanent and despotic body, and have hitherto set their faces steadily against improvement, we went out of office. Others came in who doubtless spent their nine months of preliminary preparation for fruitless contests; and thus matters have proceeded in a circle for many years.

Let me now turn your attention for a moment to the mode in which the poor and county rates have been levied in this district for many years. A few plain facts will be sufficient to convince you, that by the inequalities and injustice of this system alone, to say nothing at all of expenditures, a very large portion of this £1000 a year was "taken



from the pockets of those who ought never to have paid it." In 1828, when the last census was taken, the population of the Peninsula of Halifax was 14,439 souls; while in the other settlements within the district over which poor and county rates should be levied, there were 10,437. There were in Halifax at that time 1,600 houses, and dividing the population outside the Peninsula by 7, there were probably 1,400 or 1,500 in the rest of the district. Now it appears, that instead of the rates being laid, as they are in all the other counties, fairly over the whole, they have in fact been almost exclusively paid by the inhabitants of the Peninsula, and those living on the main road, this side of Sackville bridge. Or if they have been paid by the out settlements, what has become of the money? The only sums which appear on the County Treasurer's book to the credit of the out settlements, between 1820 and 1825, is £136 12s. 10*d.*, while since that period nothing appears to have been paid. In 1820, Preston paid £9 6*d.*; since then we find no trace of Preston. If this township ought by law to pay nothing, why was this £9 taken? If it should pay annually, why has it not? or if it has, what has become of the money? In 1821, Chizetcook paid £3 12s. 8*d.*, and since then we find no trace of Chizetcook. Margaret's Bay, which is a populous and thriving settlement, with a population of 783 in 1828, owning 600 head of horned cattle, appears to have made two payments only, £13 in 1821 and £7 10*d.*, in 1824. It may be said that the difficulty of collecting taxes from these remote places is so great, that it is best to let them escape. But are the difficulties greater than in Antigonish, St. Mary's, or any other country district where they are promptly paid? If the general impression is that Halifax, being so rich and populous, ought to bear all the taxes, and the sessions have acted on that principle, why then we must only conclude that those who hold a contrary opinion, are under a mistake; they must then show us why they took the sums I have named, and if they took any more, why they were not paid to the County Treasurer. It is barely possible that all the taxes have been regularly raised and credited, but if we make mistakes, the justices have themselves to blame. They keep their accounts in such a manner, that no human being can unravel them. The grand jury of this year found it impossible; that on which I served, spent three weeks in a vain attempt, although we had the assistance of some of the magistrates, who could not explain their own. And although in the neighboring provinces regular exhibitions of receipts and expenditures are prepared and published at stated periods, the municipal accounts of Halifax are involved in mystery, and thrust as little as possible before the public eye.

The township of Mosquodoboit contained in 1828 a population of 1,312, owning 3,900 acres of cleared land, rich in cattle and produce, and having, I believe, but a single pauper from one end of it to the other, and yet Musquodoboit never paid one sixpence of the county rate; while Sewiacke, which it adjoins, and that resembles it in every respect, has, I doubt not, paid every year its proportion to the sessions of Colchester. Perhaps sums may have been paid, besides those I have named — they may have gone into the hands of those to whom the county was indebted, who gave credit accordingly, but no traces of such transactions appear. And let it not be said that the magistrates are not to blame in these matters; was it not their duty to have enforced a system of regularity, simplicity and fairness, throughout the district — and have they done it? I believe about four years ago, when the grand jury refused to assess any more, and when they were goaded in the newspapers, they did ask the assembly for a new assessment act, but they always had law enough if they had chosen to do their duty. Had they evinced the same ardent zeal for removing abuses, that they have shown for criminal prosecutions, there would have been no ground of complaint. Grand jury after grand jury complained of these matters in vain, except to disturb the serenity of their worships; but the moment they found a letter that might be construed into a libel, then they said, Now we will attack the printer of *The Nova Scotian*; we will bring the action by indictment; he cannot call a witness; the law will find him guilty; grand juries will thus be answered, and the community will say that we are immaculate, and that there is nothing wrong. But they will take another view of the matter, by and by, when we get into the core of it.

Besides those I have mentioned, there are thirty or forty other settlements that ought to have paid — or, if they have, ought to have got credit; but since 1825, none is given on the books of the County Treasurer. Now you will perceive, that even supposing that upon the Peninsula the rates were fairly laid, promptly collected, and equitably disposed of, inasmuch as all the rest of the district has been allowed to escape, or to pay small sums within a long series of years, an immense amount must, as this writer declares, have been “taken from the pockets of those who ought never to have paid it;” and that against the neglect and imbecility of the magistracy, this sum must be charged by the people of Halifax, whose taxes have been increased to make up the deficiency. The last grand jury took up this view of it, where they say “that they must bring before the notice of the worshipful court, that the present mode of collecting taxes is partial and unjust, the whole burthen of the municipal expenses having to be borne by a part of the

community, instead of being equally divided amongst the whole, and and that this evil is entirely caused either by the inefficiency or neglect of the authority into whose hands the power of collection has been vested." You will bear in mind, that I have had to prepare this defence from such information as was public and notorious,—I could not of course apply to their worships for any, as punishment, not truth, appeared to be their object,—but if my own experience does not deceive me, free access to their books and accounts would not have helped me much, for the grand jury in deploring the utter impossibility of coming at facts declares, "that the treasurer will refer to the collector, the collector to the magistrate, the magistrate to the clerk, and the clerk back again to the treasurer, and so on in a circle without end." I must not say that one part of the charge is now proved, but I may say that these impressions were on my mind, when I published the alleged libel. And how could I have refused its publication, having these impressions? The writer of the letter never dreamt of prosecution following it; it is evident from both his letters that he only desired inquiry and reformation; for he challenges any of the magistrates to come forward and explain these matters, which were, in his view, operating unjustly, and exciting discontent in the community over which they were placed.

But allowing that the assessments ought to have been laid on the Peninsula alone, without any reference to the out settlements at all, it was and is evident to me, that corruption, mismanagement, and gross injustice existed to a considerable degree, even within this limited extent. For very many years there were in the town of Halifax two classes who were called upon for assessments; one which regularly paid, the other, far wiser, who never paid at all if they could possibly help it. Let us suppose, gentlemen, that six of you were of the former class, and thought when a rate was laid, it was as well to pay and have done with it; that the other six thought it would be as well not to pay until they were forced; that some of these were magistrates and their functionaries, or the friends or creditors of the official folks about the brick building (who were always in debt) and who could not or would not be pressed until it was impossible to avoid it. Let us suppose that a rate was laid in 1820, and that within that year the first six paid, and the second did not; of course there was a deficiency, and the prompt payers had an additional sum laid on their shoulders the next year, to make it up. So it went on year after year. Those who did not pay, like shrewd calculators, knew that at all hazards they would save the interest, even if they were ultimately compelled to pay the principal—while their neighbors, in the mean time, were compelled to pay principal and interest.

Without the books before me, and reference to figures, it would be impossible to say what sums have been thus by this system "taken from the pockets of those who ought never to have paid them," but I challenge my prosecutors to come forward with their books and accounts for the period mentioned in the letter, and if they do, I pledge myself to show them, without reference to expenditures at all, that in raising the taxes for the District, gross injustice has been done, to the full amount of £1000 a year. This system was continued by the sessions until the grand jury made a stand — refused to assess — and insisted on the arrears being collected. But no attempt at reformation was made by the sessions; none would have been made but for this resistance. I do not blame the corruption of this system upon all the magistrates, but they left it in the hands of those who made it suit their own ends, and therefore the losses of the community are fairly chargeable on their neglect. A member of council, when asked why his taxes were not paid, explained that the officer in charge owed him interest monies, and ought to have paid them, as he was desired. I know a person who had a demand of £25 or £30 against the same party, and who, finding great difficulty in getting it, at last hit on the expedient of drawing orders upon him, for the amount of his taxes. Every year, as the collector came round, an order was given and placed to the credit of the officer; but whether the officer ever paid the amount to the county or not, would, I believe, puzzle us all to discover. Charity would fain induce us to believe that he did; but oh! how I should like to see the books. My occupation is sedentary; I have not the same opportunities for discovering the delinquencies of these parties that others have; but here is one glaring fact, that I give from my own knowledge; as an illustration of the system. Many others are said to exist; and if they do, nay, if the state of things has been such as to arouse suspicion, was I wrong in inserting a letter which was intended, if not to produce reformation, at all events to elicit the truth.

What gives force to these suspicions, and encourages the belief that favoritism and fraud have been more general than the public can conceive, is the extraordinary story they tell of some of the assessment books having been stolen. What would be thought of a merchant who should tell such a tale to his creditors? But it may stand them in stead in more ways than one, because they may now say We are prevented from answering these charges by the loss of our books. Is it likely that any thief would be such a fool as to run off with these old volumes? They were indeed curious documents; but I doubt if any man but an antiquary would steal them. Though within two or three years the sys-

tem has been somewhat improved, and many of the old arrears collected, a remnant of favoritism and corruption still clings around it; and a poor man informed me but a few days ago, that when he went before the Committee of Magistrates to appeal from his assessment of 1831, there was one of their worships appealing for 1833. Surely these things are not fair, and if they are not, ought their worships, until they could show that nothing was wrong, have come into the court to punish a man for merely doing his duty?

In his first letter, the writer of this supposed libel shows that it has been ascertained by an actual and very low valuation of the property on the Peninsula alone, that it is worth £1,200,590, and that at the rate of 70s. per £1000, which was the rule in 1831, this would yield £4500. And yet, with all this property, even within the narrow limits to which the sessions appear to have confined their assessments, how does it happen that when only £700 or £800 has been required, individuals have been called on for sums so large? My own rate last year was about £1, and I know one individual who paid the twenty-fifth part of the whole assessment. Indeed so unequal, arbitrary, and oppressive have these taxes been, that there is scarcely a man in the town who has not at some time or other had to appeal against them; and the time lost to the community by these appeals would defy all calculation. Only observe what is said of the system by one of the justices, in a communication made by him, in answer to a circular issued by a committee of His Majesty's council. After laying the blame on the grand juries, for naming improper persons as assessors, he says: "From thence come assessments of all things the most erroneous. One set of assessors will tax the owners of the whole property, another will put a part upon the tenants; one will value an estate at £3000, another at £500. One man one year will be taxed £3, and the next perhaps £30; from whence come endless and everlasting appeals."

If this be true, it is in vain to charge it upon grand juries who are an annual body, whose complaints were laughed at, and to whom the information necessary to guide them was continually denied. And even allowing that no corruption existed, what a load of iniquities their neglect attaches to the men who tolerated and upheld such a system. Instead of going to the Governor to ensure my prosecution, they ought to have gone to him ten years ago, and besieged his gate with clamor and remonstrance, until he lent his influence to the introduction and passage of laws for the reformation of these abuses; or until he strengthened their hands to enforce the law they had. But they suffered the poor to be ground, and the rich to be robbed, by those exactions, and considered

it as nothing; they never impanelled a jury to try if injustice had been done; they never even came forward to tell the community that a better system must be devised. In these charges of neglect, I include all the magistrates. The law makes a looker-on at a felony a participator in the crime. These men looked on for years; they did not advise the people or the government, nor take any step to produce a reform, till driven to it by the refusal of grand juries any longer to assess.

Last year I received a summons calling on me to pay my poor and county rates, amounting to about £1. I attended accordingly, where I saw a magistrate, the clerk, and the collector, surrounded by several poor wretches who had been brought there on the same errand; and was accosted with, "Oh! we suppose you have a check on the county, and that is the reason you have not paid." I answered, "No, thank heaven, I have no check on the county; but when on the grand jury I observed that there were two classes; one who did, and one who did not pay, and having been for six years among the former, I wanted if possible to get a berth among the latter."

We may smile at these matters, but they are melancholy illustrations. Poor wretches are dragged down to their worships for non-payment, while they see their rich neighbors not paying at all, or not paying a fair proportion. If these men had done their duty, things would not be in the state in which they are; the community would not be thus excited; time would not be wasted with "endless appeals;" the poor would not be taxed with summonses and suits, the Legislature would not have been tormented with investigations, or His Majesty's Council vainly employed in unravelling the maze; nor would the Governor, the moment he touched our shores, have been called to examine a system that might take its place in the black book, among the "robberies of charitable foundations," and informed that an Augean Stable here awaited his purifying exertions.

The same system of inequality and injustice, you will perceive, pervades all the taxes. If a new building is to be raised, or if repairs are necessary, and more taxes are required, the more money wanted, the more grievous and oppressive it becomes. The fire taxes are raised after a similar fashion, but what becomes of them? Hitherto, you will bear in mind, that I have not said one word about expenditures; all the evils I have depicted attend the collection of the taxes. And in coming to the expenditures, I only regret that I am not permitted to put a single witness in the box, as I am satisfied that that one, were she to tell you how this system has ground into her soul, would be sufficient to secure me your verdict. Fire taxes, for the remuneration of parties whose prop-

erty is pulled down to stop a conflagration, are laid as you are aware, on real estate, which cannot escape. The owner may run away, but there the house stands, all-sufficient for the amount; yet in numerous instances, after a rate has been laid on, and money awarded, years have elapsed before the sufferers received it, and there are a dozen persons having claims unsatisfied that have been standing from five to fifteen years. A house belonging to Miss Hogg was pulled down at the fire which occurred about four years ago. She was awarded £200. At the end of twelve months she received about £20; she subsequently got three other payments, the whole amounting to £103, a year has elapsed since she received a sixpence; and in the mean time, the town owing her £97, which she could not get, she was sued for £1 16s, her poor and county rates, and here is the constable's receipt for the sum, with seven shillings expenses.

These things exist, and yet a dozen men, whose names appear in the almanac as justices of the peace, have come here to prove me a rebel, because I gave utterance to the complaints which such grievances elicit. Would any of you gentlemen so manage your private concerns? Would you, while you owed a woman £97, which you refused to pay, cause her to be arrested for a debt of £2? Other similar cases might be mentioned; Mrs. McDonald, who is known to most of you, has never been paid in full. Miss Graham's property was pulled down some fifteen years ago, and of the sum awarded her, £50 remains due to this hour. Fortunately for her a respectable mechanic engaged to repair her property for her share of the assessment; he is therefore yet minus the £50; he has dunned their worships and their officers time after time to no purpose, and has repeatedly offered to collect the money himself, but they would not allow him to do even this. It is possible that the tax could not be collected, but it is most extraordinary that it should be so, when laid on real estate. Why not allow the man to collect his own money? Did they dislike that he should see the list of defaulters, or has the money been collected and not paid? Does the balance form an item in these inexplicable accounts? These questions are daily asked by the sufferers, and reiterated by the community, and the facts out of which they arise justify the suspicion that there is "something rotten in the state of Denmark." Their worships blame the press for publishing strictures on their conduct, but as an excuse for it I may mention, that almost the only person I know who has got paid in full, was Mr. George Anderson. Him they kept out of his money for three years, and he only got it after he had attacked them in the newspapers; while I mention this instance of the power of the press, I may congratulate him on his experience of its instrumentality.

These charges affect the whole body of my persecutors — they must share the blame among them. But as they are attributable rather to gross neglect and culpable imbecility, than to individual corruption, I utter them with less regret than I shall some others, which must deeply affect the reputation of certain parties. This is to me a painful task, but I shall not shrink from it. I have been dragged from my home and arraigned before you as a criminal, and I must enter into these matters in order to convince you that I am not quite so guilty as some would wish you to believe. So far as we have gone, I think I have shown that the whole municipal system is so bad that it can hardly be worse, and that we need scarcely go further, to satisfy ourselves that the figures this writer has used are innocent enough.

But there is one of the establishments under the control of their workshops, which has long been and still is a disgrace to the Province. If you find me guilty to-day, send me to jail if you will — put me in the safe keeping of the Sheriff, but do not send me to this establishment; save me, above all things, from Bridewell. During the last year, the grand jury sent a committee to examine it, and their report was handed into court in the form of a presentment, and is as follows: —

“The committee found the building leaky, and the bedding insufficient. The building usually occupied as a woodhouse, in the yard of the Bridewell, used by Mr. W. H. Roach, the acting commissioner, as a stable for his horse, and the wood piled out in the yard. The matron of the establishment, Mrs. O'Brien, and the keeper, Mr. O'Brien, stated to the committee, that barrels of flour marked superfine, sent for the use of the Bridewell, were in many cases composed of flour of different grades, sometimes mixed up with corn meal. The only case in which a barrel of flour was weighed, it was found sixteen pounds short. That a man by the name of P. Walsh, employed as an under keeper, pays no respect to the keeper, and goes and comes when he pleases. Was absent on Wednesday nearly the whole day, and when he returned in the evening, informed the keeper that he had inspected one hundred and ninety-six barrels of flour on Black's wharf. That John Cain, a prisoner, was often employed by Mr. Roach. That John Gilmore, a shoemaker, was frequently employed by Mr. Roach, in making boots and shoes for his family, and in one case, for Captain Collin, out of Mr. Roach's leather. That D. Hellernan was frequently employed exclusively by Mr. Roach, and that out of four wine pipes, which were charged in Mr. Roach's account, a bathing machine and buckets were made for Mr. Roach's family.”

It may appear strange to you, gentlemen, that when I found that five magistrates had been drawn upon the panel, I did not strike them off;



but I recollected that some of these men had formed a committee of inquiry to investigate these charges against Mr. Roach, and as they had acquitted him upon the evidence which I shall presently place before you, I naturally concluded that if they were so easily satisfied, and so ready to acquit persons charged, that even if I made, like the commissioner, no defence at all, I should be certain of their verdict. I trust, however, that I shall be able to make out a stronger case than Mr. Roach. The committee of magistrates appointed to try him, had, as I am informed, the keeper of Bridewell and his mother for some hours in the brick building, undergoing a long examination, which did not seem directed so much to elicit the truth, as to whitewash Mr. Roach. Among the other affidavits taken, was that of Mr. Roach himself, who swears "that he did use the woodhouse temporarily for his horse; that the coal was kept in the woodhouse, and that there was also room for the wood, without interfering with the horse in the woodhouse." Although the keeper, on his oath, declares "that the woodhouse would not hold the coal, wood, and horse." Mr. Roach kindly informs us "that he found the provender at his own expense!" Generous man! so he did, but it is a pity he had not found a place to put it in, for I understand that the watchhouse was so crammed with hay and straw, that the poor watchman had scarcely room to move.

The keeper admits that *he* did not see any mixed flour, but his mother positively swears, that "her attention was called to a barrel of flour which had Indian meal in it. The baker and her weighed one barrel, which was sixteen pounds short, and was composed of different kinds of flour. The two barrels now on hand were sour." I have been assured by gentlemen present, that the charges of the committee were not founded on statements volunteered by these people, but wrung out in answer to questions put to them by members of the grand jury; and here the woman has proved the truth of every word she told them, by her affidavit made before their worships. There is a curious admission, however, which, in answer to some leading question, ingeniously worded, Mrs. O'Brien is got to make — that the "flour and meal might have got mixed, because they stood in the same room;" and she is also made to say that she "had seen mixed flour" before she went into Bridewell. But in the face of this woman's affidavit, see what Mr. Roach himself swears to. In the teeth of this testimony he positively denies that any of the flour furnished was "mixed," or "short of weight," although the woman who used it, and who weighed it, declares that it was. How could he know any thing about it unless he packed it himself? This may be a matter of little consequence, but it shows that an oath was lightly regarded. Mr. Roach

admits that "he did employ Cain, but he was fed at his house. He did employ Gilmore to make some boots and shoes for himself and family, and also a pair of boots for his friend Captain Collin; and for the time he was so occupied, it was his intention to have compensated the county on his retiring from the charge of Bridewell." He acknowledges also, that Heffernan made a small oval tub, and some bird cages for his family, but then "he found the materials."

Mr. David Roach, the deputy inspector of flour, deposes that "he recollects Mr. Roach supplying Bridewell with superfine and rye flour; that witness delivered all the flour; that it was always good and of full weight; that it was unmixed, and inspected and weighed by deponent." Now, which do you believe, this deputy, or Mrs. O'Brien? who tells us that it was mixed; that it had meal in it; that the baker and her found the only barrel they weighed sixteen pounds short; and that "the two barrels now on hand are sour." Then follows a little piece of apparently superfluous information, as no charge on that head had been made, "that it was flour purchased and kept for sale; that the flour Mr. Roach got by his inspection was never repacked and sent to Bridewell, but was used in the family." Now I could put a witness in the box who would tell you that in one forenoon that he attended Mr. Roach, he drew out two kegs full of flour from the barrels which he was inspecting, which the man carried home, so that if the family eat it all, as the deputy swears, why then — they must have very good appetites. In reference to the charge of employing Walsh, the deputy further swears, that on the 16th, being in search of a person to help him weigh, &c., he "met Walsh by accident," and got him to go with him to Black's wharf, where he was only two hours; that he "never inspected any," and "never was employed at any other time." I can easily understand why they did not wish it to go abroad; that this man, who acquired his taste for flour in the Bridewell, where it was all sour, and his knowledge of weighing where the barrels were sixteen pounds short, was ever employed to inspect and weigh for the merchants. But passing this by, you will perceive that the worthy commissioner of Bridewell has shaken himself clear of no material charge made in that presentment; the most of them are admitted, the others only denied on the oaths of himself and deputy, under circumstances that render it impossible that they should be believed.

But there was another charge against this man of so serious a nature, that if I had been a member of the Magisterial Committee, I would have sat in sessions till I died, unless he fully cleared up the point, or was driven from the Commission. In the account sent in to the grand jury \$9 per barrel was charged for flour furnished to the Bridewell; as

this was a higher price than would probably be paid by his Lordship for the best he could set on his table, the grand jury thought it was rather too expensive for the house of correction, and made some inquiries of the keeper, in whose name the whole account of £53 19s. was made out. He said he knew nothing about the prices, that he had only supplied £3 or £4 of the whole amount, but that Mr. Roach supplied the rest, and handed him an account to copy and render in his own name. The grand jury therefore returned the account into court, and insisted on its being rendered in the name of the party who furnished the supplies. It was accordingly recopied and returned by Mr. Roach; but fearing that he had charged the flour too high, and thinking the alteration would not be discovered, he struck off 2s. 6d. a barrel, retaining O'Brien's account. The jury detected the trick, and inquired for the copy made by O'Brien—it was nowhere to be found. Mr. Stewart Clarke, who hears me, handed it to Mr. Roach, but he denied any knowledge of it, and it was not forthcoming. Fortunately, however, the jury had retained the original account handed to O'Brien to copy, and in that the flour was charged at nine dollars, although in the one he returned he had reduced it to eight and a half. Thus did they trap the worthy commissioner. Will I be told that the trifling nature of the amount makes any difference in the transaction? If any one of the body who laid the indictment were guilty of such acts, how could they come into court to prosecute me? I make no attempt to deceive you, gentlemen; I would rather lie in jail for years by your verdict, than forfeit your good opinion. I state nothing to you as a fact which I have not evidence to prove; I draw no inference from facts that does not appear to my own mind rational and fair. This story of the accounts may not be true, but I can bring three members of the last grand jury, as respectable men as any in the town, who will swear to every word.

I dare say you will now wish to hear nothing more about the Bridewell; but only group the evidence which the affidavits furnish. There was Commissioner Roach's horse stabled in the woodhouse, and the wood piled out in the yard; the provender which he so kindly furnished at his own expense, was crammed into the watchhouse; one of the prisoners was employed making boots and shoes for the magistrate and his friends; another manufacturing tubs and buckets; the under keeper inspected his flour; and the vagrant, who had no particular trade, did his errands. I might entertain you for hours with instances of such petty peculation. This great man had his vegetables in one of the cells; another held his *celery* packed in earth. If his house was to be banked, a gang was sent from Bridewell; and of course the prisoners

fed and watered his horse. He was in truth like the Ruler in Scripture, who said to one "go, and he goeth; and to another do this, and he doth it." It is a curious fact, that since this inspector of flour became commissioner for Bridewell, the prisoners have been supplied with no potatoes; they have been fed entirely on bread. I am at a loss to discover any reason for this, except by supposing that there may be some unfortunate Irishman in the place, and that it was intended as a part of the punishment of poor Pat, to give him no potatoes. This is the only reason I can give, but some of the jury may imagine others for this exclusive consumption of flour.

When this man and his family walked abroad, their feet were protected by the county; when they gave an entertainment, Cain was dispatched from Bridewell with the celery; when they were disposed to enjoy the luxury of the bath, the county furnished the tubs; and even the melody of Miss Roach's canaries, was breathed through cages manufactured at the public expense. They had, some time ago, a poet in Bridewell; and I am inclined to believe, although without access to the document I would not state it as a fact, that he was fully employed in writing sonnets for the family Album. If you send me there, I shall be compelled to print him a newspaper for nothing, and then the list of his luxuries will be pretty complete. I am afraid, however, that he did not anticipate this day. He never imagined that this "Tale of a Tub" would have such a general circulation — he never dreamt, when retiring to the bath, that he was really "getting into hot water." Before we are done with him, I fear he will be in condition to take, what poor Sardinia used to call "one vapor bath."

These details may be ludicrous, but mark the moral effect of all this, upon the poor petit larceny wretches confined in Bridewell. They were not sent there for punishment only, but for the purpose of reformation. This is one of the benevolent objects of the law, the main point to be considered in every municipal code. But did not all the prisoners know what was going on around them — and what would be the obvious current of their reflections? Would each or would any, under such circumstances, say I am a guilty wretch, and will pray to heaven for a change of heart that shall restore me to society; or would he reason thus — It is true, I have been very unfortunate in getting here, but I was on the right road; if I had only had good luck as well as good intentions, I might have been filling situations of honor and emolument; that might have been my horse, and these poor devils who surround me would have been my servants and my slaves. This is the moral effect of having such commissioners.

I was amused at seeing Mr. Roach's averment that he found the provender for his horse ; he would have added, had he thought of it, that he also found the water for his bath. But while such things are tolerated by members of their own body — while they attempt to slur them over by partial investigations — how can the magistrates of Halifax come here to prosecute me, for aiding inquiry, or even for the publication of attacks, however unmerited and severe ? This is a modern picture of the Bridewell ; but as the letter refers to a period of thirty years, I may be pardoned for giving a sketch or two of its ancient history. I can recall a period when my father interested himself deeply for the welfare of the poor inmates of that prison. Though a magistrate himself, I mention his name with veneration ; and I know that there is not a human being who hears me, that does not participate the feeling. He never carried the municipal bag ; he never took a shilling of the fees to which he was entitled ; he had nothing to do with their dirty accounts and paltry peculations. If he was to blame, it was because he could not suspect that those to whom these matters were confided would betray their trust ; if he had a fault, it was, that being an honest man himself, he could not believe that there was a scoundrel on the face of the earth. Some years ago, it was his practice to take his Bible under his arm every Sunday afternoon, and assembling around him in the large room, all the prisoners in Bridewell, to read and explain to them the word of God — he never filched from their daily bread, but he sought to impart to them the bread of life. Hardened and abandoned as many of them were, they were softened by his advice, and won by his example ; and I have known him to have them, when their time had expired, sleeping unsuspected beneath his roof, until they could get employment in the country.

The person at that time in charge of the establishment was such a brute, and reigned over the place with a profligacy so abandoned, and a cruelty so harsh, that having remonstrated with the magistracy in vain, and finding it impossible to effect his removal, my father left the establishment in disgust, and has never been near it since. One day he discovered a poor creature with a spiked dog-collar around his bare neck, placed there for some petty offence ; and on another morning he found that a woman had been kept in the stocks all night in the open yard, because she would not submit to the brutal embraces of the keeper. My father protested against these abominations, but could get no redress. He thought it strange that such a fiend should be so patronized ; he never suspected peculation ; but I have not a doubt, from the new light now breaking upon us, that the keeper of that day was more compliant than Mr. Roderick O'Brien ; that he was very useful in the management of

supplies. He was finally ousted, when it was found unsafe any longer to retain him. A fellow who was put there for theft, was in a few weeks raised to the rank of under keeper, and used to be let out upon the town every night; until the keeper becoming implicated in some of the roguery of the subaltern, he was shipped off to the Canadas, from which he is not likely to ever return. Now, gentlemen, with this evidence before me; with my own ancient recollections blent with the modern history of this place, could I have dared to refuse publication to that letter?

In turning to another of these establishments, I hope that he who on Tuesday last read that impudent resolution to their lordships, hears the sound of my voice; and if he does, while he quails under the statements I make, let him remember that he placed me here; that he tied me to the stake; that he and his colleagues filed against me that indictment in which I am charged with sedition and rebellion. Many of these magistrates, as I before stated, are men of integrity and honor, who are guilty only of neglect, but are far above peculation. Some of them have urged on this prosecution, not from unkindness to me, but in order that others, whom they know to be criminal, but whom they had not the manliness to confront, might be exposed. Should they have done this? Ought they not rather to have formed themselves into a court of inquiry, and having all the officials under their control, and books and papers at their disposal, to have gone into a full investigation; to have sifted the popular complaints, and have purged and purified their own body? But they have not done so; they have left it to me, and they have placed me in a position where the performance of a disagreeable duty is essential to my own safety. I feel that it is, and to the public safety also, and shall not shrink from the task.

By the 9th section of 6th Geo. 3, which regulated the affairs of the poor asylum, it is expressly enacted, "That no commissioner shall have any profit or emolument whatever, by furnishing supplies." Some members of the sessions have thought, however, that they could alter this law, as they wished to alter the law of libel; for in the face of that section, binding and obligatory as law can be, is it not matter of notoriety, that for years the principal part of the supplies for the Poorhouse passed through a certain store; that nearly all the flour and meal passed through a certain mill, leaving, of course, an abundant grist behind. Much improvement has been latterly introduced, but for many years this was the system. What was neither in the store nor in the mill was purchased upon the credit of the commissioner, which was bad; or on the credit of the establishment, which, in his hands, soon became worse. Creditors had to wait years for their money, and to remunerate

themselves, when next he came to purchase, put on an additional ten, twenty, or thirty per cent. I could place evidence of undoubted credit before you, who would show that this was the system; and some who will tell you that they would not give credit at all. The effect of this system was ruinous; for although inferior articles were purchased, the highest prices were always paid. I do not say that all the profit was enjoyed by the commissioner; a part might have been pocketed by the merchant for the risk he ran, but in either case it was equally injurious to the paupers and to the public.

If the baker were in that box, and you were to ask him why he did not make better bread, his answer would be, how could I out of such materials? If you asked the miller why he did not make better flour, the reply would be because the materials were bad. What would not a man do, who would thus wring a profit from an establishment, dedicated to the comfort of the poor and destitute; who would thus filch from mendicants to put money in his purse? Gentlemen, there is not a man in your box that would not beg from door to door; that would not rather shake from his back the last rag that covered him, than thus prey upon the unfortunate beings whom the storms of life had driven into such a haven.

The best proof of the costliness of the administration of the worshipful commissioner, to whom this letter-writer alludes, is to be found in the fact, that while the paupers formerly cost the community seven and a half pence a head per diem, they are now maintained, under the improved management, for something over five pence. Formerly the house was always several hundred pounds in debt; now there is a balance of two hundred pounds in hand. Formerly credit could only be got at these ruinous prices; now persons in business are glad to deal with the asylum, because they are promptly paid. But though the affairs of this establishment are greatly improved, a little of rottenness still remains. Though each commissioner entrusts the clerk to purchase supplies, and gives him a check for the amount on the production of vouchers at the end of every month; when the party who formerly monopolized the whole, assumed the control in December, he reprimanded the clerk for daring to interfere, and purchased the supplies himself. Mr. Gray, in his address to you, said, that there was no other course open to these justices but a bill of indictment, because no one of them were distinctly pointed out; but was not the person to whom I am now referring particularly attacked; was he not charged with deriving a large sum from the supply of the Poorhouse? If a charge is made in a newspaper in such a way that, although the party be not named, it is generally referred

to him, he is entitled to his action. Did not every man who read that letter know who was meant? I have not mentioned his name, but is there one of you, gentlemen, who do not know him as well as if I had? Could he not have brought his action? Why did he not? Because he was afraid. But I think, notwithstanding the opinion of the learned counsel, that either of these justices might have brought this action. Fraser's Magazine, some time ago, published an article reflecting upon the cooks of London. Lord Grey's cook, feeling himself aggrieved, and determined to vindicate the interest of his order, prosecuted and received damages for the injury done to himself. Why did not some one of these magistrates stand forth and act this manly part? They thought, perhaps, that the more cooks, the less chance of spoiling the broth; but we shall see how far this opinion was correct.

These details are painful for me to utter, and for you to hear; but I solemnly declare that I have stated nothing but what I believe — nothing but what I believed in January, when I published the letter charged in the indictment. Their lordships' classic minds will readily recall the punishment which Dante assigns, in his *Inferno*, to public peculators. He casts them into a lake of boiling pitch, where, as they wallow and plunge, the fiends rend and tear them with their fangs, and delight to increase their agonies. Let the men I have been describing take care, that besides the contempt of this world, they do not get a scalding in the next. They cannot be Christians; let them beware how they adopt the creed of the Italian poet. They gloat over the idea of the triumph which they expect to-day — but they have yet to learn that

"Thrice is he arm'd who hath his quarrel just,  
And he but naked, though lock'd up in steel,  
Whose conscience with injustice is polluted."

They will long remember this day; but let them also remember that they thrust forth their rotten reputations to dare the lightning flash of truth — that the lash from which they suffered, was forced into my hand.

Having shown you how taxes are raised, and how some of our establishments have been conducted, I must now introduce you to the brick building below, where the business of the clerk of the peace, the police office, and the commissioners' court is conducted. These departments are all more or less within the jurisdiction or under the control of the sessions, or of members of that body. The two former especially have for many years been so blended, that it is almost impossible to separate them. From what I have stated, and what I shall state, you will have no difficulty in believing that, had I been allowed to go into proof, I



should have been able, including corruption and neglect, to have proved against their worships the full £1000 a year. The expense, inefficiency and corruption, of these lower departments, it will be recollected, formed a part of the general charge made by the writer of the letter. The preservation of the public peace is included in the duty of the magistracy ; and I ask you, gentlemen, if ever you knew a town of the size and respectability of Halifax where the peace was worse preserved? Scarcely a night passes that there are not cries of murder in the upper streets ; scarcely a day that there are not two or three fights upon the wharves. When I lived further to the south, a Sunday seldom went by without two or three pitched battles at the foot of the street — but a police officer or a magistrate was rarely to be seen. Sometimes, Mr. Fairbanks, who lived opposite, would endeavor to allay the storm ; and once, I believe, Mr. Lawson knocked one or two of the rioters down, and dragged them by the heels to Bridewell, but we never saw any thing of the police. Boys are playing marbles and pitch-and-toss all over the streets on a Sunday, without anybody to check them ; and although these may be trifles, they go to prove the “slovenly system” of which this writer complains ; and show with what zeal their worships performed their other duties, where money was not involved. [Having enumerated the salaries of the clerk of the peace, police magistrate, &c., in order to show that they were sufficient for the duties performed, without other emoluments, he said that of these he did not complain — every man had a right to his salary, if it was fairly earned — but what the public complained of was, the enormous amount of fees, fines, &c., which went into the brick building, of which no account was ever given, and of which it was impossible to ascertain the amount.]

For every oath, summons, writ, or other process, there must be a fee ; and the more unequally the system of assessment bears, and the more resistance is made to the payment of taxes, the more money it brings to the police. The committee of His Majesty’s Council demanded some accounts which were necessary to assist their investigations ; these were subsequently sent down to the Assembly, and I was favored with a perusal of them. Though wretchedly confused and incomplete, there were some things in them which astonished me. There were one or two charges of £5 made by the police magistrate for committing criminals to Bridewell ; and about forty entries of this kind, 2s. 6d. to a poor man, 5s. to a poor boy, and 7s. 6d. to a poor woman. I doubt if the public were aware that there was such a charity in existence, to which anybody might go and get a dollar at the county’s expense ; but I expect that, after this notice, there will be plenty of applicants to-morrow.

[After enumerating the various offences cognizable by the police, and for which fines were exacted, Mr. Howe said.] I had reckoned up the list of persons that had been in their hands for five years; and having ascertained the number, I asked a person who, from the opportunities he had for observation, I presumed would be a good judge, how many persons he thought were, on the average, in the hands of the police every week, leaving something behind. His answer was twenty-five; but *one* a week is the average according to the returns. It is curious to see, in looking over these accounts, how irregular and eccentric is the whole police system. In the course of twelve months there are perhaps one or two persons fined for selling rum to Indians, although drunken Indians are strowed about the market-place for two-thirds of the year. Within an equal period perhaps two or three persons are fined for having cows going at large, and then the cows are allowed to go scot free for all the rest of the year. When I lived next door to the master of the rolls, we frequently had four or five wandering about the corners for weeks together. I do not complain that the police have not exacted fines enough; that is not the complaint urged by the public, or by the writer of this letter; but that they are levied by fits and starts, in an arbitrary and desultory manner, by which the law is made onerous, and yet contemptible.

The jury will bear in mind, that one part of the charge against the police magistrates is the extortion of sums unauthorized by law. Now is it not notorious that for years, when a person went there to complain of an assault, or a crime, before any redress could be obtained — before they would issue a writ, the party was compelled to pay 3s. 6d. For this charge there was not the shadow of law; and the practice was, I believe, discontinued, on the remonstrance of some of the newly appointed magistrates; but during the long period it was upheld, the very three and sixpences would amount to no inconsiderable part of the sum laid to their charge. These may be trifling matters, but they all help to illustrate the general system. I could put a poor but respectable man in the box who would tell you, that having sued another for a small debt, he met the constable on the wharf, who told him he had collected it. He treated the man in the joy of his heart, and expected to have got his money, but was told that he had paid it into *the office*. There he applied, but was informed that they would make the debtor pay, but he had not paid yet. That was the invariable answer, and although this occurred years ago, to this hour the poor man has not got his money. Another person I know, who has a claim of three guineas on the office; he has dunned them for years, and refuses to pay, and has not paid, his taxes for the last two years in consequence.

I could bring before you in an instant two men, as respectable as any in town, who served for one year the office of clerks of the market. They were very active, performed their duty faithfully, made a great many seizures, and of course a great many enemies; and at the end of the year they calculated that their share of the forfeitures would amount to £30. They called at the office for their money, but were told that the books were not made up. Again and again they called, and were put off with similar excuses, and though years have elapsed, they never have received a single sixpence, although they have dunned *the office* every time they have met in the street. It happened that one of these men was fined 20s. for a nuisance; he refused to pay, because the office owed him, and to this day has not paid. At this time some altercation arose, and the officer (I may observe that it was not Mr. Liddell) called upon one party, and stated that if he would wait awhile for his money, he would pay off the other, "who was a very troublesome fellow." Away this man posted to his friend, and begged him not to take his share, unless both were paid. "But," said he who told me the story, "he need not have taken the trouble for I never had the offer." Now these men are apt to reason in this way: "Surely the county never received credit for our £30; and as the accounts are never published, and wretchedly kept, how do we know what became of the other £30." Would not such a state of things justify any charge? A short time since some injudicious friend put a notice into the Recorder, calling upon the community to come forward, and give me any information that might be useful to me on my trial. The next day I could not get into my office; it was crammed, and the passage leading to it, with people, every one of whom had suffered some exaction, had some complaint to expose, or had had justice denied or delayed. One of them left this book, which contains the proceedings of the grocer's society; and here is a letter dated a year ago, threatening to sue the police magistrate for £7 10s., the half of some fines legally due to the society, but which he informed me had not yet been paid.

Some of these magistrates, and their functionaries, preside in the commissioners court. I will state one instance, in illustration of the mode in which debts are collected there, and of which I can speak of my own experience. Some persons seem to imagine that the liberty of the press consists in reading a newspaper for nothing. Having a dozen or two of such patrons, who had taken *The Nova Scotian* for five or six years and never paid for it, I thought I would try if the commissioners' court could bring them to their senses. I singled out one who was well able to pay; the account was proved, the fees paid, and the magisterial ma-

clinery, as I thought, set in active motion. Time after time the money was sent for, but the answer always was, "We will make him pay, but he has not paid yet;" and all this time the party's store was open and he walking the streets. Seven or eight months passed in this way, when Mr. Fielding, who was the constable of that court, died, and I was told that I must wait till the papers were overhauled, to ascertain if the debt had been collected. I did wait several months, found it had not, took out new process, and then expected of course to get my money. But I had to wait about seven months more, and then having written two or three notes to ascertain what was the reason of all this, I got about £1; and some weeks after, with great difficulty, obtained the remainder. Thus was justice delayed to me for eighteen months, and more time wasted than would have been necessary to have collected the money without the aid of the law. But the hardship of this was, not so much as regarded the small sum in dispute, but from its preventing me from collecting all the other debts that had been standing equally long: for of course with this experience I could not again apply to the commissioners' court. This is my own case, but many others could tell you similar tales: these things were of daily occurrence, and if they were, can you wonder that complaints arose? These irregularities formed a part of the general system, which justified the charges of grand juries, the surprise of the executive, the investigations of the council, and the publication of the alleged libel. I cannot be expected to illustrate the system in all its parts, but I tell you what I know; what was notoriously known to the community in December; and what was strongly impressed on my mind on the first of January, when I published the letter.

It may be said that all these things could not have existed so long, because detection was so easy. That is the natural suggestion of every mind; but let it be remembered that the mystical accounts stood between these delinquents and detection. If these had been correctly kept, methodically arranged, and regularly published, many of these corruptions could not have accumulated — this system of wrong-doing could not have been upheld. Those who paid fines would have seen them credited, and traced their appropriation: those who paid fees, could have calculated the annual amount; and by comparing the sums raised with the amount to be assessed, arrears could not have accumulated. But punctuality and publicity would have given a death-blow to the system. The grand jury on which I served, with a view to accelerate reform, named a gentleman of respectability and correct business habits, to supersede the old County Treasurer, believing that much of the evil was attributable to him. He has been sometimes blamed for it all, but his

honesty has never been questioned, and I am now satisfied that much of the confusion that ran through his accounts, was attributable to the miserable system forced upon him by the selfishness of others. A gentleman warned us at the time that we should only injure an individual, without doing any good, and I have often thought of his words. However, we named a person, but met resistance at every step in endeavoring to get him appointed; the excuse the sessions made was, that the nominee was not a freeholder, although he expressed his willingness to qualify himself in an hour. So strictly did they adhere to the letter of the law in this case, though we have seen that in others they cared little for its letter or spirit.

Suppose that a man should fail in business,—if his accounts were correctly and fairly kept, who would blame him for misfortunes? But if they were kept in such a manner that nobody but himself could understand them, what would be said? Now the county accounts cannot be understood by the people or the government, nor by the magistrates themselves, for we had some of them before the jury, who could not or would not unravel them. While large sums appear in the accounts as paid to the County Treasurer, he declares he never received them. The functionaries explain this by saying, that instead of handing them to him, they paid them to themselves, and thus saved his per centage. To say nothing of corruption, it is evident that the system has been this: instead of allowing all sums to go into the hands of the treasurer, to pay checks in their order as they became due, the magistrates usually arrested them to pay their own demands against the establishments under their charge, or their officers seized them to pay their salaries, and thus all others in the community who had demands were left to dance attendance on the County Treasurer, who seldom had any cash. I have dunned the town, when a boy, for three years, with checks, without getting paid; and it is a matter of notoriety, that Mr. Fielding, the former jailor, repeatedly offered his checks at a discount of ten, fifteen, and I know that they were once offered at twenty per cent. Indeed, it has been supposed that pecuniary pressure, arising from trilling demands, while he had the checks of the county for a large sum in his hand, absolutely broke the poor man's heart. Should such a system as this be allowed to bear down a public servant? Should the poor be permitted to be robbed by these ruinous discounts? Should the checks of this large and populous town be hawked about the streets, with a character so bad as to find no purchaser in the market? One circumstance I forgot to mention, that came under the notice of the grand jury on which I served. An account came in for coals furnished by a

magistrate to one of the establishments. They were charged higher than they had been bought on the same day, from the same vessel, by a member of the jury; the truckage was also charged, although in the general truckage account the same items appeared. A noise was made about this, and the magistrate confessed the errors, and offered to refund the money to the foreman of the jury, who, of course, could not receive it.

Now, gentlemen, upon a calm survey of this case, as I have put it before you, can you, under that indictment, find me guilty of a malicious libel? When you have examined the hardship, inequality, and oppression of the assessments, the disposition of the five taxes, the miserable but costly corruptions of the Bridewell and Poorhouse, the inefficiency of the police, the malpractices of the brick building, the delay of justice in the commissioners court, and the confusion of the accounts, instead of punishing me for what I have done, what would you have said if I had refused to do it? Would I not have betrayed your interests and the interests of the community, and forfeited the character of my paper, if I had suppressed this letter? I have not attempted to prove a line the charges which the letter contains — (that would be no defence; but I trust I have shown you, that not only had I no wicked or improper motive in this matter, but that there existed a great and overwhelming public necessity, that rendered my act one of virtue, not of malice; or, at all events, which proves that there was good ground for my belief that I was doing a duty, not committing a crime. So satisfied am I of the justice of my case, that I believe I might rest it here, and confide myself fearlessly to your firmness and discretion. But you will perceive that the recorded sentiments, and deliberate proceedings of grave and responsible bodies, justify all I have done. With the exception of the figures, the presentment of the grand jury at the close of the December term, is a grosser libel than this letter. In that, dated in November, as regards the assessments, they say, that of the whole assessment for the year, "but £36 has been collected, and that from persons much less able to pay than many who stand on the list of defaulters; and that even this small sum has not been paid to the County Treasurer, nor, as far as they can discover, to any other person authorized to receive it;" and they naturally ask, "why individuals of reputed wealth and possessed of sufficient means, should be allowed to continue on the list of defaulters?"

In the presentment handed in at the close of the year, they say, "that a very large proportion of the taxes are suffered to remain uncollected year after year, or, if collected, not satisfactorily accounted for; that increased assessments are consequently required on those who regularly pay; and who therefore loudly complain that the collectors of

taxes are permitted to pay into the hands of others instead of into the treasury, where all monies should directly go; that the persons who thus improperly intercept and forestall the public money appropriate it to suit their own convenience, and send checks to the treasurer instead thereof; that no money can therefore be obtained to defray the current expenses, and to provide for the indispensably necessary services of the town; that some persons in consequence refuse to pay their taxes, because they have claims on the county for which they cannot obtain payment; and others because they have demands against the officers of the court; that the credit of the county is absolutely so bad, that an advance of forty or fifty per cent." (you will remember that I said twenty or thirty) "is required in all purchases made on its account, and that in many cases credit cannot be allowed at all; that checks on the treasury are floating about in the market, and cannot obtain purchasers even at a large discount. That the public establishments are made matters of private convenience and emolument, and that when the grand jury, in the performance of their duty, institute an inquiry into the disorder and abuses, they are refused the necessary information from the officer whose duty it is to furnish it."

They declare that they have come to the "same unsatisfactory and unpleasant result as their predecessors for many years past;" and that "many years' experience has proved the utter inutilty of pursuing the beaten track of remonstrance and complaint." As regards the accounts they say, after noticing the correctness of those handed in by the commissioners of streets, "that they wish it was in their power to make the same favorable report of the other public accounts. In the course of their investigation the account of the commissioner of Bridewell has come under observation, and the grand jury are sorry to have to state that the nature of it is such as to preclude the possibility of reporting favorably thereon; they are therefore compelled to return it to the court as being incorrect and totally inadmissible." "They are also compelled to return the County Treasurer's account, which to them is incomprehensible; not so much from any fault originating with the treasurer, as from the confused manner in which the public accounts are arranged. Suitable vouchers do not accompany this account, one of which especially, an account from the collector of the taxes, and for which the grand jury applied, and was informed by the collector that his worship the Custos Rotulorum had forbidden him to furnish it; the connection between that and the other public accounts, and the confused manner in which the whole are stated, render it utterly impossible to arrive at any correct conclusion as to their accuracy. The grand jurors are therefore

necessitated to return them unadvised. They have provided for the claims against the county, although they are by no means satisfied of the correctness of the statements in which those claims are embodied."

Now, gentlemen, was it decent for men against whom such charges were publicly made by an authorized and respectable body, charges which remained unanswered and unexplained, to single out a printer, and attempt to make him a scape-goat for their offences? When these abominations had gathered and swelled, and when the odor of them offended the senses of the community, instead of removing the nuisance, they said, We will cover it up with a bill of indictment, by Joseph Howe on top of it, and having sacrificed him, no one will attempt for years to disturb the ashes, and we shall have peace in the land.

The Governor's opinion of these matters may be gathered from the message to the Assembly, where, in calling attention to the state of our municipal affairs, he says, that the revenues "annually amount to thousands of pounds," which are not "satisfactorily accounted for;" and he concludes by requesting them to provide a remedy for the evils of "which the grand jury have, in his opinion, justly complained." A committee of His Majesty's Council was appointed to investigate these affairs, and the sessions sent a committee to confer with them, and, as their resolution expresses it, "to afford the said committee such general information respecting the magistrates, as shall assert their claim to the respect and confidence of that board and of the public." Now we shall see, by the committee of council's report, how that deputation succeeded. They had before them the accounts and returns to which I have already referred. In looking over these I was surprised to find that among other blunders, the officers had made a mistake of £10 against themselves; but I was soon relieved by finding that on the same page there was a mistake of £90, against the county.

The committee of council addressed circulars to all the magistrates. To these they state "but few answers were received, and their import generally negated the imputation that any reasonable ground of complaint existed, and suggested no important improvement." I think the jury will share the astonishment which I feel, that a body chargeable with the abuses which we have reviewed to-day, should have returned such answers; and it will not be much allayed, when I read to them the note sent in by the worthy commissioner for Bridewell. Mr. Roach says: "Sir, I am not aware of any dissatisfaction emanating from or among the sessions of the peace. Their sessions have been conducted with great unanimity, and most ardent desire to promote the public weal." Now, who ever suspected that there was any dissatisfaction



emanating from or among the sessions? The dissatisfaction proceeded from quite a different quarter; from the people who were injured by their neglect and corruption. All was calm and tranquil within the brick building, but the storm was raging fearfully without. They were crying peace, peace, in the sessions, but in the community there was no peace. No doubt there was great unanimity and ease in the ancient star chamber, at the very time that the nation it oppressed was shaken with distraction, and alarm. But, adds Mr. Justice Roach, "As far as I have been made acquainted with the accounts of the county, under the control of the justices in sessions, they have been readily understood, but I am sorry to say that the means for liquidating them have not been forthcoming. From the imperfection of our assessment laws, and from the refusal of grand juries to vote monies to meet the demands on the county, and a desire manifested by that body to bring the magistrates into disrepute." Bring them into disrepute, — I wish for his own sake that this worthy commissioner was only entitled to our contempt. The committee of conference "seemed willing to admit that the affairs of the town were not conducted in a satisfactory manner, yet they declined to state what they conceived to be the cause of the evil, or to suggest any suitable remedy;" the committee of council had therefore "to form their own opinions from such materials and evidence as they have been able to collect:" under the head of "magistracy generally," they refer to the act of 1799, which compels "all magistrates" to attend a general or quarter sessions, to transact the "public concerns and regulate the important business of the county," under penalty of removal from office, and state that from the record of five years it appears that not more than *three* justices have usually attended the *general* sessions of the peace in Halifax, frequently but *two*, and sometimes only *one*. This practice the law does not sanction, but "was passed for the express purpose of preventing it." From this it appears that Mr. Roach himself may sometimes have formed a general sessions of the peace, and then of course there "were no complaints emanating from or among" that immaculate body. "The public accounts do not appear to have been kept in that accurate and methodical manner so necessary to give general satisfaction. No clear views of public income and expenditure are exhibited. A person desirous of obtaining information upon one subject, must make a laborious search through complicated accounts of great variety and length, and perhaps through a series of years, and may at length discover the object of his search, in accounts where it could not be expected to be found. The commissioners of town property have not kept their accounts in the manner contemplated by law. There was

no rent roll. No separate account of rents received and expenditures for repairs was exhibited to us, but numerous entries of this nature are promiscuously made in accounts signed by the County Treasurer. By these accounts we could not ascertain whether all rents have been paid, or what sums are in arrears, or what accounts are outstanding for repairs." We have seen the evidence upon which the magistrates acquitted the worthy commissioner for Bridewell; let us now see what the committee of council think of that acquittal. They say, under this head, "the affairs of this establishment, and the imputation of mismanagement generally and pointedly against one of the commissioners, was made the subject of a special presentment by the grand jury. The sessions made inquiry into the circumstances, and transmitted to this committee several affidavits relating to the subject, without expressing any opinion on them. The affidavits, and the papers connected therewith, are submitted. As the magistrates have expressed no disapprobation of the conduct of a person united with them in the commission of the peace, and delegated by them to superintend the affairs of an important establishment, the committee will refrain from stating any stronger opinion than an expression of their regret, that from the unsatisfactory manner in which the accounts were kept, and the affairs of the Bridewell conducted, the grand jury had grounds of complaint.

"The accounts of the County Treasurer have been kept in so confused and irregular a manner as not only to justify the grand jury in their complaint against him, but even to subject the court of sessions to reproof for permitting an officer under their control so long to continue the practice of making up his accounts in a manner so unsatisfactory, and so little calculated to show a clear state of the pecuniary affairs of the county."

Here, again, I feel that I could rest my case, but let me beg you to bear with me yet a little while. We have an important duty to perform — let us do it more faithfully than the magistrates have done theirs. Were I only concerned, I would not fatigue you further at this late hour, but the principles to be fixed by your verdict will be important to your children and to mine. While all the impressions which I have endeavored to convey to your minds pressed strongly on my own, this letter came into my hands. And although it has since been voted a libel by the sessions, and has formed the groundwork of that terrible indictment, I assure you it appeared to me a very innocent affair. I might have said there are some wild charges, some loose calculations here; but if this body will cover up corruption, if they will stifle inquiry, and brave censure year after year, why let the charge go to the public, and

perhaps it may arouse them to do at the ninth hour what they ought to have done at the first.

The letter commences with a quotation from Shakspeare :

“There is no truth at all i' the oracle,  
The sessions shall proceed — this is mere falsehood.”

And surely I could not have fancied that the magistrates would vote Shakspeare a libel. There was one of his characters that might have looked a little personal, that of Mr. Justice Shallow, for some of their worships were shallow enough. But where was Mr. Justice Deep? That was a character that even the fruitful imagination of the inimitable bard could not have conceived. Oh! if the commissioner for Bridewell, or the magistrate who bore the resolution of Tuesday, could have sat to the pride of Avon, then indeed we should have had Mr. Justice Deep, side by side with Shallow, and a precious pair of portraits they would have made.

I have already said, that if the alleged libel did not contain one word of truth — that if it killed half their worships, instead of merely exciting them, you could only try me by the motives and intentions by which I was influenced. The law infers malice from the publication itself, and it throws the onus of rebutting that inference on the party accused. To rebut it, he must do as I have done, explain the reasons for his conduct, and show that he was innocent from ignorance, or that some public exigency justified him in violating the strict rule of law. Have I not done so? Which of you, in my situation, would have dared to do otherwise? If this doctrine of intention were not clearly recognized by the English law, and if the jury were not made the exclusive judges of the circumstances which influenced the accused, there would be no safety for the press, no freedom of discussion at all. God forbid that I should attempt to set the press above the law; society should tolerate no privileged class that are not amenable to it. I endeavor so to perform my daily duties, that I can at any time come before a jury and justify my conduct if required. If, influenced by hatred and malice, I publish matter, the tendency of which is injurious, and which is justified by no public necessity, let me be punished with the utmost rigor of the law; but if, in pursuing my lawful calling, I seek the public good, even if I commit an error of judgment, I have a right to protection from a jury, and from a liberal construction of the law.

Starkie, an eminent authority on the law of libel, says: “The occasion and circumstance of a communication may supply a qualified defence, dependent on the actual intention to injure. The constituting a large

and extensive barrier for the legal protection and immunity of those who act *bona fide* and sincerely according to the occasion and circumstances in which they are placed, is not only just in a moral point of view, and advisable as a measure of policy, but is absolutely necessary for the purposes of civil society. Were the more probable effect and tendency of a publication to be the criterion of guilt, without reference to the real motive of the author and the occasion and circumstance under which he acted, the rule would be far too exclusive for the convenience of mankind, and the evil resulting from the publication would greatly outweigh the opposite advantages to be derived from it. It is indeed very possible that a party, actuated by the very best intentions, may propagate erroneous notions, but so long as he urges these opinions *bona fide* and believing them to be just, and intending to do good, his errors are not likely to prevail against the better sense and judgment of mankind to a very serious and prejudicial extent; and the continual and casual publication of erroneous opinions cannot be placed in competition with the splendid advantages which flow from permitting full and fair discussion on every subject of interest to mankind, as connected with religion, politics, philosophy, and morals. The security of the public in this respect is amply provided for by distinguishing between that which is published with a sincere and honest though unsuccessful intention to do right, and malicious attempts to injure society in general, or individuals in particular, by profane blasphemies, seditious, or defamatory communications."

And again he says: "In reference to the criminal, as well as the civil branch of the subject, the occasion and circumstances of the communication may furnish either an absolute and peremptory bar to criminal responsibility, or a qualified one, dependent on the particular motive and intention with which the party was actuated in making such communication." "The advantages of free and unrestricted communication on all political subjects is great and reciprocal; if the people have thus an opportunity of forming and expressing their opinions on public measures, those who administer affairs have also the means afforded them of becoming acquainted with the disposition, sentiments, and wishes of the people; of availing themselves of beneficial and useful suggestions; of affording explanation and redress where complaints are well founded; in short of securing that esteem, respect and confidence, on the part of the people, which are essential to an useful and vigorous administration." "Where," says he, "the wilful act of publishing defamatory matter derives no excuse or qualification from collateral circumstances, none can arise from the consideration that the author of the mischief was not actuated by any de-

liberate and malicious intention to injure, beyond that which is necessarily to be inferred from the act itself." This is reasonable and right, and if I had published that letter, while no complaints prevailed against the sessions; if I wilfully sent such a charge abroad, having no good ground for believing that it was true, and that investigation was necessary, then would I have grossly overstepped the line of my duty, and subjected myself to the penalties of the law. "But," says Starkie, "the liberty of the press, and rational freedom of public discussion, are the real bolts and bars by which alone depredators on the religious and political rights of society are to be shut out, and the interests of the community preserved. To destroy these would be, in a political sense, to sleep with the doors unbolted, without the poor consolation of being able to hang the thief."

In the trial of Perry, the Attorney General, in his opening to the jury, observed: "From the bench you will hear laid down from the most respectable authority, the law which you are to apply to those facts. The right of every man to represent what he may conceive to be an abuse or grievance to the government of the country, if his intention in so doing be honest, and the statement made upon fair and open grounds, can never for a moment be questioned. I shall never think it my duty to prosecute any person for writing, printing, and publishing fair and candid opinions on the system of the government and constitution of the country, nor for pointing out what he may honestly conceive to be grievances, nor for proposing legal means of redress." It has often been thought strange that truth should be a libel, but it is very reasonable notwithstanding. If a man throws a cup of coffee in his wife's face, and I publish that in a newspaper, though it may be true, yet is it libellous, because there is no public end to be served, and I have no right to invade the sanctity of private life.

Erskine, through whose exertions the declaratory act was passed, confirming the right of juries to decide on the law and the facts, and whose views of the true bearing of the law of libel are now generally recognized, says in his defence of the Dean of St. Asaph: "I come now to a point very material for your consideration; on which even my learned friend and I, who are brought here for the express purpose of disagreeing in every thing, can avow no difference of opinion; on which judges of old and of modern times, and lawyers of all interests and parties have ever agreed; namely, that even if this innocent paper were admitted to be a libel, the publication would not be criminal, if you, the jury, saw reason to believe that it was not published by the Dean with a criminal intention. It is true, that if a paper containing seditious and libellous

matter, be published, the publisher is *prima facie* guilty of sedition, the bad intention being a legal inference from the act of publishing; but it is equally true, that he may rebut that inference by showing that he published it innocently." Have I not in this case utterly demolished the legal inference? And again, says Erskine, in the language of all the law books: "The hostile mind is the crime which you are to decipher." Has my mind been hostile? Where is the proof of malice?

Sir James Mackintosh, in his defence of Peltier, says: "A jury must be convinced, before they find a man guilty of libel, that his intention was to libel, not to state facts which he believed to be true, or reasonings which he thought just." He further declares, that "This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from meritorious acts, and from rendering the most important services to their country; they indispose and disqualify men from the most important duties which they owe to mankind. To inform the public on the conduct of those who administer public affairs, requires courage and conscious security. It is always an invidious and obnoxious office, but it is often the most necessary of all public duties. If it is not done boldly it cannot be done effectually; and it is not from writers trembling under the uplifted scourge, that we are to hope for it."

There is a passage in Curran's defence of Hamilton Rowan, that applies so strongly to this case, that I may be pardoned for quoting it: "And here, gentlemen, I cannot but regret that one of our countrymen should be criminally pursued for asserting the necessity of reform, at a moment when that necessity seems admitted by the parliament itself; that this same unhappy reform shall at the same moment be a subject of legislative discussion and criminal prosecution. Who can avoid feeling the deplorable impression that must be made on the public mind, when the demand for that reform is answered by a criminal information." I will not declaim, gentlemen, on the value of free discussion, but I will trouble you on this head, with one other extract from this speech of the Irish orator. After alluding to the effects of the penal statutes, he asks,—"What then remains? Only the liberty of the press, that sacred palladium, which no influence, no power, no minister, no government, which nothing but the depravity, or folly, or corruption of a jury, can ever destroy. And what calamity are the people saved from, by having a public communication left open to them? I will tell you, gentlemen, what they are saved from; I will tell you also, to what both are exposed by shutting up that communication. In one case sedition speaks aloud, and walks abroad; the demagogue" (doubtless the sessions believe me to be one.) "goes forth, the public eye is upon him, he frets his busy hour upon

the stage ; but soon, either weariness, or bribe, or punishment, or disappointment, bear him down or drive him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion of even individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints ; even the person of the despot is never there in safety. Neither the fears of the despot, nor the machinations of the slave, have any slumber ; the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both ; the decisive instant is precipitated without warning, by folly on one side, or by frenzy on the other, and there is no notice of the treason till the traitor acts."

In looking into Hone's trials, I was amused with a verse or two of one of his parodies, to the sentiments of which, after the labors of the day, I think we shall all respond :—

" From taxes assessed, now raised at a nod,  
While inspectors rule o'er us with their iron rod,  
And expect homage paid them like some demi-god,  
Good Lord, deliver us !

" From a workhouse where hunger and poverty rage,  
And distinction's a stranger to birth, sex or age ;  
Lame and blind, all must work, or be coop'd in a cage,  
Good Lord, deliver us !

" From six in a bed in those mansions of woe,  
Where nothing but beads, nails, and vermin do grow,  
And from picking of oakum in cellars below,  
Good Lord, deliver us !

" From stickings of beef, old, wither'd and tough,  
Bread, like saw-dust and bran, and of that not enough,  
And scarcely a rag to cover our buff,  
Good Lord, deliver us !"

The word oakum reminds me of some other luxuries which may be enjoyed by commissioners, in virtue of the patronage they possess. But I will not explore the recesses of the oakum-rooms ; they have not spared me, but I shall be magnanimous, and have some mercy upon them.

I had marked many other passages, expressive of the opinions entertained by the most eminent British authorities, of the services rendered

by the press, and the benefits of free discussion. I had also prepared many references illustrative of those principles of law which I have already stated, and which show with how much care the press has been protected by the spirit and practice of the law in modern times. But night is closing upon us, and I have already trespassed largely on your patience; I shall, therefore, conclude with a brief notice of the case of the King *vs.* Reeves; on an *ex-officio* information, for a libel on the Constitution:—

“The Attorney General, in his opening, stated that this information had been filed by him by the direction of His Majesty, in consequence of an address of the House of Commons to him for that purpose. The House had resolved it to be a malicious, scandalous, and seditious libel, tending to create jealousies and divisions amongst His Majesty’s liege subjects, and to alienate the affections of the people of this country from the Constitution; pursuing this resolution, charged the defendant with an intention to cause it to be believed that the regal power and government of this realm might, consistently with the freedom of this realm as by law established, be carried on in all its functions, though no Parliaments were holden; and the fourth count stated that it was done with intent to bring the power of the two Houses of Parliament into contempt. The question for the opinion of the jury, he said, was whether the defendant had published this book with the criminal intention charged in the information. If, on reading the whole of the pamphlet, the jury should be of that opinion, it was their duty to find the defendant guilty; but if, on the other hand, they should think that this was a mistaken execution of a good purpose, the defendant was entitled to an acquittal. He did not call for a verdict upon an inaccurate expression or ill-considered argument, if used with a good purpose.

“Plummer, for the defendant, argued the merits of the pamphlet at considerable length, contending that the book was published for a good purpose, to counteract republican principles, and that the defendant was worthy of praise, and not of censure, for the publication.

“The Attorney General replied.

“Lord Kenyon said that the power of free discussion was the right of every subject of this country. It was a right to the fair exercise of which we are indebted more than to any other that was ever claimed by Englishmen. All the blessings we at present enjoy might be ascribed to it. It opened the way for the reformation, and afterwards for the revolution, and by its means were men emancipated from religious slavery in the one case, and the tyranny of the Stuarts in the other. When right was abused and exerecences arose, they might be lopped off, but



at the same time, in a free country like ours, the productions of a political author should not be too hardly dealt with. In this country a defendant could never be crushed by the name of his prosecutor, however great that name might be. This was not the first prosecution commenced under the direction of the House of Commons which had failed. In the *King vs. Stockdale* the House of Commons were also prosecutors, but the defendant in that case was not weighed down by the weight of the prosecution, nor did the jury hold themselves bound to find the publication a libel because the House of Commons had voted it to be such. The jury were in that case advised to read the whole of the book, and from the whole taken together, to decide on the delinquency or innocence of the defendant. Although the jury are to form their judgment upon the particular passage stated in the information, they may compare that with the whole book, and see how it is qualified by it.

"The jury were out a considerable time, and afterwards returned to the bar and said that they were of opinion that the pamphlet was highly improper; but, nevertheless, thought that the defendant was not actuated by a bad motive, and therefore found him not guilty. Lord Kenyon said he approved of the verdict."

Here then you see, gentlemen, that the whole gist of the offence was the defendant's intention, and you see the doctrine admitted in its fullest extent by the crown officer, the judge and the jury. You see also the noble spirit of independence, the firm and unbending integrity, which distinguish an English court of justice. There an innocent man was protected by the law against the whole power of the House of Commons, as your verdict will protect me to-day against the persecution of the sessions. Without this doctrine of intention, the law, instead of being a parental guardian of the press, protecting its lawful acts, and checking its abuses, would be a tyrant binding it with chains.

It has been said by the eloquent Mackintosh, "That an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal." I feel this day that the sentiment is just. An English jury will do justice to the poorest wretch on earth, though menaced by the proudest oppressor. The victim may be bound, and prepared for sacrifice, but an English jury will cast around him the impenetrable shield of the British law. Gentlemen, I feel that your verdict will rescue me from the perils with which I have been environed. You will not deliver me over to the tender mercies of the sessions. You will tell these jobbing justices that they should have come into court with clean hands; that they should have "set their house in order"—their Poorhouse and their Workhouse, before they came to claim a verdict to

repair their rotten reputations. You will not send me to serve the commissioner of Bridewell, nor permit them to make me the first tenant of the stocks they erected in the market-place, but never have used.

I thought of gathering from the newspaper files the various attacks that have been made from time to time upon the sessions and their officers, in order to exhibit to you the gradual swelling of this volume of abuse of which their worships complain. The task would have been an amusing one, and although it would prove that my persecutors had been for years deaf to the complaints of the community, and had only become suddenly sensitive, when they thought the whole might be answered by a bill of indictment, the process would have been tedious, and I have already taken up too much of your time.

Gentlemen, I have thus gone over the facts that rested on my mind at the time I published the alleged libel; I have shown the bearing and depth of the impressions they made; and have, I trust, convinced you, of the entire absence of any malicious motive. I have also stated to you what I believe to be the sound and rational construction of the English law; and I have read to you the eulogiums which Britons on the other side of the Atlantic have passed on the value of the press. I now put it to you, whether you will not, as an English jury would, take all the circumstances of the case into consideration to rebut the legal inference of malice; and I ask you, if you will not extend to the press of your country the same rational protection which the British press enjoys? Can you err, in following the example of that country, which has been so long the home of liberty; whose noble institutions have been the fruits of free discussion, and under whose banner, and whose laws, we are now assembled? I do not ask you to set the press above that law which Coke calls, "the perfection of reason;" but I ask you to cleanse me in that wholesome stream of British authorities revered at home, and imparting its benevolent and invigorating influence to the most distant portions of the empire.

Will you, my countrymen, the descendants of these men; warmed by their blood; inheriting their language; and having the principles for which they struggled confided to your care, allow them to be violated in your hands? Will you permit the sacred fire of liberty, brought by your fathers from the venerable temples of Britain, to be quenched and trodden out on the simple altars they have raised? Your verdict will be the most important in its consequences, ever delivered before this tribunal; and I conjure you to judge me by the principles of English law, and to leave an unshackled press as a legacy to your children. You re-

member the press in your hours of conviviality and mirth — oh! do not desert it in this its day of trial.

If for a moment I could fancy that your verdict would stain me with crime, cramp my resources by fines, and cast my body into prison, even then I would endeavor to seek elsewhere for consolation and support. Even then I would not desert my principles, nor abandon the path that the generous impulses of youth selected, and which my riper judgment sanctions and approves. I would toil on, and hope for better times — till the principles of British liberty and British law had become more generally diffused, and had forced their way into the hearts of my countrymen. In the mean time I would endeavor to guard their interests — to protect their liberties; and, while Providence lent me health and strength, the independence of the press should never be violated in my hands. Nor is there a living thing beneath my roof that would not aid me in this struggle; the wife who sits by my fireside; the children who play around my hearth; the orphan boys in my office, whom it is my pride and pleasure to instruct from day to day in the obligations they owe to their profession and their country, would never suffer the press to be wounded through my side. We would wear the coarsest raiment; we would eat the poorest food; and crawl at night into the veriest hovel in the land to rest our weary limbs, but cheerful and undaunted hearts; and these jobbing justices should feel, that one frugal and united family could withstand their persecution, defy their power, and maintain the freedom of the press. Yes, gentlemen, come what will, while I live, Nova Scotia shall have the blessing of an open and unshackled press. But you will not put me to such straits as these; you will send me home to the bosom of my family, with my conduct sanctioned and approved; your verdict will engrave upon our soil those invaluable principles that are our best security and defence.

Your verdict will, I trust, go far towards curing many of the evils which we have been compelled to review. Were you to condemn me, these men would say there is no truth in those charges, there is nothing wrong, and matters would continue in the old beaten track. If you acquit me, as I trust you will, they must form themselves into a court of inquiry for self-reformation; they must drive out from among them those men who bring disgrace on their ranks, and mischief on the community in which they reside. But, gentlemen, I fearlessly consign myself, and what is of more consequence, your country's press, into your hands. I do not ask for the impunity which the American press enjoys, though its greater latitude is defended by the opinions of Chancellor

Kent; but give me what a British subject has a right to claim — impartial justice, administered by those principles of the English law that our forefathers fixed and have bequeathed. Let not the sons of the Rebels look across the border to the sons of the Loyalists, and reproach them that their press is not free.

If I wished to be tried by your sympathies, I might safely appeal to you, who have known me from my childhood, and ask if you ever found malice in my heart, or sedition in my hands? My public life is before you; and I know you will believe me when I say, that when I sit down in solitude to the labors of my profession, the only questions I ask myself are, What is right? What is just? What is for the public good? I am of no party; but I hold that when I am performing my duty to the country, I am sincerely doing that which I engaged to do when I took the press into my hands. You will hear the Attorney General close this case on the part of the crown, but do not allow yourselves to be won by his eloquence from the plain facts and simple principles I have stated. I must, however, do that gentleman the justice to acknowledge, that in the conduct of this prosecution, I have received nothing but courtesy at his hands. As an officer of the crown he is bound to perform this public duty, but I well know that persecutions of the press are little to his taste. When urged at times by members of the Assembly, over which in his capacity of Speaker he presides, to resent attacks made on that body in *The Nova Scotian*, his answer has invariably been: "No! let the press alone; if we cannot stand against its assaults, we deserve to fall." That, I doubt not, would have been his advice to the magistrates had they deigned to consult him. But oh! had I his powers of oratory, how I could have set this case before you!

"Were I Brutus,  
And Brutus Anthony, there were an Anthony  
That should move the very stones,"

not of Halifax to mutiny and sedition, but the broken stones in Bridewell to laughter and to scorn. The light of his penetrating intellect would have revealed the darkest recesses of municipal corruption; and with the hand of a master, he would have sketched the portraits of these jobbing justices, and hanging them around the walls of Bridewell, would have damned them to imperishable renown.

To the gentlemen of the bar, who surround me, my thanks are also due. They have sympathized with the press in this its day of persecution; they have sent me books, and volunteered assistance; and although the press sometimes bears upon them, those who are and will be the

brightest ornaments of the profession, have been most forward in endeavoring to sustain it. Their studies teach them the value of free discussion; they know the obligations which Englishmen owe to the press; and they well know, that as the securities of life and property were strengthened by its influence, so would they be destroyed beneath its ruins.

Gentlemen, I must apologize for the time which I have occupied, and for the errors and imperfections of this defence. But I now leave it in your hands, confident that you will discharge your duty and do me justice. I have never shrunk from responsibility, and I would again remind you that I would rather be cast into a prison for years, than meet you in after life, to reproach me with having misled you this day by false statements of fact or law. I have not done so, and I feel that I am entitled to your verdict. The press has constantly vindicated and maintained the independence of juries; English juries have been the steady friends and protectors of the press; and I now commit myself and the press of Nova Scotia to your keeping, asking only for justice, sanctioned by English law.

[The delivery of this speech occupied about six hours and a quarter. The defendant was frequently interrupted by expressions of popular feeling. The Attorney General rose to reply, but was interrupted by the Chief Justice, who said, that as the hour was late, and the jury had been confined so long, it would be better to adjourn the court. Mr. Murdoch remonstrated; Mr. Howe, he believed, had brought his defence to a close much sooner than intended, in order to avoid the necessity of adjourning the trial. It would be unfair, therefore, to allow the other side the advantage of the night to reconstruct their case. Mr. Howe begged the court to believe that he did not wish to shut out any thing that could shake his statements; all he wished was to have the matter off his mind. The jury were consulted, and the foreman expressed their wish to remain; it was therefore determined to do so, but the crowd and the excitement being so great, and the difficulty of preserving order evident, His Lordship adjourned the court. On Tuesday morning the trial proceeded.]

The Attorney General then rose and spoke as follows: —

*My Lords, and Gentlemen of the Jury.* — In calling your attention to this case, I will endeavor to divest it of the amazing importance which has been thrown around it, and bring it down to those plain rules of law by which alone it must be decided; and I trust that you have come here this morning, as I have, disposed to give it a cool and dispassionate consideration. One would suppose, from the vast assemblage around us,

and from the feeling manifested, that this was a novel proceeding in courts of justice, and that some outrage on the rights of parties was about to be committed. But there is no such thing; we have to deal with a plain question brought before us by the ordinary modes of proceeding, and to be defined by the rules of law. I will not attempt to travel over the defence made by the defendant in this cause; I am sorry to meet him here. He is a personal friend; but the feelings of friendship which I entertain for him will not prevent me from doing my duty. Indeed feelings of all kinds ought to be dismissed from your breasts and from mine, for they have been well described by an eminent authority to be the "quicksands of the law;" for nothing but the cool operations of the mind, influenced only by evidence, and the plain principles of the common law, can be effectual in keeping the peace of society.

It has been said, and I have seen it published in the newspapers, that when the magistrates read their resolution to the court, their lordships referred them to me as their counsel, to direct them to the object of their wishes. I beg to state that I am acting here as the officer of the crown. I am not the retained counsel of these parties; if it had not been for the situation I held, I might have been. My learned friends who have conducted this case are their counsel. I have no interest in the matter. I had no wish to interfere; but placed as I am at the head of the criminal law of the country, and called on in my official capacity, I should be wanting in my duty if I did not state those rules and principles which the wisdom of our ancestors has considered essential to the public peace. If the peace of society is broken, who are to repair it? Not the press, that is not the tribunal, but the officers of the crown, the courts and juries; therefore it is that those in authority ought to speak the sentiments of the law, that those things may be suppressed which would lead to the breaches of the peace, and to every man becoming his own avenger.

The defendant in this cause has had every opportunity of stating his case; as I trust while I hold the office of Attorney General every man similarly accused will have. He was under a misapprehension, however, when he supposed that an *ex-officio* information could not have been filed, but upon the oaths of the parties charged, negating the truth of the charge. I could have proceeded by that mode, but I have never been inclined to ride upon the prerogative of the crown, and I therefore laid the matter before the grand inquest of the county. I never shrink from my duty, but seek to perform it in accordance with the established forms of the Constitution. One gentleman named the other course to me, but I said No; I will proceed by a fairer mode of indictment. I

am proud that the defendant has done me justice in this respect. A copy of the bill of indictment was furnished, to him, and he has had liberty to defend himself, and in doing so, he has stated a great variety of things which could not be evidence, which are mere hearsay, and which the court would not have permitted counsel to use. I am glad, however, that he has had every facility for making his defence.

As something has been said about the mode in which the magistrates have sought redress, I must inform you that no private action would lie upon the publication. When an individual is slandered, he can bring his private action, and claim his damages, and the public peace is not concerned or considered in that mode of trial. In that case the defendant, if he can prove the truth of the publication, is acquitted, because the law will not permit a party to come into court and make money by his reputation. That is not the law as respects public bodies. It does not allow the defendant to escape in this way. Let it not be said that because there may be a feeling against one or two individuals in the magistracy, that anybody is at liberty to charge them all. Some of the feeling and excitement which is now abroad may have arisen from charges made by the grand jury, and an opinion entertained that they have not been supported against such charges. But if they could have joined in a private action, the justification must have been as broad as the slander, because if it were not, it would have failed. When we turn to the law, and as the defendant has said — God forbid that he should be above it, or below either — I trust I shall convince him that he has brought himself within its range. That law by virtue of which you sit here, and by which their lordships preside in this court — that wholesome stream of the common law which runs over even this remote portion of His Majesty's dominions, and in the language of the defendant, purifies and invigorates the country; this is the law, the rule of conduct, by which he prays to be judged, and I wish to administer to him no other.

Let me now turn your attention to that law by which the defendant himself wishes to be judged, the best inheritance from our ancestors the common law of England, by which our rights and liberties are preserved inviolate. The freedom of a British subject consists in personal liberty, personal security, and private property. The person of every man is preserved from violence, and with the protection of personal rights that of reputation has always been considered sacred by our law. No man by nature, independent of any municipal law, had a right over another, neither had he any right over his reputation. The common law early took notice of libel and slander; all nations whose laws are in any

way regarded by the law of England, classed those offences among crimes against the public peace. The common law courts early took cognizance of them, and punished the offender by fine and imprisonment. The punishment of libel is as ancient as any part of the criminal law, and the rules respecting it are to be collected from those ancient writers who describe to us the crimes of murder, arson, burglary, larceny, robbery, and other common law felonies. There is no positive enactment, it is true, defining libel: neither is there any such regarding other common law crimes and offences: it is unnecessary for the law of the land to speak where the law of nature and the ordinary sense of mankind have plainly spoken before. You have seen me, as Attorney General, in important criminal cases where life has been forfeited, appeal to the general authorities for the law to guide juries, as I must now appeal to them as regards this offence.

One of the first objects of the law is to withdraw from the injured the redress of their own grievances, and to administer equity and justice by the wisdom and discretion of those set apart for this important duty; but the direct tendency of libel, whether true or false, is to excite tumult, and lead to private revenge: and as no man has a natural right over the person or reputation of others, so no man has the power by himself of administering justice by arraigning, trying, and condemning others, should they even seem to him to do wrong. The common law places under its protection the reputation as well as the person, and to insure the peace of society, ties up the hands of some, and the pens of others. The celebrated Hawkins considers libels reflecting on persons charged with the administration of the law, as of great enormity, tending not only, like all others, to breaches of the peace, but likewise to encourage insubordination to those in authority. Lord Camden considered it the particular duty of juries to set their faces against such libels. Inveective, and the assigning of bad motives, can evidently answer no good purpose; such conduct cannot be justified towards private individuals, and society should communicate something of its sacredness to those in office. Let us then examine the effect of libel upon the public peace, which it is the first object of law to preserve. The generality of men are more disposed to resent a contemptuous word than an unjust action. Those who endeavor to dishonor us by words, are objects of more violent resentment, and more implacable resentment, than the authors of all other injuries. It is said that in ancient times there was slander, but libel was not the offence of an illiterate age; and if there were few prosecutions, it was because a more summary punishment was inflicted by the sword of the injured. The best of mankind have ever been



highly sensitive, and alive to injuries of reputation, and public tranquility demands that the retaliation for offences of this nature should be wrested from the hand of the injured, because anger, which is ever ready to swell into furious passions, and prompt to immediate vengeance, will lead the sufferer not only to magnify the wrong, but greatly to mistake the remedy. Experience has taught us that all rules for the government of man are ineffectual in altering human nature, although much may be done, and much has been done, to withdraw retaliation from the hand of the injured, and to allow him the option of avoiding its exactions. Cases, particularly, which affect reputation, have been considered by men of high honorable feelings, and otherwise of great humanity, as denying this alternative, and demanding that they shall vindicate themselves. Some are not satisfied that a court and jury should hear their appeal, and that the slow process of the law should be interposed for their protection. The best feelings of human nature will not endure this species of insult; feelings which no regulations, however framed, have yet been effectual in restraining; and although the law may demand forbearance, yet we have frequently seen that, in an unguarded moment, the injured has stood forth as his own avenger, and called for a trespass on the law, by seeking the life of the offender at the risk of his own. The due administration of the law is alone capable in a great degree of repressing this feeling; but it is not to be expected that those original principles will ever be wholly eradicated, or that law and custom will ever successfully interpose any compensation which will, in all cases, be accepted in the place of personal vengeance. Knowing the disposition of mankind, the law therefore watches over the beginnings of mischief, and the punishment of libel was ordained as a means of maintaining the public peace.

I will not turn again to the libel in the indictment except for a moment, to point out the most offensive passages. [Here the Attorney General read the part which charged over exactions, and taking large sums of money from the pockets of the community, by those placed in authority over them.] This, he said, was the charge of a crime of no ordinary character,—a charge of abusing the office they were appointed and sworn to administer, to put money into their own pockets. He had heard much from the defendant by way of charge against some; sufficient was it for him to say, it was assertion without proof. If the nature of the charge would have allowed of a private prosecution, the defendant would then have been obliged to put his justification upon the record, and to prove the truth of it by witnesses placed in the box, and examined on oath, not by hearsay, nor even by the report of a committee

of His Majesty's Council. The investigation by them might be a proper step to see if there were not errors in this system the magistrates were called upon to administer; but, thank God, the reputation of no man can be tried except in the face of the country; neither a report from the council chamber, nor from any other body, could be received in evidence for any such purpose in this court. Had the circumstances stated by the defendant against some of the magistrates been brought to the notice of this court by affidavit, and not denied in the same solemn manner, I should have felt it my duty to have filed an information, and inquired into the truth of the matter charged; but, in the present prosecution, you must consider it mere assertion without legal proof. The libel is not, as we are informed, an editorial; it is not written by the defendant. If the charges against the magistracy were thus broadly to be made, why did the writer shrink from his work, why falsify himself under a borrowed name, and become a coward in his crime. [Here the defendant interrupted the Attorney General, and stated that he had full permission to give up the author whenever he pleased, but, contrary to the practice in all such cases, the name had never been demanded. This declaration elicited a round of applause, which having been promptly suppressed by the court, Mr. Archibald continued.] Although that was true, had the author been given up, he would not have proceeded against the publisher.

Having said so much on the law of libel, allow me to say a few words upon what is erroneously understood to be the liberty of the press. There is no question of greater importance in a free country than the liberty of the press; and within its legitimate bounds, I should be the last to interfere with its operations. The advantages which mankind have derived from the use of the press have excited a feeling in its favor not easily to be overcome in a free government. It was the great means of diffusing that knowledge which before existed only in masses, in schools, and universities, and making it the common atmosphere to be breathed by all. Moral and religious knowledge, and the principles of liberty, were circulated by it. The term "free press," however, is to be understood with its limitations, as this great engine of human invention may otherwise be as dangerous in its abuse, as it is beneficial in its use: that term was applied to the press in opposition to the licensing and shackling which it underwent in former times. The rulers of the continent seized upon this valuable invention as a sort of royal franchise, and enslaved and controlled it by limitations unknown to the laws of England. Our law thus defines it, as the personal liberty of the person who uses it to express his thoughts in the more improved way, thus invented by human

ingenuity, leaving him always liable for any infringement of the privileges of others. It was a new power, but no new right; and security of reputation was not abridged by this new discovery. The liability of punishment which that law imposed was not, on the one hand abridged, nor was any new right or privilege granted to those who might use the press. Free discussion, although enlarged by the use of the press, was confined to the same legitimate bounds, as respected the rights of others; that which, if written and published in the streets, or stuck upon a corner, and which was in its nature a libel, would be not the less so, when published in the columns of a newspaper. What a man has a right to think and speak, he has a consequent right to print and to publish; but no man has a right by the common law to speak and publish what is injurious, in a high degree, to others; no man has a right of accusation, trial, and judgment; so likewise no man has a right to publish, true or false, in the press or otherwise, that which a regard to the public peace and the rights of society prohibit. He who cannot justify slander written of me in his individual character, cannot return into the first person plural behind his press, and do the same thing with impunity; the individual wrong-doer is not lost sight of by the law in the plural of the press.

Let me now remark upon the intention of the defendant in this publication. He has defended himself with the exercise of that clear mind and sound understanding, which he possesses in so high a degree; but I cannot allow him the range he has taken for the proof of intention. The intention of the writer is to be gathered from the libel written; and for that purpose he may call for the reading of every part of it, although not set forth in the indictment; and if it be a book, or pamphlet written as a review of the works of others, or for any other purpose, he may read passages from the general work to prove *quo animo* it was written. But to allow evidence of intention to be given in any other way is unknown to the law. The extenuating evidence is confined to the proof that it is a report of a trial or a speech in parliament, or the like; but except in such cases, the writer must be judged by what he has written, and to have done the act with the intention which the ordinary sense of a jury put upon the work. So clear is this reasoning, that I should not despair, from the correct views which the defendant is capable of taking of this point, and notwithstanding his splendid defence, were he in your box, to persuade him to convict himself.

This libel runs against all who have been in office for the last thirty years; many of them, men of high honor, labored hard for the good of

this community, and have gone to their final account, leaving an unsullied reputation behind them—now for the first time called in question. Many now alive have given up their time to the public without reward, but all are included in one general charge, without any evidence being given against any one. It required the reading of the defendant to select from this “sacred band” of robbers those who are to come under the saving clause. The defendant has read out his venerable father as one; he need not have done so; his unsullied reputation would never have left him obnoxious to any such charge. I readily assent to all that has been said by a son of a father who is an honor to him. I am proud to call him my friend; he was among my most early acquaintances in this town, and I have never ceased to esteem him. But might he not have returned to this band and handed out others? [Here he read over the names of several of the magistrates.] Men whose reputation has never been sullied; and if angry feeling against one or two was the ground of this proceeding, why not have named them, and allowed them to justify themselves by putting him to the proof of the assertions? But in this case, even to those aimed at, there is no proof; while all who are charged with keeping the public peace, are included in one libellous attack. Gentlemen, it is with you, under the law of the land, to pronounce upon this publication, and be careful that your verdict be not the occasion of greater mischief; that you do not open the floodgates of libelling, and lead parties to avenge themselves, and thereby to bring about all the mischief the common law intended to prevent. I have stated the view which I think it my duty to take of this publication, and, having discharged my duty, I leave the case with you.

His Lordship Chief Justice Halliburton, then delivered the following charge:—

*Gentlemen of the Jury*,—This is an indictment preferred in the name of the King against Joseph Howe, and it is the duty of the court to state to you what the law is by which the case is governed. This duty is, perhaps, rendered more imperative by the novelty of the proceeding in our courts, and by the erroneous views which are often entertained of the law of libel. It has been truly said, that nothing has been more libelled than the law of libel itself. There are three modes by which parties may seek redress, and by which society is protected against the consequences of slanderous and improper accusations: by bill of indictment, *ex-officio* information, or by an action on the case, instituted by a private party for the damage which his character may have sustained.

The law of libel, like the rest of the common law of England, is founded in reason; and if a private party comes into court for damages to repair his reputation, he must show that he had one to lose, and that he has in reality been injured. He must not come here to make money of his character; and, therefore, the defendant can put in his plea of justification, and set out that the charges were true; and if he can satisfy the jury that they were, the plaintiff goes without damages, because none have been sustained. An information may also be filed, at the instance of a private person, for the vindication of his character, upon his own affidavit that the charges are slanderous and untrue. So careful is the law of the right of reputation, it assumes that nothing can be more valuable to man than his character, and, therefore, it provides this easy mode by which a man may come into court and vindicate himself from slanderous imputations. On the other hand, the party opposed may come in and prove that the charges are true; and if he does, the prosecutor loses his action, because it is incumbent upon him to prove that he is an injured man.

When we proceed in the other way we throw the party entirely out of the question. The magistrates are not known here. The defendant stands charged at the suit of the King; he has defended himself with the warmth and animation natural to the situation in which he was placed, and he has had a wide scope allowed, in stating to the jury such things as he conceived material to his defence. Where parties undertake to plead their own cause, they are usually allowed a greater latitude than their council would be permitted to take. But as respects the magistrates we have them not here. Your verdict will not condemn or acquit them. A charge of libel has been made, but it comes to us from the grand inquest of the county. In bringing this case before the court, the Attorney General had two courses open to him, either of which he was at liberty to take. He could proceed either by information or indictment. A private party may have his information, but then he must come into court and swear that the charges are false. He must satisfy the court that it is libellous matter of which he complains. But in a criminal action we have nothing to do with the truth; we are only bound to protect the public peace.

The other form of information is directed to this object as well as the indictment. The Attorney General is entitled to file his information *ex officio*, and over this the court has no control. He is wisely clothed with this authority, because in times of great public excitement, it may be necessary to check disorders promptly, and yet extremely difficult to get a grand jury to find a bill. The Attorney General, of course, in

using this mode, is responsible for the exercise of his judgment, for the abuse of his power. A private applicant is bound to negative the imputations; the Attorney General is bound to exercise a sound discretion. The other course is to go before the grand inquest, and submit the libellous matter in a bill of indictment, and if they should be of opinion that it was not libellous, if they did not think that it was calculated to have a mischievous tendency, then of course they would not find the bill.

Under these circumstances the party charged in this indictment has been brought here. The law under which he has been arraigned, is founded in reason, and common sense and justice. As individuals are liable to commit offences against society, the courts have been appointed to try such offenders. It is not in the columns of a newspaper that they are to be tried and condemned. And if instead of parties preferring their accusations, and seeking redress before the proper tribunals, they choose to scatter abroad charges and suspicions, under circumstances which induce a grand jury to find a bill, they have a right to be brought here; and we are to try whether the matter charged was calculated to disturb the public peace, and to incense and degrade the parties at whom it was aimed. With this investigation we are now engaged, and by your verdict the character of the magistrates will neither be improved nor injured; the King is the pro-secutor here, and all you have to determine, is whether these charges are libellous, and whether or not they are calculated to disturb the peace.

It would be difficult to say that this letter does not contain a serious reflection upon the magistrates of Halifax. Although it is my duty to instruct you as to the true bearings of the law, and to tell you the view which I take of the publication itself; still the law has placed the whole responsibility on you; you stand there—twelve men chosen from the country, and representing it on this occasion—bound to perform a solemn duty, according to the principles of law, uninfluenced by any feelings but those of reverence for the law.

We have heard much here about the liberty of the press. The press is never mentioned without awakening a feeling of friendship in the breast of every Englishman. It is to that great instrument we are indebted for the recognition and general diffusion of those sound principles that existed before its invention, but which by its aid have been vindicated and defined. To this we owe the firm establishment of those salutary principles of the common law, by which your verdict should be controlled, but which cannot be shaken or destroyed whatever way you decide. Your verdict, I repeat, though it will be very important to the defendant and the community in which you reside, cannot

disturb those rules of law by which the characters of parties are guarded, and the liberties of the press secured. They are too firmly established to be undermined by any single decision, but yet it is most desirable that all decisions should be correct and conformable to law. You will do your duty as I do mine, though fully appreciating the benefits of free discussion; the value of that engine by which the sacred Scriptures are diffused over the universe, and which, though invented by man, was the gift of God to man, for, as he gave him speech by which to communicate his thoughts and impressions to his neighbor, so has he given him the press by which these may be conveyed over a wider range, only bounded by the circle of human sympathies and civilization.

The gift of speech is sometimes abused. The tongue that has been given to praise its Maker is frequently used to blaspheme him; and thus the press, bestowed for the purpose of correcting the errors and improving the condition of man, is sometimes directed by malice and revenge, to the injury of private character, and the disturbance of the public peace. He who thus conducts or uses the press, subjects himself to the penalties of the law — the same law which existed for the protection of society before the press was invented. That engine has not altered the law, although it has multiplied cases for its exercise. Let discussion be free; but accusation and discussion are different things. Though such charges are frequently found in newspapers, still, if individuals seek their remedy, or if the crown officers prepare a bill of indictment, the party having had the protection which such an investigation affords — for twelve men out of twenty-four must find the bill — comes before a court whose duty it is to state its opinion of the law and the facts; and if the jury find that the party has deserved the penalty of the law, he suffers that from which he should have been shielded by his own prudence and discretion. These are the principles by which public discussion is regulated, and I feel satisfied that while you will be disposed to cherish and protect the press, you will never sanction its abuse.

The course taken by the defendant has not been to induce you to believe that this paper is not a libel, but that he was acting under an impression that the charges were true, and that with that belief he admitted it into his columns. It is my duty to tell you that that is no legal excuse. If every word were true it would not be a justification; how then can he be excused? Surely not by the suppositions and impressions on his own mind. Malice is certainly one of the ingredients of a libel; but if a publication is libellous, and reflects on the characters of parties in such a way as to disturb the public peace, the law imputes

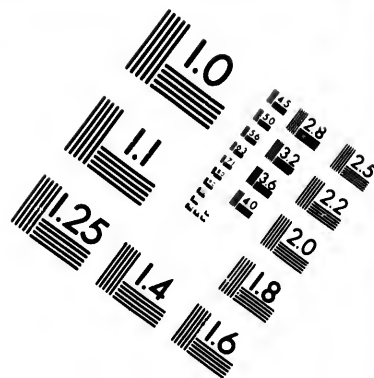
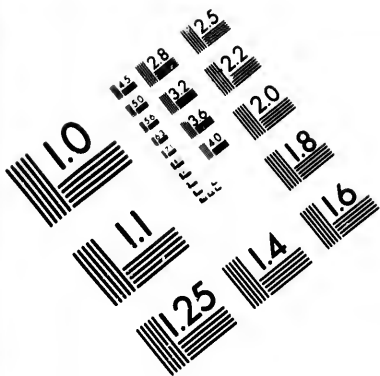
malice, and that imputation must be rebutted by the defendant. The onus of rebutting the legal inference lies upon him, but the only proof that we require in drawing that inference is the libel itself. [Here his lordship read and commented on the more prominent passages of the letter.] For this paper the grand jury have allowed the party to be indicted; they must have believed it to be of a mischievous tendency, else, their duty was not to have found a bill. In my opinion, the paper charged is a libel, and your duty is, to state by your verdict, that it is libellous. You are not bound by my opinion. You are not to be influenced by feelings, but to pronounce on the case before you according to the sober convictions of your own minds. If you think that this is not a libel, as a consequence, you must think that it bears no reflections injurious to the complaining parties. If this is your opinion say so; I leave the case in your hands.

[The jury retired for ten minutes, when they returned with a verdict of *Not Guilty*. The breathless silence in which it was heard, was broken by shouts of applause from the immense crowds in and around the court house. After receiving the congratulations of his friends who were immediately about him, the defendant begged leave to return thanks to the court for the kindness and consideration which had been extended to him throughout the trial. He trusted he had taken no liberty to which a British subject was not entitled, but he felt that the court might, as had been done elsewhere, have broken his argument by interruptions, and tied him up within narrower limits. On leaving the Province building he was home by the populace to his home, amidst deafening acclamations. The people kept holiday that day and the next. Musical parties paraded the streets at night. All the sleds in town were turned out in procession, with banners; and all ranks and classes seemed to join in felicitations on the triumph of the press. The crowds were briefly addressed by Mr. Howe from his window, who besought them to keep the peace; to enjoy the triumph in social intercourse round their own firesides; and to teach their children the names of the TWELVE MEN, who had established the FREEDOM OF THE PRESS.]

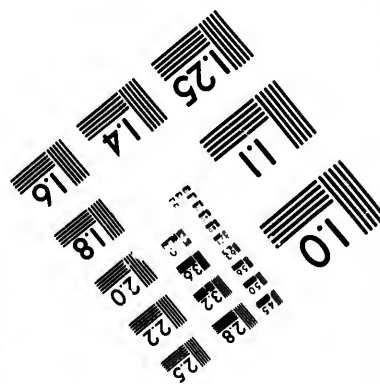
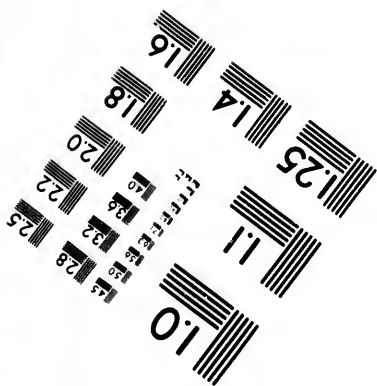
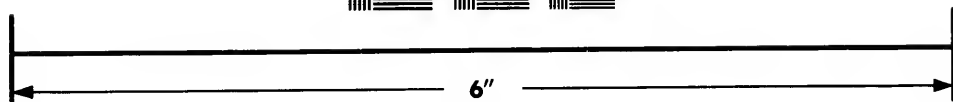
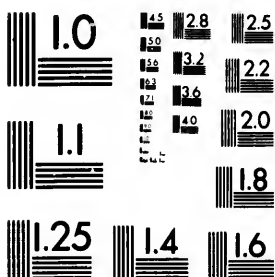
This ingenious and masterly defence, made for Mr. Howe, as might naturally be expected in a small community, some bitter and implacable enemies. The bold stand which he had taken against the bankers on the currency question, made some more, while the freedom with which he examined the very foundations of our provincial government, startled and alarmed a good







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many timid people, whose fears were excited by the misrepresentations and exaggeration of persons interested in the maintenance of the abuses which "the coming man" assailed. His popularity, however, steadily increased, and his name became more extensively known.

On the 18th of May, a silver pitcher was sent from New York by the Nova Scotians in that city, and at their request was publicly presented to Mr. Howe, in the Exchange, in the midst of his fellow citizens. It bears this inscription:—

PRESENTED TO  
**JOSEPH HOWE, ESQ.**  
 BY  
 NOVA SCOTIANS RESIDENT OF NEW YORK,  
 as a testimony of  
 THEIR RESPECT AND ADMIRATION  
 for his honest independence in publicly exposing fraud,  
 IMPROVING THE MORALS,  
 and correcting the errors of men in office,  
 AND HIS ELOQUENT AND TRIUMPHANT DEFENCE  
 in support of  
 THE FREEDOM OF THE PRESS.  
 CITY OF NEW YORK,  
 1835.

In the autumn of this year the serious derangements of the currency produced great commercial depression and gloom in the community. Many of the laboring and middle classes emigrated to the United States, and feelings of distrust and apprehension were wide-spread and very general in all parts of the country. Mr. Howe exerted himself to rouse the spirits of the people. In a series of articles he showed that the causes of embarrassment and depression were but temporary and would soon pass away; that the undeveloped resources of the Province were great and inexhaustible; that to fly from a country so richly endowed was folly and sheer cowardice; that prosperity would return with a sound currency, and that every community was subject to similar crises, which energy and perseverance invariably overcame. These appeals restored confidence and did much good.

Towards the close of the year Mr. Howe lost his father, at the advanced age of eighty-three. The personal appearance of this gentleman we remember very distinctly. He was taller and stouter than his son, strongly built, with a remarkably benevolent expression of countenance, and a fine head. The public references made to this estimable man have been already noticed, but in private life his son was never weary of expatiating on his virtues. "For thirty years," we have heard him say, "he was my instructor, my playfellow, almost my daily companion. To him I owe my fondness for reading, my familiarity with the Bible, my knowledge of old Colonial and American incidents and characteristics. He left me nothing but his example and the memory of his many virtues, for all that he ever earned was given to the poor. He was too good for this world; but the remembrance of his high principle, his cheerfulness, his child-like simplicity, and truly Christian character is never absent from my mind."

On the first of October, 1835, Mr. Howe commenced a series of articles that were afterwards republished in pamphlet form, and in which public attention was directed for the first time to the practicability and importance of connecting Halifax with all the counties lying round the Basin of Mines by means of a railroad to Windsor. Had this project been carried out twenty-two years ago, who can estimate the effects which it would have produced by this time upon town and country? Windsor, it may be safely assumed, would have been as large as Halifax was in 1835, and Halifax would have been far in advance of Portland or St. John. But Mr. Howe was not in the Legislature at that time, and there was not forecast and energy sufficient to grapple with an enterprise of so much magnitude and importance.

In 1836, several articles were written by Mr. Howe, calling public attention to the value of horticultural gardens, as schools of instruction, replete with genial influences, and repositories from whence would spread a taste for flowers and a knowledge of scientific horticulture. A society was formed shortly after, ground purchased, and the valuable gardens which now adorn the peninsula of Halifax attest the liberality and

zeal of those by whom they are owned and conducted. In the files of this year we find a lecture delivered by Mr. Howe, on the "Moral Influence of Woman," which, with some others, many of his countrymen will not regret to see preserved in this collection.

The House of Assembly was dissolved by proclamation on the second of November. It had not, in Mr. Howe's opinion, realized the expectations created in the public mind during the debates upon the Brandy question, and had utterly failed to carry out any organic changes in the structure of the Council, or improvements in the mode of administration, which he and many others so ardently desired. Up to this period my personal knowledge of Mr. Howe had been but slight, as I lived in the interior. We were both nominated and elected to represent the county of Halifax, in November, 1836, and, from that time to the present, we have been not only political but intimate personal friends, differing upon some questions, but agreeing in the main; and our social relations have never been disturbed by any conflict of opinion. When we met on the hustings, I had an opportunity of hearing Mr. Howe for the first time address a popular assembly, and was surprised, as his fellow townsmen generally were, at his command of materials and of language. Elections, under the old law, were not, as they are now, held simultaneously and determined in one day. An election for the county of Halifax lasted a fortnight. The candidates addressed the electors every morning and evening if they chose, and as often during the day as occasions arose out of the struggles of party or conflicting interpretations of law. But one or two speeches by Mr. Howe had ever appeared in print prior to this election, and I was not prepared for the perfect command of his audience, and for the readiness, tact, and humor, displayed by him from the beginning to the end of the contest. His majority at the close of it was upwards of one thousand votes.

From the speeches delivered during this election it is easy to gather the reasons which induced Mr. Howe to go into the Legislature. We give a single extract:—

But, it may be asked, what are these liberal opinions? What are you all contending about? I will tell you. As respects this town, we ask for a system of responsible government — such an administration of our municipal affairs as will give to the lower and middle classes that influence in society to which they are entitled, and place all the officers who collect and expend the people's money, under the people's control. Every complaint that has been hitherto made, has been answered by an obnoxious appointment, or an increase of expense. The grand jury turned out the clerk of the license, because he did not keep his accounts correctly. What was the result? Most of you know that a new one was appointed, and the fees of the office were doubled; but some of you may not know, that the law was so altered as to make what was an annual office, a freehold for life; giving the grand jury power to appoint a new officer, only when the situation became vacant.

As respects the general concerns of the Province, we ask for those free institutions, which, while they truly reflect the feelings of the people, shall best promote the happiness and prosperity of the country. The British laws are modified to suit the condition of the colonies, and we see no reason why British institutions should not be, in like manner, adapted to our situation. We are not such fools as to believe that the glory and the value of the British Constitution are to be found in the mace which lies on the table of the Commons, or the woolsack on which the Lord Chancellor sits; we know that its great corner-stone is responsibility to the people. In England, one vote of the people's representatives turns out a ministry, and a new one comes in, which is compelled to shape its policy by the views and wishes of the majority; here, we may record five hundred votes against our ministry, and yet they sit unmoved, reproducing themselves from their own friends and connections, and from a narrow party in the country, who, though opposed to the people, have a monopoly of influence and patronage. The sheriff admonishes me to be brief as we have much work to do. I will not trespass much longer on your time. But, gentlemen, in England the people can breathe the breath of life into their government whenever they please; in this country, the government is like an ancient Egyptian mummy, wrapped up in narrow and antique prejudices — dead and inanimate, but yet likely to last forever. We are desirous of a change, not such as shall divide us from our brethren across the water, but which will ensure to us what they enjoy.

Gentlemen, all we ask is for what exists at home; — a system of responsibility to the people, extending through all the departments supported at the public expense.

In his speech delivered at the close of the poll at Halifax, there is one of those outbursts of filial tenderness to which reference has already been made :—

Gentlemen, I will not detain you longer. Allow me to say in conclusion, that I have been proud and happy to see not only those friends come here to vote for me on this occasion who agree with me in political sentiment, but hundreds of those who have known me from a child, many of whom were my schoolfellows, or associates in the sports of boyhood, and whose familiar faces reminded me of many a joyous scene. Those who have known me best and longest, have been foremost in their expressions of confidence and esteem. I sincerely thank them, and shall endeavor so to conduct myself as still to preserve their friendship. Gentlemen, I was taught by the venerable being who has passed away, to respect my fellow creatures, and endeavor to do them good. I hope I have not forgotten, and never shall forget, the lesson. Pardon me, if, in this moment of triumph—overcome by my feelings—I am but a child. In those scenes of intellectual contention which await me—in those struggles for your rights and interests which are yet to come, I will, by the blessing of God, endeavor to be a man.

To secure representative municipal government for his native city, and responsible government for his native province, were the openly avowed objects which induced Mr. Howe to enter the Legislature. He was not tardy in commencing his work. The members were sworn in on the 31st of January, and on the motion to appoint a chaplain, Mr. Howe took occasion to claim for all religious denominations and creeds that perfect equality which has been since so universally recognized and firmly established in every part of British America. The doctrine propounded, however, sounded strangely in the ears of a great many people in 1837. Its general scope and tenor may be gathered from this, the first resolution ever moved by Mr. Howe in the House of Assembly :—

*Resolved*, That, representing the whole Province, peopled by various denominations of Christians, this House recognizes no religious distinctions, and is bound to extend not only equal justice, but equal courtesy, to all.

Up to this period, the Legislative Council, which was also



the Executive, sat with closed doors throughout the session. This practice, ridiculed and complained of for years, had survived the sharpest collisions of the brandy dispute, and had been left unreformed by the last House. The attention of the new one was called to it without delay. The routine business of the opening day having been dispatched, Mr. L. O'C. Doyle moved, and Mr. Howe seconded, these resolutions:—

*Resolved*, That the practice hitherto pursued by His Majesty's Legislative Council in this Province, of excluding the people from their deliberations, is not only at variance with that of the House of Lords in England, and that of several of the legislative Councils in the other British North American colonies, but contrary to the spirit of the British Constitution, and injurious to the interests and liberties of this country.

*Resolved*, That while this House has no desire to deny to the upper branch of the legislature the right enjoyed by the representatives of the people, and sanctioned by public opinion, of closing their doors during the discussion of questions of order and privilege, and on particular occasions, when the public interest may require secret deliberation, yet they should fail in their duty, if they did not express to His Majesty's Council the deliberate conviction of those they represent, that the system of invariable exclusion, pursued for a series of years, and still pertinaciously continued, is fraught with much evil, and has a tendency to foster suspicion and distrust.

*Resolved*, That this House is prepared to provide the expenses which may be incurred for the accommodation of the public in the legislative council chamber.

*Resolved*, That the clerk do carry these resolutions to the Council, and request their concurrence.

Mr. Doyle's speech on the occasion was spirited and to the point. Mr. Howe said:—

He trusted that all the members would approach the subject with the same spirit as himself. They had been sent there to do the public business, not to insult the members of the Council, and he could not conceive that their actions could be misinterpreted. From one end of the country to the other, the people were indignant at the idea of one branch of the Legislature sitting in secret conclave, to transact the public business. It was an insult to the people; and in England, the House of Lords,

with all their high rank and hereditary privileges, did not dare to shut the people out from their deliberations. It may be said, continued Mr. Howe, that this is mere matter of speculation, and that opening the doors would be productive of no benefit; but if good results to us from the publicity of our deliberations, what is to prevent the same cause from having the same effect in the other end of the building? At some other time it may be necessary to consider the structure of that body—to dissect it, and show to the country its unfitness for the purposes of a legislative assembly. But that is not the question now. He would ask, if the House would go on year after year, allowing one branch of the Legislature to close its doors to the people? Were the courts of justice to be shut up, he feared, from the natural infirmity of the human mind and the dangerous effects of secrecy, that those men who now discharge their duties upon the bench with honor and integrity, would be apt, when the public eye was removed, to become corrupt and unfit for their offices. He would ask, if it were necessary to keep upon the lower house, chosen as it was freely by the people, the salutary and wholesome check of the public eye, should it be said that that check was less necessary to a body influenced chiefly by placemen, whom the people could neither appoint nor remove? Why should the people of Lower Canada enjoy a privilege of which we were deprived? Why should the little island of Prince Edward, and Newfoundland, with its newly constituted legislature, be more favored than we? He would have felt himself guilty of a neglect of duty if he had failed to bring the matter before the House; but while the measure was a necessary one, it was proper to bring to it the best temper and spirit, and it would be perceived that the words of the resolutions were particularly respectful.

These resolutions, slightly amended, were passed unanimously, and sent to the Council. On the 4th of February they were answered. "His Majesty's Council," as it used to be called, denied the right of the House to comment on its modes of procedure. Whether their deliberations were open or secret was their concern, and theirs only. The subject had been under consideration, and they would consider of it again. Taunts were added to open defiance, and both Houses were thus fairly committed to a contest which was destined to take a wide range, embrace an extensive field of discussion, and engross public attention for a series of years.

Early in the session, a bill was introduced by Mr. Doyle for

reducing the duration of Parliament from seven years to four. Animated debates arose upon this measure. Mr. Howe's part in them was sufficiently conspicuous. He supported the bill. Mr. Stewart, who opposed it, and who resented Mr. Howe's newspaper criticisms upon the conduct of the last House, attacked him with great bitterness and severity, and challenged him to a discussion of the points involved, and to a defence of his opinions elsewhere expressed. We remember the scene as distinctly as if it occurred but yesterday. Mr. Howe had sat upon the red benches but four days. He was altogether unpractised and unknown as a parliamentary debater; and when one of the most able and experienced leaders of the Assembly — having hurled at his head sarcasm, argument and defiance — sat down, every eye was turned to the new member for Halifax, and a good many of his warm friends were doubtful of his ability to bear the shock. In the court and on the hustings he had astonished everybody; but the Assembly was a different scene. He might, or might not, be able to hold his own with half a dozen skilful and able debaters sitting around him, ready to search every joint in his armour. We felt that much in his future career depended upon his ability to bear that shock. As Mr. Stewart sat down, he rose, and without a moment for reflection or preparation, accepted the challenge, and hurled back upon him argument and sarcasm, with the nerve and boldness of a person very unlikely to be intimidated, and with the fluency of a practiced debater. From that moment, Mr. Howe might be said to have won his footing in the new House, and before the close of the session he was the acknowledged leader of the regular majority. We give this speech, not because there is any thing very remarkable in it, but because it marks a period in his public life and mental development to which his friends attach some interest: —

Mr. Howe was at all times anxious not to tire the House with much talking; he knew from experience that members were not inclined to waste time in listening to speeches not bearing on the question, or calculated to facilitate the business before the House. I have, said he, studiously refrained from making charges in this Assembly, upon those that preceded it. My opinions as respects their measures, I have elsewhere

freely expressed ;— for those opinions I am of course responsible ;— but, I presume that I can only be called on here to defend what I may say and do as a member of the House. As, however, the learned and honorable member from Cumberland has thought proper to challenge those who have elsewhere arraigned the conduct of the last House, and called upon them emphatically to meet him, and put their vague charges into shape and form, I, as one of those, am ready to accept his challenge, and to point him to some of the reasons which induced me to find fault, — which created dissatisfaction in the country — and which, I believe earned for that body a reputation that I trust the present House will endeavor to avoid.

I will not go into an elaborate review of all the measures of that Assembly ; but the learned gentleman will permit me to turn his attention to one of their earliest acts — to remind him that while yet fresh from the hustings, with popular professions and sentiments of patriotism on their lips, one of the first things they did was to increase their own pay. Was not this a measure calculated to arouse suspicion ? To excite the people's fears ? And though in itself perhaps a trifle, was it not a pretty decided indication of the spirit and leanings of that Assembly ? One of the next things they did was to double their Speaker's salary. The learned gentleman will perhaps also allow me to remind him of the commutation of the quit rents — that ridiculous arrangement by which £2000 per annum were taken from the resources of the country to swell the casual reve nues, by which the only chance for reducing our enormous salaries and making a satisfactory adjustment of the civil list, likely to occur for years, was lost to the Province, and the hands of those, already too powerful for mischief, were thereby strengthened. These are some of the things which that House did ; allow me to turn to some others which it neglected, and which this one has as yet shown no disposition to neglect, and I trust may yet accomplish. The learned member has talked in a sneering tone of what this House has already done. What has been done will be acceptable to the country, as at least a pledge that it intends to do much more. It has already recorded its opinion of the right of all religious denominations to perfect equality ; it has abolished one invidious distinction ; and I trust it will follow up that measure with another, which will drive the bishop from the other branch of the Legislature. The members of this House are the representatives of the people, composed of every religious creed, and it is their duty to see that no particular and favored church has its representative, as a matter of exclusive right, at the council board.

The learned member from Cumberland is fearful that the Quadren-

nial Bill is calculated to destroy the influence of this House upon the other branches; but I will ask him if the last septennial Assembly took any effectual steps to diminish the powers of His Majesty's Council? Did they ask for the removal of the bishop? Did they not leave the Chief Justice to preside over that board — to mingle in the strife of politics, and by his influence over the courts and the bar, to foster and maintain a narrow and illiberal party in the country, opposed to measures of reform, and the just claims and acknowledged interests of the people? I trust that this Assembly will endeavor, as far as possible, to draw a broad line of demarkation, separating the judiciary from politics, and for one, I am free to declare, that I will never rest until the Chief Justice is removed from the Council. I will ask the learned gentleman if the last House attempted any thing effectual to satisfy the general wish of the country, by improving the structure of that branch? Does he consider that body, as now constituted, such a one as ought to exist, to pass upon the measures of this House, and dispatch the business of the Province? He knows that members of that body are called upon in one capacity to make the laws, in another to administer them, and in a third to advise the executive as to their execution. Such a combination of powers is at variance with the principles of the British Constitution; and if it be true, as has been pretended, that the abridgment of the period to four years will fail to weaken their influence, I have little doubt that letting the public eye range over their deliberations will create a salutary check upon their conduct. But this House will fall short of its duty if it stops here; — it should endeavor to have a reconstruction of that body.

Having shown the learned and honorable gentleman, in answer to his defiance, my opinions of some of the acts and omissions of the past House, I will not occupy time longer with that subject. I support the present bill because I believe it will improve the character and increase the power of the popular branch, and because I am satisfied it will be acceptable to the people. It will give them more frequent opportunities of reviewing the conduct, and rewarding the faithfulness or punishing the neglect of members, and therefore I know that it must be practically useful. I will not libel the character of the constituency of the country, by attributing as some gentlemen have done, the results of the last election to mere accident. Here and there some local combinations, or some improper influence may have been brought to bear upon particular contests; but the electors in general knew well what they were about. I said on a former day that I was desirous of coupling this measure with the vote by ballot, but was afraid of endangering one good princi-

ple by seeking too much in the same bill. Yet I should have been ashamed to allow this to pass without giving fair notice of my intentions to bring the other forward at a future time. The honorable and learned gentleman from Cumberland has asked, if four years be good why will not one be better? If that gentleman's coat would wear well for four years, where would be the necessity for getting a new one every spring? But if it would not last seven, why should he wear it for three years after it became shabby and defaced?

The learned and honorable gentleman from *Juste-au-Corps*, has stated that he is opposed to the ballot; that he is only for a safe and moderate reform; and that he fears to introduce any new principle that has not been sanctioned by the practice of the mother country. For my part, I cannot altogether agree with him. I have not that pious horror of innovation with which some gentlemen are imbued. I do not think that the colonial legislatures should always shrink from the adoption of a sound principle till the Imperial Parliament sets them the example. Would the learned gentleman neglect to shingle his house till some wealthy neighbor over the way put his in a state of repair? I admit that innovations should not be hastily pressed in any country. I will not advise pulling down and changing merely for amusement—but am anxious that this House should, without reference to what may be done in other countries, or said across the water, ascertain where the shoe pinches *us*, and having done so, with a firm hand remove the evil. As regards the necessity for annual elections which learned gentlemen have urged, I am well aware that there are stratagems in politics as well as in war; and that when it is found impossible to break down a measure by fair argument, its opponents sometimes try so to extend the principle as to alarm the fears of those who seek only for rational reform. I am prepared to vote against the learned gentlemen; I will try the experiment of four years, and trust it will have a beneficial effect upon the legislation of the Province. References have been made to the law preventing the dissolution of the House on the demise of the King. I approved of that law. In England there are sound reasons for a dissolution; a new ministry comes in, as a matter of course. But what effect has the death of a dozen kings on the public affairs of Nova Scotia? They may pass away as rapidly as Banquo's ghosts vanish from the stage, without producing any sensible influence here. To follow out the principle fairly, the House of Assembly ought to be dissolved every time the colonial ministers are changed (and they are changed often enough, Heaven knows), for they are the real colonial kings.

I was not desirous, Mr. Chairman, to go back to former Houses of

Assembly, nor to pass any censure here, whatever I may have done elsewhere, upon their measures, but have been drawn into it by what was said by others. I have looked a little into the proceedings of former Assemblies; and so far as I am concerned, I am desirous to make the legislation of this House as little like theirs as possible.

During the week which followed the delivery of the Council's Message, there was much mirth and evident triumph in the Executive circles; much anxiety and deep indignation were plainly visible in the ranks of the Opposition. Two modes were suggested by which the crisis might be met. Mr. John Young moved two resolutions on the 14th of February, which were designed to be conciliatory, and to prevent open collision with the Council; while, at the same time, they expressed, in firm but respectful language, the views which the House entertained upon the single question under discussion. Had these resolutions been adopted, the new House, like the old, would have yielded under the pressure of His Majesty's Council, and all hope of improvement, either in the constitution of the country or in its modes of administration, would have been indefinitely postponed. Mr. Howe saw this clearly, and determined at once to grapple with the Executive, and lay bare the abuses which had accumulated under the old system of government. He moved, in amendment of those offered by Mr. Young, twelve resolutions, and explained and enforced the necessity for adopting them in a speech which occupied an hour and a half. The resolutions startled His Majesty's Council, but gave general satisfaction to the country. We reprint them, with the speech in which they were explained:—

1. *Resolved*, That a committee be appointed to draw up an address to His Majesty to embrace the substance of the following resolutions:

2. *Resolved*, That in the infancy of this colony its whole government was necessarily vested in a Governor and Council; and even after a Representative Assembly was granted, the practice of choosing Members of Council exclusively from among the heads of departments, and persons resident in the capital, was still pursued; and, with a single exception, has been continued down to the present time. That the practical effects of this system have been in the highest degree injurious to the best interests of the country; inasmuch as one entire branch of the Leg-

islature has generally been composed of men, who, from the want of local knowledge and experience, were not qualified to decide upon the wants or just claims of distant portions of the Province, by which the efforts of the representative branch were, in many instances, neutralized or rendered of no avail; and of others, who had a direct interest in thwarting the views of the Assembly, whenever it attempted to carry economy and improvement into the departments under their control.

3. *Resolved*, That among the many proofs that might be adduced of the evils arising from this imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the Assembly to extend to the outports the advantages of foreign trade; to the enormous sum which it was compelled, after a long struggle, to resign for the support of the customs establishment; to the difficulties thrown in the way of a just and liberal system of education; and to the recent abortive attempts to abolish the illegal and unnecessary fees taken by the judges of the supreme court.

4. *Resolved*, That while the population of this Province is composed, as appears by the last census, taken in 1827, of twenty-eight thousand six hundred and fifty-nine members of the Episcopal Church, and one hundred and fifteen thousand one hundred and ninety-five Dissenters, which proportions may be assumed as fair at the present time, the appointments to the Council are always studiously arranged so as to secure to the members of the Church, embracing but one-fifth of the population, a clear and decided majority at the board. That there are now in the body eight members representing the Church; that the Presbyterians, who outnumber them by about nine thousand, have but three; the Catholics, who are nearly equal, have but one; while the Baptists, amounting by the census of 1827, to nineteen thousand seven hundred and ninety, and the Methodists to nine thousand four hundred and ninety-eight, and all the other sects and denominations, are entirely unrepresented, and shut out from influence in a body whose duty it is to legislate for all.

5. *Resolved*, That while the Catholic bishop has no seat at the council board, and while clergymen of all other denominations are, as they ought to be, carefully excluded, the bishop of the Episcopal Church always has been, and still is a member.

6. *Resolved*, That while Dissenters, as they have a right to, justly complain of a state of things so exclusive and insulting, they would regard its continuance with more indifference, if it did not lead to a general and injurious system of favoritism and monopoly, extending throughout almost every department of the public service over which the local government have control; thereby vesting in the hands of a part of the



population the resources arising from the industry of the whole, and creating invidious distinctions and jealous discontent in the minds of large numbers of His Majesty's loyal subjects.

7. *Resolved*, That two family connections embrace five members of the council; that, until very recently, when two of them retired from the firm, five others were copartners in one mercantile concern; and to this circumstance may be attributed the failure of the efforts of this Assembly to fix a standard of value, and establish a sound currency in the Province.

8. *Resolved*, That the Assembly of this Province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines. But this House regret that hitherto their efforts to obtain justice in this respect have been unsuccessful. The lands of the Province are, in effect, mortgaged to pay to the commissioner a salary out of all proportion to the services he is called on to perform; while all the mines and minerals of the Province have been leased for sixty years to a wealthy English company, without the consent of and independent of all control by the representatives of the people.

9. *Resolved*, That apart from the mere question of judge's fees, which this House has pronounced, and still believes to be, unconstitutional and illegal, the presence of the Chief Justice at the council board is unwise and injurious, having a tendency to lessen the respect which the people ought to feel for the courts over which he presides. From the warm interest he has always manifested in public questions, and particularly in some of those in which the Representative branch and His Majesty's Council have been diametrically opposed, and from the influence which his position gives him over a numerous bar, he has generally been regarded as the head of a political party; and frequently been brought into violent conflict with a people imbued with the truly British idea, that judges ought not to mingle in the heats and contentions of politics.

10. *Resolved*, That the evils arising from the structure of His Majesty's Council, and the disposition evinced by some of its members to protect their own interests and emoluments at the expense of the public, are heightened and rendered more injurious by the unconstitutional and insulting practice, still "pertinaciously adhered to" by that body, of shutting out the people from their deliberations. This practice they still maintain, although it is opposed to that of the House of Lords in England and that of the Legislative Councils of Lower Canada, New Bruns-

wick, Prince Edward Island, and Newfoundland; and notwithstanding the murmurs and complaints of the people for a long series of years, and the repeated representations and remonstrances of this Assembly.

11. *Resolved*, That while the House has a due reverence for British institutions, and a desire to preserve to themselves and their children the advantages of that constitution, under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in these blessings. They know that the spirit of that Constitution — the genius of those institutions — is complete responsibility to the people, by whose resources and for whose benefit they are maintained. But sad experience has taught them that, in this colony, the people and their representatives are powerless, exercising upon the local government very little influence, and possessing no effectual control. In England, the people, by one vote of their representatives, can change the ministry, and alter any course of policy injurious to their interests; here, the ministry are His Majesty's Council, combining Legislative, Judicial, and Executive powers, holding their seats for life, and treating with contempt or indifference the wishes of the people, and the representations of the Commons. In England, the Representative branch can compel a redress of grievances, by withholding the supplies; here, they have no such remedy, because the salaries of nearly all the public officers being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under Imperial acts, a stoppage of supplies, while it inflicted great injury upon the country, by leaving the roads, bridges, and other essential services unprovided for, would not touch the emoluments of the heads of departments in the Council, or of any but a few of the subordinate officers of the government.

12. *Resolved*, That, as a remedy for these grievances, His Majesty be implored to take such steps, either by granting an elective Legislative Council, or by such other reconstruction of the local government, as will insure responsibility to the Commons, and confer upon the people of this Province, what they value above all other possessions, the blessings of the British Constitution.

Mr. Howe then rose and spoke to the following effect. I wish, Mr. Speaker, either that I had the abilities, the eloquence, and the logical mind, of the honorable gentleman from the county of Sydney, or that he had taken the same views that I do of the present question. Or, sir, I wish that I possessed your fine talents and graceful oratory, that on a

former occasion rescued this House from the degrading position in which it was sought to be placed by His Majesty's Council; or that having to rely upon the feeble powers of my own mind, it was less clouded by sad thoughts than it is now.\* The subject before us is, in itself, sufficiently serious and depressing; and I beg to assure gentlemen all around, that it has been to me a source of infinite anxiety and solicitude. I feel that not only this House, but the country it represents, is placed in a position the most degrading; that we are cursed with a form of government which is not that under which we can ever hope to prosper. Some gentlemen may perhaps imagine, that I and others have sought the necessity which now forces us into this discussion, that we intended it from the outset; but I beg to assure them that nothing was further from my thoughts. I felt anxious that the doors of the Council should be opened, and intended, some time before the close of the session, to invite the attention of the House to what I conceived to be imperfections in the structure of that body; but I had no idea that the two questions would have been blended; and when my honorable and learned friend from Isle Madame consented to strike out of the resolutions the only words that could, by any possibility, be deemed offensive, I felt assured that the Council would yield to our reasonable demand, and that that branch of the subject was forever set at rest. I knew that it was the right and the duty of this House to represent to either branch of the Legislature the views and wishes of the people, and, as we had sent up a temperate and respectful remonstrance, one with which the Council might, with a good grace, comply, I hoped that there would have been an end to the matter, and that we were rid of a vexed and troublesome question. I need scarcely turn your attention to the character of the answer; if I was more than ordinarily excited when it was read, it was because I felt indignant at the treatment which the whole Province, in our persons, had received; and I appeal to the honorable and learned gentlemen who opposed those resolutions, whether the answer, read by the deputy clerk at the bar, did not make their blood boil with indignation? Sir, I know they felt as I, as all who sincerely love the country in which we live must have felt, that the people of Nova Scotia and their representatives were placed in a perilous and degraded situation, if such insults could be offered unrebuked. That while we possessed the name of Britons — that while we were accustomed to read British books, and study the British law, we were without either the spirit or the forms of liberty enjoyed by the great country to which our affections cleaved. Then

\* His mother, to whom he was much attached, died on the 14th February.

it was that the conviction flashed on my mind that the time was come — earlier, it is true, than I had expected — when we would be compelled to revise our local government, and mould it to a form more consistent with the rights and liberties of the people.

Sir, when I listened to that message, I could not but reflect how exalted must be the opinion entertained by those who sent it, of their own impunity and power, and how contemptible an estimate they must have formed of the dignity and privileges of this House; and, when I turned back to the numberless insults which this Assembly had received in former times, I could not but feel that the time had indeed arrived for advocating an entire reconstruction of the upper branch.

Sir, I had hoped to be able to bring this subject before the House in a manner suited to its importance, but my time and thoughts have been much occupied with other affairs. I have, however, drawn up some resolutions that embody my own views, which I shall endeavor to explain as I go along. But that gentlemen may not suppose I am anxious unnecessarily to excite their feelings — that I am not enlarging on grievances which exist only in my own imagination, I shall take the liberty of quoting your own words on an occasion similar to this; and, though I possess not your ready eloquence and clear, perspicuous mind, I trust that I feel as deeply as you did the situation in which we are placed. You, sir, on the 1st of April, 1830, characterized the Council's interference with the revenue bills as "*a new lesson of degradation to be taught to this Assembly.*" A "new lesson;" you, sir, and the older members of this House, know how many had gone before. "When," said the Speaker, on that occasion, "we return to our homes, we should tell our constituents not to be deceived; that *their representatives possess neither power nor influence*; to address no more idle petitions to us; but to alter the address and send them to the other end of the building." And again, "Tell not the inhabitants of Nova Scotia that they enjoy a free government; they have it not; the voice of their representatives is outborne and rendered of no avail, when it militates in the slightest degree with the views of His Majesty's Council." Sir, what was true then, is true now; the species of insult which called for that indignant language, has but assumed another form; what you felt then, members all around feel at the present time; and, for myself, I cannot disguise the fact, that if this House submits tamely to the recent insult, nay, if it allows the body which has offered it longer to distract the peace and encumber the legislation of the country, it will be indeed degraded; and a seat upon these benches, instead of conferring an honor, will be a mark of disgrace.

I have listened with attention to the language and the resolutions of the honorable member from Sydney, and I fully appreciate the love of peace, and the desire for conciliation, which he has displayed. But I am sorry that I cannot support his proposition, because it neither meets the difficulties of our position, nor sustains the dignity of this House. The result would only be to induce a second insult, because if the Council are consistent, they will either hold no communication with you on the subject, or send down their deputy clerk with another insulting message. With them I would, on this subject, hold no further intercourse; the ordinary business of the session must be gone through with them, that the revenue may not be lost or the country injured, but let us seek redress elsewhere; let us go at once to the foot of the throne, and ask His Majesty not only to open the doors, but to reconstruct the Council. Let this be our answer to their message; I am content that no other should be given. I am willing to let that document circulate as freely over the Province as the four winds of heaven, to have what effect it may; I know that it will be rightly estimated by the people; they will weigh it against our firm but temperate resolutions, and will not be deceived. Let us then leave it to its operation; let us be careful not to court further insult, but let us at once go to the root of the matter, and present a comprehensive address to the crown. With this object before me, I have drawn up these resolutions, which, if they are not as perfect as they might have been, had I had more leisure for reflection and research, express my own views, and trace out the line of conduct which I trust this House will be disposed to adopt. There may be errors, but, at all events, they embody and state those grievances which press most strongly on my own mind; and I wish to go at once to the fountain-head for justice; to appeal from the Council to their master; to ask him who should be the father of his people, wherever their lots are cast, and who has no more interest in refusing his rights to a Colonist than to an Englishman, for a revision of our local government. We may bandy words with His Majesty's Council — we may send a saucy message by our deputy clerk — but to what end? At last we must resort to what I now propose, and therefore I trust that gentlemen will see the propriety of doing it at once. Mr. Howe then turned to the series of resolutions published in the last Nova Scotian, and reading that marked number one, for the appointment of a committee to draw up an address to His Majesty, and number two, referring generally to the choice of all the members of the Council from the capital, he descanted on the absurdity of selecting an entire branch of the Legislature, that was to pass upon the business of the whole country, from one particular

town. This was no new complaint ; it had been constantly urged. Mr. Stewart in March, 1833, had, in his place, declared, that "besides its own representatives, Halifax had many non-resident members, and had besides *an entire branch of the Legislature, sitting in secret, and exercising a controlling influence over the Assembly.*"

Though he differed with the honorable and learned member from Cumberland in many things, he admired his fine talents, and had often listened with pleasure to his indignant denunciations on this and other subjects on which they agreed. Was there not good reason to complain on this head? He had travelled, perhaps, as much over the Province as any person of his age ; but how could he pretend to represent distant counties, the high roads of which he had only ridden over once or twice, but of whose local wants and wishes he knew absolutely nothing — and yet, here was an entire branch of the Legislature, almost every member of which knew comparatively less. Some persons may, sir, be surprised that being myself a resident in the town, I am anxious to do this justice to the country ; they may suppose that it is the interest of those I represent to accumulate in the capital all the honors, and power, and patronage of the government ; but, for myself and my constituents, I disclaim any such narrow and illiberal feelings. We seek for no advantages but such as arise naturally out of our situation ; we repudiate the ancient prejudice that the town and country have separate interests ; we wish equal justice and a fair participation in the influence and advantages of the government to be extended to all. And we know that it is practically absurd, that men without local knowledge and experience should have the right to legislate upon all the roads, bridges, and peculiar interests of important sections of the country, which they cannot possibly understand. For the proofs of their incompetency, their ignorance, their local prejudices, I did not think it necessary to turn to the dusty records. The impressions are too strong upon my own mind, and I appeal to the older members of this Assembly to say whether they want evidence to enable them on this resolution to come to a conclusion. We may differ as to the mode by which a new council is to be created ; some of us may be in favor of election ; others may be anxious that the Governor should select them from the towns and counties ; but all must agree that such a body as this ought not for a session to exist.

Mr. Howe then read the third resolution, referring to the mode in which the influence of the Council had been brought against that of the Assembly, in reference to foreign trade, the custom house salaries, education, and the judges' fees ; and quoted Mr. Stewart's declaration on a former occasion, that "Some five or six years ago the Council were

asked to concur with the House in a request *that the quit rents might be abandoned*. They refused, but thought that £2000 ought to be given as a commutation; and the next thing was a proposition from the government at home *to that effect*." Similar language was held by Mr. Murdoch, a gentleman who was an ornament to the profession to which he belonged, and to the House while he was a member—a gentleman whom, though he could not on principle support him in a recent contest, he regretted was not still upon the benches. Mr. Murdoch had declared in his place, that "when sent to ask the Council to join the House about the quit rents, he found that *they placed themselves in the gap* against the wishes of the House—*against the wishes and interests of the people*." In 1829 and 1830 they pursued the same course, standing aloof from this branch of the Legislature, *and throwing their weight in the opposite scale*." Sir, this is the policy which His Majesty's Council have steadily pursued. They have invariably, upon all great questions, hung like a dead weight on the efforts of this Assembly. With the conflicting views of gentlemen who differed as to the degree of freedom in the prosecution of foreign trade it was expedient to extend to the out ports, I have nothing to do;—we may differ as they did; but the question is, shall the requests and representations of a majority of this House, representing the whole Province, after grave deliberation and debate, be defeated by the secret dispatches of a little knot of persons selected from a single town. In this, as in other matters, they did not truly represent the wishes of the people among whom they live. We ask for no monopoly of trade; we wish not to build up our prosperity on the ruin of other sea-ports; we believe that all should share in the blessings of commerce, so far as is compatible with the security of all. But, sir, while His Majesty's Council are desirous to confine all trade to this town, they have never been anxious to lighten its burdens. Did they join this House in endeavoring to remove the fees? to reduce the expenses of the customs? No; and why not? Because the collector and his friends, and the comptroller's friends, had an overpowering influence at the board, and because it was necessary to protect their interests at the expense of the public. Had that body joined this House upon this question ten years ago, at least £20,000 might have been saved to the country. Another mode by which members of the Council have sought to strengthen and extend their own power and influence, has been by monopolizing the education of the country. For many years four-fifths of the population were shut out by religious tests from the only institution at which any thing like a liberal education could be procured; and to which, from its position, and the costly habits encouraged at it, but few except the sons

of the councillors and great officers of the government could be sent. To protect the interests of this institution, although of late years the tests have been removed, the most determined hostility has been displayed towards every other establishment which might interfere with its monopoly, and diffuse among the mass of the people the blessings of education. Need I remind gentlemen of the inert condition of the Dalhousie College; of the long and disheartening contests, ending in the partial ruin of the Picton Academy? Though I have often differed with you, Mr. Speaker, and have sometimes attacked you, I never can forget your struggles against this baneful influence, for the establishment of a cheap and liberal system of education in the country. I have often listened with delight to your indignant denunciations of that system, and, when I have felt most disposed to find fault, most anxious to assail your public character, I have felt that your efforts for education might atone for many errors. One consequence of the monopoly which this Church and Council party had for years of the higher branches of education, has been, that they have never been without the aid of some of the most brilliant and highly cultivated minds in the Assembly, which, attached to their interests, and educated at the exclusive seminary at Windsor, have, with few exceptions, been their ablest and most determined defenders. But, sir, with all their efforts they could not dam up the streams of knowledge; they could not compel all our youth to pass through their narrow portals; they could not keep down the Provincial mind; and, while I am happy to see upon these benches the talented graduates of Windsor, I thank God that the alumni of the fields, the workshops, and the printing offices, are springing up over the length and breadth of the land, to divide the intellectual arenas with them.

Mr. Howe then read and supported the fourth resolution, that exhibited the relative proportions in which Churchmen and Dissenters were represented in council. The facts which it stated were not to be denied; it was impossible that these things could be the result of accident. We might be told that a feeling in favor of the old loyalists and their descendants was at the bottom of the system; but there were other motives; and, while in the Council, on the bench, in the list of sheriffs, and in almost every department and little commission upon which the influence of His Majesty's Council could be brought to bear, he found an overwhelming preponderance of Churchmen above Dissenters, he had a right to reason upon the fact, and to charge such a system upon those by whom it was upheld. I am happy, sir, that I can exempt the great body of Churchmen in this Province from any wish to perpetuate this system. I do not believe that there is among any large portion of my countrymen



any desire for political preference founded on religious distinctions. They ask that all shall be free and equal in the eye of the government and the law; and Churehmen, as well as Dissenters, know that in such a country as this, their faith can only flourish by the zeal, piety, and self-denial of its ministers. They dislike as much as I do this blending of Church and State, to extend the influence and cement the power and patronage of a few.

The fifth resolution referred to the bishop's seat at the Council, to which he did not hesitate to attribute many of the evils of which he complained. He was well aware that he would be met by the argument, that in England the bishops had seats in the House of Lords. But if they had, what was that to us. If, from peculiar circumstances that did not operate here, the government in England had become incorporated with the Church—a union that now was felt to be burthensome and impolitic by a vast majority of the nation—why should we copy the cumbersome machinery and imperfections of the old world which were inapplicable to the new? Why should we create invidious distinctions among our population, justified by no necessity of state? Ought we not rather to ask ourselves, what is suited to our condition—what is right, what is just, and expedient, under the circumstances in which we are placed; and, having found the answer, act with uprightness and decision?

The sixth resolution, complaining of the distribution of patronage, he read and illustrated by references. The Church had in the Council eight, the Dissenters four; all the judges of the supreme, and all of the inferior court but one, were Churehmen; so were eight or nine out of twelve of the high sheriffs; and, as honorable gentlemen from the country well knew, nearly the same proportions were preserved in all the little appointments throughout the towns and counties. If patronage was distributed according to population, the Church would have in the proportion of six and a half to twenty-five and a half; whereas it now had twenty-three to nine, although only embracing one-fifth of the inhabitants. This was a system that was unfair and unjust—one that he would oppose with all his might, and that the country would never submit to. The evils, the heart-burnings, and the discontent which it was calculated to engender, flowed naturally from the faulty structure of the Council, and its extraordinary combination of powers.

By the seventh resolution, he had stated that "two family connections embraced five members of the Council; and that, until recently, when two of them retired from the firm, five others were copartners in one mercantile concern." To be sure, this was not quite so bad as the Council which formerly existed in what is now the State of Maine,

composed entirely of one family — or equal to some of the Irish corporations, constructed on a similar principle ; but it was bad enough. It was melancholy to reflect that the views of fifty men, chosen by the people of Nova Scotia, might, after a month's grave deliberation, be defeated, whenever the Council was not quite full, by a combination of two families. Then, until recently, the old Banking Company had the same power, and exercised it, too, on more than one occasion. And, sir, whenever, in private conversation, I have supported the application of the elective principle to the upper branch, and have been told of the paucity of materials, the want of judgment and discretion on the part of the people, I have pointed to these five copartners, and asked triumphantly if the people would ever have committed such a blunder as that? No, sir; though, if they had the power, they might, as they sometimes do in organizing this Assembly, make a foolish selection, they would never be guilty of such absurdities as these. Think you, that they, had they wanted a legislative body composed of twelve, would ever have gone down to the Halifax Bank, and selected five out of eight of its partners? It is true, that, since they quarrelled among themselves, two of them have retired from the firm; but for years the whole five sat at the council board, and the effect of their legislation on the currency, and on the repeated decisions of this House, I need not take the trouble to explain. Sir, I do not wish to be personal; it has never been my desire unnecessarily to annoy; I never strike a blow that is not called for by a public necessity: but I do not hesitate to affirm my own belief, that, had it not been for the presence of those five bankers in the Council, we would not now have been left without any standard of value in the country, and with one currency for the rich and another for the poor. Three of those copartners are still members of the Council; — they compose one-fourth of the whole body; and members, to satisfy their minds of the magnitude of this grievance, need only inquire whether the people would have been mad enough to choose one-fourth of this Assembly — twelve out of the forty-nine — from one monied institution. And if they had done so, would we not view with jealousy and suspicion all that those partners said and did in this Assembly? When they were wrong we should attribute to them selfish motives, and give them no credit when they were right. To this fate are the bankers in the Council condemned, and their continuance there is a practical and notorious evil. If I am not reasoning justly from admitted facts, let the older members of this Assembly correct me. Upon this theme I have often listened to the indignant eloquence of some of them. The present Judge Bliss, — than whom no man was more capable of forming an opinion, — who is

now an ornament to the bench, as he was then of this Assembly, said in 1833, "that the combination of bankers in the Council would be fair ground of suspicion, even if nothing could be charged against them; but, in the face of nets so daring and injurious, who could reflect upon the matter without the most serious apprehension?" If upon these matters I came here merely to excite suspicions, and create useless agitation, I should be ashamed to occupy the time of this Assembly; but, sir, I give you as proofs that this is not the case, the public declarations of senators and judges, some of the ablest men in your country; and, if I am laboring to deceive you, they have taken great pains to deceive us all.

In support of the eighth resolution, which relates to the casual and territorial revenues, I scarcely need to produce any argument; the claims which are embodied in it have been matters of discussion for years; the main facts, and the reasoning arising out of them, are familiar to all our minds. Gentlemen will observe that I do not touch the question of the utility of the Mining Association to this Province, or the expediency or in expediency of interfering with their operations; I merely state the manner in which our mines and minerals have been transferred. My own opinion has always been, that they should have a chance to get back a fair profit on their outlay; but, if the principle be sanctioned that the mines and minerals of Nova Scotia can be given away to a needy Duke, and seized by his creditors in England, without any consent of the Provincial Legislature, and that all the wild lands of the Province can be given to another individual for an inheritance, there is no security for prosperity and peace in the land in which we live. As respects the commissioner for crown lands, I believe there is scarcely a dissenting voice in this House, or throughout the country.

The next resolution (the ninth) referred to the presence of the Chief Justice at the council board, the influence he exercised, and the tendencies of his position. He wished to make no improper charge against the Chief Justice; he respected his talents and integrity; he had been tried before him once, and should be happy to be tried before him again. He meant that if he were selecting a person to do impartial justice between one man and another—a judge into whose court he would go satisfied that the law would be impartially administered, the Chief Justice would, perhaps, be the man; but he would not permit the head of the judiciary to sit in the Legislative Council, or mingle in the heats and contentions of politics. He referred to the effects of the jostling on the brandy question, to the fate of the bills abolishing the judges' fees. Had Judge Haliburton not been in the Council, would that unfortunate dispute ever have occurred? or would not the bills abolishing the fees have

passed with but little opposition? and if they had, was there any doubt but that the Governor would have given his assent? In nine cases out of ten, if the views and wishes of the Colonial Assemblies were understood by the government at home, and if their decisions were not swayed by the intrigues and representations of interested parties on this side the Atlantic, His Majesty and his ministers would be disposed to do us justice. The people of England have no interests opposed to ours. Mr. Howe then referred to the influence which the Chief Justice wielded over the hopes, and fears, and prospects of some seventy or eighty lawyers, and several hundred students, spread over the country, who naturally imbibed his political opinions, and were apt to support him against the views and interests of the people. Such men as the learned member from Cape Breton, or *Juste-au-Corps*, might, from the possession of wealth, or the force of talent, brave this influence; or his honorable and learned friend from the *Isle Madame*, who always thought of his own interest last, might disregard and defy it, but, nevertheless, over a large class of the less able and independent it was all powerful. For this reason, and many others equally sound, he was anxious to remove the Chief Justice from the Council. Let us, said he, act decisively on that truly British idea, that judges should be kept from the heats and contentions of politics. While we battle with each other in the open fields of political strife, while the conflicts of opinion rage without and within these walls, while we struggle and contend for the mastery, let us have some sacred tribunal to which, when blinded and agitated by passion or interest, we can all with confidence appeal. I implore the members of this Assembly, of every party and of every creed, to set apart some sacred and holy place, untroubled with the storms without and untainted by the faintest breath of suspicion, to which, when society is convulsed, and the imperfections of our nature have kindled into strife, we can all repair for justice, the surest foundation of peace.

The tenth resolution, which related to the closed doors of the Council, he would not occupy time in discussing; he felt that it would commend itself to the mind of every man who heard him. But, said Mr. Howe, as much has been said, and some misconception may have gone abroad, as to what fell from me on this subject on a former day, I wish His Majesty's Council to understand the peculiarly ridiculous position in which they are placed. Though suspected of urging to violence, I have invariably pressed reformers to keep within the boundaries of the Constitution and the law; and I am prepared to maintain, that, without transgressing these, the people may, whenever they find the door unlocked, walk into the council chamber. Suppose one hundred persons ap-

proached the door of our lobby and find that it is not locked: they walk in, as a matter of course. But suppose they choose to visit the other end of the building;—if the doors are not locked, *and* they walk in and take their stand without the bar, how are they to be displaced? How will the Council get them out? Will they send and borrow our serjeant-at-arms to displace them, *or* will they order Joe Skallish to arrest the ringleaders? No, sir, they *can do* neither; and the only way in which they can remove the *people*, is by some member rising in his place and requesting that the lobby may be cleared. If the people then peacefully retire, I contend *that* there has been no outrage;—they have but used their undoubted right, *and* yielded to the exercise of the Council's privilege. But if this were done five or six days in a week, the Council would be compelled to yield; and I only make this statement to show to the members of that body in what a miserably helpless plight they are, even with all the protection of the Constitution and the law; and I think it must satisfy gentlemen who were so loud in their exclamations, that they had not examined the question in all its bearings.

But, sir, I am approaching now the root of all our evils. The points which we have thus far discussed are comparatively insignificant, when we come to survey that gross and palpable defect in our local government—I mean the total absence of all responsibility to the Commons. Compared with the British Parliament, this House has absolutely no power. We meet like a grand jury, examine a few accounts, but we cannot expend a shilling without the consent of the Council, and, in fact, have no constitutional influence over the branches of the government. [Here he referred to and read the eleventh resolution.] I ask, sir, in this resolution, for nothing more than British subjects ought to have. If the statements in it are true, I appeal to any gentleman who hears me to say whether we have any thing but a mockery of the British Constitution. An Englishman would consider himself no better than a Russian, or a Turk, if he had no other guards for liberty than these. Had it been necessary, I could have turned back to the proceedings and debates of this Assembly, and accumulated abundant evidence of the correctness of the views I take; but I have already been compelled to occupy too much time. You, sir, once declared “that this House formerly possessed a salutary control over the officers of the government who had seats in His Majesty's Council, because their salaries depended on the revenue bills, and anxious were they indeed to have those bills sent them from the Assembly. But now, I will ask, what control has this House over the Council? By permanent bills we have provided permanent salaries, and hence the destruction of the constitutional control.”

Though you take no part in this day's debate, I know you feel the insult recently offered to this Assembly, and, when your own language is recalled, must acknowledge that no improvement has taken place; and however such a state of things may have suited the early condition of this country, it is incompatible with our present advancement, and ought not to be tolerated for a single year.

When an Englishman in Turkey or Russia, hears of a change of ministry at home, whatever party is in the ascendant, he feels a thrill of pride. To him it is a manifestation of popular spirit, acting upon and changing the policy of the government; and he knows that so long as such changes take place — so long as a vote of the Commons can reconstruct the government, British liberty is secure. But, were I to search our records, I could accumulate such a pile of votes expressive of a want of confidence in our ministries, as the table could scarce contain; but still they keep their seats, and to this hour there is no effective control. This would be bad enough, if they did not on all occasions treat the people and their representatives with contempt, and heighten the irritation of their acts by uncivil language. But let us have no more bandying of words, no more grasping at shadows; let us go to the foot of the throne, and seek the substance of a useful reform. Gentlemen will probably ask here, What remedy do you propose? and I must confess the importance of that inquiry. Though young, my own mind has often been painfully exercised upon this subject; it has cost me many an hour of anxious deliberation. You are aware, sir, that in Upper Canada an attempt was made to convert the Executive Council into the semblance of an English ministry, having its members in both branches of the Legislature, and holding their positions while they retained the confidence of the country. I am afraid that these Colonies, at all events this Province, is scarcely prepared for the erection of such machinery; I doubt whether it would work well here; and the only other remedy that presents itself is, to endeavor to make both branches of the Legislature elective. I know that some members' minds will be startled by this declaration, but what else are we to adopt? Looking to our present position — turning to the evils of the past, I ask, with the speaker on a former occasion, "Will it not be said that it is high time that the people of this Province were turning their attention to the constitution of that body which has brought those evils upon them?" It is time, sir, and therefore I have prepared this resolution, calling upon the crown, "either by granting an elective Council, or by such other reconstruction of the local government, to ensure responsibility to the Commons."

The honorable and learned gentlemen from Cumberland, and other

members of this Assembly, I am aware, contemplate the separation of the Legislative from the Executive Council, leaving the whole to be appointed by the Governor. But would this mend the matter? Would this give control? It would be only cutting a rotten orange in two, in order to improve its flavor. In England, the hereditary peerage furnishes abundant materials to construct the upper branch; but suppose those materials did not exist, would the people, if they were forming a government favorable to liberty, commit to the crown the entire construction and control of that branch? No, sir; if the scale was inclined at all, they would strengthen the hands of the people; if too much power must be given or retained, they would err on the side of responsibility, and keep it in their own hands. One question to be determined is, whether or not we have the materials to form an elective Council. I have satisfied myself that they are abundant. Suppose that you were to take any twelve members, as they sit around these benches, would you not have quite as good a Council as that in the other end of the building? Sir, the materials are in the country, and if the qualifications for candidates and voters were raised, by a simple but effective machinery which would not take half a day to arrange, a respectable and disinterested upper branch might be constructed, that would rid us of many of the evils of which we now complain. The honorable gentleman from the county of Yarmouth spoke the truth, when he said the other day, that he had left at home more talented men than those whom his constituents sent to this Assembly. This is true of nearly all the counties; for if this House is chosen from among the best materials in the Province, there are enough remaining as good, if not better, to send twelve or sixteen members to the other end of the building; and if they were sent, they would transact the public business with more local knowledge and less selfishness than the present members of His Majesty's Council. Would not the honorable member from Lunenburg make quite as good a councillor as Mr. Collins? would not my honorable friend from Falmouth fill Mr. Binney's seat to advantage? and if the people had the power, would they not elect such men? and if they did, are there not others to fill their places on these benches? Would not the people of this Province, who understand their own affairs, who know the upright and clever men in the towns and counties, make quite as good selections as a Colonial Secretary on the other side of the Atlantic? We know how these selections are usually made. When a man forfeits the confidence of the people and is turned out of this Assembly, he is often popped into the other branch; so long as he retains the confidence of the people, he has no chance of obtaining a seat. Mr. Lawson, though

wealthy, and fairly entitled to the notice of the government, never got into the Council, and why? Because he was too plain spoken, and would not bend to the views of that body. He lost his seat here, merely because he had accepted an obnoxious office; but during the long period that he served the country in this House, he had no prospect of becoming a councillor, but now, perhaps, he stands a better chance.

I know that I shall hear the cry of republicanism, and danger to the Constitution, but where is the danger? We have reduced our own term to four years; suppose that the franchise was raised, and councillors elected for seven, they would neither be chosen at the same time nor subjected to the same influence as this Assembly. They would represent another class of voters, but yet be intimately connected with the welfare and prosperity of the country. But suppose we carry our ideas of danger further. Suppose the two bodies set themselves in opposition to the crown, what can they do? Can they, in the name of heaven, raise rebellion in a little Province, with a population of one hundred and eighty thousand? Would our choosing twelve councillors lessen the hold which the mother country has on our affections? The Governor would still pass upon all our bills. If any were of a doubtful character, would they not be sent to England, reviewed by the crown officers, and discussed in the Privy Council, or by the Board of Trade? One advantage of allowing the people to select their Council would be this, that when it did wrong they would have themselves to blame. They would not turn, as they do now, and vent their bitter feelings against the government. This, sir, is the simple machinery I propose to redress our more prominent evils; and the more I reflect upon it, the more am I satisfied that it is well suited to the wants and feelings of the country in which we dwell.

I must apologize, Mr. Speaker, for having trespassed upon the time of the House so long, and for the imperfect manner in which my views have been presented. I regret that the task had not fallen into abler hands. It is one that I should not have assumed, did I not deeply feel that it involves the peace and freedom of Nova Scotia; and although, when applied to her alone, these principles may appear of little importance, when I take a broader view — when my eye ranges over our vast Colonial possessions — when I see countries stretching through every clime, and embracing many millions of people more than the islands to which they belong — and when I reflect that upon a right understanding of these principles, a fair adjustment of these institutions, depends the security and peace of these millions of human beings, my mind warms with the subject, and expands with the magnitude of the theme. Sir, I ask for nothing but justice and responsibility, sanctioned by the spirit



and forms of the British Constitution. The idea of republicanism, of independence, of severance from the mother country, never crossed my mind. Centuries hence, perhaps, when nations exist where now but a few thousands are thinly scattered, these Colonies may become independent States. But it will not be in my time; and when it arrives, if it be permitted to us to look down from the other world upon the destinies of our country, I trust hers may be one of freedom and of peace. But, as there is now no occasion, so have I no wish, for republican institutions — no desire to desert the mighty mother for the great daughter who has sprung from her loins. I wish to live and die a British subject, but not a Briton only in the name. Give me — give to my country, the blessed privilege of her Constitution and her laws; and as our earliest thoughts are trained to reverence the great principles of freedom and responsibility, which have made her the wonder of the world, let us be contented with nothing less. Englishmen at home will despise us, if we forget the lessons our common ancestors have bequeathed.

An animated debate followed, which was not brought to a close until the 4th of March, in which every member who could deliver his sentiments spoke. Before it ended, the party lines which divided our population were distinctly visible, and before the twelve resolutions were disposed of, almost every man had defined his position. Mr. James B. Uniacke led the Government party, and Mr. Howe was roughly handled by that gentleman, by Mr. Wilkins, Mr. Stewart, and others. New as he was to the House, his friends were surprised by the readiness he displayed in debate, and by the tact and boldness with which he encountered those who, up to his advent, had been the acknowledged leaders of the Assembly. We insert the general reply made upon this occasion: —

Mr. Howe did not intend to have occupied the time of the House again, until some of the leading points in his resolutions had been strongly assailed. He did not expect to be called upon to answer such an harangue as had just been delivered by the honorable and learned gentleman from Windsor. He would give that gentleman the credit to acknowledge that he did sometimes puzzle him, not to answer, but to recollect what he said. To avoid the difficulty, he had departed from his usual practice, and taken notes, and would from these endeavor to reply to the little that appeared to bear upon the question. He talked

a great deal about storms — the gathering of the tempests, the agitation of the sea of politics, and represented me as the presiding genius of the storm; but the learned gentleman raised something of a storm himself; the elements of his mind rumbled fearfully, and he gave us lots of thunder, but — precious little lightning; and when the storm ceased, I presume it was from the same cause that puts an end to other storms — the want of wind. Any person who introduces a measure to this House is bound to answer, so far as he can, the objections urged against it; but the learned gentleman has taught me another lesson, that he is also bound to listen, which in some cases may be quite penalty enough. He commenced by expressing his surprise that somehow or other an impression had gone abroad that he was a thick-and-thin defender of His Majesty's Council. If that be true, although not disposed to believe so much of the old *vox-populi* adage as to suppose the voice of the people to be always the voice of God, I must confess, that whenever a gentleman, or a lady, acquires an evil reputation, there is generally some foundation for the story. And if anybody required proof of the learned gentleman's steadfast adherence to the Council, it might be found in the speech he has just delivered; for when he tells us that they have never committed a wrong act, and are scarcely chargeable with an error in judgment, I must confess that he is not very scrupulous. He has told us of the two great fountains of political wisdom, from which the people of England drink, and then called in Sir James Kempt to aid him in keeping things as they are; but he forgets that Sir James himself has taken office under, and acted steadily with, the very men who slake their thirst at the fountain which he has stigmatized as dangerous and unclean. If his opinions are therefore of any value, we should take those he has sanctioned by deliberate acts, not those expressed in a private communication. The learned gentleman has been exceedingly classical, and treated us to an abundance of quotations; I regret that my opportunities have not supplied me with such elegant sources of illustration; but I cannot help comparing the learned gentleman's arguments to the fabled goddess of old, beautiful to look at and tempting to follow, but, when embraced, turning into a cloud. He has favored us with a review of the press of the Province, and laments that it is only calculated to mislead, from the one-sided view it takes of political questions. But if he considers this so great an evil, and really desires a change, why does he not himself establish the knock-down Tory paper, so necessary to the general salvation. For my part I should be delighted to have him in the list of contemporaries; and I doubt not that the others, to whom he has been so amazingly complimentary, would have no objection to meet his

literary competition. But I would remind the learned gentleman that there are other parties to consult; and that before he sets up his press he should inquire whether the people are likely to subscribe. If he calculates without them, he may find that after playing Mercury for a while with feathers at his head, he may be glad to get back to his desk with his quill behind his ear.

In describing the happy condition of the people of Nova Scotia, he has treated us to an imaginary dialogue, which we are to presume has been held with one of his constituents in the township of Windsor; but if the party is really so ignorant of his rights and privileges, and of all that is passing in the Province, he must have found it necessary to explain to him the meaning of the word tympanum, and other learned phrases which he has employed. But, thanks to the press, the people of Nova Scotia are not all so ignorant as the lout he has described. The yeomanry perfectly understand the leading questions which have been agitated; they know well what we are about, and look anxiously to the result of our deliberations. Though such specimens of Provincial intellect may be found about the purlieus of Windsor, they are rare enough in the other townships, which will require all the learned gentleman's eloquence and classic allusions to convince them that there are no evils requiring a remedy in the Province of Nova Scotia. I need not now touch upon the main arguments which bear on the present question, because I feel that the solid foundation on which these resolutions rest has scarcely as yet been touched. He takes them in his hand and denies that they contain a particle of truth, and then wonders how he can be suspected as the defender of His Majesty's Council. He differs widely from the learned gentleman from Cape Breton, who, with commendable candor, admits the justice of the larger portion, but points to particular passages which he is prepared to dispute.

The learned gentleman has treated us to an extract from Lord Goderich's dispatch in answer to Mr. McKenzie, and has drawn a contrast between our position and that of Upper Canada. But we have nothing to do with the Canadas. My opinions with respect to them I have expressed elsewhere, and if we were now trying the justice of the complaints made by the people there, I need only cross the street to furnish abundance of testimony to satisfy the most fastidious. I would tell the learned gentleman, however, that just such flippant dispatches as that to which he has referred, have kept almost all the colonies for years in confusion. He should remember that Lord Goderich, or Goosey Goderich, as he has been familiarly termed, has been driven out of office, and is succeeded by men of more liberal opinions. He there-

fore stands not in our way. The state of Upper Canada in former times I heard well described by a gentleman who held a responsible office there. "We collected," said he "£100,000, and we divided it amongst us; there were some, however, who thought this was not enough. But I used to say to them, Gentlemen, we get all there is; it all goes into our pockets; and surely we ought to be content." And so they should have been, sir; but was it to be supposed that the people would be contented too? But let me caution gentlemen not to be led away by ingenious contrasts with Canada, intended to alarm. It has been said that we need not ask for an elective Council, because Lower Canada has asked already and has been denied. Bear in mind, however, that there are some substantial objections that have been urged against her claim, that do not exist here. There, the people are split into two great political and religious parties; here, we are all one race. An Englishman, Irishman, or Scotchman lands upon our shores, and the first child he begets is a Nova Scotian. After the first generation passes away a united population remain; and therefore we cannot be met with the difficulties which the Lower Canadians find in their way.

The learned gentleman has denied that the people of this Province supported the view the Assembly took in the brandy dispute; but did they not, with two or three exceptions, return every man of the majority, or those who expressed similar opinions? and is not this pretty good evidence of unanimity? But he praises the Council for telling us that the people have no right to listen to their deliberations; and asks, if they have the right, why are they not there? But will he tell me that the right to a thing in this Province always ensures its possession? The people are simple enough to believe that they have a right to exemption from taxation, except by the consent of their representatives; that they have a right, except when so taxed, to keep their own money in their own pockets; and yet the judges take it out by hundreds and thousands of pounds. In fact, here, as in the ancient feudal times, might too often takes the place of right. He has read to us the ancient proclamation issued by the Governor and Council for the suppression of public meetings, and attributes the change that has taken place to the liberality of the latter body in modern times. If the truth were known, perhaps they like public meetings as little as those who have gone before them; but fortunately such an exercise of power would not be so safe. But if the learned gentleman had lived in 1770, he would, no doubt, have defended the Council of that day as warmly as he does ours of 1836. He who thinks any change improper, except perhaps a change in the fashion, would no doubt have said to those who complained of such a

proclamation, "No rash innovations, no constitution-mending; the country is happy, and you have no right to complain." He has cautioned us, in the language of the fable, not to cry "Wolf, wolf!" for fear that the shepherds will be displeased at our false alarms; but let me remind him of the other story of the wolf who had got the lamb on its back, and while he was rending its flesh and sucking its blood, tried to persuade it that it ought to lie still, and had no reason to complain. Mr. Howe then referred to the disclaimers about the chief's influence over the bar. What he disliked was the influence which was exercised, not legitimately as a judge, but as a legislative and executive councillor. If not the dispenser of patronage, and the ruler of a branch of the Legislature, the bar would then have fair play, and form a wholesome check upon the conduct of the judicatory; as it was, they had to contend against influences which were not necessary to sustain the character, and only served to protect the illegal emoluments, of the bench. He believed this distinction was recognized by many of the more enlightened members of the profession. Mr. Wilkins had denied that the bishop at the council board took part in secular affairs; but did he not take his share of the brandy messages and resolutions, and must he not have concurred in the "unanimous" message sent down about the doors. He has referred to Mr. Papineau's letter, addressed last session to the Speaker, and would fain persuade the House that we are acting in concert with that gentleman. Perhaps, to a certain extent our views are the same; but if it were necessary I could soon convince him that we differ in many things, and that those differences of opinion have been elsewhere strongly expressed. But I ask gentlemen to confine their attention to our own country, and to endeavor calmly, but firmly, to obtain what she requires to secure her prosperity and happiness. I am not to be frightened by references to Canada, or to old dispatches and denials of justice. Suppose that the population of the mother country had been so alarmed that they had been deterred from seeking, by the difficulty of obtaining, necessary reform, would they have obtained Catholic emancipation, parliamentary, or corporation reform? And suppose that the Colonies had asked for nothing in former times but what they were certain to get; suppose they had been satisfied with what old Earl Bathurst had been disposed to give, in what situation would we have been now? Would we have had the concessions to Lower Canada—the liberal instructions to Sir Francis Head—the relinquishment of the revenues in New Brunswick? No, sir; and therefore I repeat again, let us look only to the situation and the wants of our own Province, and ask for what is right and fair. The views of the English government with respect to domestic and

Colonial policy, are every year becoming more liberal, and we have no reason to despair of obtaining any concession calculated to do us good. Colonial ministers and their prejudices pass away; the Province still remains.

The main argument involved in these resolutions I consider as yet untouched, as I trust I shall be able to show, when they come separately under review; I contend not for mere words and phrases. The learned gentleman has declared that they are mere echoes of the sentiments I have promulgated in *The Nova Scotian*. What else should they be? Perhaps he and others would have been better pleased if, in coming into this Assembly, I had belied the sentiments expressed elsewhere. Such things may have happened ere now, but I trust that my conduct will never furnish another instance. To the opinions promulgated through the press I still adhere; and I am happy that they are sanctioned by the judgment and sustained by the sympathies of the people we represent. If I know any thing, it is that the bulk of the population — that nine out of ten of the intelligent minds throughout the country, firmly believe the truth of the propositions which those resolutions contain; and the reforms demanded they are determined to have, the resistance of the Council, and the learned gentleman's classic speeches, to the contrary, notwithstanding. As respects the sneers thrown out about a delegation, I state frankly that I contemplate no such thing, unless it be found to be ultimately indispensable. From the experience the people of this country have had of missions to England, they are not much inclined to favor them; and I should fear that from the time I set my foot on ship-board on such an errand, my political reputation would begin to decline. At present, however, my object is merely to bring the more prominent evils of the Colony to the notice of His Majesty by address. As respects an elective council, I ask it, because I believe that the opinion of the learned gentleman's grandfather is correct. [Mr. Wilkins explained that it was his grand uncle who spoke with reference to the former condition of New York.] That reverend gentleman, then, if he said any thing that bears upon the present question, said this, that there were not materials in that Colony to construct such a government as exists in England. What was true then, is true now. If we had the materials for a House of Lords I should be ashamed to ask for this modification. But, as we have them not, we must construct the best form of government we can with the materials that are at hand. The question is simply this; shall the upper branch be selected by those who know the best men in the country, and have a deep interest in their deliberations, or by the Colonial Secretary, three thousand miles off, acting upon

the advice of one or two individuals, interested in misleading him to perpetuate their own power? If the people of England err at all, they err on the side of popular rights. The learned gentleman denies that there is any ground for complaint, but confesses that he desires an infusion of agricultural spirit into the upper branch. But we differ as to the mode; and when he thinks that a mere separation of the executive and legislative power will give satisfaction, and leaves the selections to the government, I turn him to New Brunswick where such a change has been introduced. The learned member from Cape Breton acknowledged that our Council was made up of a copartnership and a family party. But in the reformed council of New Brunswick the same evil is preserved; for, if I am not mistaken, three family connections have a decided majority at the board. And I will venture to predict, that if a similar alteration takes place here, the same principle will be adhered to, and that two or three little parties will have a preponderating influence; and members will find that such selections will be made as will astonish them all, and disappoint their hopes. But we are told, we may all obtain seats in the Council if we choose to apply. If I wished to secure one, I would endeavor, first, to get in here, and whenever the Council's policy was attacked, I would rise and defend it; whenever their views and interests were assailed, I would come to their aid with airy arguments and classic quotations; when their rights and privileges were talked of, I would muster all the thunders of declamation, and if possible enliven the storm by a little lightning; but when the rights and duties of this Assembly were involved, I would sneer at and oppose them, and take my seat in a lean and miserable minority, satisfied that my object was attained without any other interest at court. But, should I go to the government and say, I reside in the country — by industry have accumulated a competency and stored my mind with knowledge — by an independent and upright discharge of duty, even in opposition to the views of His Majesty's Council, have won the people's esteem, I should ask for a seat in vain; my claim would never be allowed. He wants the Council created by sneaking servility to the local authorities; I wish to base it upon kind acts and conscientious independence. I fear we shall never agree. In conclusion, sir, I have again to express my regret that the honorable and learned member for Windsor cannot believe that any practical grievance exists in the Province of Nova Scotia. His classic sympathies may be excited by an old elm tree; the sighing of the winds through its branches oppresses his mind with sadness; but the sighs of the living population of the land for liberty and justice — for the checks and blessings of the British Constitution, fall unregarded on his ear.

On moving the eleventh resolution, on the 3d of March, Mr. Howe made a speech that is worth preserving, for various reasons. Those who defended the old system of government assumed, first, that the institutions of the United States had failed to secure liberty and happiness, and that by yielding responsible government, republican institutions would be at once introduced. Mr. Howe combated both these arguments. While he did justice to our neighbors, and ascribed to the practical working of their purely elective institutions the great prosperity and freedom which they enjoyed, he showed that responsible government was not republicanism, but a purely British mode of conducting public affairs, which British Americans might claim without any impeachment of their loyalty:—

Mr. Howe, in rising to move the last resolution, said, that while he would congratulate the House on having got so nearly through the series, he must also thank them for the patient attention with which he had been favored, and which, as a very young member, he had no right to expect. He felt himself relieved from a weight of responsibility, by the sanction that had been given, after grave deliberation, to so many of his opinions. Where gentlemen had differed with him, he felt they had exercised an undoubted right; and the address, whenever it should be framed, would speak not the language of any individual, but of a large majority of the representatives of the people. In bringing under review the last, but by no means the least important, of these resolutions, I must beg of members to discharge from their minds all needless horror of innovation, all undue prejudice in favor of the mere framework, rather than the spirit, of established institutions. I trust that gentlemen will be disposed to examine the change which it demands, with reference to its probable utility, not by its inapplicability to the parent State. In pressing it on the attention of the House, I should have felt much less disposed to occupy time, had it not been for the eloquent and ingenious speech, delivered on a former day by the learned member from Cumberland, and which was so well calculated to arouse prejudices in many minds against the elective principle. That gentleman drew a vivid contrast between the institutions of America and those of the mother country; and, while he did but justice to the latter, the former were held up to ridicule, as being based upon unsubstantial theory, and incapable of securing life, liberty, and property, when reduced to practice. He is opposed to this resolution, because, judging from the elective principle in



the United States, he believes that if an elective council were created here, it would be followed by annual parliaments, and the election by the people of our judges and governors. That one violent change would be followed by another, produced by an insatiable spirit of excitement and innovation, until this Province was brought to the same deplorable condition to which our neighbors are reduced by the distempered imagination of my honorable and learned friend.

Sir, I trust that those who hear me will be disposed to ask themselves, not what exists in England, under circumstances very different from ours — not what exists in republican America, created out of a state of things which is not likely to be forced on us — but what is required by the Province of Nova Scotia, under the circumstances in which we are placed; what form should her institutions assume, in order, by preserving the responsibility of all branches of the government to the Commons, to secure her prosperity and advancement. But, sir, when I hear it asserted in this Assembly that there is nothing practical in the institutions of our neighbors — that they are based on mere speculation — that beneath their shade neither life, liberty, nor property are secure — a sense of justice — of what is due to the absent — would compel me to say something even in an enemy's defence. Sir, when the learned gentleman thus asperses the institutions of our neighbors, when he tells us that there is nothing practical in republican America, I point to that great nation, stretching from the Gulf of Mexico to the Bay of Fundy, and I ask him, excepting the British Isles, to show me where, upon the wide surface of the globe, within the same extent of territory, an equal amount of freedom, prosperity, and happiness are enjoyed? Nothing practical! When I see a people who numbered but three millions and a half, at the time of the Revolution — who owed then seventy-five million dollars — and who, though they purchased Florida with five millions, and Louisiana with fifteen, and owed one hundred and twenty-three million dollars at the close of the last war, are now not only free of debt, but have an overflowing treasury, the fertilizing streams from which, rolling through every State in that vast Union, give life and energy to every species of internal improvement — I ask my learned friend, is there nothing practical in all this? When I see fifteen millions of people governed by the aid of six thousand troops — less by nine thousand than are necessary to keep the peace in Ireland, scarcely one-third more than are stationed in the Colonies — shall I be told that there is nothing practical in the government under which they live? When I survey their industry, their enterprise, their resources, their commerce whitening every sea, their factories, propelled by a thousand streams, their agriculture, with its

cattle on ten thousand hills, their forty noble rivers flowing to the ocean, covered with steamboats crowded with human beings—again, I ask, shall it be said that even the republican institutions of America have produced no practical result? When I behold, upon the great lakes—scarcely rivalled by the Caspian and the Baltic—animated scenes of inland traffic, when I look to her five hundred banks, with their two hundred millions of capital, her extended lines of railroad and canal, her splendid packets, glancing like birds athwart the Atlantic, her noble penitentiaries, her excellent hotels, her fifty colleges, her admirable common schools,—I cannot but feel that even if such dreadful evils as these were to come upon us from making our Council elective, we ought not to be deterred from asking for a change. And when I think of her acute diplomacy, her able Presidents, from Washington to Jackson, her orators, from Henry and Quincy, to Wirt, and Everett, and Webster, her philosophers, from Franklin to Fulton, her patriots, from Warren to Clinton, her poets (and sweet ones they are), her Bryants, and Percivals, and Signorneys,—I am bound to assert that the great nation which the learned gentleman maligned, presents an aspect of political prosperity and grandeur, of moral sublimity and high intellectual and social cultivation, that ought to have made him ashamed of the unseemly picture which he drew; and I tell him boldly, that these are practical results that should challenge his admiration, rather than excite his contempt.

But, forsooth, all these are to go for nothing, because there are mobs in America; because the people of Charlestown burnt a convent, and some of the rioters were permitted to escape. Did my learned friend never hear of Lord George Gordon's mob, that took lawless possession of the very capital of that mighty empire to which he is so proud to belong? Does he not know that an infuriated multitude rioted for days uncontrolled in the city of Bristol? Would he like to have these instances of temporary misrule, of the unbridled sway of human passion, brought forward to prove that there is nothing practical in British institutions? that there is no security for life and property in England? They would prove as little in the one case as in the other. Mobs will spring up occasionally in towns; but, if they sometimes disgrace those of America, who ever hears of them in her agricultural districts? Yet in Britain, not only do we hear of combinations to destroy machinery in the cities, but the burning of stacks in the country; and therefore it is, that when I am cautioned against preferring unjust imputations against the body in the other end of the building, who have their defenders here, I advise them to look at home, and not to send abroad unfounded charges against a neighboring nation, on the presumption that no one will have

the manliness to say a word in its defence. I might turn gentlemen's attention to scenes which have occurred at home, under the shadow of that constitution and those laws which they consider perfect, ten thousand times more disgraceful than any that have occurred in America. I might point to "red Rathormac," and the other scenes of title butchery in Ireland; and while you sickened at the blood flowing from the wounds inflicted by a brutal soldiery, I might show you the avaricious priests, and the besotted tories—those who drink from the pure stream of political wisdom, described on a former day by the learned gentleman from Windsor—busily goading them on. But as these would prove nothing against the general working of British institutions, the vast amount of protection and happiness they secure, neither should those of our neighbors be assailed upon equally untenable grounds.

But I am told that slavery exists in the United States. It does; and I will admit that if there is a stain upon their escutcheon, a blot upon their fair fame, it is that slavery has been suffered to exist in any part of the Union so long. But, did not slavery exist in the British dominions until within two or three years? And when I am told of the violent proceedings of the Southern planters to protect their own system, I remind my learned friend of the butcheries, and burnings of chapels, in the West India Islands. Slavery is a great curse; and wherever it exists, it will be marked by great evils, arising out of the fears of the oppressor and the struggles of the oppressed. But let us never forget, that while slavery was forced upon the old Colonies by the operation of British laws, nine out of the thirteen States that originally formed the confederation have wiped away the stain, have emancipated their bondsmen, have broken the shackles of the slave. If, then, I wished to justify this resolution by the practical effects which the elective institutions of America have produced, I feel that, notwithstanding the eloquence of my learned friend, I should be entitled to your support. Upon the facts to which I have referred, and hundreds of others like them, I might confidently ask for a solemn adjudication.

But, thank God, there is no need to look to republican America for examples. Throughout these discussions I have turned, and I seek again to turn, your minds to that great country from which we have all sprung, to which we owe allegiance, and to whose institutions it is my pride to look for models for imitation. Though in replying to my learned friend's misrepresentations, I have but done an act of justice, I ask you to throw aside every argument that can be drawn from republican America, to cast a veil over her institutions and her prosperity, and, looking across the Atlantic, to gather support to the resolution before

you from the example of England. I should not have proposed it, I should not stand here to-day to press it upon your attention, did I not feel that it could commend itself to your minds by the practical working of her institutions. Were you to tell an Englishman that, you, the Commons of the country, had no effectual control over the other branches of your government, that here there exists no check which ensures responsibility to the people, — what opinion would he form of the degree of freedom you enjoyed? Were you to propose that half the House of Lords should be chosen from two family connections, and the other half should be made up of public officers and directors of the Bank of England, he would laugh you to scorn; he would tell you he would not tolerate such an upper branch for a single hour. Sir, it is because I feel that the institutions we have are not English, that they are such as would never be suffered to exist at home, and ought never to be sanctioned by the descendants of Britons in the Colonies, that I desire a change; and, because it proposes a remedy, because it holds out a prospect of reformation, that I ask the House, not rashly to adopt, but gravely and calmly to consider, the resolution before them.

I have already said, and I repeat again, that the excellence of the British Constitution is to be found, not in the mere structure of the various branches of the government, but in that all-pervading responsibility to the people which gives life and vigor to the whole. That Constitution is not a thing held sacred from change, not susceptible of improvement, but a form of government subject to continual revision and renovation, whenever it is found that the great principle of responsibility is in danger. To preserve this principle the prerogatives of the crown were curtailed; to preserve this principle the House of Commons was reformed; and even now, a struggle is going on to reduce the power of the Lords. Shall we, then, be blamed for seeking to preserve it, by remodelling our provincial institutions? When gentlemen raise the cry of innovation, I ask if the repeal of the Test and Corporation Acts was not an innovation? if the destruction of the rotten boroughs was not a great constitutional change? And while the government at home is subjected to constant modifications, required by the increasing intelligence of the people, is it to be said that ours should remain unimproved — that the reforming ministers of England will deny to the colonists the right to imitate their own examples? Sir, I have often felt, and now in my heart believe, that if the people of England really understood the questions which often agitate the Colonies, if the government was accurately informed, instead of being, as it constantly is, misled by interested parties on this side the Atlantic, we should rarely have any very irreconcilable

differences of opinion. What earthly interest has John Bull in denying his brethren justice?

The argument urged about the denial of an elective Council was partially answered on a former day; but gentlemen may not be aware that the last motion made by Mr. Roebuck on the subject was withdrawn, under an implied pledge that government would fairly consider the question. Let gentlemen review the present system of creating the second branch. Can any thing be more intolerable? I referred, on a former day, to the old Council of Maine, composed of a single family; the same evil has prevailed to a great extent in every one of which we have any knowledge; they have either been composed of such connections, or have been ruled by little combinations, always distasteful and often injurious to the people. How can it be otherwise, while the whole branch is created on the recommendation of one or two individuals in the Colonies, more intent on preserving their own influence than fairly distributing the royal favor. "It is a fatal error," says Sir James Mackintosh, "in the rulers of a country to despise the people; its safety, honor, and strength are best preserved by consulting their wishes and feelings. The government of Quebec, despising these considerations, has been long engaged in a scuffle with the people, and has thought hard words and hard blows not inconsistent with its dignity. I observe that twenty-one bills were passed by the Lower House of Assembly in 1827, most of them reformatory. Of those twenty-one bills, not one was approved of by the Upper House. Is the Governor responsible for this? I answer he is. The Council is nothing better than the tool of government. It is not a fair and constitutional check between the popular Assembly and the Governor." I did not think it necessary to accumulate evidence on this point, or I might have had abundance; indeed I feel that it is painful to intrude even what has been said upon the House, after the long discussions in which we have been engaged. It has been said that elective Councils are a new invention; but let it be remembered that they existed in some of the old Colonies until their charters were withdrawn, and were found to work well. And if the government would but take an enlarged view of the subject, it would, notwithstanding the national and religious divisions which certainly do present some difficulties, grant an elective Council to Lower Canada, for these plain reasons: a vast majority of the people, and nearly the whole of their representatives, require it. To refuse, is to perpetuate agitation; to grant it, is to try a great experiment for the restoration of peace; and if it be necessary to resort to force, to reconquer the country again, it can be done as well after as before the Upper branch is rendered elective.

But, it is said, the Councils would in that case be filled with persons of low estate; with farmers, and mechanics, who know nothing of legislation. Let me, upon this point, quote the answer which an intelligent American gives to Captain Hall. He says: "From Canada, Captain Hall passes into New York. Delighted with a Governor, robbing the public chest (and pleading an otherwise unavoidable subversion of the government as an excuse), and with a Council, composed of the 'Governor's creatures,' negating every bill from the other House, Captain Hall is of course disgusted with the Legislature of New York, as composed of men 'who had come to the Legislature straight from the plough, from behind the counter, from chopping down trees, or from the bar,' wholly unacquainted with public business or the duty of the legislator. But we dislike this eternal drawing of inferences, instead of citing facts. We wish Captain Hall would point out the great practical evils perpetrated by this Legislature, or that he would name a deliberative body in the world, that can show more work, better done, than may be shown by this very Legislature of New York. Look at the institutions of that State; her various endowed charities; her penitentiaries, which our traveller describes with great but not exaggerated praise; the rapid colonization of her own wide domain, with a population greater than that which Parliament, at a profuse expense of public money, has been able to rear up in all the British North American dominions; her munificent endowment of her colleges; her princely school fund; her more than imperial works of internal communication. These are the doings of Captain Hall's wood-choppers and plough-joggers, but not all of them. If there be a government, popular or arbitrary, which, in nearly the same space of time, and with the same command of means, has done more for the advancement of civilization, the arts, and the public welfare and prosperity, we have yet to learn in what part of the world it is to be found." I give the same kind of answer to my learned friends on the other side. Suppose that a new Council is to be created to-morrow; how is it to be done? Two or three persons furnish lists to the Governor, who sends them to England. Now, this is a power that I would not entrust to any two or three men, however wise or patriotic they may be; yet, if they are the reverse, how incalculable is the mischief produced. But, suppose a member of Council is required for Cape Breton, and by the aid of the elective principle the five gentlemen who now represent the Island are returned; if the Governor is compelled to select one of these, though he may not take the best, he must, at all events, choose one whom the people themselves have pressed upon his notice; one in whom they have confidence, and one who is more likely to be of

service than a person whom they never saw. Perhaps he may now find one among them that would be selected; but I know that there are other counties whose representatives would go a begging for a seat in Council before it was obtained. In nine cases out of ten it will be found that the men most loved and trusted by the people, are the last to obtain the confidence of the local government. Why should this be? In England, the King himself cannot exclude from his cabinet commanding talent, backed by the support and confidence of the nation. How often have we seen the British monarchs compelled by the country to place the reins of government in the hands of those from whom they would gladly have been withheld. Can such an instance be quoted in Colonial history? No, sir; and therefore it is that I seek for change; that I desire a more responsible system. I acquit the maternal government; I acquit the people of England of any wish to deny to us the advantage of principles of which they have proved the value. There is something too fair and noble in the structure of the Briton's mind, to permit him to deny to others the blessings and the forms of freedom; and particularly to those who speak his language, and have sprung directly from his loins. Why should Britons on this side of the Atlantic be denied those checks and guards which are considered so essential at home? There they have indeed a Constitution practically useful. I can participate in the glowing picture which the learned member from Cumberland drew; I can survey with delight the spectacle which England presents to the world. That great country is free; but here, the blessings she enjoys do not exist. I trust, therefore, that this proposition for an elective Council will not be considered so rash and heedless a one as some gentlemen are disposed to imagine. The measure is one that I believe will be satisfactory to the people; and can there be any danger in its adoption? Shall we be more closely united to the mother country if these twelve men are selected by the Colonial Secretary, or somebody for him, than if they are chosen by ourselves?

If it be said that this is too important a change to adopt on the recommendation of an individual, I will read to you the deliberate opinions of the present Master of the Rolls, and whose sentiments on this subject, from his talents and high standing, are entitled to respect. In a debate which arose in a former Assembly, Mr. Fairbanks observed, "That on all hands the composition of the Council was acknowledged to be defective; rejecting the principle of election, it would, perhaps, be easy to make additions; but would it be easy to make such as would please the people? A new Governor would, perhaps, come here, and before he has had time to acquaint himself with the situation, and the leading men

of the country, two or three persons who chanced to get into his confidence would make all the new appointments ; was it to be supposed the people would not make better selections themselves ? If they could trace the secret history of all the appointments that had been made for years, they would not hesitate to change the mode. The learned Solicitor General went on to explain how he thought, if the principle of election was not introduced, some advantage might be gained by having a member of the Council to act as member of each county, whether chosen from it or not. If so designated, and if it were understood that they were expected to watch over the interests of particular districts, as members of the Assembly now do, there would be a bond of union between them and the people they were chosen to represent, and much of the narrow and metropolitan character of the present Council would be removed. He differed entirely from the learned member from Cumberland about the propriety of allowing either the Chief Justice or the Master of the Rolls to remain in either Council. His studies had taught him that the exercise either of legislative or executive powers was incompatible with the due administration of justice. The energies and the intellect of this country had grown beyond the feelings and interests, and prejudices of the present Council. He was afraid, however, that merely asking for an addition of six, to be chosen as they were at present, would be nothing at all. He wished, that while they were about it, they should really effect a reform, and not merely an unimportant alteration ;" and on a subsequent day he remarked, "That to tell him the principle of election was at variance with the Constitution, was to tell him what reading, and reflection, and experience disproved. The Constitution was founded upon this grand principle, that every thing must conduce to the good of the people." These are the opinions of a man who held a crown office at the time.

In conclusion, I beg gentlemen to look around all the Colonies, and ask themselves, have these selected Councils conduced to the public good ? Turn to the resolutions you have passed to-day for proof of their operation here. I regret that upon this question I shall have to encounter the opposition of some that I would fain have carried with me in this measure. As we have stood together on other questions, I shall be sorry if we part on this. They will bear in mind that I am not contending for an ultra and uncontrolled exercise of the elective principle ; I seek only such a fair infusion of it as will preserve a constitutional balance of power. Insinuations have been thrown out about a delegation to England. As I said on a former day, I say again, that this is an extreme step which I do not contemplate ; one only to be taken as a last



resort. Those who know me but imperfectly may assert and insinuate that I am anxious to stir up strife; that I have ulterior views that do not now appear. I hope to live down such aspersions. Sir, when I go to England, when I realize that dream of my youth, if I can help it, it shall not be with a budget of grievances in my hand. I shall go to survey the home of my fathers with the veneration it is calculated to inspire; to tread on those spots which the study of her history has made classic ground to me; where Hampden and Sydney struggled for the freedom she enjoys; where her orators and statesmen have thundered in defence of the liberties of mankind. And I trust in God that when that day comes, I shall not be compelled to look back with sorrow and degradation to the country I have left behind; that I shall not be forced to confess, that though here the British name exists, and her language is preserved, we have but a mockery of British institutions; that when I clasp the hand of an Englishman on the shores of my fatherland, he shall not thrill with the conviction that his descendant is little better than a slave.

With some modifications, Mr. Howe's twelve resolutions were passed, the most of them by handsome majorities; and on the 4th of March he moved for a committee to throw them into the form of an address to the crown.

On the 7th of March, a message was received which created no little alarm. It is worth preserving:—

*In Council, 7th March, 1837.*

His Majesty's Council perceive by the Journals of the House of Assembly, which the Council have this day received, that the House have passed several resolutions, conveying accusations against His Majesty's Council, and among others, one declaring some of the "*Members of His Majesty's Council have evinced a disposition to protect their own interests and emoluments at the expense of the public.*"

His Majesty's Council admit, that it is not only the right, but the duty, of the House of Assembly to propose any alteration in the institutions of the country which they think would prove beneficial to the people; but they cannot admit the House of Assembly have any right to pronounce the Members of the Council to be guilty of acting from corrupt motives; and if they have evinced a disposition to protect their own interests and emoluments at the expense of the public, their motives must be corrupt.

That decorum which regulates the intercourse of society, could not long be preserved in private life, if in the transactions of the Legislature,

where a more ceremonious observance of it ought to prevail, one branch should be permitted to commit so great a violation of it upon the other, without expostulation or resistance.

His Majesty's Council trust that the House of Assembly will, upon further consideration, perceive that a resolution containing such accusation against a coördinate branch of the Legislature is inconsistent with these rules of decorum.

His Majesty's Council would deeply deplore the evils the country would sustain from an interruption of the public business; they trust that the House of Assembly would equally deprecate such an event; and they therefore earnestly hope, that the House will feel the propriety of rescinding this resolution, as His Majesty's Council feel, that if they were to continue to hold communication with the House, while that resolution remains unrescinded, they would justly forfeit their self-respect, as well as the respect and confidence of the public.

It therefore now remains with the House of Assembly to prevent any interruption of the public business; and the Council repeat their earnest hope, that the House of Assembly by an act of justice will enable the Council to coöperate honorably with the House of Assembly in carrying forward the business of the session, and bringing it to an harmonious and happy issue, with all possible benefit to the people and to the Province.

*Resolved unanimously,* That the foregoing message be sent to the House of Assembly.

It was apparent, from this message, that the Council had made up their minds to maintain the old Constitution at any price, and to sacrifice the revenues of the country as they had done in 1830, rather than not bear down and crush the daring individual by whom their prestige and privileges had been so rudely assailed. What is to be done? was the question that every man asked his neighbor. If a collision took place between the two branches, the revenue laws would expire and the revenue be lost. Collision was inevitable, if the obnoxious resolution was adhered to; and to admit that it was inaccurate or unjust, upon compulsion, was to yield the right of the House to convey to the foot of the throne any statement or opinion at which the Executive chose to take offence. The position that Mr. Howe occupied at this moment few public men would have envied. His friends trembled for him, and his enemies

triumphed in anticipation of a speedy and inglorious termination of his political career. Nobody knew what he would or could do; and I remember distinctly the forenoon on which the Council's message was to come up for consideration, and the anxious faces which lined the benches and thronged the lobbies of the House. Late in the day Mr. Howe entered, with a face as cheerful and a step as buoyant as if he was going to a wedding. He threw back his coat, addressed the chair, and in a few moments the public mind was relieved, and everybody felt that the crisis was over. He had anticipated the action of the Council and was prepared for it. The revenue should not be lost. The resolutions had done their work. They had tested the opinions of the House. They had gone, with the debates upon them, to the country. They would go to England; and, even if rescinded, the very coercion under which the act was done, would illustrate the overweening power of the upper branch, and the defective constitution of the country. He would not rescind the single resolution complained of, or admit that the charge it preferred was unfounded. He would move to rescind the whole, and then ask for a committee to prepare an address to the Crown upon the state of the Province. What that address would contain was matter for after consideration, when the revenue bills had been passed. The resolutions were rescinded; the revenue bills secured; and within a few days of the close of the session an address was reported and passed, which embodied all the resolutions, and elicited those very important dispatches from Lord Glenelg which were laid on the table of the House at the next session.

The dexterous manner in which this blow was parried, and the Council beaten with their own weapons, raised the reputation of Mr. Howe. Friends who had hitherto only given him credit for boldness and fluency in debate, thenceforward relied with great confidence upon his skill and prudence. We give the opening speech delivered on this occasion:—

Mr. Howe rose and addressed the chair. He felt that they had now arrived at a point which he had to a certain extent anticipated, from the moment he sat down to prepare the resolutions. He had presumed, judging from what had occurred in times past, that by the time those

resolutions and the debates upon them had gone abroad, some such message as that which had just been read would be presented at the bar. Whether any portion of the resolutions, or the indignant expressions of members against the corruption of the local government, would be seized upon as the subject, he could not of course divine; but the position in which they were now placed did not take him at all by surprise. In England the rights and powers of the different branches of the government were so beautifully balanced, and the control of the popular branch was so supreme over all the others, that the Commons could afford to be respectful, and as no such dangerous combination of powers existed in the Lords, they naturally chastened the language in which the character and acts of that body were spoken of in the lower House; and the consequence was that such collisions as these, arising out of mere expressions, rarely if ever occurred. Here the case was different;—of such a body as our second branch, it was difficult to speak in terms that would not be offensive; and the Commons, in endeavoring to represent to the crown the reasons which rendered a reform of the Council indispensable, were compelled, in order to state the truth, to depart from the measured tone of parliamentary language. But it was of little consequence upon what point His Majesty's Council had seized, he had felt assured they would not lose an opportunity of again exercising the coercive power they possessed over the Assembly, nor of embarrassing, if possible, the onward march of reform. On a former occasion they had thought proper to take offence at a humorous speech made by Mr. Haliburton, in which he compared them to twelve old ladies, and by the power they possessed over the revenue and supplies, had compelled the House to bring him to the bar for censure. On that occasion the House was forced to do an act, which the learned member from Cumberland declared the other day he would cut his hand off rather than do again. Bearing this in mind, and well knowing that there were many points in these resolutions which would touch them home—that they did not like the spirit of reform that was abroad—that the language of the debates would startle and annoy them, he anticipated some such step, though of course he could not calculate on the manner or the time. Their power to coerce the House into almost any thing was undoubted. In England, the Commons could influence the other branches, from the power it possessed over the revenue and supplies. Here the Council could and did often coerce the other two; nearly all our salaries being provided for by permanent acts, and the only services that could suffer being those upon which the people themselves relied. It was the deep conviction of this fact that had made him so anxious to press the

real state of the colony on the government at home; that they should, while asking for changes, state the reasons which rendered them necessary. Sir, those reasons have gone forth in the resolutions and discussions of this Assembly; and if I can trust the opinions expressed in the interior, they have found an echo from one end of the Province to the other. But now that we have stated facts which our records prove, which the country sanctions, which a majority of this Assembly believe, now that we have expressed a determination to explain to the Sovereign the real character of the abuses under which we labor, His Majesty's Council turn round and tell us, you shall do no such thing, or if you do, we will do no business, the revenue shall go down, and the roads, bridges, and other essential services, be left without any provision. The loss of £40,000 is to be the penalty for telling our king the truth. Can any man doubt their power or their inclination to protect themselves at this cost to the country? Whatever others may think, I believe them mad enough to do any thing, to keep up the system which they feel is tumbling about their ears. For a ludicrous speech they would have sacrificed the revenue, and plunged the country into confusion. On that occasion the House succumbed. But at a subsequent period, when they made a daring attempt upon the most sacred privilege of the Commons — the right to regulate the supplies — the House resisted; and you know well, sir, what was the consequence. They persisted, though every principle of parliamentary usage and common sense was against them; some £40,000 were sacrificed, and when the new House met they found an empty treasury. I regret that it did not then follow up the attack which we are conducting now; but it sunk back into the same state of passive obedience, and the consequence is that you are now as much at the Council's mercy as you were then.

With a knowledge of these facts, being aware that whether you made attacks upon them, or they upon you, they could insult and coerce this House whenever they pleased, I was quite prepared for this demonstration of their disposition and their power. The question is now, whether you will comply with the Council's demand, or lose thirty or forty thousand pounds together with all your appropriations. It will be remembered that we have already stated, in one of our resolutions, the powerless condition of this Assembly; we now give to the country a practical illustration. I have said throughout this debate, that while pressing reformation by every means in my power, I was determined to preserve the revenues of the country. I say so still; — I will not sacrifice them to gratify His Majesty's Council. But it may be said, what is to be done? And I answer, sacrifice neither the revenue nor the cause of reform. In deal-

ing with an enemy who is disposed to take us at disadvantage, like politic soldiers, let us fight with his own weapons. Early in the session we sent a respectful remonstrance to the Council, on a subject deeply interesting to our constituents; an answer was returned, which I believe all felt to be an insult, but we had no means of redress. They then denied our right to advise them; they now forbid us to advise the sovereign, to tell him what a large majority of this House believe. I shall advise the House to no course which shall impeach the truth or justice of these resolutions; but I will remove the difficulty in point of form, in order to save our revenue. The country will understand at a glance the position in which we are placed and the motives by which we are actuated, and I wish the Council joy of the triumph they are likely to obtain. Whether we advance or recede for a moment is of little consequence; the people all have confidence in those who are struggling for their rights, and appreciate their motives. I have no fears that even if we were to take the extreme steps now sought to be forced upon us, we should be sustained; when, on a former day, you, sir, stood forward to resist the encroachments of that body, they had you at great disadvantage; — the people were comparatively ignorant; — there was no organized public opinion in the country; but now, thanks to the press which some gentlemen abuse, the people are keenly alive to the doings in the capitol; and I believe that if we were disposed to send back an indignant rejection of the message, and a dissolution followed, there is not a man of the majority that would not be returned. My own constituents I know would support me; and therefore in taking the step I propose, it cannot be supposed that we are influenced by any consideration but a desire to protect the interests of the Province.

The Council ask us to rescind a particular resolution; I am prepared to give more than they ask, and to rescind them all. This done, they cannot refuse to do business, and the revenue is secured. But I shall follow up that motion by another, for the appointment of a committee to draw up an address to the crown on the state of the Colony. As respects the resolutions, they have done their work; they have elicited the opinions of this House, and thereby told some wholesome truths to the Governor, the people, and the Council themselves. They will go home to the colonial office, and their language cannot be mistaken. All the threats of His Majesty's Council cannot destroy their effect. The form which rescinds them upon our Journals is of little consequence, forced upon us as it is in the threatened destruction of the revenue, by the very body they are directed against. In advising this course, I am prepared to take my own share of responsibility; — I wish I could take it

all. I will not while seeking a great good, permit His Majesty's Council to do a great evil; nor allow them by an infliction on the country, to throw discredit on the cause of reform. I will not apologize nor withdraw one, but will, if a majority are so disposed, rescind the whole. The whole matter will then be intelligible to the Governor and the country. But I will not stop here. It is not for me to say when a committee is appointed what the address shall contain; but I presume that having these resolutions before them, and knowing what a majority of this Assembly think and feel, they will do their duty, and prepare such a document as will attain the objects for which we have been contending, and which the people have so much at heart. In England, if differences arise between the two branches, the crown stands as arbiter between them; here, even if the Governor were disposed to side with the Commons, to prorogue for a week in order to obviate difficulties, he like ourselves is coerced by the upper branch who are his advisers, and thus, as an Executive Council, they can cover and support their own folly as a legislative Assembly. Mr. Howe concluded by moving the following resolution, which he believed was the only one that would save the revenue, turn the tables on the body that had assailed them, and effectually serve the cause of reform:—

*Resolved*, That the standing order of this House which requires previous notice of rescinding resolutions, be temporarily suspended; and that the several resolutions passed by this House on the 27th and 28th February, and the 2d and 3d March, relative to the Constitution of this Colony, the distribution of patronage, the structure of His Majesty's Council, and the disposition evinced by some of the members of that board to protect their own interests and emoluments at the expense of the public, and for preparing an address thereon, be, and the same are hereby rescinded.

We take from the debates of this session a speech in reply to Mr. Wilkins, who was one of Mr. Howe's earliest assailants. During the long period which elapsed between their first encounters and their honorable alliance in support of the railway policy of 1854, there were, between these gentlemen, many keen encounters of wits and manly passages at arms:—

Mr. Howe trusted that the House would do him the justice to acknowledge that if the debate had taken a wide range it was not his fault. He had no wish to occupy attention with extraneous matter, not directly bearing on the bill before the committee. But, in his place, he had been

challenged to come forward and find any fault with the last House; and in answer to that appeal he had been compelled to touch on a variety of topics, from all allusion to which at this time he would willingly have refrained. Though he claimed none of the honors, nor was chargeable with any of the sins, of the writer to whom learned gentlemen had referred, he had always been prepared to express his own views of public affairs, in proper time and season, and to defend them; but some gentlemen had seemed disposed to embrace in this discussion every thing in the whole range of history and politics. The honorable and learned gentleman from Windsor had even gone into a dissertation on the different political parties which exist in the mother country, with a view to draw invidious contrasts between some of them and the reformers in this House; but he thought it would not be difficult to make that gentleman a little ashamed of the party to which he himself might be said to belong, by a short review of its political history; — a party that, said Mr. Howe, has steadily and selfishly opposed all those great and glorious improvements which have been recently carried, and which have made our mother country prosperous at home and loved and respected by the world. For years and years that party upheld the slave trade; and when it was proposed to abolish slavery in the British dominions, they denounced and opposed the act which was to strike off the shackles of eight hundred thousand human beings, and raise them to the rank of freemen. And when a whole nation prayed for liberty and justice — when seven millions of human beings, after centuries of degradation and oppression, asked, as they had a right to ask, for an equal participation in the blessings of the Constitution and the laws, they were opposed year after year by that party, who never yielded their unjust monopoly until it was wrested from them by the combined efforts of the people they wished to enslave. That party, too, sir, were the staunch and unblushing defenders of the rotten boroughs of England. Lightly as we may estimate a seat in this Assembly, what would we think of those who desired that they should be bought and sold like cattle in the market? Yet, this was done in England, and the practice was pertinaciously defended by the party to which the learned gentleman from Windsor is so anxious to belong. Then, sir, in almost every town in the three kingdoms there existed a rotten corporation, which levied taxes at their pleasure, spent them as they pleased, mismanaged public affairs, and preyed on their peace and their industry; but these were also by that party revered and upheld. These rotten boroughs and corporations — these millions of serfs and slaves, were regarded by the learned gentleman's friends as the outworks of the Constitution; they prophesied that without them Great Britain



could not exist; and they denounced those who differed with them in opinion as the disturbers and enemies of the country. And, sir, I am not now to learn that the more striking features and lineaments of the great parties which exist at home are to be found in all the colonies. In almost every Province there are to be found two parties, actuated by antagonistic principles. On the one side we find the great mass of the people, who are contending for a system of rational and economical government; and on the other a small and impudent minority, who, for selfish ends, and purposes of personal or family aggrandizement, are desirous of keeping all power in their hands, that they may divide among them the public resources. And is it because some of us in this House have called attention to the operation of these opposing principles and parties, as they affect our own Province, that we are to be characterized as heedless innovators — as disturbers of the public peace — desirous of promoting irreligion, disloyalty, and dissension? It has been said that I come here fancying that I speak the voice of the country. Sir, I am not mad enough to presume so far. I come here as the representative of one portion of the people, to reason and deliberate with those gentlemen who represent the rest. When we ask that all religious bodies shall be put upon a fair and equal footing, when we show that one-fifth of the population supplies two-thirds of one branch of the Legislature, besides having their religious representative at the council board, and that the patronage of the country is distributed in the same proportion, shall we be told that these things are not unjust and improper? that they are not insulting and practically injurious to the great body of the people? Shall it be said, where are the proofs of injustice — where the necessity for change? Members of His Majesty's Council make laws, administer them, and advise their execution; and yet, if a complaint is uttered, there must be charges of radicalism and disaffection. Besides this strange combination of powers, the seven years existence of the Assemblies gives them an opportunity of corrupting and influencing members of the popular branch; and it is because the bill before the House will remedy that evil, by giving the people an opportunity to dismiss them when they become corrupt, that I give to it my cordial support. As respects the Council itself, I am free to confess that the studious selection of a majority of its members from one class of the people is a grievous absurdity, and so it is felt by gentlemen all around the House. That they are all, with one exception, selected from this town, is equally unjust. Is it fair that the business of the whole Province should be discussed and decided by twelve gentlemen, some of whom have rarely been outside the town? And when bills abolishing the illegal exaction

of one thousand pounds per annum, taken by the judges in the shape of fees, are year after year "burked" in the other end of the building, by a body over which presides a gentleman largely interested in that exaction, is it unfair to attribute to him some agency in their destruction, or to wish that he had not been placed in a situation where his public duty interferes so much with his private interests?

I have thus hastily sketched, sir, the leading features of the parties to which the learned gentleman from Windsor and myself belong; and I have endeavored, so far as my recollection serves me, to answer all the arguments he has adduced. If I have forgotten any of them I am extremely sorry; but perhaps, by this time, the learned gentleman regrets that he had not forgotten some of them himself.

On the 30th day of March the Revenue Bills were assented to by the Lieutenant Governor, and by the middle of April the public business was drawing to a close. All danger from collision was now over, and on the 13th Mr. Howe rose to move the address to the crown which he had on a former day reported from a select committee. A desultory debate followed the motion, and there were divisions upon almost every clause. But men's minds were by this time made up, and the pressure of public opinion outside, kept those within who might have been disposed to waver (and there were some), steady. The address was carried through the House nearly word for word as reported.

We take from this debate a short speech, in which Mr. Howe compares the old Council of Twelve with the House of Lords, and illustrates the extent to which the former exercised irresponsible power.

Mr. Howe would not occupy the time of the House for a moment, did he not feel that it was essential for the people to understand the true bearing of some of the points which had been touched on in this discussion. He did not believe that there could be any very wide difference even between the learned gentlemen opposite and himself, if they thoroughly understood each other; they and their children, equally with himself and his, were deeply concerned in the good government of the country. The learned member from Windsor had referred to Sir Robert Peel's speech at Glasgow, to prove that the peers were only responsible to God and their own consciences; but he feared that in this world

of sin and sorrow, it would not always do to leave any body of human beings with no other restraints. It was quite true that, standing on their hereditary rights, the peers were not directly responsible to the people of England; but still they were subjected to various influences, that the people had the power to direct upon them, and which had rarely failed to secure any measure upon which they had set their minds. The ministry was created by the people, because the support of a majority of their representatives was essential to its existence; and the moment a cabinet was formed, it held in its hands the patronage of the whole empire: of the army, the navy, India, the church, the colonies; so that this very patronage gave to the government, created by the people, the means of extended influence in the upper branch. The bench of bishops, which formed a part of it, looked out for richer sees; and many a noble lord consented to change his opinions, in order to secure for himself or his family some of the great offices in the minister's gift. Then the ministers could advise the crown to create new peers, and the dread of new and extensive creations always had its effect. It was thus, that upon great measures, such as that of Catholic emancipation, the obstinacy of the lords was gradually sapped. In some cases, of course, the lords yielded to decided expressions of public opinion, but when they did not, the people had the power of ultimately compelling them to yield.

The power to swamp the peers was one never acted upon. [That, said Mr. Uniacke, is possessed by the King.] True; but the King in England has as little power as his picture has in our council chamber. He does what the ministry advise, and the ministry are the creations of the people. Now, the difference between our government and that of England, lay in this; that while there the cabinet, created by the people, had all these means of influencing the upper branch, here, the upper branch was itself the ministry, and possessed this advantage over others, that the people could not turn them out. But the learned member from Cape Breton says, we also can apply to our sovereign to displace them, or make additions. There is this distinction. We would have to apply to a government not created or influenced by the people who feel the grievance; and we have no security that redress will be obtained. He was not desirous to debate these matters over again. He made these observations without temper; indeed, more in sorrow than in anger, to illustrate the defects in our system, and because he felt that some of these distinctions were but imperfectly understood. If he were discussing these points with the Colonial Secretary, he might be disposed to enlarge on the hardships arising out of the system; but, addressing his countrymen, who were all, equally with himself, deeply interested in the establishment

of good government, he could not but hope that, though often in the ardor of debate apparently opposed, they would yet unite in endeavoring to secure a rational and responsible system.

It is curious to look back and see how far the Colonial reformers of this period were in advance of the department to which our affairs were intrusted, and of the great majority of the members of both Houses of Parliament without distinction of party. In March, 1837, the whole subject of Colonial Government came up in the House of Commons, and was discussed at length. Ten resolutions were passed, having especial reference to the affairs of Canada. Among them we find this positive denial of responsible Government.

*Resolved,* That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that Province.

But fifty members of the House of Commons could be induced to vote against this resolution. The receipt of it here, in the midst of the session of 1837, was not calculated to strengthen the hands of the reformers. Mr. Howe referring to these proceedings in Parliament, was asked across the floor if he wanted an Executive Council "directly responsible to the people?" His answer was, "Certainly." If the only responsibility that learned gentlemen wanted, or the Government was prepared to concede, was the old story of responsibility to a Colonial Secretary three thousand miles off, with an appeal to Parliament once in twenty years, it was in vain to talk about the matter. If this were the beginning, instead of the end, of the session, he would feel it his duty to call the attention of the House to some of the opinions expressed by Lord Stanley and others, in this debate, for they were such as ought to be protested against by every intelligent Colonist. If such doctrines were to be acted upon forever, if there was to be in the Colonies nothing but a mockery of the British Constitution, he would feel disposed to quit the country and go to England; if liberty and responsibility were to be confined to the British

Isles, he would go and live where they were enjoyed. As to the objection to a responsible Executive Council, there really was nothing in it; there was not one measure in a hundred proposed in the Colonies that could possibly conflict with the interests of Britain, and when they did, of course they could only be responsible within the limits of the Imperial Acts, and the Governor's instructions.

We insert the address as finally carried through the House, and sent to the foot of the throne.

TO THE KING'S MOST EXCELLENT MAJESTY.

*The humble Address of the House of Representatives in General Assembly, for the Province of Nova Scotia.*

MAY IT PLEASE YOUR MAJESTY:—

We, Your Majesty's dutiful and loyal subjects, the representatives of Nova Scotia, while approaching the throne to ask for a redress of grievances, tender the assurance of the unabated attachment of those we represent to Your Majesty's person and government. The people of Nova Scotia, when any thing trenches upon their rights, or retards their prosperity, turn to their sovereign, as the father of all his people, wherever their lots may be cast, and whose affection is not diminished by distance, nor bounded by the four seas of Britain, but extends to the most remote limits of his Empire; rearing, wherever practicable, institutions favorable to freedom, and fostering that love of justice—that nice sense of the relative duties of the government and the governed, which distinguishes the parent State. Nor is their confidence in Your Majesty diminished by the reflection that in early life you visited Nova Scotia; and, in maturer years, have sanctioned those vast reformatory changes at home, which embolden them to seek for a revision of their institutions, and the introduction of those checks and guards, without which they feel that private happiness and public liberty can never be secure.

In the infancy of this Colony its whole government was necessarily vested in a Governor and Council; and, even after a representative Assembly was granted, the practice of choosing members of Council almost exclusively from the heads of departments, and persons resident in the capital, was still pursued; and, with a single exception, has been continued for the last thirty years. The practical effects of this system have been in the highest degree injurious to the best interests of

the country ; inasmuch as one entire branch of the Legislature has generally been composed of men, who, from a deficiency of local knowledge, or from the natural bias incident to their official stations, were not qualified to decide upon the wants or just claims of the people ; by which the efforts of the representative branch were, in many instances, neutralized, or rendered of no avail.

Among the many proofs that might be adduced of the evils arising from the imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the Assembly to extend to the out-ports the advantages of foreign trade ; to the enormous sums which it was compelled, after a long struggle, to resign, for the support of the Customs establishment ; to the difficulties thrown in the way of a just and liberal system of education ; and to the recent abortive attempts to abolish the unconstitutional and obnoxious fees taken by the judges of the supreme court.

While the population of this Province is composed, as appears by the last census, taken in 1827, of twenty-eight thousand six hundred and fifty-nine members of the Episcopal Church, and one hundred and fifteen thousand one hundred and ninety-five dissenters, which proportions may be assumed as fair at the present time, the appointments to the Council have secured to the members of the Church, embracing but one-fifth of the population, a clear and decided majority at the board. They have now in that body nine members. The Presbyterians, who outnumber them by about nine thousand, have but two ; the Catholics, who are nearly equal, but one ; while the Baptists, amounting by the census of the same year to nineteen thousand seven hundred and ninety, and the Methodists to nine thousand four hundred and ninety-eight, and all other sects and denominations are, without any of their members in a body whose duty it is to legislate for all. The Catholic bishop has no seat at the council board, and clergymen of that and other denominations are, as they ought to be, excluded ; yet the bishop of the Episcopal Church has been, since the year 1809, and still is, a member.

Your Majesty will readily perceive, that, whether designed or not, the mere circumstance of one body of Christians having such an overwhelming influence in the Legislative and Executive Council has a tendency to excite a suspicion that, in the distribution of patronage, the fair claims of the dissenting population, founded upon their numbers, respectability, and intelligence, are frequently overlooked. This is not the only objection urged by the people of Nova Scotia against the composition of the Council, and to which it is our duty to call your Majesty's attention. Two family connections comprehend five of its members, and,

until very recently, when two of them retired from the firm, five were copartners in one banking establishment; to this latter circumstance has been attributed the failure of the efforts of this Assembly to fix a standard of value, and establish a legal currency.

The people of this Province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines; as also the amount of the old crown duties. The lands of the Province are in effect mortgaged to pay to the commissioner a salary out of all proportion to the duties he is called on to perform. Since his appointment in 1831, £5,624 8s. 10d. have been received on account of one hundred and seven thousand nine hundred and twenty-three acres of land sold; and the whole amount, except £216 8s., has been taken to pay the commissioner and defray the expenses of the department; while all the mines and minerals of the Province are held under a lease for sixty years by a wealthy English company, without the consent of, and independent of all control by, the representatives of the people.

Apart from the mere question of judges' fees, this Assembly is convinced that the presence of the Chief Justice at the council board has a tendency to lessen the respect which the people ought to feel for the courts over which he presides; while the position occupied there by the collectors of customs and excise is also unwise.

Though this Assembly might illustrate the evils arising from the structure of the Council by other examples, sad experience has taught them that it is not always safe to attempt to convey to the foot of the throne representations that are disagreeable to its members. A year's revenue and all the appropriations were sacrificed in a protracted struggle with the upper branch in 1830; and, during the present session, the Assembly found itself compelled, by a regard to the public interest, to rescind a series of resolutions passed after grave deliberation, and comprehending many of the topics touched on in this address. The evils arising from the structure of the Council are heightened and rendered more injurious by the practice adhered to by that body, of shutting out the people from their deliberations. This practice they still maintain, although it is opposed to that of the House of Lords in England, that of the Legislative Councils of Lower Canada, New Brunswick, and Newfoundland, and notwithstanding the murmurs and complaints of the people, for a long series of years, and the representations and remonstrances of this Assembly.

While this House has a due reverence for British institutions, and a

desire to preserve to themselves and their children the advantages of the Constitution under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in these blessings. They know that the spirit of that Constitution, the genius of those institutions, is complete responsibility to the people, by whose resources and for whose benefit they are maintained. But in this Colony, the people and their representatives are powerless, exercising upon the local government very little influence, and possessing no effectual control. In England, the people by one vote of their representatives can change the ministry, and alter any course of policy injurious to their interests; here, the ministry are Your Majesty's Council, combining legislative, judicial, and executive powers; holding their seats for life, though nominally at the pleasure of the crown; and often treating with indifference the wishes of the people and the representations of the Commons. In England, the representative branch can compel a redress of grievances by withholding the supplies; here, they have no such remedy, because the salaries of nearly all the public officers being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under imperial acts, a stoppage of supplies, while it would inflict great injury upon the community, by leaving roads, bridges, and other essential services unprovided for, would not touch the emoluments of the heads of departments in the Council, or of any but a few subordinate officers of the government.

As a remedy for these grievances, we implore Your Majesty to grant us an elective Legislative Council; or to separate the Executive from the Legislative Council, providing for a just representation of all the great interests of the Province in both; and, by the introduction into the former of some members of the popular branch, and otherwise securing responsibility to the Commons, confer upon the people of this Province what they value above all other possessions, the blessings of the British Constitution.

A very elaborate defence of the old Constitution, and of their own conduct collectively and individually, was prepared in the form of an address and observations, and forwarded by His Majesty's Council to the Colonial office, with a very strong expression of the Lieutenant Governor's opinion in their favor. A Committee of Council, it was, however, announced, had been appointed, to suggest such alterations of the Chamber as might be required on the admission of the public.



In the course of the summer, a set of resolutions calling the attention of His Majesty's government to the grievances under which the Province of New Brunswick labored, was passed by its popular branch. There is one of the series which provokes a smile at the present time, in which, while the House asserts that "the Executive Council should be composed of persons possessing the confidence of the country at large, and that the cordial sympathy and coöperation of that body are absolutely indispensable to the existence of any system of administration," yet that the House "should repudiate the claim set up by another colony, that the Executive Council ought at all times to be subject to removal, on address for that purpose from the popular branch of the government."

So novel did this "claim" for responsible government appear, even to the leading politicians of our sister Province, in 1837. They were content to ask for and accept such modifications and changes as might meet the requirements of the hour, but did not perceive that without the establishment of modes of redress and reformation applicable to all times to come, there was no security for the wise administration of public affairs.

In the course of this summer, overtrading and extravagance having produced a commercial crisis, specie payments were suspended by all the banks throughout the United States and Canada. It was feared by some that those of Nova Scotia would be compelled to follow the example. Past experience had, however, taught us a useful lesson, and saved the Province from participation in this general disgrace. Our banks held fast to their integrity, and continued to redeem their notes, notwithstanding the absurd anticipations of those who declared that if they did, gold and silver could not be kept in the country. We record this gratifying fact, not only to illustrate the value of preceding discussions, but to show to our countrymen the folly of any departure, however great the peril or the temptation, from sound principles of finance.

Though the twelve resolutions submitted to the House by Mr. Howe on the 16th of February, were rescinded, on his own motion, on the 8th of March, they had, as he anticipated, done

their work. Having been transmitted to the Colonial office by Sir Colin Campbell, on the 30th of April, all the points raised by them were considered and discussed by Lord Glenelg (one of the most able, amiable, and well-disposed statesmen who ever presided over that department), in a dispatch, which will be found entire in the appendix. The address itself elicited another dispatch on the 6th of July, written in the same spirit. If nothing remained on record but these two dispatches to illustrate Lord Glenelg's Colonial administration, they would prove how unjust was much of the abuse heaped upon that nobleman in the party struggles of the period, and how thoroughly upright and outspoken he was in his dealings with colonial questions.

We shall never forget the day when these two dispatches were read in our Assembly. Within a twelvemonth, Mr. Howe had borne no light amount of obloquy and suspicion. His resolutions had raised a storm of declamation from one end of the Province to the other. All those, and they were many, who were interested in the maintenance of old abuses, were uncompromising in their opposition and not very choice in their language. What rendered his position throughout this year more trying and delicate, was the unquiet condition of Canada. It required no ordinary nerve in a man legitimately seeking to reform the institutions of his country by peaceful and constitutional means, to withstand the ready argument, drawn from armed insurrection upon the border, that such results must naturally flow from all political agitation. Mr. Howe had withstood it. He had baffled the most skilful defenders of the old system in the House. He bore up, with unshrinking firmness, against the clamor raised throughout the country. When the Canadian insurrection broke out, he defined his position with precision, and by the publication of his letter to Mr. Chapman proved that he had forewarned the Canadians, and had predicted the failure of any armed resistance to the Queen's authority.\* When these dispatches were brought down he had his reward. 'The sovereign's "cheerful assent" was given to "the greater

\* See Appendix — Letter to Chapman. (21st Dec.)

part of the measures" which he had "suggested," "convinced that they would be conducive alike to the honor of the crown and to the welfare of his faithful subjects."

These dispatches were received in August. They were not shown to Mr. Howe, but negotiations were opened with him by Sir Colin Campbell in a somewhat informal mode, it being intimated that certain information was required, in the event of His Majesty's government making concessions to the Assembly. It had been represented to Sir Colin that the materials did not exist in the country for a more extended basis of government, should distinct councils, for the discharge of executive and legislative functions, be conceded. Though we never saw the names, we have reason to know that Mr. Howe met this objection by forming two complete Councils upon paper, honorably disposing of every member of the old one by giving him a seat in either one Council or the other, drawing in leading men from all the important sections of the country, the whole being so arranged as to fairly represent all the great interests theretofore excluded, and give very general satisfaction. These lists included, we believe, the names of several gentlemen subsequently honored with Her Majesty's mandamus, some of whom have (unaware of the fact, perhaps,) very stoutly opposed the person who first brought them to the notice of the Executive. When these names were submitted, Sir Colin remarked to Mr. Howe that he had omitted his own. He replied that he wanted nothing for himself, but would be content with any arrangement that would give satisfaction to the country.

There was no desire to give satisfaction. On the 26th of August a dispatch was forwarded to Lord Glenelg, containing "the plan for a civil list, to be proposed to the Legislature of Nova Scotia, on the surrender to them of the appropriation of the casual and territorial revenues of the crown, and also containing certain suggestions as to the future composition of the executive and legislative councils." Nothing could be more artfully evasive than these "suggestions," nothing more frank and honorable than the manner in which Lord Glenelg, after reiterating the broad principles already laid down, and enforcing others

which he thought should govern the financial questions, submitted to the demand. The civil list question remained open and undecided for ten years, and was only adjusted when the reformers came into the administration, in 1848. The Gazette had no sooner appeared which contained the names of the new councillors, than it was apparent that His Majesty's gracious intentions had been utterly disregarded, and Lord Glenelg's instructions violated in a manner the most adroit. We have printed the dispatch of the 31st of October, in the appendix, and shall presently proceed to show how the new arrangements were regarded in the Assembly.

At the opening of the session of 1838, it was apparent that very important advances had been made in the science of Colonial Government. There was a Legislative Council, including nineteen members, sitting with open doors. The first debates of that body appear in the newspapers of this year. There was an Executive Council consisting of the old number of twelve, charged, after a fashion, with the administration of affairs. But the appointments to the former had been so arranged as to preserve all the old influences intact. It was impossible to conceive of a body more antagonistic than it was to the feelings of a majority of the popular branch and to those of a great majority of the people. Four members of the Executive sat in the lower House, and two or three in the upper; but they acknowledged no responsibility to the Commons. It is curious to look back and recall the crude ideas which prevailed at this period. On the 29th of January,—

Mr. Morton put a question to the Hon. Mr. Uniacke, whether he could inform him when the Lieutenant Governor intended to lay before the House the dispatches referred to by him in his speech at the opening of the session?

Hon. Mr. Uniacke replied, that he supposed His Excellency would do so when he thought fit.

Mr. Morton had not expected to receive such a pertinent answer. He conceived that he had asked a very proper question, and that he had a right to put it to the honorable gentleman as one of the Executive Council.

Hon. Mr. Uniacke said, that when the resolutions passed last

year they had contemplated that some members should be chosen as Executive Councillors ; but he did not consider himself sitting in the House in any ministerial capacity, nor was he bound to support the measures of the Government. Notwithstanding his connection with the Executive, he should always advocate the rights and advance the interests of his constituents, and the people at large, with as much boldness and independence as ever.

Mr. Howe said, that it was certainly contemplated when the House wished that some members of the popular branch should be appointed to the Executive Council, that they should assume some degree of responsibility. It would greatly facilitate the business of the Legislature, to have some gentleman at hand to whom they could look for information respecting the views of Government. He thought the question put by the honorable gentleman from Cornwallis, one that had very naturally occurred ; he hoped the honorable Councillors would, in future, be prepared to answer such questions. He certainly hoped that the gentleman recently appointed would, on reflection, be prepared to assume responsibility to a greater extent than the learned member from Cape Breton appeared to contemplate.

Hon. Mr. Uniacke had misapprehended the import of the question of the honorable gentleman from Cornwallis, and he hoped he would allow him to beg his pardon. Just at this moment, the Hon. Sir Rupert D. George made his appearance before the bar of the House with the dispatches already printed ; the reading of which occupied the House till a late hour, and excited a very general interest.

To the following conversation we may trace the change, by which communications are now daily and hourly transmitted through members of Government, standing in their places, instead of being sent down at rare intervals and delivered in writing at the bar of the House : —

Mr. Howe rose for the purpose of giving a practical illustration of the course he had recommended yesterday to the notice of the Executive Councillors, who were members of the house. Hitherto, whenever information was required, they had been obliged to send away a committee to Government House, thus withdrawing from deliberation a number of members every day. It would greatly simplify the machinery of legislation, and save much valuable time, if these gentlemen would be prepared to answer questions put to them relative to the policy and intentions of Government ; and to furnish returns, when required, if there

was nothing improper in the application; at the same time he did not wish to impose upon them any unpleasant duty. He would therefore call attention to a request made by the House at its last session, for returns of the fees, if any, taken by judges of the inferior courts. But one judge had furnished a return. He would therefore ask of the honorable member from Sydney whether he would see that the others were submitted.

Hon. Mr. Dodd had no objection to take the same view of the matter as the honorable gentleman from the county of Halifax; he admitted that some degree of responsibility should attach to executive councillors. If he should find any thing in the office incompatible with the duty he owed to the rights of the people, he would feel bound to resign it. As to his being a mere organ of communication between that house and government, he could see no objection, and would be prepared to give an answer with respect to the returns required at an early day.

Honorable Messrs. Uniacke, Huntington and Dewolf, expressed similar opinions, but considered themselves as free and unshackled in their representative capacity as before they were elevated to their present honorable situation.

The members of the Executive Council having assumed this very moderate amount of responsibility, the business of the session proceeded, until the 8th of March, when Mr. Uniacke, the leader of the new government in the lower House, moved certain resolutions for granting a civil list in exchange for the casual and territorial revenues, when a curious illustration was given of the harmony existing in the new cabinet. Mr. Huntington, his colleague, who was the only member representing the parliamentary majority taken into it, stoutly opposed the resolutions and moved others in amendment. Mr. Huntington's resolutions were carried; the propositions which had the sanction of the other eleven members of the government being defeated. While this subject was under debate, another singular instance occurred of the want of skill and knowledge by which colonial affairs were at that time managed. It was announced that, by some informality, the two Councils, which had been conducting public business for half a session, had ceased to exist; and it was presently discovered that the new commission just issued to Lord Dunham as Governor General, had been framed without reference to the instructions issued to Sir Colin Campbell.

The numbers, even, did not correspond. By Lord Durham's Commission, the Executive was limited to nine and the Legislative Council to fifteen members. The two Houses were prorogued. The two Councils were dissolved, and two others, by proclamation, appointed in their stead. Three gentlemen called up to the Executive, and five appointed to the Legislative, had to be put aside. A bill was introduced to legalize and confirm the legislative proceedings up to the time when they had been so suddenly suspended. When the new councillors were gazetted, it appeared that Mr. Huntington, the only liberal in the Executive, had been left out, and that the Legislative Council contained a packed and determined majority hostile to responsible government and to the policy of the majority in the lower House. It was not to be expected that a politician as acute as Mr. Howe had shown himself to be, would, with Lord Glenelg's dispatches in his hand, calmly acquiesce in their flagrant violation. In a speech delivered in the debate on the civil list, we find Mr. Howe defining with some precision and an air of pardonable triumph, what had, up to that time, been gained:—

The time has now arrived, Mr. Speaker, when every member should state his opinion on this subject. The House had either one of two courses to adopt;—to go fully into the question in its present state, or to wait until a bill should be brought in, and then to have a labored discussion which might come better in an earlier stage. The former seemed the mode chosen by members, and perhaps it was every way the better one. I had supposed, sir, as these dispatches had come out in answer to the address of last year, in which I took rather a prominent part, that perhaps it would have been left to some of those who acted with me on that occasion to call the attention of the House to the questions they involved, and to submit a general measure embracing an answer to the whole. I do not complain, however; the course pursued has, perhaps, naturally arisen from circumstances.

I felt, sir, that we could not go into the question of the civil list until the judiciary was arranged; and the intention was, after that should have been disposed of, and the fate of the bill on the subject should have been ascertained, to give notice that a general view of these dispatches would be submitted to the House. I do not complain, and am rather glad that the present course has been taken; it matters little how the

question comes, so that it is brought to the consideration of the House. I feel, however, that we are not in as good a position to deal with the subject as if we knew the fate of that bill, — as if we knew whether the country was to have eight, or six, or seven judges. If that bill was on the table, we could go more satisfactorily into this question; but I am contented to take the discussion as I find it, and will trouble the House with a few remarks on the subject in the shape which it has now assumed.

The honorable gentleman from Cape Breton, sir, has called attention to only one branch of these dispatches, and to that we should now chiefly confine our observations. In framing his propositions, and submitting them, I only regret that he did not do justice to the spirit in which these documents have been conceived, and to the language in which they are expressed. They are documents, sir, such as we have not been accustomed to receive in this Colony, and are of the most important character. They breathe a spirit, which, if it had influenced transactions of the last twenty years, would have saved much evil, and produced much good; which, as long as it exists, will perpetuate good feeling between the mother country and her dependencies. It makes us feel, sir, not as we have often felt, hampered and trammelled, but that Britons here have the same rights as Britons at the other side of the Atlantic.

Let us turn, sir, for a moment, to what occurred at the last session. Respecting the address, the Council had the last word, or, as legal gentlemen would term it, the benefit of "the reply." The address was sent, and the members of the House separated to their several homes, when the other branch forwarded their celebrated observations in answer. The House had no opportunity of rejoinder; but, as an individual, I felt strongly inclined to review those documents. After being somewhat rested from the labors of the session, I sat down to the perusal of the observations. I endeavored to divest my mind of all prejudice and angry feeling, and to come to their consideration as a dispassionate Englishman would, who desired to judge calmly of the subject, whose duty it was to try the cause, to decide the issues then pending between the Council and Assembly. Having read them, I cast the pen aside, feeling that they might very safely be allowed to go for what they were worth, and that no review was necessary. We now see how they were received at home; while the most important points of the Assembly's address were taken up in an excellent spirit, and have been liberally answered, the observations of the Council, so far as I can learn, have not been deemed worthy of any notice. Into these questions I am not disposed to go at length; the results of the address may demand future consideration, but at present our ground is limited.



It may be as well, in the first place, to inquire in what our position varies from that of last winter. I think that every man who hears me will feel that we have made a considerable advance, and that much ultimate benefit will be the result. What then have we gained by the labors of the last session? In the first place, we have received the thanks of our sovereign for bringing to his notice "measures which are alike conducive to the honor of the crown, and the welfare of his faithful subjects inhabiting this part of His Majesty's dominions." That was the answer, notwithstanding all the denunciations of the course pursued by the majority at the last session. The next advantage is, the separation of the Executive and Legislative Councils. This is a very important change; the second Legislative branch is now larger and more popular, and, I trust, will be much more satisfactory in its transaction of public business. Then the Chief Justice has been shut out from both Councils, and this secures the entire separation of the judiciary from the contamination of party politics. Next, we have four members of the popular branch in the Executive Council, doing business in this House under some responsibility, although not to the same extent that the British ministry is responsible. That body is much more popular than when it sat in its double capacity at the other end of the building. Its members mix with the people's representatives, they represent the people themselves, they are in the midst of popular feelings and expressions, —

" Can one pass through the bright Arabian vales,  
And not bring thence some perfume ? "

And can these gentlemen breathe the popular air, can they hear the rights and wishes of the people freely canvassed in this house, and not carry popular impressions with them into the Privy Council? These are the holds which we have on them, and which are of a character honorable to themselves, and beneficial to the country. The honorable gentleman from Cape Breton may smile, but he feels the force of my remark, and must acknowledge that I do not claim too much for this alteration. Last session, the other end of the building contained but *one* gentlemen from the country; now there are *nine*, in accordance with the representations of the address. In the last Council we had an overwhelming majority of one religious denomination; now there are eight at least belonging to dissenting congregations. Another advantage which had grown out of the discussions, and which I consider of much consequence, and next to the laurels gained respecting the Executive Council, is that we have the doors of the other branch open. This has not been accomplished with pickaxes and crowbars, as some intimated was the in-

tention, but by pursuing the course which the Constitution and the law sanctioned. We also have the claim of the Assembly, of the right to control and appropriate the whole of the public revenue arising in the Province, "frankly admitted by the Queen, in the comprehensive and specific form in which it has been preferred;" an admission nowhere, heretofore, to be found on the journals of the House. A former offer indeed might be found, but nowhere was the claim conceded as it is in the documents now on our table. The crown land office also, of which much had been said, is handed over to be dealt with as the Legislature may deem wise. These are important advances, and such as may well claim more than a passing notice.

It might be allowable here to dwell for a moment on the matters which are withheld, as well as on those which are conceded, — to inquire what answers are given to our requests where our wishes have not been complied with, and to observe how the spirit of these dispatches has been carried out by the local government. I will not now, however, meddle with these things, but will confine my remarks to the financial portion of these documents. Let us examine the question as it appears before the House. [Here Mr. Howe read the resolutions moved by Mr. Uniacke.] The second resolution of the honorable gentleman goes further than the Colonial Secretary's wishes; it pledges the House to pay, besides the £8000 per annum, all the sums now chargeable on the civil list. [Mr. Uniacke. I think that Her Majesty's government wish us to grant the £8000 for Her Majesty's civil list, leaving us to meet other necessary services.] That is an advance on the terms of the dispatch, and retains some expenses which evidently may be avoided. The honorable gentleman's whole scheme is founded on the supposition that the revenues will not be surrendered for one penny less than £8000, and that all those salaries must be fixed permanently, which are so stated. I am happy, however, that the House is not embarrassed by supposing that this is an executive opinion, for we see another honorable member of Her Majesty's Council leading up the opposition on the other side of the question. There is nothing in the dispatch, sir, to warrant the apprehension that we are tied down in this manner. From the whole spirit of the communication we may deduce that the question is left broadly open, to be dealt with here as an enlightened legislature should deal with such a subject.

In referring to these communications, sir, I am happy to find the men who have done so much for the institutions of Great Britain, breathing into the Colonial Councils the spirit of Britons. This dispatch comes here, as the minister would send a message to the Commons, not in the spirit of

dictation, but informing us that the sovereign surrenders her casual revenue, and asks in return a just provision for the public officers. As if it were said, You know the country, its revenues, and resources, and wants; take these revenues for the public service, and give a fair return to those who must be provided for by the general government. I cannot but remark, sir, in this place, that the first of these dispatches which arrived was dated in April last; from that time it would appear that certain persons at this side of the water had presentiments of approaching trouble, and the time between that and the submission of the whole subject was occupied in negotiations; in sending notes and memorials to and fro; in forming estimates, and in making protests against any reduction. I merely call attention to the fact, and will not turn to the papers for proof; but certainly during the recess, while the members of this House were at their homes, while the House was politically dead, others, who were likely to be affected, were not dead; they were alive and wide awake, and very active in taking care of themselves. Accordingly, we find a scale submitted which did not originate with Lord Glenelg; on all that really emanated from the other side of the Atlantic, broad principles are impressed; they are marked by candor, and frankness, and liberality, creditable to those who sent them, and honorable to those to whom they were addressed; but in the skirmish of little notes and memoranda, it was every man for himself, and heaven for us all. This scale, it appears, is less by £1000 than some other scale sent home, and to which the Colonial Secretary alludes in one of the dispatches; his keen eye saw at once through the system, and he said, No; that is too much, I see that it is; I, who have lived all my life in this rich country, who never saw the bad roads and miserable bridges, and the general poverty of Nova Scotia, I see at a glance that the scale is too high, and what must it appear to those more intimately informed of the circumstances of the Colony? I will therefore inform His Excellency the Lieutenant Governor, that I have omitted from the list of charges several that have been submitted. That is the way in which I read the noble Secretary's communications; and, sir, as I read the resolutions of the honorable member for Cape Breton, they go to provide for those very charges omitted by the home government. I allude to the fact as a guide to the House, and as an evidence of the difference of feeling between officials here and the home government. I deny, sir, that the question is in any way fixed, either as regards gross amount, or particular sums, by the home government; neither the spirit nor the language of the dispatches warrant such a conclusion.

One paragraph says: "It is not to them 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 favor they are granted, in that station of society to which they must belong. I am not only willing to admit, but even anxious to assert, that in fixing the amount of official salaries in British North America, great frugality should be observed. In countries recently settled, it is of moment that moderate and simple habits of domestic expenditure should prevail, and should be respected; nor is there any exception to that rule which I should more strongly deprecate, than one which would enable, if not require, official men to distinguish themselves from other classes by a less strict economy, and a more costly style of life." Could any language more plainly intimate that the whole matter was to be fixed in this House? The permanency of some salaries, and the adequacy of all for the individual officers, according to the society they moved in, seemed stipulated, and nothing else. The principles of economy, and the simplicity of American society, were fully recognized by the noble Secretary; and I think, sir, that the passage to which I now allude, coming from such a source, is of the very highest importance to this country. The practice has been to bolster up pretensions, and to supply so lavishly, that persons in office forgot that they were the servants of the country, and almost imagined themselves to be its masters. Such a state now, however, is denounced by the Colonial Secretary, and "he does not shrink, even in the case of the Lieutenant Governor, from pursuing to their legitimate consequences the principles to which he adverts." If the first officer of the Province is thus subjected, should this House shrink from applying the same rule to others? The only stipulations are as I have stated, and the permanent provision for some officers seems to be considered of more importance than the exact amounts of their salaries; it was thought wise that they should not depend on annual votes, and should not be subjected to the action of popular influence. "With regard," says my Lord Glenelg, "to the scale of salaries in the preceding list, I must repeat that I am not solicitous to stipulate for any precise amount of remuneration for the various public offices to be included in the civil list. Her Majesty will expect, and indeed, strictly require, that no such officer should receive any increase of his official emoluments by an annual grant of the Assembly. They should, therefore, be fixed at once, at such a rate as may be adequate to the proper maintenance of the officers. If estimated on any other principle they could not be accepted. If estimated on that principle, they must not be rejected, even though the Assembly should differ from you in opinion as to the amount of the sum which ought to be assigned for the entire support of any one or more of those officers."

The honorable gentleman for Cape Breton has referred to what occurred in Canada; we know what has occurred there. I will not trace back their difficulties, but I confess that their plan of voting salaries for half yearly or yearly periods, is one upon which I always differed with the Assembly of that Province, and which I would never wish to see established here. I am willing to admit that it is right and proper that the government in every Colony should have the executive and the judges permanently provided for, and two other officers also, according to my views of the subject — I mean the Provincial Secretary and the Attorney General. If a majority differ with me on these points, rather than divide with those who may have given the subject more consideration, perhaps I may be tempted to go further than my own opinions incline. Government should have at least one permanently paid prosecuting officer in every colony, although I admit that the list of those who are to be independent of the influence of the popular branch should be as narrow as possible. The moment that a considerable body was made independent in a colony, they were made its masters: instead of being accountable for their acts, they became as a distinct body, with feelings and interests too often at variance with the mass of the people. The subject before the House is one of commanding interest. We have arrived at a point in the history of Nova Scotia, of vast importance, not only to ourselves as the representatives of the country, but to those whom we represent — the people of this Colony who have sent us here. We are about to make a wise appropriation of the public money, or are about to lock up the funds of the Province unnecessarily, in a manner which would make them inaccessible for generations to come. I am somewhat disposed, sir — weary with these discussions, and anxious to settle this question — to go further, for present incumbents, at all events, than perhaps my cool judgment would dictate. Some have intimated that there is a disposition to evade the settlement, and to accomplish nothing this session. I solemnly declare that I consider members — as honest men, as Nova Scotians, as British subjects — bound to bring the matter to an amicable close, if it can possibly be done without improper sacrifices. My individual feeling is, so to act, to the best of my ability as to accomplish a settlement on a just basis.

When it is intimated that a few hundred pounds are of little consequence, I look round, and see the many services to which that sum could be beneficially applied. What was £1000 to the whole Province? Yet £1000, well employed, might occasion the departure of four or five whale ships to the Pacific, and might be of much benefit to the commerce of the country, and ultimately lead to the introduction of millions.

Much indeed might be accomplished in a new country with that comparatively small sum. It might cause the opening of a tract of country, and the settlement of smiling homes in what else would be a howling wilderness for fifty years to come. One view which should be taken of colonial economy is, that it would be of service to the mother country; and that a system of overpaid colonial officials trammelled the government, and exhibited bad examples which had a bearing on the advancement of the whole empire. But economy might be considered beneficial in another point of view. Supposing a saving of one hundred pounds is expended in opening the wilderness; the moment settlers occupy the new line of road they begin to consume British manufactures. Give a hundred pounds more than was required to a public officer, and perhaps it would be sent out of the country and lodged in foreign funds; would that ever do the same amount of good even to the mother country? I hold it to be an unanswerable position, that for every hundred pounds saved, and applied to internal improvement, you fix on the surface of the soil consumers of British manufactures, — and thus Manchester and Birmingham have a direct interest in the economy of a distant Colony. Let us turn for a moment to the opposite side of the question, and see how such matters have been hitherto managed. It is not necessary that I should revert to the natural growth of extravagance in every new country: as a matter of course, in a Colony, at its first settlement, official men possess all the influence of the country. From the first settlement of these countries almost down to the present period, those who had a personal interest in a system of extravagance possessed all the influence, and did as they pleased. That influence diffused itself over every department; it was prominent, perhaps, in both branches of the Legislature — at all events, in one. This has led to extravagance in every Colony, and we can easily trace its effects in Nova Scotia. A bill passed the other day, reducing the judicatory, and striking off, as I reckon it, £1697 a year. [Mr. Huntington. This is not to be accomplished during the lives of the parties.] I admit that the money is not to be saved immediately, but the bill is an expression of the opinion of this Assembly, that we have been all along paying two judges more than was required, and that the amount of contemplated saving has been hitherto wasted. In addition to this, we were until recently paying another £400 a year to an associate judge. We were then, from a variety of causes, which operate in all the Colonies, paying for a number of years about £2000 a year more than our wants required for the support of the judicatory. That is the position I assume, and, taking a period of ten years, we have wasted in this manner, upon that branch alone of the

public service, £20,000. Another item which may illustrate the system which has grown up here, is the customs establishment. Gentlemen may suppose that there is no use in adverting to this now, but I think it necessary to do so, that a general conclusion may be reached. Fixing for every officer employed a fair and liberal remuneration, I can show that this service should not exceed £6000 a year. We have been paying £10,000; in this branch, therefore, for a period of ten years, a sum of £40,000 has been wasted. Another department of unnecessary expense is suggested by this: last session attention had been called to the propriety of blending the duties of the excise and custom house. During the recess inquiries had been made, and although the committee could not act officially, on account of a construction of His Excellency that their powers ceased at the prorogation, yet some information was the result of their appointment. Communications had been made with the departments: the collector of excise stated as his opinion, that the duties of his office might be blended with the customs or treasury, and that he was prepared to accede to any such arrangement. Respecting the customs, the head of the department considered himself bound, on account of his relation with the home government, to decline entertaining the proposition. Men of business with whom I have advised on the subject, universally stated that the business of both offices could be performed at the customs and treasury with a very trifling addition of labor, which would be altogether paid for with a very moderate sum; in which case the whole collection of the excise revenue would only cost the Province £450 per annum. At present it costs, in this port alone, within £10 of £1600. One man gauges a cask for the excise, and another gauges the same for the customs, and two waiters have to walk down on the same wharf for the purpose of giving two permits. From one end to the other there was the same anomalous folly, and vast sums of the public money were wasted and destroyed. The saving that might be made by blending the customs with the excise was upwards of eleven hundred pounds. The waste by having two distinct departments might be stated at £11,460 in the last ten years. Gentlemen might imagine that this had but little to do with the day's discussion, but they should turn their attention to the whole system, that their minds might be prepared for what they were about to do, and for other matters which remained to be performed. Enumerating these services, — the secretary's office, the registry office, and the crown land office, — and stating the expense of all at a liberal rate, on a higher scale than they need be, the conclusion which I arrive at is this: that in ten years, in various departments, we have wasted, by extravagant expenditure, no less than

£83,000. This was not wasted, indeed, in the same degree as if it was thrown into the sea, because much of it had gone into general circulation; but, as regards purposes of public improvement, reduction of public debt, encouragement of commerce or manufactures, that £83,000 I contend has been decidedly wasted. The House must say to-day whether this system should continue. The question was not merely how the matter before the House should be disposed of, but whether that system should continue.

I have not prepared a proposition touching the civil list; I do not pretend to guide members in the matter. I refrained from taking an active part yesterday, because I knew that if the Assembly came to conclusions which would prove unacceptable, if difficulties occurred while I took an active part, *that* would be given as the cause, and I would be charged with making the disagreement, which I wish to prevent. I waited patiently, and listened attentively, until members all round, who well knew the resources, and wants, and wishes of the country, had expressed their opinions, and I did not oppose their views, although I may differ with them on some of the details of this arrangement. I look on the country members generally as examining this question in the spirit which has been breathed into them by their constituency, and by the situation of the various parts from which they came. I, who have resided in the capital, know some expenses incidental to public situations, and which would be forced on men holding the first rank in society. So circumstanced, I may differ with gentlemen on some points; I may think that larger remuneration is required than what others consider ample; but I feel that members of the House generally are acting in the proper spirit, and are approaching this question with manly independence, and have expressed broadly and strongly their uninfluenced views of what the arrangement should be. I have not attempted to influence opinion on this matter, and it is but rarely that I speak out of this House on subjects which demand attention here. The better way, perhaps, at this time, would be for each member to submit his own scale of the proposed civil list, and develop his own views of the whole subject; but I felt that it might not be right for me to attempt to lead on this occasion, but to state broadly my opinions of the principles which should govern our decision, and then leave it to members to decide as they think best.

The propositions of the honorable gentleman for Cape Breton I am opposed to, and I believe that they will not carry a majority in this House. [Mr. Uniacke. They are not before the House at all; they have been negatived.] Respecting the first resolution of the honorable gentleman from Yarmouth, it would be well, on it, for the House to de-



cide what their intention really is. As to the sums proposed, I say, rather than have this left open year after year, I would make some sacrifices beyond what might be considered merely sufficient; others may be disposed not to make any compromise or concession from what they think right. We should bear in mind that in these matters we have to deal with the enlarged views of gentlemen in the mother country, who can scarcely place themselves, even in imagination, in our circumstances, although, by the dispatches, Lord Glenelg seems to have done so. We have to deal with minds accustomed to the affairs of a nation of vast wealth, to institutions of great splendor, to extravagant emoluments, and so situated, from habits and circumstances, that they can hardly narrow their views so as to be fit to deal with a colony like Nova Scotia; as the astronomer, accustomed to see worlds rolling in illimitable space, cannot contract his vision to notice the petty things of earth. The Colonial Secretary seems to have thrown off many of these prejudices, and I trust that he will remain where he is until this question is finally settled; but members should not be alarmed by any anticipations of great changes in the policy at home, or by fears that the Colonial office may recede from its present proposition. One of the delegates from New Brunswick, Mr. Crane, stated in the Assembly, respecting his mission, that no matter who came into office, even if Lord Melbourne changed with Sir Robert Peel, the principle once sanctioned with respect to their civil list would be fully recognized, and no material difference in dealing with the subject would be experienced. No matter who might succeed Lord Glenelg, the House might rest assured that any reasonable proposition of theirs would be accepted in lieu of these revenues. Another view of this subject demanded some attention. It might be said that the House should deal with the public officers as if they had a right to the full amount of their present emoluments. "Vested rights," I admit, should be fairly dealt with; but every man who accepts a situation, does so under the implied condition, that if the circumstances of the country should call on government to make economical changes, his vested rights shall give way to a certain extent. The country employs persons, and should pay them such adequate salaries as the Legislature should determine. I am not disposed to deal with them narrowly, but, in fixing the scale, we should not only take into account those who have too much at present, but those who are entitled and called on to associate with them, and to whom great injustice will be done if the emoluments of persons in the same rank are put too high. To fix two or three so high that they can afford to live extravagantly, and far beyond the means of most others, I consider to be a great social evil.

You place them in the midst of those who cannot compete with them, and make them causes of mortification, or of ruinous pretension. This view should not be lost sight of, that whatever is done may be done generally; a scale should be determined on which will be satisfactory to all parties, except those few who will be called on to make some sacrifices. Another evil of attaching extravagant salaries to a few officers is, that it raises those persons to too near an equality with the Governor of the Province. The Executive, I think, should be far above the public officers, and he should be placed, proportionally, as the King of England is placed among the official persons who surround him. To give the Governor only £2000, while the Chief Justice receives £1200, and the Secretary £1000, with other emoluments which make up many hundreds more, would not be in accordance with the practice of Great Britain, and would not be such a regulation as would give the Executive the proper control of these functionaries. This may be designated as a theoretical evil merely. I do not state it as a great grievance, but as one view of the question which should be taken before coming to a final settlement.

Respecting New Brunswick, also, it should be borne in mind, that although they gave a large sum there, they got much more in return than we can get. The lumbering trade made the control of the crown lands of great consequence, not only as a source of revenue, but for purposes of regulation respecting the trade and commerce of the Province. That was one reason why a conclusion there had been so readily arrived at. I do not say, sir, that we should not act justly and liberally in this matter, because the mother country has not so much to give us, but only argue that there is no close analogy between the cases. Beside the advantages already mentioned, New Brunswick receives £170,000 in money by the arrangement. The very interest of this sum nearly amounts to that given for the civil list, or at least would meet a large part of it. Here we have a debt of £120,000; there they owe nothing, and receive £170,000 in hand. These views should be borne in mind, if any argument were to be drawn from the sister Province. I do not, however, intimate that because the bargain is not so good our proposition should not be reasonable, and that we should not meet the home government half way. If not one sixpence were to be gained in return, we should meet the question and endeavor to arrange it, and should not view it as a mere "bargain," as it has been termed by the learned member from Queens. We should not wish to degrade the sovereign, regarding it in that light, or assuming that she intends to chaffer for any improper advantage. The sovereign comes in a dignified manner and

asks for an allowance for the officers of the Colony, offering these revenues in return, and we shall best perform our duty by meeting the subject boldly, and making a reasonable allowance for every essential service, according to the circumstances of the country whose finances we are bound carefully to superintend.

It has been intimated that if we do not agree to the terms proposed, we shall put ourselves in the position of the monarch who refused the Sybil's leaves; and we are told to take the book, the whole book, and nothing but the book—to give the pound of flesh, or that nothing else will suffice. I do not view the sovereign under that aspect, and I only understand by the proposal that we are called on to make a reasonable fulfilment of the contract. When the honorable gentleman from Cape Breton threatens the penalty respecting these Sybil's leaves, I remind him that those Sybils of classic times sold their books, because they were willing to sell any thing for money, and that they were generally under the control of the aristocracy where their altars were erected. I am happy to see that the example is not continued; there have been Sybils, or old hags, in Downing street, who thought themselves witches when they did not deserve the credit, and for whose oracles the Colonial officials always demanded the highest price; but the present occupant of that office shows that he wishes to "turn over a new leaf," and instead of binding us down to his oracles, he says, Will you give me what I ask for my book; if not, tell me what you *will* give? That was the proposition of Lord Glenelg, and this Legislature need not fear the penalty which has been threatened.

In concluding remarks, sir, which I fear may have been wearisome, I feel that, perhaps, I should now submit some proposition which would express my own views. The subject is in the hands of men who know the situation of the country, and are most deeply connected with its interests. Their propositions I am prepared to oppose, or sustain, as they may appear to me to be conducive to the settlement under consideration, or calculated to retard it. I differ in some respects from the honorable gentleman from Yarmouth, and am ready to make some sacrifices for the purpose of ensuring an arrangement. I will not agree to a scale which would make the bill respecting the judiciary, lately passed, so much waste paper, and which would exhibit the House as passing one bill to save an expenditure, and, immediately after, another to reëstablish it; therefore I could not vote for the original resolution of the honorable gentleman from Cape Breton. I am prepared to make sacrifices, but I would not sacrifice too much. The Governor's instructions I take to be these: if the legislature should agree to give the £8000 he may give his

assent without a suspending clause, but if alterations and reductions are made a suspending clause must be attached before assent can be given. I sincerely hope, sir, that this important question may be finally and satisfactorily arranged at this sitting of the Legislature, and that it may be the means of mutual profit and good will to the Colony and the mother country.

Before the session closed, the House and the country were prepared for another struggle with the Executive. The Civil List Bill, framed by Mr. Huntington, had been rejected by the Legislative Council; a bill intended to reduce the cost of the Judicatory had shared the same fate. The only popular man taken into the Cabinet had been compelled to retire. The members of that Cabinet denied that it was one (and for this it must be admitted that they had Lord Glenelg's authority), and only consented to convey to the Lieutenant Governor the wishes of the Assembly without admitting any obligation to enforce them by their advice. The following address was proposed as the remedy for this state of things, and after two days debate was finally adopted:—

We, Your Majesty's dutiful and loyal subjects, the representatives of the Province of Nova Scotia, tender to Your Majesty our unfeigned acknowledgments for the gracious consideration bestowed on the humble address to the crown passed at the last session of the General Assembly. That our late lamented sovereign should have assured us that "the greater part of the measures" suggested in that address "were conducive alike to the honor of his crown, and the welfare of His Majesty's faithful subjects inhabiting this part of His Majesty's dominions," deepens the feeling of regret for his loss, and respect for his memory, which pervades the population of Nova Scotia. That our gracious Queen should have confirmed the liberal views of the late sovereign, that she should have signalized the commencement of her reign by expressions of confidence in this Assembly, and the announcement of a determination to redress the grievances of which it complained, has excited the liveliest gratitude, and strengthened the feelings of loyalty and attachment to the mother country, for which Nova Scotians have been so long distinguished.

In again approaching the throne, we beg Your Majesty to believe that we are actuated by no captious desire to intrude into the presence of our

sovereign with unimportant complaints; but are sincerely anxious to carry out, to their legitimate extent, the principles maintained in the dispatches of Lord Glenelg of the 30th April, 6th July, and 31st October, 1837, and to quiet all questions, the continual agitation of which has a tendency to disturb this Colony, and excite dissatisfaction with the local and distrust of the views and policy of the general government.

The promptitude with which Your Majesty met the wishes of your people, by dissolving the Council and constructing two distinct bodies to discharge executive and legislative functions, demands our warmest gratitude; but we should be wanting in our duty, both to Your Majesty and to those we represent, if we did not respectfully show to Your Majesty, that, in the formation of those bodies, the wishes of this Assembly, and the wholesome principles announced in the dispatches, have not been followed out.

One point, to which the attention of the crown was called in the address of last session, was the preponderance in the Councils of the country given to one religious body, embracing but a fifth of the population, over those of which the other four-fifths were composed. The reasonableness of this complaint was fully acknowledged. "It is impossible," said the Colonial Secretary, in the dispatch of the 30th April, "that distinctions so invidious should not be productive of serious discontent." The directions given upon this point were clear and explicit. Recommendations were to be "altogether uninfluenced by any consideration of the relation in which the proposed Councillors might stand towards the Church of England, or any other society of Christians;" care was to be taken "to avoid, as far as possible, such a selection as might even appear to have been dictated by motives of this description;" and "even the semblance of undue favor to any particular church was to be avoided." These commands, founded in justice and sound policy, were reiterated at the close of the dispatch of the 31st of October, in which Your Majesty directed that the new Councils should be composed, "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." Such being the gracious intentions of Your Majesty — intentions which, if once fairly carried out, would forever remove from the Province those jealousies that the apparent preference given by the local government to one class of Christians over all others, is but too well calculated to inspire — your loyal subjects observe with surprise and regret, that in the new Executive Council, as lately remodelled, five of the nine gentlemen of which it is composed are members of the Church of England, and that eight, out of

the fifteen who form the Legislative Council, are also members of that church, His Lordship the Bishop being one.

Though fully appreciating the delicate and difficult nature of the task, which, in the arrangement of these two bodies, devolved on Your Majesty's representative in this Province, and which was heightened by the obligation to consult the feelings and admit the claims of many members of the former Council, this Assembly humbly conceive that this unwise distinction, by which a clear majority is still given, in both Councils, to one body of Christians, embracing but a fifth of our population, is as justly objectionable now, as the former arrangement, based upon the same policy, was in 1837.

In some other respects, it appears to this Assembly that the wise directions of Your Majesty have been overlooked. The dispatch of the 30th of April contemplates a fair representation in the Councils of "all the great interests of the Province; and the appointment of persons connected not merely with the capital, but with the other principal towns, and with the rural districts." The composition of the Legislative Council shows that more than one-half the members still reside in the town of Halifax; that while the legal profession sends six members out of fifteen, the agricultural interest, that which in this, as in most other countries, lies at the foundation of all others, and embraces the greatest amount of population, property, and general intelligence, sends but two. Had such a disproportion been forced on the local government by any regard to the peculiar claims of former Councillors, or any palpable necessity growing out of the circumstances of the country, the representatives of the people might have seen less reason to complain; but they would be wanting in their duty to Your Majesty, if they did not frankly declare, that in this, as in other respects, the gracious intentions of the crown do not appear to have been fulfilled. The desire of Your Majesty "to entrust the duties attached to members of the respective Councils, to gentlemen entitled to the confidence of the great body of the inhabitants," would seem to have given place to influences in the Colony, political or religious, against which the representatives of the people have often had to contend. But, without dwelling on what appears to this Assembly a marked departure from the spirit, if not the letter of the dispatches submitted to us by Your Majesty's command, we owe it to our sovereign — to the desire for mutual confidence between Her Majesty and her loyal subjects in this Province — humbly to declare, that, while in both Councils, as at present constituted, there are members who are friendly to a liberal policy, the majority are known to be unfavorable to many of those reforms which the people of this Province anxiously desire in their institutions.

In approaching those financial questions, in the final arrangement of which we feel a deep interest, from the important bearing they have on the peaceful development of our resources, and the preservation of those "moderate and simple habits," which, in a young country, are the best guaranties for public virtue and private happiness,—this Assembly are embarrassed by the difficulty of conveying to their sovereign an adequate conception of the weight attached by their constituents to a wise and satisfactory application of those principles of economy, announced by Your Majesty in the dispatch of the 31st of October, from the noble Secretary of State. The natural tendencies of a colonial government favor the growth of a pernicious system of official extravagance. In the early history of a Colony its public officers receive their appointments from, and have their emoluments fixed by patrons in the metropolitan state—often but ill informed as to the labor required, or the slender resources afforded by the Province into which they are sent. When a Legislature is conceded, for a series of years it is influenced or controlled by those who ought to be subjected to its authority, but who surrounding the Executive, and dispensing its patronage—occupying the seats of one branch, and through their friends and dependents, stimulating to extravagance, or neutralizing the efforts of the other—often denounce as disloyal every effort of those who seek to enforce economy and popular control; and weaken the attachment of the people, by making the sovereign's name and delegated authority, the sanction for every abuse. Nova Scotia has had her share of these evils; she has them now; but her representatives hail with satisfaction the assurance given by Your Majesty that they shall exist no longer; that while Your Majesty graciously admits the right of this Assembly to "control and appropriate the whole public revenue arising in the Province," Your Majesty, in the spirit of that Constitution which guards alike the prerogative of the Crown and the property of the humblest of its subjects, also recognizes it as our privilege and duty to fix the amount of remuneration which every public officer maintained from those revenues should receive.

With a view to a permanent settlement of the civil list, and transfer of the crown revenues, a bill was passed by the House in this session, granting to the present Lieutenant Governor, during his continuance in office, the amount which he now receives; and for his successor the sum of £2000 sterling per annum; to the present Chief Justice a larger amount than is now borne upon those revenues; and to the Puisne Judges permanent salaries somewhat higher than those to which they are now by law entitled. These salaries, the representatives of the peo-

ple believe to be adequate to maintain the dignity and independence of the Judiciary; to attract to the bench the highest order of the legal talent which the Colony affords, and to provide for the stated and firm administration of justice in every county.

Your Majesty will perceive that the provisions of this bill differ from the scale submitted by the noble Secretary of State for the Colonies, to this extent; that his Lordship contemplates an abandonment by the Chief Justice of the fees taken by himself and the other judges, and which the Commons of Nova Scotia have repeatedly endeavored to abolish. Having declared them to be unconstitutional and illegal, they cannot recognize any right in the judges, founded on the mere fact of their reception. In making a small addition, therefore, to their salaries, the House was governed by a desire that their remuneration should be adequate to the responsibilities of their stations; in declining further to increase the salary of the Chief Justice, they felt that it was already ample, — higher than they were justified in giving to his successor in office, — and above what the state of society and the resources of Nova Scotia would warrant. The Assembly, though they have ventured to differ with Your Majesty's government as to the amount to be paid to some of those officers, readily concur in the wisdom of providing for their support by a permanent enactment. They repudiate the claim, set up elsewhere, that even the highest public functionaries, in a colony, should depend upon annual or semi-annual votes of the popular branch. As British subjects, they are anxious that the representative of their sovereign should be maintained in a position of dignified independence, and that those who are to administer the laws, and guard the justice of the country, should be unbiassed by pecuniary considerations. In reviewing the salaries of the Provincial Secretary, and of the crown officers, the Assembly have not considered that the necessity for making these permanent was the same. The practice is not sanctioned by that of the mother country; and, although the duties to be discharged by those officers are of the highest importance, the Assembly conceive that like others who have been liberally provided for in the annual appropriations, and whose emoluments once fixed are rarely diminished, they may safely be confided to the justice and liberality of the representative branch.

In considering the salary of the Secretary, the House has acted on the deliberate conviction that it is, and has been for many years, far too high. That officer also holds the situation of Registrar of Deeds; and besides the very large amount received in Halifax, shares the registration fees with all the deputies throughout the Province. If left in the full possession of his present emoluments, he will be in the receipt of a



sum not far short of that offered for the future salary of the Lieutenant Governor; and this House humbly conceive that a system which raises a few officers to so near an equality of remuneration with the Queen's representative, weakens the influence which he should exercise over every department, and in the local society; while, at the same time, it is unjust to other officers of equal rank, and performing duties of kindred responsibility, but whose emoluments have been regulated by the local legislature. The Assembly believe that, from the operation of causes already stated, the sums withdrawn for the support of this department have been always extravagant; they could show to Your Majesty that in a period of ten years, £10,000 have been lavished upon it which might have been more wisely appropriated to purposes of internal improvement; and they feel confident, that in fixing the prospective salary of the Provincial Secretary at the same rate at which it is proposed to pay the judges of the supreme court, they should act with a due regard to the respectability of the office, and to the confidence reposed in them by Your Majesty.

In promptly voting permanent salaries to the Lieutenant Governor and the judges, this Assembly feel that they have vindicated themselves from any suspicion of a desire at any future period to embarrass the general or local government by a factious or impolitic stoppage of supplies. But, as they have ventured to differ from some of the views exhibited by the Colonial Secretary, as to the amount of some salaries, and the permanence of others, they deem it right to acquaint Your Majesty; that, besides the officers named and the amount included in the sum proposed to be granted as a civil list, the Province pays, under permanent laws, a Master of the Rolls and four other judges, at an annual cost of £2450 currency; and that out of a gross receipt of £60,000, including the crown revenues proposed to be surrendered, and all the taxes collected under Imperial and Provincial Acts, there will be, on the passage of such a law as this Assembly propose, no less a sum than £30,000 permanently appropriated for the support of the Provincial Government; while the sums included in the Annual Appropriation Act, for indispensable public services, amounting to nearly £15,000, leave only £15,000 at the disposal of the Assembly, to be applied to the repair of roads and bridges and the internal improvement of the country. This frank exposition of the state of the Province, its revenues, and expenditures, we trust, will convince Your Majesty that in somewhat reducing the scale fixed by Lord Glenelg, the representatives of the people have acted with a due regard to the interests intrusted to their care; and that, in hesitating to add to the already large amount of permanent salaries,

they have but imitated the example of the Imperial Parliament, which, while it provides during the life of the sovereign a permanent civil list, by narrowing as much as possible the range of such appropriations, wisely subjects every department to some degree of popular influence and control.

Among the evils which have grown up, from the causes already referred to as operating to a certain extent in every Colony, there is none which has more heavily burthened the industry of the people of Nova Scotia, than the mode of collecting the duties levied under the Imperial and Provincial Statutes. The duties received by the Colonial revenue department here, are, like the duties collected under Acts of Parliament, laid exclusively on imports. One set of officers, the Assembly conceive, would therefore be sufficient to collect the whole; and they can see no reason why, if Your Majesty's government would sanction the arrangement, nearly the whole expense of maintaining one of these departments might not be retrenched. The cost of the Colonial revenue office, in the port of Halifax alone, amounts to about £1600; £1200 of which might be saved by adding one clerk to the Customs and one to the Treasury, with two extra tide-waiters. The principal officers of the Customs do not feel themselves at liberty to entertain any such proposition, without the assent of the Lords of the Treasury at home; and we have, therefore, humbly to request, that such directions may be given in this behalf, as may authorize the Assembly to pass an Act for so desirable and useful an object. It is also incumbent upon us to call the attention of Your Majesty to the propriety of sanctioning a prospective reduction of the expenses of the Customs Department in this Province. Prior to 1826, the officers were remunerated by fees, and when a scale of permanent salaries was adopted, these were regulated by a regard for the vested rights of parties, who claimed extravagant sums, upon the ground that a reduction to a rate consistent with the resources of the Colony would deprive them of too large a portion of what they had been accustomed to receive. The whole expense of this department has, since 1829, exceeded the enormous sum of £10,000 currency per annum. Its duties would as efficiently be performed, in addition to the collection of the Colonial revenue, for about £6000; and it is a source of deep regret to this Assembly and their constituents that, in these branches of the public service, besides the £25,000 which was freely conceded by the Act of 1829, a sum not less than £10,000 has been wasted within the last ten years, which a system of judicious economy might easily have saved. Without attempting to interfere, therefore, with the emoluments of the present officers, or seeking to diminish their incomes, this House

strongly recommend that the scale of salaries for future incumbents should be revised; with a view to such a reduction as, while it will amply maintain the establishment, and secure obedience to Acts of Parliament, and the enforcement of the provisions of Provincial statutes, will not consume so large a portion of the public revenue nor excite dissatisfaction and complaint among the people, from whose industry the taxes, both Imperial and Provincial, are raised.

There is another topic which the Assembly are desirous of urging on the attention of Your Majesty, as affecting the commercial interests and prosperity of this Province in the highest degree. The gradual extension of the principle of Free Trade to the Colonies, since the Imperial Act of 1826, has been productive of the happiest effects, and the experience of its operation in the ports that have been permitted to enjoy an unrestricted intercourse with foreign countries, conformably to the law as it now stands, has impressed the Assembly with a conviction, that if all other ports where there is a custom-house officer were declared free, the mercantile and shipping interests would be largely benefited; the illicit trade that now exists to an alarming extent would be checked, and our exports increased in value.

The House see no reason to fear an equal open competition between the industry of their constituents and that of any other nation. They are satisfied that obedience to the Acts of the Imperial Parliament may be sufficiently enforced by the present officers of the customs, or by others whom the funds already assigned for that service will amply remunerate, and earnestly hope that Your Majesty's government will yield to the repeated representations of the Assembly of Nova Scotia, and permit every port, where a custom-house officer is stationed, to enjoy the privileges of a free port.

In concluding this address, the Assembly are bound to acknowledge the aid which they at all times receive from His Excellency the Lieutenant Governor in the prosecution of measures intended for the general good. Most of the evils of which they complain have arisen from causes that existed before His Excellency came to the Colony, and it would be expecting too much to require that they should be removed in a single year, under the most impartial administration.

This address was sharply commented on by Sir Colin Campbell, in a closing speech, which may be read now as a curiosity of political literature. No governor, surrounded by a responsible ministry, has ever imitated the style of those singular documents, at that period unfortunately too common, in which

the Queen's representatives thrust themselves into the foreground to shelter their advisers, and hector the Parliaments which they had not the skill or influence to control.

The affairs of Canada engaged a good deal of public attention in this Province throughout the winter of 1838. The insurrection in Lower Canada had been suppressed, but fighting with American sympathizers and fillibusters still continued along the frontier lines. Nothing could be better than the spirit evinced at this period in all the lower Provinces. The attempt to connect the Nova Scotia reformers with treason and rebellion, had been defeated by the publication of Mr. Howe's letter to Mr. Chapman, which, when republished in England, elicited the highest commendation from the London press.\* Meetings to express loyalty to the sovereign and a determination to maintain the integrity of the empire, were held in all parts of this Province, and everywhere unanimity and good feeling prevailed. The leading reformers of Nova Scotia had, at this period, a delicate duty to perform. Up to a certain period they believed that the Parliamentary majorities in both the Canadian Provinces had been in the right, struggling, as they were struggling, for the redress of grievances indigenous to the old Colonial system, and for the establishment of executive responsibility, without which there must always be danger of deep-rooted discontent and hostile collisions. The minorities in all the Provinces naturally desired to make political capital out of these absurd insurrections. It was clearly the interest of the majorities, as it certainly was the duty of statesmen, everywhere, to pluck the flower safety out of the nettle danger — to define and preserve what they approved, while condemning what they disapproved; to guard Her Majesty's government from the fatal error of attempting to perpetuate a system which had already produced such deplorable results, and which experience had shown to be untenable. Of this duty Mr. Howe discharged himself in a speech delivered by him on the 16th of April, and which, as our object is to preserve his sentiments on all sorts of subjects, we have extracted as it stands in the reports. The Constitutional Association of Montreal had sent

\* See article from the London Morning Chronicle. Appendix.

an address to the different Colonial Legislatures. Resolutions in answer had been moved by Mr. Uniacke, and others proposed in amendment by Mr. Young. Mr. Howe spoke as follows:—

He said that he would be happy to give his views on this subject, but that as gentlemen who had just spoken had expressed them to a considerable extent, he felt willing to wait for opinions on the opposite side which might have some effect on his mind, or call for a reply. It was not his custom to allow general measures to pass without expressing his opinions, but as the business of the session had been brought so near a close, and as a discussion had occurred on a previous day respecting the new position in which the Governor General stood to the Provinces, he did not suppose that this subject would be fully taken up during the session. As the subject, however, had arisen, he had no objection to enter into its discussion unprepared, comparatively, as he was. Neither of the series of resolutions submitted exactly expressed his views. He had prepared a series himself, but had no wish to press them, and had handed them to the honorable and learned member for Inverness, that he might engraft some of them, if he wished, on his, and so that there might be only two sets of resolutions before the House instead of three, as there would be if he moved his own. He approved of the resolutions of the member for Inverness, rather than those of the member for Richmond, and had expressed his willingness to give them his support. The first resolutions moved called on the House to enter more broadly into the views of the "Constitutional Association of Montreal" than he felt disposed to do. In that Association there were many men of reputation, and respectability, and independence, but besides these, nearly all of the official men of the city were members; those who opposed every attempt at political improvement, every measure likely to promote the general satisfaction, and whose object was to support that exclusiveness and ascendancy which had done so much evil. Men such as these had for years misled the British government; to bolster up high salaries and political ascendancy in all the Colonies, they had made themselves active in supplying false information to a government which, of itself, was always disposed to do justice. He would not raise his voice in that House to abet rebellion elsewhere; and whenever he felt it necessary to do so, he had stated his views on that head, and had uniformly asserted that there was nothing in the state of the Canadas to justify a resort to arms. Even if the rebellion could be justified, and if it were successful, there was not the diffusion of knowledge, or moral or political power in the country,

sufficient to establish a government as good as that which they endeavored to overthrow. He might be charged with holding peculiar opinions on government, but if he felt much more favorable to the republican form than he did, he would not attempt to establish it in any Province where the body of the people were uneducated. It had been tried in the southern parts of America, and the result was disastrous; contest after contest occurred, one tyrant rose up to displace another, and to be set aside himself by some adventurer as reckless and more powerful; — a political chaos, ruinous to all improvement, overspread the land. For these reasons he felt, that when any portion of the Canadian Papineau party put themselves in arms against the government, they did what was absurd and ridiculous as well as mischievous, — what was destructive to their own constitutional power, and what, if successful, could not produce any thing that would compensate for the evils by which it would inevitably be preceded. He would openly and broadly avow, that that rebellion was impolitic, unjustifiable, and cruel, both as regarded the party making the attempt, and the mother country whose yoke was attempted to be cast off. The House was now asked by the Montreal Association to express an opinion on the subject, but it should not be an opinion which that party could construe into a sanction of their views and actions; that House should not encourage the party alluded to, in their attempt at placing their feet on the necks of their fellow subjects, many of whom were as good, and as loyal, and as patriotic as themselves. Previous to the rebellion, and since it was suppressed, the press with which that party was identified exhibited a spirit, which ran through most of their public documents, quite as bad as any thing which appeared at the other side.

Up to 1828, as had been observed by the member for Inverness, an authority sent from home, the secretary to the late Commission, declared that the Canadian party was right in every particular; yet what did many of the members of this Association do up to that period? About that time they sent an embassy home for the purpose of misleading the government, and of contending that scarcely any grievance existed; they opposed every measure that the House of Commons afterwards acceded to. Was it to be supposed that the spirit of that embassy — which endeavored to turn aside the beneficence of the British government, and to keep up a state which was acknowledged to be rife with abuses — did not exist yet? And would that House encourage such a spirit? What was the language of that party immediately after the breaking out of the rebellion? That men whose strong feelings had brought them into guilty participation, should be hanged without the ordinary process of law; that

summary vengeance should be inflicted, and that men should not be *fattened for the gallows*. This was the language of that party, and the whole tenor of their acts was in opposition to the improvements demanded by existing circumstances. They were a specimen of the only thorough-going party in that line of politics. The tory species, as known in the British Provinces, was nearly extinct in Great Britain; an out-and-out tory was only to be found in the Colonies. The progress of the national mind at home had there ameliorated the opinions of all, and the great experiments which had been tried, had, in a great degree, broken down the prejudices which formerly were so distinctly marked. Now, it might be said, there were only two parties in that country; — one, which acknowledged that reforms were necessary and should be pressed, and the other, desirous of pushing those reforms too hastily or too far. In the Canadas, as in all the other Colonies, more or less, there was a party which had been reared into a sort of official aristocracy, and which attempted to bully the British government when they found it inclined to do justice. What course had that party in Lower Canada pursued for the last three months? They attacked Lord Gosford with unmeasured abuse, because his policy was that of justice and conciliation, and they endeavored to goad him into acts of imprudence and oppression. When the Provincial publications teemed with such tirades, it might be expected that they would have some effect on the mother country; but he [Mr. Howe] read British opinions with pride and pleasure. Are statesmen of any party there found urging extreme measures? Quite the contrary. In the houses of Parliament almost every speaker evinced magnanimity, and spoke in favor of mercy; and from the Duke of Wellington down to the lowest link of that great chain of conservatism, not a man uttered opinions which, for harshness, could be compared for a moment with the expressions of the Colonial tories; on the other side, everywhere the doctrines of the Constitution were laid down, the right of stopping the supplies was upheld, and even those rebels were allowed to appear by counsel in the bodies of the houses of Parliament, there to state their opinions, to vindicate their acts, and to appeal to British justice and magnanimity. That was the spirit which Britons evinced on this subject; a spirit worthy of a great country, and very different from the spirit of the Constitutional Association of Montreal, who, by the address before the House, sought to find a means of sheltering themselves from blame in the answers of the Colonial Assemblies.

Some might say that the Canadians received all that they should have expected; and he admitted that liberal concessions had been made, and that the Canadian party should have given the government time to carry

out their measures. It should be borne in mind, however, that up to 1828 they were right, and that they had then been struggling for twenty years with the opposite party. After twenty years of warfare, bitter feelings would be engendered, and causes of hot blood would exist, and the animosities which individuals indulged towards individuals would mix with party politics, and extreme strife might be originated in a way not to be fully appreciated by persons at a distance. Gentlemen should bear in mind that the Frenchmen of Lower Canada were right almost up to the time that they turned out with arms in their hands. A distinguishing trait in the French character should be here noticed. Frenchmen seemed to have no idea of accomplishing great changes without the application of physical force. This was observable in the French revolutions at various times. A Frenchman thinks that nothing can be done until he fires off his musket. They felt that they sprung from a gallant nation, and looked upon the resort to arms as the natural result of a political contest. This characteristic interpreted many scenes in the Canadian rebellion. Englishmen under similar circumstances would not think of recommending smuggling as a mode of crippling the revenue; they would not think of turning out to public meetings with arms in their hands. Up to the time that the Canadians resorted to those modes of opposition they only did what a British population had a right to do; they had a right to stop the supplies, and he, as a Colonist, would never relinquish that right. They had the right in all extreme cases to do so. It might be said that Colonists had no such right as a means of forcing changes on government; but he insisted they had; it might be the only means of forcing attention to political evils; although he admitted that the right should be exercised only in the most extreme cases, where it would be impossible to obtain justice without such a resort. Let the House mark the difference between the French and the English mode of obtaining a redress of grievances. In Great Britain, when the people wish to coerce government, and to make an exhibition of physical force, one hundred thousand men meet at an appointed place, they pass resolutions, and the whole results in a petition to the throne or either House of Parliament. Frenchmen can scarcely understand why there should be such display about a petition, while Englishmen know that it is an expression of feeling which nothing can resist in a constitutional government. If the Lower Canadians felt as Englishmen, the probability was that they would hold meetings after the same fashion. A vast number of Frenchmen, as they were called, inhabited that Province, but they were born and bred there; they were not conquered serfs, easily put down, and were not answerable for what occurred under the old French govern-

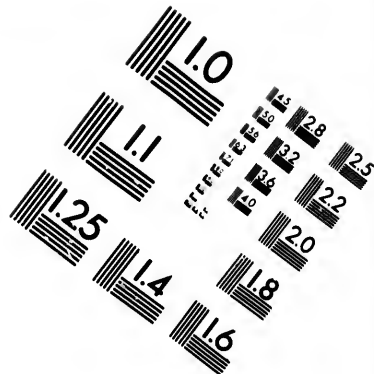
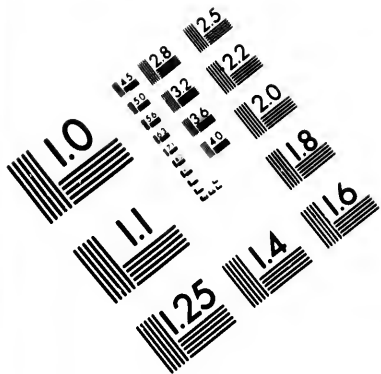


ment; they were British subjects, and had British rights guaranteed to them; which rights they, in a great degree, exercised wisely and well up to a certain point.

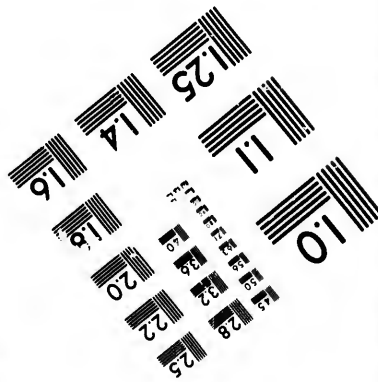
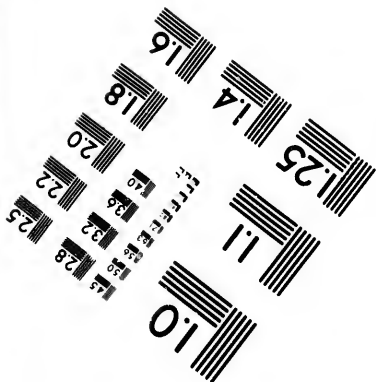
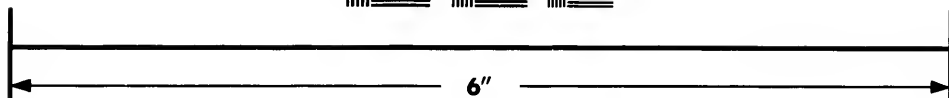
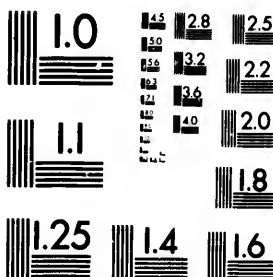
This party had to contend with that which was experienced in every Colony; misrepresentations sent home to mis-lead, and the cupidity and selfishness of those who were interested in keeping the body of the people down. This copy of the address of the Association was similar to copies which had been sent round to most of the Colonial Legislatures, for the purpose of obtaining expressions of opinion. And what do they say in their address? They say that the French Canadians, after the conquest of that country, had their own laws and language secured to them, and received privileges equal in extent to those of any other British subjects. If this were the case, up to 1828 that party complained justly; and how did it happen that the members of this very Association stood in such unrelenting hostility to those rights and privileges? Respecting the division of the two Provinces, they say that the intention was to have one Province inhabited chiefly by a French, and the other by a British population. That, no doubt, was the intention; it was thought desirable in one Province to give Frenchmen the influence which numbers should have.

An idea now started was, that the French of Lower Canada should be Anglicised; it was urged that they should either be driven out of the Province, or be forced to speak the English language. One, no doubt, could be as easily effected as the other. This, however, was not the policy after Wolfe's victory; it was then thought wise to keep the Colony filled with Frenchmen, as a barrier to the United States. This policy was well rewarded at a subsequent period, when these Frenchmen turned out zealously to repulse the enemy and resist invasion. One complaint made now against the Canadian party was, that they opposed a system of registration by which mortgages on land could be effected. It may seem ridiculous to some accustomed to a system of registration that they refuse it; but there might be some sound policy in the fact, according to the views of those acquainted with the country. The French lawyers say that the introduction of such a system would cause every poor man's farm to be mortgaged to the trader and merchant, and that the lesser evil of wanting money for improvement of their lands had better be borne, than the greater which would result from registration. Some of the finest townships of Nova Scotia were burthened with mortgages by this system which the French wish to keep out. Among other matters, this Association also complain, that under the existing system the French are enabled to send too many members to Parliament. Did not the





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same cause of complaint, as regarded the elective system, exist in Nova Scotia? The man who resides in Dartmouth complains that he has but one vote, while the man at this side of the harbor has two. An attempt had been made to rearrange the representation, but the attempt failed. They had not the courage or the impartiality to follow out a better system, and to equalize the elective privileges; should they, therefore, as they were called on to do, charge the same neglect as a high crime in others? Another charge against these Canadians should not be considered as of a very grave nature after the discussions of the last few weeks. They claim, it is said, for the Assembly of Lower Canada the control of the whole revenue of the Province, and some subjection of the executive to their wishes. Were not all the Assemblies engaged in similar attempts; did they not claim the management of the revenues, supposing that they could dispose of them to more advantage than the local governments, which, by having the control, were inclined to squander them on salaries disproportioned to the circumstances of the Colonies? Another complaint was, that they sought the management of the waste lands. But what had that Assembly been trying to do on the same subject? what had the member for Queen's been so anxious about all the session, and what had his committee been sitting so assiduously for, but to obtain some regulation of these lands in Nova Scotia? And why should they denounce a course which they themselves had been following?

The Assembly of Nova Scotia should be careful not to encourage either of the parties which were before it. On the one side was the official party which were interested in misgovernment in the Colonies; on the other was the party which foolishly plunged into rebellion; — neither should be taken by the hand. There was no justification for the rebellion; it was not even expedient; it had not a chance of success; not a chance existed of rearing a rational government, if the one opposed had been prostrated. To neither party could he extend a hand, but he was pleased to observe that there was a third party in Canada, one which embraced the moderate on both sides. Lord Gosford's system of justice and conciliation left the rebels without the excuses which they otherwise would have had. This third party sustained Lord Gosford's system; it embraced a large number, and included most of the Catholic clergy; it was designated the Loyal Association of Montreal. He held a declaration of that party in his hand, which exhibited the evils that the two extremes caused, and urged the spread of better principles.

To remedy the evils which existed in Canada, the British government had set aside the Constitution of the Provinces. He looked with some

degree of jealousy on that act; but when he saw the spirit in which it originated, and the spirit which the people of Great Britain entertained towards Canada, he was not afraid of the prostration of the Constitution for a few years, and was satisfied that as good or better would be given when matters were fairly arranged. Should Nova Scotia be less liberal than the mother country? Should the people of this Province rise in judgment against their British Colonists, and put the worst construction on their acts? No; they were bound to express their sorrow at the troubles which had occurred, and they should let the blame lie where it ought to rest, and not lend their aid to those who were leagued against the great body of the people.

The honorable and learned member for Richmond seemed inclined to advocate the establishment of a confederation of the Colonies. He, Mr. Howe, had been almost charged with rebellion for broaching such a doctrine some time ago. The venerable parent of the member for Cape Breton had also started such a proposition. In Parliament the scheme had not been considered dangerous by any party. If the learned member sought to second the views of the British government in suppressing rebellion, and preventing the recurrence of such a disaster, he would go freely with him. If he sought to invite a discussion on the subject of confederation, and to make approaches to such a state of things, he was willing to second his views; but if he sought to make the House of Assembly a party with the Montreal Association, for the purpose of enabling them to establish their ascendancy over the mass of their fellow subjects, then he would not go with him. If such a state of things was to be attempted and carried out, the late would not be the last rebellion in that part of the Colonies. The only way to maintain peace was that pursued by the British government;—extending the broad principle of lenity to all, treating them as forward children, and not as a population all of which had been guilty of extreme crimes. In approaching the question of confederation, however, he would look narrowly to the principles on which the confederation should be formed. He would not pass any resolutions on that subject in a House so thin as the present, so near the end of the session, and after so many members had returned to their homes. Under the circumstances, having not much more than half the usual number of members, and the rebellion being put down, the wisest course would be not to pass any measures couched in strong language. The only effect such measures could have would be to tempt Lord Durham to take too much for granted which would be urged by the party that addressed the House; and so, perhaps, they might be the cause of wrong and evil. The better course would be not to pass any

of the resolutions proposed; that of Mr. Doyle might seem discourteous, and the Constitutional Association should be looked on as any other political body which might address the House through its Speaker. If any should pass, those of the member for Iverness were least objectionable.

Respecting the confederation, it should be admitted that benefits would occur;—the regulation of trade, a court of appeal for the Colonies, and other good results might be expected; but the subject should be approached with great delicacy. The House should be careful how it placed a recommendation on record which might be cited at a future day. Nova Scotia was one of the smallest of the Colonies, and might suffer in the arrangement. They might find that a confederation, instead of leaving the Province with its present evils in connection with the Colonial office, would establish an office in the backwoods of Canada more difficult of access than that in London. A prince of the blood, perhaps, would be sent out with a large retinue of retainers, to be provided for as the sovereign and court of the new State. On the other topic, that of the junction of Lower and Upper Canada, he entertained strong opinions. The annexation of Montreal to Upper Canada was anxiously sought, and if that could not be obtained, then a junction would be desired by the same party. The effect of this would be to give a territory of immense extent to the United Provinces, and in a few years a population of two or three millions. When this would take place without a general confederation, that Province would be too powerful to pay attention to the Colonial office at home. How should Nova Scotians look at such a state of things? As a European State would look at a neighboring power acquiring a large accession of strength; it would attempt to balance the power; and he would prefer the separation of the Canadas, to the growth of such a gigantic power as their union would cause. Supposing no general confederation to occur, it would be more prudent to have two moderate Provinces than one great country in the rear of the lower Provinces, overbearing all opposition in any arrangements which it chose to make. For these reasons he would not pass any resolution on this subject until much more deliberation should be had on it.

He again insisted that the House should not countenance the assumptions of the Association which had sent in the address. As a specimen of the spirit of that party, he would refer to a paper which he held in his hand, and which declared that the Governor of the Province and the Attorney General should be hanged. That was the temper of the party which was arrayed against the Canadians. The House should not

give an opinion on the subject in a hasty manner. It would be wiser now to defer the whole matter to next session, than to express sentiments without due preparation on a matter of so much magnitude.

During this session the Quadrennial Bill, rejected by the Legislative Council in the previous year, was passed and became the law of the land.\*

On the 26th of April Mr. Howe left Nova Scotia for England, and did not return until the 4th of November, having in company with Judge Haliburton (Sam Slick) travelled over a great deal of England, Ireland, and Scotland, France, Belgium, and Rhenish Prussia. His first impressions of the mother country are recorded in a series of papers, of which fifteen (sufficient to fill a small volume) were printed at the time, under the title of "The Nova Scotian in England." It is to be regretted that they were not continued. Mr. Howe has visited Europe three times since, and must have largely increased his stock of information and experience. Perhaps, when he has nothing else to do (if that halcyon season of rest should ever arrive), he may favor us with a volume of travels quite as readable and piquant as many others, which those who live in the world are compelled to read.

\* For this measure, and for some others of acknowledged utility, the Province is largely indebted to Mr. Lawrence O'Connor Doyle. Mr. Doyle is a Nova Scotian by birth, of Irish parentage, and was educated at Stoneyhurst. He was a sound lawyer, a fine classical scholar, a genial and delightful companion. Too convivial to be industrious, and too much sought after in early life to be ever alone, his usefulness was to some extent marred by the very excess of his good qualities. Though different in their habits, a very sincere friendship existed between Mr. Doyle and Mr. Howe, and we have often heard the latter declare, that, after seeing many of the choice spirits of both continents, he thought his friend the wittiest man he had ever heard or read of. Mr. Doyle removed to New York in 1855. Ten thousand of his jokes are scattered about the Province. "Did you hear," said a friend one day, "that Street the tailor has been found in a well in Argyle street?" "Yes," was Doyle's answer; "but did you hear how they made the discovery? An old woman got a stitch in her side, after drinking her tea, and she swore *there must be a tailor in the well.*" A member complained once that a woman had been appointed post-mistress in a country town, and foretold that if the appointment was sanctioned women would be appointed couriers next. Doyle could see no objection to the practice; "God and nature had intended the women to *carry the males.*" The House had hardly recovered from the explosion that followed this repartee, when the wit observed that "There certainly was one objection that had not occurred to him, *there might be a good many miscarriages.*"



On the passage to England, the Tyrian (ten gun brig) was overtaken by the Sirius steamer, which had made a trial trip to America in defiance of the opinion of Doctor Lardner, and was on her return, within a few hundred miles of the coast of England. The captain of the Tyrian determined, when she ranged up alongside, to send his mails on board of her. Mr. Howe accompanied them, took a glass of champagne with the captain, and returned to the ten gun brig, which rolled about in a dead calm with flapping sails, while the Sirius steamed off and soon was out of sight. Such a practical illustration of the contrast between the two motive powers was not likely to be lost upon such men as those who were left behind.\* They discussed the subject daily. On landing, Judge Haliburton and Mr. Howe went down to Bristol to confer with the owners of the Sirius and Great Western. In London they discussed the subject with other Colonists, and aided by Henry Bliss and William Crane, of New Brunswick, endeavored to combine all the North American interests in an effort to induce Her Majesty's government to offer such a bounty as would secure to these Provinces the advantages of ocean steam navigation. On the 24th of August the following letter, prepared by Mr. Howe, was handed to Lord Glenelg, and answered by Sir George Grey on the 14th of September. The contracts for the conveyance of the mails by steam were announced a few months after, and Mr. Cunard boldly seized the opportunity to win fame and fortune, which, by his enterprise he very richly deserves. All honor to the Nova Scotian who has carried forward this great work with such signal success. But those gentlemen ought not to be forgotten, who, at this early period, first turned the attention of British statesmen to a subject of so much importance.

\* The most enthusiastic of these was Major Robert Carmichael Smith, brother to Sir James Carmichael Smith, formerly Governor of Demerara. This gentleman, between whom and Mr. Howe a sincere friendship has ever since existed, has done much towards calling public attention to the importance of railroad communication with the East across the British American Provinces. The late Judge Fairbanks, and Dr. Walker, of St. John, were also passengers on board the Tyrian, and fellow laborers in the good work of promoting ocean steam navigation.

*London, August 21, 1838.*

MY LORD, — We, the undersigned, members of the Houses of Assembly of New Brunswick and Nova Scotia, at present in London, most respectfully beg leave to solicit Your Lordship's attention to a subject of high importance to the inhabitants of those Provinces, to their more intimate connection with the mother country, and to their peace and security as dependencies of the crown.

Since the undersigned left the Colonies, and after the close of the legislative sessions, the successful voyages made to and from England and New York have solved the problem of the practicability of steam navigation across the Atlantic, and rendered a revision of the system of packet communication between Great Britain and her North American Provinces extremely desirable, if not a measure of absolute necessity. Assuming that no reasonable doubt can any longer be entertained that the commercial and public correspondence of Europe and America may now, and to a vast extent will, be conveyed by steam, the question arises whether the line of packets between the mother country and the important Provinces of North America, should not be immediately put upon a more efficient footing? This question, for a variety of reasons, is beginning to press itself strongly upon the minds, not only of the Colonists generally, but of all those who in this country are engaged in commercial relations with them, or are aware of the importance, in a political point of view, of drawing them into closer connection with the parent State.

It is unnecessary to dwell on the character of the class of vessels hitherto employed in this service. The fearful destruction of life and property, the serious interruption of correspondence, consequent on the loss of so many of the ten gun brigs, furnish decisive evidence on this point, while the general impression abroad that such of them as still remain are neither safe nor suitable sea boats, ought at once to determine the Government, even if no further change were rendered necessary by the new circumstances which have arisen, to replace them by a very superior description of vessels. But to the undersigned it seems extremely desirable, at this period, to go much further, for the following among other reasons which might be urged.

Whether Great Britain shall or shall not preserve the attachment of, and continue her connection with, the North American Colonies, is not, as it is sometimes made to appear by individuals in this country, a mere pecuniary question. Even if it were, it would not be difficult to show that the advantages derived from that connection are reciprocally shared by the people of both countries; but assuming that from the rivalry of

no other nation have the population of these Islands so much to fear as from that of the United States,—that from the energy of character, the general diffusion of education, and the application of industry to commercial and manufacturing pursuits, which that country has inherited from this with its habits and language, and which, applied to a field of boundless extent and resources, must attach importance to every thing calculated to increase or diminish the relative commercial and political influence of either nation—the continuance of the connection already referred to assumes an aspect of intense interest, and swells into a magnitude which may well attract towards the topic now sought to be pressed upon Your Lordship's attention, the serious consideration of the ministers of the crown.

If Great Britain is to maintain her footing upon the North American Continent—if she is to hold the command of the extensive sea coast from Maine to Labrador, skirting millions of square miles of fertile lands, intersected by navigable rivers, indented by the best harbors in the world, containing now a million and a half of people and capable of supporting many millions, of whose aid in war and consumption in peace she is secure—she must, at any hazard of even increased expenditure for a time, establish such a line of rapid communication by steam, as will ensure the speedy transmission of public dispatches, commercial correspondence and general information, through channels exclusively British, and inferior to none in security and expedition. If this is not done, the British population on both sides of the Atlantic are left to receive, through foreign channels, intelligence of much that occurs in the mother country and the Colonies, with at least ten days, in most cases, for erroneous impressions to circulate before they can be corrected. Much evil has already arisen from the conveyance of intelligence by third parties, not always friendly or impartial; and, from the feverish excitement along the frontier, the indefatigable exertions of evil agents, and the irritation not yet allayed in the Canadas, since the suppression of the late rebellions, it is of the highest importance that a line of communication should be established, through which not only official correspondence but sound information can be conveyed. The pride, as well as the interests of the British people, would seem to require means of communication with each other, second to none which are enjoyed by other States.

The undersigned do not think it necessary, in this paper, to trouble your Lordship with many details. They conceive, however, that not only do the United States possess no peculiar advantages to entitle them to be the carriers of British and Colonial passengers and corres-

pendence, but that the route through Halifax has advantages that must give to this government, if steamships are employed, the command of a line that cannot be excelled by any that either has been or can be established by the United States. That port is 550 miles nearer to England than New York, so that the sea voyage, other things being equal, would, on an average, occupy two and a half days less to the former than to the latter; the inland route from Halifax to Quebec, when certain improvements now in progress are completed, can be accomplished in less than six days—so that, if the facilities in the States should so far increase as to admit of the passage of intelligence in three and a half days between New York and the capital of Lower Canada, the American would have no advantage in expedition over the British line, while the latter would be even more certain, from there being little if any water carriage. It has been suggested that Bermuda should be the terminus of the long voyage, with branches from thence to the Provinces; but the very superior advantages which Halifax possesses, as the central point to which would be drawn passengers from the adjoining Colonies, its abundant and cheap supplies of fuel and food, and its rapidly extending commercial relations, would seem to point to that port as the one from which such branch lines as may be necessary should radiate.

The undersigned, though they have no authority to represent upon this question the public bodies to which they belong, are so deeply impressed with the importance of the subject, so confidently assured that this communication expresses the feelings and sentiments, not only of their immediate constituents, but of very large and influential classes, both in the mother country and the Colonies, that they trust your Lordship will pardon the liberty they have taken, and afford to a measure which cannot fail to strengthen and increase the prosperity of the Empire, the powerful aid of your countenance and support.

We have the honor to be Your Lordship's

Most obedient, very humble servants,

WILLIAM CRANE,  
JOSEPH HOWE.

The Right Hon. LORD GLENELG.

(COPY.)

STEAM COMMUNICATION.

*Downing Street, September 14, 1838.*

GENTLEMEN, — I am directed by Lord Glenelg to acknowledge your letter of the 23d ultimo, calling his Lordship's attention to the necessity

which the successful establishment of a steam communication between Europe and America has created for an early improvement in the mode of carrying the mails between Great Britain and the North American Provinces.

Lord Glenelg desires me to assure you that he is deeply impressed with the importance of the subject, which has already engaged the attention of Her Majesty's government; and his Lordship hopes that an arrangement may be effected, at an early period, by which the desired improvements in the communication between this country and the British North American Provinces, will be accomplished.

I have the honor to be, gentlemen,

Your most obedient humble servant,

GEORGE GREY.

WILLIAM CRANE,  
JOSEPH HOWE.

Lord Durham was sworn into office at Quebec, as Governor General of British America, with extraordinary powers, on the 28th of May. Delegates from the different Provinces were invited to confer with His Excellency in the course of the summer. He resigned in disgust, and landed in England on the 30th of November, and the session of 1839 opened on the 14th of January, without any definite knowledge of what his report would contain.

A series of dispatches were laid on the table of the House, but were little calculated to allay excitement or give satisfaction. The offer of the casual revenues was withdrawn; the Councils, as they stood, were sustained; the judges' fees were abandoned, but the officers were compensated out of the casual revenues. The request that all the outports at which collectors were maintained should be opened, and the expense of collecting the revenue should be reduced, was evaded by reference to the Board of Customs, known to be hostile to that policy, while, as if to increase the irritation, five or six laws passed during the previous session were disallowed.

A delegation to England, it was now apparent, must be tried. When the dispatches were read in the House, there was a spontaneous outburst of feeling from the benches occupied by the majority.

Mr. Morton "rose, and expressed his sorrow at the tenor of the dispatches. There was but one course left to pursue, and that was to send a delegation to England."

Mr. Young spoke at some length in the same strain. "It appeared that the majority in the House, who desired the accomplishment of rational reforms,—reforms that might be defended by every intelligent mind,—could effect next to nothing. The dispatches did not take him altogether by surprise; he had heard their general character. After hearing them more in detail, he had come to the conclusion, that the addresses and resolutions of that House, as opposed to the intelligence, and activity, and influence, of those interested in maintaining abuses, were scattered to the winds; they were of no avail. There did seem some influence which counter-worked the desires of the House in their endeavors after reasonable reforms."

"Mr. Huntington believed the difficulty arose in this country. There was a party in the town who preferred being governed by military force, rather than in a constitutional manner, by the Legislature of the Province. The suspending of the Constitution in Canada strengthened the views of such persons, and they hoped for a similar state here."

Such was the temper of the House. A delegation to England was the common thought. Mr. Howe's natural position, as the leader of the majority, would have been at the head of it. Had he gone, or expressed a desire to go, his motives in advocating the measure might have been suspected. He knew that all his influence would be required here, to defend the delegation, to keep public opinion steady. He determined not to go, and to cut off all suspicion on the one side, or solicitation on the other, by promptly announcing his determination:—

Mr. Howe said that he felt so strongly on this subject, that he would not trust himself with the expression of his feelings. He wished to calmly examine the dispatches, and to consider what was the best course for the House to adopt. He had heretofore felt that there were influences at work which rendered the Legislature, in many instances, useless. He said so on former occasions, and he was satisfied that the mischief did not rest with the people of England, nor with the govern-

ment. He believed that a better disposition never existed than in some of the present government; but most of those who had access to the Colonial office were persons who had a direct interest in keeping up the system in this country which was so much a matter of complaint. When an office becomes vacant, there goes a shew of gentlemen to seek for it. Then, indeed, the salary seems quite adequate, and the office every way desirable; but in a year or two after, another voyage is made, an increase of emolument is solicited, and they represent that the salaries which they sought, the offices for which they toiled and intrigued, are unworthy of their talents and industry. Against that kind of communication the House had to contend. And what, hitherto, had been the success? *There was hardly a public servant in the Province, who could not, by his representations and his influence, thwart any resolution or address which the assembled representatives of the whole country thought it their duty to adopt.* The House expired at each returning spring; the members were scattered to their homes in various parts of the country; but another body continued alive and active, and prepared to counteract whatever did not suit their views. Merchants and men in business—the constituents of that House—go frequently to England, as now, in the packet which was about to sail. But do they go to the Colonial office? Do they approach the government for the purpose of expressing what they know respecting the affairs and the views of the country? They do not. A very different class, however, do; those who receive the salaries alluded to, and who are interested in keeping up the existing system. For every Nova Scotian seen by the British ministry, who expresses the opinions of the Assembly, they see twenty who speak the opinions of the opposite party. Respecting a delegation, his opinion last winter and now was, that that step should be a last resort, before they retired to their homes, despairing of accomplishing any thing. He would advise the House to try that, before giving up hope. He felt that he could recommend that course with the more freedom on account of his own resolution on the subject. He would say there, in the face of his friends and enemies, that he, as an individual, would have nothing to do with it; he would remain at home, ready to coöperate in any way that might be thought serviceable; but he would not be a member of the delegation. Having said so much, he could speak as he felt of the importance of the measure. If the House should send gentlemen to represent its views to the Home Government, he would give them all the aid in his power; but to prevent misunderstanding, or suspicion, on the subject, he took that opportunity of declaring that he would not be one of such a mission.

On the 25th of January, Mr. Howe moved that the House go into committee of the whole on the general state of the Province, for the purpose of taking up the dispatches. The debate was opened by Mr. Bell, who made an able and temperate speech, and moved the following resolutions:—

*Resolved*, That the dispatches of the Right Honorable the Secretary for the Colonies, dated the 20th April, 28th June, 6th July, and 31st October, 1837, were hailed by this House with the liveliest satisfaction, as recognizing and enforcing, by the authority of the Home Government, most of the great principles which this House had asserted in their address of 1837, and still adhere to.

*Resolved*, That this House were more especially gratified, by the cordial and frank admission of the claim of the Assembly to control and appropriate the whole of the public revenue arising in the Province, including the casual and territorial revenue, the fees of office, the proceeds of land, the royalty paid upon the produce of mines, and the amount of the old crown duties.

*Resolved*, That the condition imposed upon the surrender of these revenues to the control of the Assembly, was cheerfully acquiesced in by this House, who have always recognized the propriety and the necessity, and, on constitutional grounds, of assigning an adequate and permanent provision for the chief executive and judicial officers of the Province; and the House received, as a gratifying proof of Her Majesty's confidence in this Assembly, the directions given to His Excellency the Lieutenant Governor, to arrange the precise amount and terms of the proposed civil list with the House, and the express declaration that the House were at liberty to exercise a sound judgment upon the amount and permanency of the salaries, and that the sums specified in the dispatch of 31st October, 1837, were not to be insisted on, if smaller salaries were, in their opinions, sufficient for the proper maintenance of such officers.

*Resolved*, That the House having accordingly proceeded, in the last session, to consider the amount of salaries, which, in their judgment, ought to be granted for the permanent support of these officers, according to their station in society, and the circumstances of the Colony, and having communicated the result of their deliberations in their address to Her Majesty, have received, with astonishment and concern, the dispatch of the 27th September last, in which the Colonial Secretary has assumed an entirely new position; and withdrawing the consideration of the salaries from this House, to whom it most properly belongs, has directed



the Lieutenant Governor to insist on the sum of £4700 sterling, which, added to the sum of £3410 sterling, already secured by permanent Acts of this Legislature, exceeds the largest amount demanded last year, and would enable the government to allow to these officers a scale of salaries disproportioned to the means of the country, and to the duties to be performed, and which the people of this Province, and their representatives, would condemn as an extravagant waste of the public funds, contrary to their declared wishes, and to the real interests of the government as well as of the people.

*Resolved*, That the House have also remarked with astonishment and regret the terms of the same dispatch, dismissing their complaints of the composition of the two Councils. In requesting a reconstruction of the upper branch of the Legislature, and of the Executive Council, this House sought not merely a change of men, but of principles; they were anxious that the patronage and favor of the government should be equally diffused among all classes; that the representatives of the people should not be thwarted by the opposition of the upper branch, in their endeavors to introduce rational reforms, and to enforce a wise economy; and that the temper and spirit of the local administration should be in accordance with the opinions and wishes of the great majority of the people.

*Resolved*, That the House are dissatisfied with the composition of the two Councils, for the reasons set forth in their address of last year, and which the subsequent changes in these bodies, and the experience of their practical operation, as now constituted, have strengthened; and that this House, as respects the Legislative Council, and the spirit by which it is animated as compared with the representatives of the people, need only to refer to the resolutions and address on the subject of the civil list, which were adopted by the Council in the last session and entered on their Journals.

*Resolved*, That a change in the composition of both Councils is, in the judgment of this House, indispensable to the public weal; and that many individuals are to be found in this Province, whose independent principles and station in society well qualify them for occupying a seat at either board, without pecuniary remuneration.

*Resolved*, That this House deeply regret that Her Majesty has been advised to direct the disallowance of certain Acts of the Assembly, which they had passed after the fullest consideration and inquiry into all the circumstances of the case. The Act for regulating our internal postage would have saved us upwards of £1000 a year, and left to the government the unrestrained and necessary control over that important branch of the public service. The Act for limiting the jurisdiction of the

Admiralty Court was regarded by the commercial and shipping interests as a beneficial change of the law; and having been in use for nearly two years, and found to operate without injury to seamen, the House would deeply regret were its main object defeated by a representation in which they cannot concur; while the Acts for incorporating insurance companies, and for allowing certain bounties, though they may be in some respects opposed to the policy which the government act on in the mother country, appear to this House well adapted to the local circumstances of the Province, and to the advancement of its trade and manufactures.

*Resolved*, That this House have the fullest confidence in the sincere and generous disposition of Her Majesty to satisfy the reasonable expectations of her faithful and loyal Commons in this Province; and they attribute the disappointment they have experienced this session, not to any abandonment of the wise and constitutional principles announced in the despatches of 1837, but to a want of correct information, derived from the proper sources, on the part of Her Majesty's ministers.

*Resolved therefore*, That the House deem it advisable to appoint two of their members, possessing the confidence of the House, to proceed to England, and to represent to Her Majesty's government the views and wishes of this House, and of the people of Nova Scotia, on the subjects embraced in the foregoing resolutions, and such other matters as may be given to them in charge.

In seconding the resolutions, Mr. Howe delivered this speech:

In rising, sir to second the resolutions just moved, I must also apologise for the time which will necessarily be occupied on the subject. Several of the topics have been heretofore fully sifted in this Assembly, and an attempt to infuse novelty into them would result in failure. I feel satisfied, sir, that although some members on each side of the House, from long habit, are generally inclined to take opposite sides on such questions, the time has now arrived when the House is bound to feel, as I think it ought to have hitherto felt, on this subject, which involves questions dear to us all as men, and which, if it were possible, ought to cause the dismissal of prejudice, and call forth one general, unanimous expression of sentiment. On former occasions, many who now feel as warmly as I do, thought that I was too ardent, and too busy in disturbing the minds of the people of the country. My earnestness on such occasions may have arisen from my occupation in life. Several years ago my

mind was as fully made up as now, that a united effort should be made to get rid of injurious restrictions. I am glad, sir, that every year brings converts to my opinions, in this House and in the country. My conviction becomes every day the more rooted, that if we are to remain part of the British Empire, and I pray that we ever may, we must be British subjects to the fullest extent of British constitutional freedom—that freedom which consists in proper responsibility of government, and the control over the officers of the Province. My anxiety is, sir, to have Nova Scotia, as has been well expressed, incorporated with the islands on the other side of the water; I wish to make every Nova Scotian feel free from any sign of bondage, either of mind or body, confident that he walks abroad a Briton, in full equality with his fellow subjects elsewhere. To raise them to that character, to enforce those principles, I have taken some trouble, and I feel to-day that all which has hitherto been done, has to be repeated. At this time last year, dispatches came to the House which were worthy of a British minister, and which enabled us to grasp great principles with feelings of satisfaction and triumph. Such feelings had been expressed in the House and throughout the country, and the disposition was to meet the principles included in those dispatches in a spirit of manly freedom and of firmness. Perhaps, in some points of pounds, shillings, and pence, the House had attempted to stretch its authority too far; but the feeling with which those documents were received was very different indeed from that experienced this day. I wish that the British minister could have seen the feeling on both occasions; that his eye could run over every cottage in the country, and observe the alteration which his altered policy will occasion;—those of last year were received with extreme pleasure, those of this with disgust—I had almost said, execration. When the language on the two occasions was contrasted, it would not cause wonder that men should be distrusted who could in one moment offer an Indian gift, in the next withdraw it; in one moment speak the language of freedom, in the next the dictatorial style of a master to his slave.

I think, sir, that this subject divides itself naturally into three branches,—the civil list including the salaries, the Councils, and the trade of the Province. Respecting the first two, men's minds are pretty well made up. On these I will only contrast old views with some lately expressed, and inquire whether the opinions of the House, as expressed during last session, were unsound. The last topic strikes at the root of our trade and manufactures.

In referring, sir, to the civil list and the salaries, allow me to remind the House what was the object of our pursuit at a former period, and

what was the answer obtained. In 1837, we asserted in our address that the House had a right to the control and distribution of the casual and territorial revenues of the country, whether consisting of fees of office, sales of lands, royalty of mines, or the old crown duties. Was there any thing unreasonable in that—any thing injurious to our brethren at the other side of the water? What did the Englishman of Kent or Sussex care for a share of our comparatively paltry revenues? He would be happy to see you, as he does himself, managing your own concerns, taxing yourselves, and laying out your income in a proper manner. There was not an Englishman but would scorn the supposition that he wished to interfere in such concerns. The demand made at the period alluded to was proper for the Legislature to make, and, sir, it was not made prematurely, for we saw those revenues squandered and misapplied for years. We also complained that the control possessed over that revenue by the officers of the crown destroyed the legitimate influence of the representatives of the people. What would an Englishman say to those demands? He would say, If you have my blood in your bodies, or my spirit in your minds, secure a proper control over the officers of your country; he would say, We, mistaking the real source of power, drew the sword and fought, and asserted our rights by violence for centuries, but at last we discovered that the touchstone of liberty was the control over the supplies.

But, sir, what answer was made to those demands? You will well remember the feeling with which the recognition of them was received by the Assembly. The whole scope of our representations were not only approved of, but we were thanked for making them. We were told that Her Majesty did not make any reluctant concession, but gave a cheerful assent to our propositions, satisfied that they tended to strengthen the relations of the empire. Besides that general answer, a specific reply was made on the point of control over the revenues. The claim of the Assembly to appropriate those means was frankly admitted most specifically by Her Majesty. Such was the spirit of 1837. The right of the Assembly to apportion the salaries was as distinctly stated, and this formed the basis of our measure of 1838. I am anxious, sir, to get rid of these discussions which occur year after year; until they are settled on right principles, there will never be peace, security, or happiness in the Province. The minister in 1837 said, that it was not a matter of consequence to the government, whether the salaries should be greater or less than the amount suggested, so they were fixed according to the good sense of the Legislature, and the proper demands of the persons to be provided for. The minister also said that he

would not stipulate for the precise amount of the total civil list, and that he would consider it injurious and unreasonable to suppose that the House would refuse to grant that which was requisite for public officers. If the minister, sir, could glance over the history of the Province, he would not have penned these lines under any supposition, but under accurate knowledge and assurance. Before I sat in this House, sir, I closely watched its proceedings. I have been interested in the progress of public affairs from my boyhood, and I never knew an instance of any public servant, of any man preferring a just claim, which was not frankly allowed. I have seen the Assembly squandering thousands in acts of liberality, or on local improvements, but I never saw them refuse remuneration for duties performed. Now, sir, for the first time, it is attempted to fasten that paltry character upon you; now you are to be compelled to pay what in your hearts you feel to be unreasonable and unjust. The language of 1837 was as I have stated it, and the matter being left to those who were the best judges of what should be done, the House proceeded to arrange the bill of last session. They proceeded to provide for the support of every officer, feeling, as Nova Scotians should feel, that the mother country ought not to be called on to pay a farthing towards the officers of the Province. This was the feeling of the Assembly, and the universal feeling over the country; our pride and sense of justice led to that conclusion, and urged us to relieve the parent state of every fraction on our account. The salaries were accordingly settled on a certain scale. As so much has been said about these salaries, and as the civil list will be drawn into this discussion, allow me to say, that the salary given to the Chief Justice was £850 sterling. Every reasonable man, capable of judging on the subject, would say that that was adequate.

I admit, sir, that a man from the mother country, familiar with the profuse expenditure there, where a gentleman would spend as much on his hounds as you can appropriate to your roads,—that such a man would be at a loss to understand how such a sum would suffice for a Chief Justice; but in proportion to our means, and manner of living, I assert that we pay officers higher here than they do in England. In England, the Chief Justice could not walk thirty yards without meeting some half dozen grocers who could buy and sell him, so far as wealth went; but in that country no man thought of turning round to the Rothschilds, and, because they had accumulated millions, arguing that the Chancellor of the Exchequer should be placed on a par with them. So we should not attempt to settle our scale of salaries with reference to the one or two wealthy men in the community, but to the general

state of the Province,—its resources, wants, requirements, and duties. And what is the state of the Province, sir? I would ask any man familiar with the country, as I am proud to say I am with every part of it, whether if he travels from one end to the other, he will find, outside of Halifax, men in business who earn £500 sterling by their industry. Should we then take the one or two fortunate exceptions in this town as the criterion, or the general scope of our resources and our habits as the measure in such matters? I would be the last man who would have judges and other officers so poorly paid as to be subject to harassing cares, and temptations to corruption. No such thing was contemplated, and it should not be supposed. We see fellow citizens every day performing duties righteously and faithfully for comparatively small remuneration, and we never suspect their integrity because their incomes are moderate.

On these principles of liberal economy, sir, the bill of last year was founded, and what was the result? Why, the consideration of the casual and territorial revenue has been withdrawn from the House; the salaries, of which we had been allowed to be the best judges, are fixed from these revenues; instead of being left to the discretion of the Legislature, as every Englishman would say they should be, they are fixed at rates which the Assembly would never agree to. That was one branch of the inquiry on the present occasion, and, in turning our minds to it, we are to consider whether we exceeded our authority in making the demands advanced—whether we went beyond the rights which British subjects should exercise. If we have, sir,—if in asserting our right to control the revenues of the country we did that which Englishmen should blush for, and would condemn, then let us recede at once; let us say that we were in error, that we mistook our rights, that we mistook the condition of the country. But if we are satisfied of the reverse of this, let us feel, as I trust our posterity to latest generations will feel, that Nova Scotia has a right to the constitutional control of her revenues; let us feel that this is not a question of money so much as of principle. If the country feel as I feel, they would rather be taxed double or treble what they are taxed, than yield a sixpence on compulsion, contrary to the principles which every Englishman values so highly in the history of his country. This feeling, this principle, should be considered as part of our estate, and we should look on him who would rob us of it as we would on him who would deprive us of our property. On this subject, I regret to say that the ratified conviction of the minister in 1837 has now been violated, and his concession withdrawn.

The other branch, sir, to which I will briefly address myself, is the

construction of the Councils. To this I cannot turn with any degree of pleasure. It is far from pleasant to stand up in public and criticise the political conduct and principles of individuals; to say that I believe that such and such fellow-citizens entertain opinions contrary to the general feeling. This is not pleasant; but it is essential in the discussion of these questions. I will not go back, sir, to the history of the old Council; to what led the Assembly to bring the question before Her Majesty's government; that plain statement of facts — facts not denied, and standing prominently on the history of the Province — the government had complimented the Legislature for bringing to their notice, and the body complained of was dissolved. Without going back a step further, that may satisfy; when the case was explained, its force was acknowledged, and the existence of the body terminated. What was the language of 1837, on that topic? Several in this Assembly, — from a long examination of bodies, chosen by men in Downing Street, professing to represent the House of Peers, though not selected as they are, and frequently assimilating to any thing but that House — several came to the conclusion, that an elective branch was the only cure for the evils felt. It is not, sir, because that principle is put down in a neighboring Colony — because ordinances have taken the place of the Constitution there — because the bayonets glisten through its thoroughfares, that I shrink from avowing that principle. The events of the year have proved that these selected Councils, except under careful management, will make matters worse instead of better than they were. In the address transmitted, a change was said to be necessary, and an elective Council, or such other cure of the evil as would be effective, was prayed for. The answer was, that the government was opposed to the principle of election in such bodies, but that certain principles had been adopted, on which these Councils were in future to be constructed. What was the conduct of the Assembly on that occasion? Did they, as in Jamaica, say "No; you must comply with our wishes, or we will not go on with the public business?" The House did not so act. It had more sense, and more consideration of what was due to the government and the country. Did it say, We will stop the supplies, as was said in another Colony? No. It said, We will waive our own opinions — follow out your views; the principles announced in your dispatches, if fairly followed out, we are willing to adopt. Could any conduct be more reasonable than that? The Colonial Secretary gave his view of how these bodies were to be composed, and his views were accepted with cheerfulness; we said we would give them at least a fair trial. What were those principles? One objection made, was the overwhelming influence of one religious body at

the board. The Colonial Secretary said, in his dispatches, that that complaint was too well founded, and that a comprehensive change should take effect. The Governor was, accordingly, directed to carefully avoid any such religious distinction. I do not hesitate to say here, sir, that those directions were not carried out. In both Councils, as every gentleman is aware, the invidious majority was continued,—a majority which, as long as it stands, will prevent satisfaction, and will give all the influence of government to one class of people, which class only amounts to one-fifth of the whole. That state of things was continued in defiance of the sovereign's directions. What was complained of in the last address? Was there any new ground? No. We only said, Your Majesty gave directions which have been disobeyed by your officer at the head of the local government. He has composed the Councils, not in accordance with the principles set forth by Your Majesty, but has again given the influence and patronage of these bodies to a class which only counts one-fifth of the whole population, I speak of that class, here, sir, as at all other times, with respect. Many of them do not desire these distinctions; they repudiate such principles, and require nothing more than impartial justice. In the Executive Council, of twelve members, we find seven gentlemen represent one-fifth of the people, and five represent the other four-fifths! That was carrying out the principle with a vengeance. It was but a mere shuffling of the cards; the game continued as before. Turning to the Legislative Council, what was found? In a body of eighteen or nineteen, ten were of the favored denomination. Was that following out the principles? In making these allusions, I would not be understood, sir, to reflect for a moment on the liberal Churchmen of the Province. Many of them desire a different state of things, and do not approve of any improper distinctions. But, sir, in complaining to the sovereign, that her gracious intentions had not been carried out, did we do more than our duty? The question now is, on that point, will you reiterate your demand. What is now said on the subject? True, we gave those directions in 1837; we laid down broad principles on which your Councils were to be constructed, and thus induced you to accept our scheme; but now, forsooth, our officer having disobeyed our instructions, having violated express commands, given in the most distinct manner, now, forsooth, you must try these bodies, see how they will behave, and if evil result, some ten years hence you may apply again, and have the same farce played over once more. Our friends on the other side, sir, will no doubt make themselves merry at the difference of our feelings, last year and now, respecting the dispatches. But, sir, a Colonial Secretary is nothing to



me ; dispatches are nothing to me ; the great principles of constitutional freedom which our fathers committed to us, which it is our duty to instil into the breasts of our children,—these principles, sir, are not to be trampled upon by a Secretary, nor a bad system bolstered up by dispatches on false grounds. But, sir, it will be amusing to turn to these documents for a moment. We are told that Her Majesty had received some *explanatory* statements respecting the construction of the Councils. These documents we, of course, have not before us, but I would much like to see them. They would be, no doubt, of a highly amusing character. We are told, sir, that Her Majesty received our address *very graciously*. No doubt the Queen is not deficient in politeness ; but if Her Majesty could have witnessed the manner in which the dispatches were received a few days ago, she would have observed, that although the usual formalities had been paid to our address, we felt that we received an answer which was not expected, and that the courtesy evinced did not preclude the necessity of complaining, and that courtesy was of slight value if consideration and justice were wanting. It was further said, that these Councils were but recently constructed, and that there was but little opportunity of judging how they would perform their functions. That was the answer to a complaint of the Legislature founded on reasons adduced.

It was admitted that the instructions had been violated, disobeyed, and in answer to a call for the carrying out of the principles recognized by Her Majesty, we are told, Wait until the bodies are tried ; you do not know much of them ; you are mistaken in your opinions ; wait until they get a fair trial. And after the trial, sir, there would, no doubt, be the same force of remonstrance, of dispatches, and of violation. Some other remonstrance beside the last should be sent, on receiving such a reply as this. It might be very well for Lord Glenelg to give the gentlemen a trial,—to give them an opportunity—before judging. I judge them by their sense of consistency, and what they consider integrity. I believe, sir, that the gentlemen will endeavor to carry out their principles in the other end of the building, as they did here. Does not the Assembly know every man in the Council ? Do not the people know them ? Was there a schoolboy who did not know, the moment the lists of the Councils were sent abroad, that the directions had been disobeyed—that the rules laid down in the dispatches had not been carried out ? It would be folly for me, it would be injustice towards the gentlemen alluded to, to suppose, that they who here opposed, manfully, consistently, every liberal, every reform measure, would change by going to the other end, and controvert the principles which they had so long

supported. I contend for it, that on view of these Councils, without waiting for any legislative action, it was our duty to remonstrate to the sovereign, and that duty was duly performed. But, sir, if we wanted materials for judging last winter, have they not since been furnished? I will not, sir, attempt to review the conduct of these bodies during the year. I was absent much of the time from the Province, and am not, therefore, so fit as I otherwise might be for the task; but I will take one act of each of the Councils, and venture a few remarks on both. It was in the memory of members that in consequence of Lord Durlam's mission, a temporary dissolution of the Councils having taken place, a majority of the Assembly thought right to communicate their views to the Lieutenant Governor; and a great outcry had been made respecting this step. I would ask any man, whether similar conduct in the House of Commons would have been thought improper? If a member, there, rose and moved that the House had no confidence in Her Majesty's ministers — that certain promises which had been made to the people had not been carried out, would he be stared at as having done something unusual and discourteous? The resolution which passed on the occasion alluded to, was received by His Excellency in the gracious manner which became the head of the government, and he evinced no feeling on the subject; he could not be expected to act otherwise, acquainted as he was with the practice of Parliament. Was that, however, answered by a message, a remonstrance, at the bar of the House? No, sir; but the closing speech of the session was used, in order, I will say, to insult this assembly. An exercise of the distinct rights of this branch was declared, in that speech, to be a violation of the prerogative. If it was, sir, I must have read history to very little purpose indeed. But if that speech had stopped there, I would have thought but little of it, and might have supposed that His Excellency had mistaken the nature of the resolution, or his own powers as Governor. Another passage, however, occurred, which showed pretty plainly the kind of advice His Excellency had received. Referring to the construction of the Councils, he said that satisfaction could not be given to all, and that, no doubt, some individuals were displeased because they themselves had not been appointed. It is very true, sir, that there is some difference between an insinuation and an assertion; but when that passage was read, every man felt that a discourteous, improper, most impolitic, and an indecent use had been made of the occasion, and of the relation which the highest executive officer bore to the other parts of the Legislature. I felt but little personally; the insinuation could not apply to me; and many others with whom I acted were as little deserving of the insult as I considered myself to be.

This, however, I take it, is one of the acts of the Executive Council. They may reply that they were not consulted; if so, what are they for? If they are to be treated with distrust or neglect, they have failed in one of the most valuable functions which they can be called on to exercise. Other things have occurred, appointments have been made, on which I might comment, but I feel that I am trespassing on your time, and pass on. [Here Mr. Uniacke asked for the charge instead of the insinuation, and Mr. Howe replied that he would give him enough of it before the debate ended. Mr. Howe continued.] I admit, sir, that the Legislative Council have not done much within the past year on which charges might be founded, except the refusal to pass some bills. But we judge them by what we know of them; and we see the influence there given to two or three gentlemen, whose opinions are amply understood. The experience of past years justifies us in judging of them now; there could be no mistake on the subject; they are the men they were, and I suppose they will continue to be so.

We will now look at the answer of the Council to the address of the House. It contained one very amusing, gentle insinuation, that you country gentlemen did not know what good society was,—how gentlemen ought to live. Many of you, no doubt, are plain men, and live in an unostentatious style; but I think that most of you are acquainted with the state of the town, with the manner in which gentlemen should live, and with what ought to be paid to the officers of government. On these points, however, the Council insinuate that you know nothing; although a passage of a former dispatch evinces that Her Majesty then thought that your knowledge was sufficient. An insinuation of this kind, coming from the other end, was of some weight in showing the spirit which influenced the body. I was astonished, sir, in reading the first of the resolutions, on which the Council's reply was founded, and I referred to a former opinion of the chairman of the committee who drew up that document. In the resolution it is stated that £3000 sterling is the least that ought to be paid to the Lieutenant Governor of Nova Scotia. This morning, sir, I recollected that the chairman of that committee had expressed a different opinion in the debates of this House on a former occasion. I allude, sir, to the gentleman who represented Cumberland for some years in this Assembly. In 1834 he proposed that the then Lieutenant Governor should receive £3,500 lest any other proposition should occasion the dissent of government, but that it should be provided that His Excellency's successor should only receive £2,500. That was the language of 1834; but he has received new light since, and now he owns that £3000 sterling is the least that should be paid annually to any

Lieutenant Governor. References had also been made, in the reply of the Council, to the salaries fixed in New Brunswick. But there, under different circumstances from ours, the salaries had been fixed too high; and a party was now rising in that Province aiming at their reduction, and such an attempt will be among the next class of popular questions there. The speaker of the New Brunswick Assembly had asserted that the scale of salaries was £2000 above what it should be. Yet the Council, which was to coöperate with this House, and to express the opinions of the country, refer to the neighboring Province for the purpose of thwarting our views in arranging the public expenditure. Contrast that opinion with what Lord Glenelg had expressed on the same subject. One matter should not be forgotten in this place. His lordship, in his dispatch of 1837, declared that he would not shrink from a reduction in the Governor's salary, and that he was pleased that the Governor concurred in the opinion that, on a vacancy in the office, a reduction might be accomplished for the future. Yet here was this precious Council, which was so anxious to coöperate with the Assembly, giving views in direct contradiction to the recommendation of the crown and the recorded opinions of the chairman of their own committee. This was a manifestation of spirit and consistency, gleaned from the history of the last year. Lord Glenelg also referred to New Brunswick, but not for the purpose of extracting more money from us. He said that here we had but a small revenue, and did not receive the large sum which was handed over in that Province. Our Council, however, refer to it, not for the purpose of making a better bargain for Nova Scotia, but for the very reverse; not to effect a reduction, but to cause an increase. His lordship said, on account of the disparity between the two Provinces, he could not press for the same provision here; the Legislative Council make a contrary use of the example. They also say, in New Brunswick a Master of the Rolls had been appointed with a salary of £800 sterling a year. That is an example for Nova Scotia. This morning, sir, I read a speech made in this House by the chairman of the Council's Committee, in which, in 1834, he objected to raising that officer's salary to £800 currency, and thought £600 currency sufficient. Now, however, £800 sterling affords a good example. In these resolutions, also, an attempt was made, unworthy of a frank and candid mind, to fix on the House a principle which it never intended to establish. It was attempted to show that because we gave the exorbitant salaries to custom-house officers, which were forced on the Assembly, and because we recognized that act as binding, that, therefore, we should admit the emoluments of the judges, although these were

made up of fees not sanctioned by any law. If the Legislature recognized a law into which it had been coerced, but which had nevertheless been fully ratified, was that a reason why we should recognize what we had never acquiesced in, and what had no law for its support? Yet, on an analogy so carried out, a recommendation in the resolutions had been founded. This may suffice respecting the resolutions of that body. I do wish, sir, that they had had a feeling for this young country when they made references to New Brunswick, instead of tempting the government to fix the salaries at a rate too high for our means. Why did they not tell the whole truth in the matter, and say, that in settling its questions of revenue that Province received in cash £170,000; and that it was free of debt; while Nova Scotia owed £120,000 and had no treasure to receive? That was the statement which should have been made, if the object was to give a fair view of the question. This body, sir, which was to coöperate with the Assembly, and to represent the people so truly, did not say a word of the £83,000 which had been wasted in ten years, by a system of criminal, lavish profusion. One would suppose that a feeling for this young country, an anxiety to extend its resources, would induce to a reference to this fact. But neither that, nor any thing of a similar tendency, was introduced into the representation. Yet the fact could be easily proved, and that the expenditure had occurred under a system which the country disapproved of, and which struck at the root of public prosperity, and at the dignity of that Legislature which should have the legitimate control over the public officers of the Province.

I will now, sir, make a few remarks on the dispatches which have been received this session. And here I am struck with an acknowledgment of the receipt of two letters from officers in this Colony, praying that they should not be left to the mercy of the Legislature. If such were written, they were derogatory to the sense of duty that these officers owed to the Legislature of the country, in whose justice and wisdom they might have safely confided. How the people of England would laugh at a similar exhibition among themselves; if a couple of surveyors should address the crown, praying that they should not be left for their emoluments to the House of Commons, but that the queen should take their case particularly into consideration! Respecting the disallowance of the Oath Bill, I will make only one remark. I am sorry that the Act of the Imperial Parliament obliges us to do any thing so offensive to our Catholic brethren. The member for Isle Madame remarked on this subject, that he had reason to be satisfied; for Catholics had been, in this respect, emancipated from restrictions, while poor Protestants were not, and were not likely to be. It is not worth while, sir, to bring the Shu-

benacadic Canal into this discussion. It has been referred to the officers of the engineer department, and I suppose, if it is found not to interfere with the Citadel Hill, or the powder magazine, and if money can be obtained, the work may be prosecuted. The outport question has been long agitated throughout the Province, as one of vital importance. In England, where a great debt exists, taxes have to be raised, not for mere purposes of regulation of trade, but to pay an enormous interest. There it might be necessary that commerce should be restricted to a certain number of ports. But did the same reasons apply here? Was there any reason why Arichat and Digby should not get every facility in their trade, and many other places along the seaboard? This subject, we are told, has been referred to the collector and controller at Halifax; to the tender mercies of these gentlemen it has been entrusted. I do not blame them for exercising a sound discretion, and for giving their views to government whenever they think it right to do so; but I recollect that a document went from a former Executive Council, of which the collector was a member, and that it was entirely counter to the Assembly's representation on this subject, and that it quashed the matter. It remains to be seen whether the spirit infused into that document still continues. No doubt it does; the man will be consistent if he thinks himself right, and the same fate will attend your application now, as attended that on the same subject formerly. The next subject, sir, on which I spend a few moments, is the Post Office application. Some who hear me may not well understand what the dispatch means on this subject. The huge Corporation Bill of last year, will be recollected; well, sir, during a former session, a bill was transmitted from the post office department in England, a bill about five times as large as the Corporation Bill, and it was such a bundle of absurdities that nothing could be made of it. The same went to the different Colonies with like effect; all declined having any thing to do with the unintelligible mass. Now, when we passed a Post Office Bill applicable to the Province, we are told that we might stop the mails. That might be said with a better grace in Canada; but it is said to us, and the bill is disallowed. Regarding the fisheries, I will not longer occupy your time than to say, that when I heard the pompous announcement that we were to have the benefit of "an armed force," I thought there was an end of the American jiggling of mackerel, and illegal catching of codfish; but the dispatch dispelled the delusion, for we are to have one vessel in the Bay and one in the Gulf, and we know how much our neighbors care for that kind of armed protection. But there was also a remonstrance to be made by the minister at Washington. No doubt, sir, that Van Buren will receive the representation on this subject, as Her

Majesty received our address, *very graciously*, and that similar effects will follow. In this manner, other important topics have been treated; and if the Legislature shall agree in the terms of these dispatches, the sooner our merchants and manufacturers remove from our shores the better for themselves.

If we cannot in this Province give encouragement to our fisheries, or to the manufacture of chocolate, or tobacco, or to insurance companies, unless the gentleman who writes the dispatches is conciliated, — and if this Legislature agree to such a state of things, then farewell to the freedom of our Provincial Legislature, and to the prosperity of the country. Of the Marine Insurance Company, it is said that it does not yield security, and that its whole capital might be swallowed up; therefore, the act of incorporation is not allowed. This was passed after a deliberate view of the circumstances and requirements of the country; the risk was ours, and we might be allowed to follow the course which appeared to us most wise. But let us see the result of the operations of this company. In 1837, the stock of that company paid twelve and a half per cent., all risks settled; in 1838, it divided seventeen and a half per cent., and the present year it yields twenty per cent.; while, in addition to these large dividends, £1283 has been added to the paid up capital. Now, sir, I would like to be informed whether this Legislature, or Mr. Stephen, in a back office of Downing Street, is the best authority to regulate such matters. It has been frequently said, sir, that these Colonies are burthensome to the mother country, and that we should not complain of slight grievances because we have so many benefits; we are protected, and pay nothing for our advantages. The only, or chief matter, in the way of trade, in which advantage is given, is in the timber business. The timber which comes from the adjoining Provinces has an advantage over the foreign article, which I would not defend on account of its effect upon the consumers at home. But if we are to be restricted for the benefit of merchants and manufacturers in the mother country, let us have some fair corresponding advantages. This, and the advantage enjoyed in the West India trade, I look upon as a right, rather than a privilege. The Provinces pay very largely, in every way, by the advantages which the British trade enjoys in our market. In almost every thing the foreign article is taxed in favor of the British; on a great number of foreign articles from ten to thirty per cent. In this manner we paid; and not the smallest, most insignificant article, could be brought in without thus contributing to the means of England. I do not complain of this; I only refer to it in order to answer a charge generally made. To me, sir, the dignity and integrity of the empire are dear, and I feel, I trust, as a British subject should

feel,—proud of the history, and literature, and science of the mother country,—of belonging to that empire, which presents to the world in all its phases, an example of greatness and glory. But, sir, here is the country of my birth; this little spot between Cape North and Cape Sable is dear to me, as a Nova Scotian, above every other place; and, while priding myself in the glories of the empire, I respect, as a native should do, the soil on which I tread; and when invidious remarks are made would attempt their explanation.

For the reasons adduced, sir, I am inclined to support all the resolutions which have been laid on the table, and have felt it to be my duty to bring the elements of the debate before the House, and ask whether members are willing to allow matters to remain as they now find them, or whether they will take the only additional step that is open. In the dispatches of 1837, Lord Glenelg invited a delegation, and said, that if gentlemen should be deputed, they would receive every attention in his department. A delegation may not be able to accomplish all that is desired, but I believe that it may do much that will be very acceptable. It would do good by bringing government in contact with one or two members of the House, who would represent the majority of the Assembly and of the country. An objection, no doubt, will be the expense. The expense, sir, compared with the principles involved, I consider as nothing. It would be only such an expense as the country would willingly pay, even by subscription, were such a course necessary. The time has now arrived in which the House must recede, or must maintain its ground; when we must repel additional evils attempted, and make a full and personal expression of the grievances of the Province, or fail in our duty. To those who, like myself, have been long engaged in this struggle, I would say a few words; though the odds against us are great, we must still struggle on. Often, when I have considered the want of unanimity, the want of knowledge, and the want of energy among the people generally, compared with the wealth, the official influence and sagacity of those with whom we contended, I have felt that the chance of success was, at many periods, but very slight, and have experienced that sinking of the spirit which such reflections were calculated to produce; but I invariably endeavored to rally, by considering what I owed to my country—by considering what others struggled through, and to eventual success. I turned to the history of those who had striven for the same principles, and remembered how many hearts were broken in such attempts. Shall we not also do our duty in spite of difficulties? now that we know the eyes of the population are turned on us, will we desert our post, and allow our minds to be depressed



by a sight of the course we have to run? Of what, in the end, need we be afraid? Will any Englishman find fault with us? He would say, What you are now contending for, I also struggled for, sword in hand. Yes, the history of John Bull himself, should stimulate to exertion in this cause; if the establishment of such principles as we contend for gave him such trouble, and was at last proudly accomplished, ought not we to take courage? Is it a Scotchman who would find fault with our conduct? Let him turn to his own loved country, when a few officers were sent down from London to exercise all the power and influence of the land, and when corrupt minions domineered over the energies of a whole people. When he reads his country's history aright, he will say that the struggle which we carry on constitutionally and peacefully is the produce of that spirit which has descended from the fathers to the children of his native land. Will an Irishman find fault? Let him glance over the green fields of his native island, and see how that country has been degraded and restricted from causes similar to those of which we complain — see how that country has been governed by the minority, until, in the most fertile vales of earth, the peasant toils from morning till night with not more than the food of a beast, — until the iron rigor of the system enters into his very soul. Then let him find fault with us for putting down in this Province the evils which obtained such mastery in his own home. Will Nova Scotians blame us? If I thought so, I would pray to heaven every night that not another child might be born on the soil, but that a race so degraded should pass from the face of the earth.

The debate which followed lasted a week, and was listened to by crowded audiences. Much excitement prevailed. Hard hits were given on both sides. It was in this debate that Mr. Uniacke and Mr. Howe were nearly brought into personal collision. We omit several speeches made by the latter, preserving only a few passages which serve to illustrate the different views held at that time, by the two parties, on the subject of responsible government.

Mr. Dodd, a member of the Executive Council, in defining his position, said that "no responsibility rested on him." "I inquired particularly, before accepting my commission, whether I would be expected to carry out any particular measures of government. The answer was, that I would not, that I might act my pleasure, and would not be embarrassed in any degree, as a member of the Assembly."

Another member of the Council said, "He wondered at such nonsense as for men to talk of representing the ministry of Great Britain in this Colony, and of carrying on the Government in the same manner as they did in the Imperial Legislature."

A member of the Executive, in the upper House, declared "responsible government to be responsible nonsense." A vast majority in the Imperial Parliament, it was evident, entertained the same opinion. Hundreds of thousands of people, in British America, were at this period utter disbelievers in the practicability of the system now happily so firmly established. It required some nerve to face this opposition in 1839. Mr. Howe had the nerve. His first object was to have the resolutions passed and the delegates on their way to England. His next duty was to illustrate and explain what was meant by responsible government, in some popular form that would attract universal attention, reassure its advocates and reason down conscientious opposition.

On the 26th, Mr. Howe closed a general reply to the members of government and their friends with this peroration:—

But this House, Mr. Chairman, is not to be misled by jest or sarcasm: though Nova Scotia is a small country, there are in these questions a dignity and an importance on account of the principles involved. Though the sums at stake are comparatively small, they become of consequence from their connection. The exaction of ship money in England seemed of very small moment in itself, but those who watched over the liberties of the nation made it of great importance. We have been told of peace and prosperity, and were asked why we should complain;—but, sir, there were peace and prosperity in many of the Roman Colonies, although they were ruled by the Praetorian bands. The policy I wish to pursue is to have these British, not Roman Colonies; and I wish when British soldiers come among us, that they should feel, not as Roman warriors going into a subjugated colony, to govern it by the sword, but that they are coming to sojourn among Britons, who are their brethren by every national tie;—that they are coming to assist them in governing themselves, not to deprive them of the pride and the privileges of freedom.

Replying to the leader of the government, he said:—

Often as I have heard that learned gentleman deal in extraordinary doctrines, in this House, he surprised me last evening: not satisfied with defending the construction of the Councils on the necessity of the case, he said that he trusted the time would never arrive when the Councils would be so constructed as to follow out the policy of the majority of the Assembly. That was a doctrine that would fall harshly indeed on the ears of an Englishman; it would call up strange emotions in his breast, to be told that the *government* of a country should stand in opposition to the *majority of the people*. In England, what Cabinet would think of maintaining such a position; but here, the learned member undertakes to sneer at what he calls a mere majority. Let me tell the honorable gentleman that the Whigs now in office have not a larger majority to support them, in the Commons, than have the friends of these resolutions over the party who oppose them. Am I to be told that if a majority of six or seven be sufficient there, eight or ten should not have influence here? What a pretty government there would be, indeed, if the Executive were to be always opposed to the majority, and were to be governed by the minority only. [Mr. Uniacke remarked here, that, as the honorable gentleman had answered what he did not say, he might as well answer what he did. He said that the Councils should not quail before a majority of that House, except on sound principles.] Mr. Howe continued;—The learned gentleman varies the expression without varying the meaning. What was the practice at the other side of the Atlantic, and what here? Here, two or three of a minority carried measures instead of the majority. There the tory House of Lords indeed were sometimes opposed to ministers, and the House of Commons, but in these cases the ministry had the executive with them. If our Executive Council was, as we desired, there would be little cause of complaint. We complain here, because Lords and Ministry, and Executive, all stand in opposition to the majority of the House.

On the 29th he was compelled again to address the House at some length in consequence of charges of sympathy with the disaffected in Canada, which had been hazarded by the leader of the government. In this passage distinctions are drawn sufficiently apparent now, but which were purposely slurred over in those days of party excitement:—

Gentlemen who hear me are well aware, that until violence was attempted in the Canadas—until blood was drawn—no act had been committed by the Canadian party, with one or two exceptions, that was

not in accordance with the views of every right minded Colonist. The moment that blood was shed—that force had been resorted to,—that moment they forsook the vantage ground that O'Connell knew so well how to use for the benefit of Ireland and of the empire; they commenced a course which was no longer subject to their control, and which injured them in the eyes of those who had hitherto wished them well. How were we placed in relation to that people up to that moment? How was this House of Assembly placed in reference to the Legislatures of the Canadas. They were urging the redress of grievances in many cases like our own; they were striving for objects which we are struggling for now, and know to be of such moment to Nova Scotia. Was I, as a public man, to set my face against them until it became apparent that they meditated violent changes and not constitutional reform? How did the case stand? Up to 1831, when the supplies were stopped, almost every act of the Canadian party was approved of by the majority of the population of the Colonies, and by right thinking people in every part of the world. They procured the sanction of Mr. Neilson, at present an Executive Councillor of Lower Canada, and the sanction of the House of Commons. Up to that date, indeed, it was not necessary to say one word; the most solemn sanction had been given to their pretensions and acts by the British government itself. And up to that time, in what position did that Constitutional Society, which has been introduced into this debate, stand? I do not know that this very society was in action, but in looking to the names that compose it, I find that a large proportion of them were opposed to every reform, to every improvement that was subsequently sanctioned by the British House of Commons. Shall I be told that any opinion of mine, up to that period, commits my loyalty or my integrity as a public man in the slightest degree? No attempt had been made in Nova Scotia to fasten a criminal course on the Canadians up to that time; and no such attempt had been made at home. But allow me to say, that if any one will take the trouble to examine The Nova Scotian files, he will find that from the time that Neilson receded from the reformers there—from the time that they stopped the supplies, although I was in favor generally of the principles involved in the questions which they agitated, and generally wished them success, I expressed a qualified assent, and, not only did not concur in all their acts, but, while I claimed for the Colonists the abstract right, disapproved of the stoppage of the supplies, and intimated the consequences which might be expected to follow.

The charge was withdrawn in the most frank and honorable

manner before the speech was closed. The strange antagonism which existed between the Executive and the Parliamentary majority was thus illustrated at a later stage of this debate.

Mr. Howe said that as so many remarks had been made on this question, he felt called on to say a few words on the principles which seemed to govern appointments to office in England. Although, as had been intimated, men of every political party, radical or tory, might get the promotion which was due in the army and navy, yet the patronage of the country was in the hands of that ministry who could command a majority in the lower House. Here, what was the case? Just the reverse. It was true, that on some general questions, and on many details, members of the minority were found at the opposite side of the House; but none would say that there was not, on the general principles of public policy, a strongly marked line dividing the two parties. Was it right then, that selections should be made so as that the small minority only should be represented. Advice was not to be given on questions of patronage only, but in many important matters. Suppose a question between the majority and the minority to be submitted. [Mr. Uniacke. What majority? Mr. Howe continued.] He would admit that on some points gentlemen now on opposite sides voted together, but the learned gentleman was well aware that on general principles, and also on the modes of carrying out the details of political questions, the different sides were sufficiently distinct, and had been for years. Suppose that majority to be fairly represented in the Council, would the speech in answer to the resolution last year have been made? [Mr. Uniacke said, that whether wilfully or not, the Constitution of the Provinces seemed to be misunderstood. The Council were not advised with on all occasions, and in such cases as that alluded to, His Excellency acted for himself. Mr. Howe continued.] He [Mr. Howe] did not say that the Province had any Constitution, but they were trying to fix one to-day. He would suppose another case. Some severe allusions were made in that speech, but if the members of the Executive Council, who sat in the minority in that House, were to advise a dissolution of the Assembly, would they not thus have a direct bearing on the conduct of the House? Or suppose on other questions, the men who vote against measures in the Assembly, again meet them, to give renewed opposition in the Executive Council, and in the presence of His Excellency, without any being there to represent the majority. He admitted that we had not a ministry, but as the case stood, the popular side, or side of the majority, had not a single man to represent their views on those fundamental questions in which

the country was so much interested. And is that a state of things which should continue? Would the House do its duty if it neglected to bring this strongly before the crown? Difficulties existed respecting the arrangement of a body here, like the ministry in the mother country, but if the majority of the House possessed the confidence of the Province, then he did not see how a large proportion of the constituency were represented in any manner at the Executive Council board, and the old system of governing by the minority was continued. One of the gentlemen selected by His Excellency from the House, was one of the strongest opposers of every clause of the address by which the Executive Council was produced. If that address was a meritorious act, as had been stated in the dispatch, then the most conspicuous opponent of it should not have been selected, under the instructions given in consequence of its adoption.

The resolutions were passed by large majorities on the 30th of January; and on the 1st of February, on motion of Mr. Howe, Mr. Herbert Huntington,\* was selected by a majority of 34 to 9, and Mr. William Young,† on motion of Mr. Bell, by about the same majority, to proceed as delegates to England.

\* Mr. Herbert Huntington, was a native of Yarmouth, of New England origin, and tracing his blood back to the Cromwell family, often reminded us of the great chieftain of the Civil Wars. Strongly built, with a broad chest, a fine head, and an iron frame, he was physically brave and determined. Had he lived in Switzerland, he would have died rather than bow to Gesler's cap; and had he lived in England, he would have drawn his sword against Charles as a necessity of his nature. Hatred of tyranny and injustice formed the basis of his character. Sagacious, quick witted, and well informed, he was a better speaker than Cromwell. He never wasted a word, but ran his thoughts, as men run bullets, into forms, compact, weighty, and effective — and ready for offence or defence. He had none of the fanaticism of his great ancestor, but when in the mood was mirthful, convivial, and companionable. When out of health or out of humor, he was as moody and irascible as Oliver himself. Self-taught, his mind was nevertheless well stored. Bred a farmer and land surveyor, on the borders of a mercantile community, he was familiar with the inner life and exterior relations of Colonial society, and brought to the discussion of every topic a clear head, a determined will, and much practical information. Mr. Huntington acted as Mr. Howe's second in the duel with Mr. Haliburton, in 1840. He died in 1851; and on his friend's motion, a monument was raised over his remains, in the churchyard of his native town, at the public expense.

† The Honorable William Young is the oldest son of Mr. John Young, whose letters of "Agricola" gave such an impulse to Provincial agriculture, in the days of Lord Dalhousie. Mr. Young was born and educated in Scotland, but came to Nova Scotia at an early age, and embarked at first in mercantile pursuits. These

The Legislative Council selected the Honorable Alexander Stewart and the Honorable Lewis M. Wilkins, as delegates to represent that body and to defend in England the old system of government. The delegates sailed in the spring, and the battle was transferred for a time to the Colonial Office.

On the 26th of February of this year, a curious scene was presented in our Assembly. The controversy about the North Eastern Boundary question, which had raged for years, and had been sharply discussed in pithy speeches, and worn threadbare in interminable pamphlets, was brought by Governor Fairfield, of Maine, to the very verge of a bloody arbitrament by force of arms. On the 18th of February, he sent a message to the Senate and House of Representatives explaining his reasons for marching troops into the disputed territory. His conduct was approved, and \$800,000 voted to pay the expenses of this hostile invasion of what at that time was recognized by us as part of the Province of New Brunswick. Tidings of these proceedings reached Halifax by mail, and called forth a manifestation of loyalty and public spirit highly honorable to the Province and to all concerned.

Party feeling never ran higher in Nova Scotia. Public men were never more sternly divided by important questions of internal administration or of organic change. But when the honor of the British flag was menaced, and the soil of a sister Province was about to be invaded, every thing was forgotten except the common obligations which rested upon us as citizens of one empire and subjects of one sovereign. The militia laws had expired. The Executive was in a helpless minority; but Mr. Howe, having consulted with his friends, at once tendered to the government their united support of any measures providing for the common defence which might be proposed. The offer was accepted. The Committee of De-

he abandoned for the bar, at which, after a practice of thirty years, he has but one rival and no superior. Mr. Young was Speaker of the lower House, from 1843 (when Mr. Howe resigned the robes) till 1854, when he became Attorney General and leader of the government. He now leads the constitutional party. Mr. Young is a sound lawyer, and a very effective and eloquent parliamentary speaker. He has read and travelled a great deal, and embellishes his forensic and legislative efforts with the wealth of a well-stored mind, enriched by study and observation.

fence was enlarged by the addition to it of five members from the popular side of the House. In the evening a series of resolutions were reported, and carried unanimously, by which the Executive was authorized to draw out the whole militia force of the Province, for the defence of New Brunswick, and to expend £100,000, if necessary, in repelling the invaders. These resolutions having passed, the whole House rose, and on motion of Mr. Dodd, gave three hearty cheers for our brethren in New Brunswick, and three times three for Her Majesty the Queen; the people who crowded the lobbies, and who shared the enthusiasm of the hour, rising and following the example.

We doubt if so novel, and yet so honorable a scene, was ever presented in any British Colonial Legislature. It is rather mortifying to reflect, however, that some years later the greater portion of this disputed territory was handed over to the State of Maine; Canada and New Brunswick being nearly divided from each other, and the best railway track between them surrendered to the United States.

Had the generous and magnanimous spirit displayed by the liberal party on this occasion been comprehended or appreciated by their opponents, they would at once have made such changes as would have given general satisfaction. They would have been content at least to share power with those who commanded the confidence of the Representative branch, and to have given to Sir Colin Campbell the aid and support of those who had now shown their ability to strengthen and support his government. Their power to obstruct it had been for two years practically illustrated. But, unfortunately, the rulers of Nova Scotia in those days had their hearts hardened and their necks stiffened, until sure destruction came upon the system they vainly labored to defend. The cheers of a united people had scarcely died away in the legislative halls, where £100,000 had been voted for the defence of the Provinces, when a grant of £1000 to pay the expenses of the delegates who were going to England to represent to their sovereign the grievances of the Colony, was rejected by the Legislative Council. The reason given was because the House had declined to pay the expenses



of a counter delegation, to be sent to oppose their policy. This attempt to obstruct all communication with the throne, except through the medium of the Executive, created a good deal of exasperation. It was determined to send the delegates, at all hazards, and they embarked at their own cost and charges.

In February, Lord Glenelg resigned, and was succeeded by Lord Normanby. Lord Durham's report was laid before Parliament, and Mr. Howe had the satisfaction to find the system of government which he had for years fought for in the midst of so many difficulties and discouragements, strongly recommended by Her Majesty's Lord High Commissioner, after due and careful investigation.

The appeal was now to Her Majesty's government and to Parliament. The times were critical; the results no man could foresee. Lord Durham, sharply attacked in the House of Lords, and, as his lordship conceived, but feebly defended by his friends, had thrown up his office and returned to England in disgust. But his health was declining, and his days were numbered. Jealous rivals and powerful parties, even if he lived, might prevent the adoption of his suggestions. If he died, might not his report be buried in his tomb? The minorities in all the Provinces were in active and indefatigable hostility. Lord Durham had been fiercely attacked by clever Colonial writers, as he had been by powerful speakers in Parliament.

Mr. Howe's opinion of Lord Durham's report was given in a few sentences:—

We have risen from the perusal of this admirable exposition of the state of the British Colonies in North America, with a higher estimate of the powers of the noble lord and a more sanguine anticipation of the ultimate termination of Colonial misrule than we have ever ventured to form. We did not believe that there was a nobleman in Britain, who had the ability and the firmness to grapple with the great questions committed to Lord Durham's care, in a spirit so searching, and yet so frank; nor a man who, in one short summer, could collect and digest so much information, and draw from it such a volume of instruction to the government and people of England. It is impossible for a Colonist to read this report dispassionately through, and not recognize on every page the features of that system which has now become contemptible in the eyes

of every man of common understanding, who has no interest in keeping it up. We wish a copy of this report was in the hands of every head of a family in Nova Scotia; for, although we shall take some pains, by extracts and abstracts, to give our readers some knowledge of its contents, it is a volume that every Colonist should have upon his shelf. The people of Nova Scotia should study it as the best exposition that has yet been given of the causes of the dissensions in the Canadas, and containing the best suggestion for the avoidance of kindred troubles in all the Provinces, that has yet appeared. The remedy for the state of conflict between the people and the local executives, which prevails or has prevailed in all the Colonies, has two prime recommendations, being perfectly *simple* and eminently *British*. It is to let the *majority* and not the *minority* govern, and compel every Governor to select his advisers from those who *enjoy the confidence of the people*, and can *command a majority in the popular branch*.

No sooner was the report published here than a series of resolutions condemnatory of it were passed by the Legislative Council. The journals were searched, and another set, of a different complexion, moved by Mr. Howe, and seconded by Mr. Young, were adopted in the popular branch. So far did the Council carry its dislike of Lord Durham's policy at this period that a resolution was passed in the following terms, disapproving even of a federal union of the Colonies:—

*Resolved*, That a federal union of the British North American Colonies would, in the opinion of this House, prove an extremely difficult, if not an impracticable measure; that the experiment, if practicable, would be eminently dangerous to the interests of the mother country, as well as those of the Colonies; that its tendency would be to separate the Colonies from the parent state, by imbuing the rising generation with a fondness for elective institutions to an extent inconsistent with the British Constitution; that it would involve the lower Colonies, which are now contented and peaceable, with the political discussions of Lower Canada, and add greatly to their local and general expenditures, without producing any adequate benefit to them, to the Canadas, or to the empire at large.

It would now be very difficult to induce anybody in Nova Scotia to vote for this resolution.

In June, Lord John Russell brought forward the measure,

promised before Easter, for the settlement of Canadian affairs. It disappointed the just expectations of Colonial reformers, and was received more in sorrow than in anger in all the Provinces of British North America. Lord John Russell stood deservedly high in public estimation. Much was hoped from his moral courage and broad and statesmanlike views. When, in recommending a union of the Canadas, he adhered to the opinions of the preceding year, and negatived Lord Durham's recommendation to concede responsible government, we were all disappointed. A good many really energetic men were completely discouraged. Mr. Howe viewed the matter differently. He insisted upon it that Lord John Russell did not understand the question. That, having only studied it from the Imperial and not the Colonial points of observation, it was not surprising that he should come to a hasty and erroneous conclusion. He was confident that if it were understood by the leading minds in the mother country, they could have no desire, as they assuredly had no interest, in maintaining, in five noble Provinces, modes of administration which generated, as a matter of course, oppression and discontent. With his characteristic cheerfulness and energy, he set himself to work to enlighten them.

He addressed four letters to Lord John Russell, which were immediately republished in nearly all the Colonial newspapers. He printed them in pamphlet form, and sent them to every member of both Houses of Parliament, to the clubs, the reading rooms, and to the newspapers in the three kingdoms. That our readers may exactly understand the position of this great question when this brochure was published, I have copied Lord John Russell's speech and resolutions:—

There is another question upon which I am now going to state an opinion, which question I think is of the very greatest importance, and upon which Lord Durham has expressed an opinion contrary to that entertained by this House—I mean the question with respect to the responsibility of the individual holding the office of Governor in the Province. Lord Durham has stated that an analogy existed between the representative of the crown in the Colony and the constitutional responsibility of the ministers in this country. He states that as soon as

the ministers of the crown have lost the confidence of the House of Commons in this country, they ceased to be ministers, and that they could not go on with the government with a constant minority. He adds, that it is certainly a most unusual case for a ministry to go on for several months in a minority, and he then attempts to apply that principle to the local government of Canada. Now, the resolution of this House on this subject was in these terms: "*Resolved*, That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to that responsibility demanded by the House of Assembly of that Province." This House upon my motion came to that resolution, and I must own that there is nothing in this report which has at all, in my mind, shaken the argument by which at the time I supported that resolution. 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 a 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. 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. But if we endeavor to carry out this analogy, there is one case that all the world allows is a case in which it could be applied—I mean the case of foreign affairs. If the Assembly of New Brunswick in the late collision carried on a dispute with the North American States— [Here some interruption occurred which gave rise to cries of "Order, order."] The subject [continued the noble lord] is certainly a very important one, and

although I may express myself in very inadequate terms, yet I do conceive, that as it is in my opinion one of the most important points contained in Lord Durham's report, and one on which I differ with him, I ought to state the grounds of that difference. I say if 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 majority 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? Again, neither could this analogy be maintained with regard to trade between Canada and the mother country, or Canada and any foreign 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. But supposing you could lay down this broad principle, and say that all external matters should be subject to the home government, and all internal affairs should be governed according to the majority of the Assembly, could you carry that principle into effect? I say we cannot abandon the responsibility which is cast upon us as ministers of this great empire. I will put a case, one merely of internal concern, that occurred only the other day. 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 neighboring 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 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 his honorable friend the Under Secretary had done, that such a practice would meet with his decided reprehension?

It was quite impossible to allow it to be laid down as a general principle that any part of the government of this country, conducted by ministers having the sanction of this House, shall be overruled by a Colony, and that such Colony shall not be subject to the general superintending authority of the crown of these realms. I can conceive, sir, and I think that it would be the part of wisdom and of justice to say, that there are matters affecting the internal affairs of these Provinces,—that there are matters in which neither the Imperial Parliament nor the general government need interfere, and on which they should be anxious to consult the feelings of the people of the Colonies. It seems to me, sir, as much a rule of sense as of generosity; that there are some questions on which it would not be desirable that, on the opinion of the Secretary of State for the Colonies, the opinion of the House of Assembly should be put on one side. I know no reason why the Legislative Assembly, whether of each separately, or of both Provinces united, should not be listened to with deference; but I am not prepared to lay down as a principle—a new principle—for the future government of the Colonies, that we ought to subject the executive there to the same restrictions as prevail in this country.

*Resolved*, That it is the opinion of this House that it is expedient to form a legislative union of the Provinces of Upper and Lower Canada, on the principles of a free and representative government, in such manner as may most conduce to the prosperity and contentment of the people of the United Province.

*Resolved*, That it is expedient to continue till 1842 the powers vested in the Governor and special Council of Lower Canada by an act of last session, with such alterations of those powers as may be deemed advisable.

These resolutions, ably combated by the late lamented Charles Buller, than whom North America never had a more valuable friend or a more enlightened advocate, received, of course, the sanction of the House of Commons, who confirmed by their votes the doctrines which Lord John had laid down. Mr. Howe's protest against this decision, carried with it at the time the sympathies and suffrages of all North America. These letters will bear perusal even now, and ought to be read by all who take an interest in the progress of a great controversy, out of which were slowly evolved principles of univer-

sal application to British plantations and communities in every quarter of the globe.\*

On the 26th of July, Lord Durham defended his report and policy in the House of Lords. In the autumn, Lord John Russell accepted the seals of the Colonial office, and Mr. Poynter was sent out as Governor General of British America.

The delegates returned in October. They had succeeded in arranging satisfactorily a good many vexed questions. Five outports were opened to the advantages of foreign trade.† Her Majesty's Government had conceded the importance of uniting the customs and excise. Measures touching the post office and crown land departments, were also matured, and principles defined, by which controversy about local acts would be thereafter avoided. No change was to be made in the Councils, however, and the principle of executive responsibility was, as we have seen by the proceedings in Parliament, peremptorily negatived.

The House met on the last day of the old year, some defect in the jury laws requiring an early session. Her Majesty's gracious acknowledgment of the "attachment, liberality and gallantry," of the Province, was communicated in the opening speech. The reports of the delegates were submitted to their respective Houses, and they were thanked for their diligence and ability. Much had been accomplished, but it was evident that while a good deal of temper and antagonism had been exhibited at the Colonial office, on the main questions of responsible government and the civil list, there had been no material concession. It was quite apparent that the latter question never could be satisfactorily settled while the Executive was hostile, and that the only way to insure harmony between the Queen's representative and the representatives of the people, was to have the Governor surrounded by those who enjoyed the public confidence.

Mr. Howe, giving ample time for all the dispatches and reports to be printed, and for the Executive Council to be remod-

\* These letters appear in the second volume of this work.

† Cumberland, Parrsboro, Windsor, Shelburne, and Lunenburg.

elled, if there was any such design, moved on the 3d of February these four resolutions:—

*Resolved*, That it is the opinion of this committee, that for many years the best interests of this Province have been jeopardized, and its progress retarded, by the want of harmony between the different branches of the government, and the absence of that cordial coöperation between the representatives of the people and those who conducted the local administration, which, in the view of this House, is highly desirable, if not indispensable, in every British Colony, to which a Constitution, modelled after that of the mother country, has been granted by the crown.

*Resolved*, That it is the opinion of this committee, that during the struggle, which, since 1837, this House has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence, which, while it was beyond the control of the Assembly, has wielded the whole power and patronage of the government, to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's Ministers.

*Resolved*, That it is the opinion of this committee, that in approaching many of the important questions to be disposed of in the present session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the government or the country at large, and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled as to secure to this House the aid of the local administration in carrying out the views of the Assembly, and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's government.

*Resolved*, That it is the opinion of this committee, that the House of Assembly, after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, and the people of Nova Scotia misrepresented to the sovereign, the gracious boons of the sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.

Lord John Russell's dispatches, conferring in fact, if not in precise words, new constitutions upon all the Colonies, had been published in the meantime. We give them in the appendix. A message had been sent by the Governor General



to the Parliament of Canada, in which the two Houses were assured "that he had received Her Majesty's commands to administer the government of the Provinces in accordance with the well understood wishes and interests of the people and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them." In New Brunswick, Sir John Harvey at once recognized in the dispatches "a new and improved Constitution," and by a circular memorandum he informed the heads of departments that thenceforward their offices were held by the tenure of public confidence. In Nova Scotia, we had no messages, memoranda, or acknowledgments. The Executive Council, conscious of their unpopularity and want of influence, held their places, and were proceeding with public business with an indifference to public opinion which could no longer be endured. In moving his resolutions, Mr. Howe spoke to the following effect:—

In rising to offer a series of resolutions to the committee, he could not but express his regret that the duty had not devolved on some one else. He wished to prevail on those gentlemen, who had recently acted as the delegates of the House, who had been so extensively trusted and honored, and who had become familiar with the course which it might be wise for the House to pursue, to submit these resolutions to the committee. They, however, considered that, as he had taken the lead in former measures, he should have the honor of the care of these propositions. He then wished that some more aged member of the House, some one possessing more weight, and belonging to what was called the popular party, should open the debate, and confer some authority on the propositions by his years and standing in the country. These gentlemen also thought, that from his [Mr. Howe's] long acquaintance with some questions, that he would be more familiar with the topics discussed in the resolutions than they could be, and they also urged the duty on him.

In approaching the subject which was to engage the attention of the committee, he felt borne down and embarrassed; he felt that they were approaching questions of most vital importance to the prosperity of the country, and to the standing and character of the House. They were about to decide whether there should be in Nova Scotia those wise institutions which would require but little future change, and which might be handed down with pleasure to their posterity; or, whether they were

to stagger on with the imperfect, dangerous system, which existed up to the present time? While thus borne down with the importance of his subject, and impressed with the inadequacy of his own abilities for their advocacy, he felt constrained to say, with the Roman orator, "Hear me for my cause,"—for my cause, which is yours, and the cause of the country at large.

All felt the importance of these subjects, and he trusted, therefore, in dealing with them, that however imperfect might be his manner, the House would deliberate calmly on such arguments as he should bring forward, and judge of them on their own merits. He admitted that he was in some degree cheered by what had occurred since they had become members of that House. When they met for the first time, it was only natural that those who thought with him, should have some distrust of his temper, or judgment, or intentions; that those who were disposed to think favorably of the principles which he professed, should be afraid that he would go too far; and that those who were opposed to those principles, might be excused, if they attributed selfish, reckless, and ambitious views and feelings to him. He trusted, however, that what had occurred during a few past years entitled him to appeal to the committee for some confidence, and to ask from his usual opponents the calm consideration of the questions which he should submit. He trusted that the subject would not be decided on ancient prejudices. He believed that all felt that this matter should not be looked at in the light of party, nor be influenced by any former discussions; that it was not to be governed by partialities or prejudices, but was to be weighed according to the arguments adduced. He felt that he had a claim on the confidence of those who usually thought with him, and on the calm consideration of his opponents; and he was thus cheered, more than he otherwise would be, in the task which he had undertaken.

The House might look back with some complacency to the progress of the country, since they met for a first time in 1837. Previous to that period, what was the actual state of the affairs of the Province? Public expenditure had gone on steadily increasing; some efforts had been made towards economy, but very rarely according to any system, or with any success; the expenditure was growing greater—the power of the people to reduce it, less; and the official party in the country greatly predominated. Need he say that they felt that in 1837 that party was then powerful, and the House powerless and prostrate? The Province was then slowly recovering from a deluge of paper, which was as irresponsible as the government by which it was issued. The agriculture of the Province was at a low ebb, and the markets gave a very

unsatisfactory return for what was produced. Commerce was depressed, vessels were rotting at the wharves, and mutual distrust paralyzed exertion. The young men of the Province were flying from it, as from a place where there was no field for honorable ambition; and no stream of emigration was supplying the demands for population. A considerable public debt had been contracted;—he would not call it heavy for a country like Nova Scotia, but it was considerable;—and while the general expenditure was increasing, all that could be given to the improvement of the roads of the country was about £10,000. That was the state previous to the meeting of the Assembly in 1837; and what were the appearances now? He made these references that they might ascertain what steps had marked the progress of their deliberations, and what might yet be taken without fear of consequences. Now, at least, emigration from the Province was stopped; some of the young men who had gone away had returned, in many cases, no doubt, taught to value their own country by what they had seen abroad. Trade had revived; commerce had been elevated in its character; and the merchants of the country stood as high in foreign countries as perhaps any body of such persons on the continent of America. The currency had not been tampered with; the revenue was flourishing, and a sum of £30,000 was in the treasury. He did not say that all this flowed from wise legislation, from the agitations that had disturbed the harmony of the Assembly, or from any operation of that House: the blessing of Providence was the great cause, but the House might take some credit for the changes that had been experienced. He believed that the views exhibited in that Assembly, and the principles propounded, had cheered the people in their exertions; had proved that that House represented the feelings and interests of the country; and had given early promises of reform, which had a beneficial effect on the minds of the population generally.

A few minutes might be spent in inquiring how those promises had been kept. The £5000 provided by a recent bill, would pay off every farthing of the debt which that House had contracted. They thus paid off a portion of the debt to the rich, and, by means of the savings' bank, had given the poor the means of a useful investment. By the measures of 1837, they had saved about £3000 a year. Arrangements made by the delegates, in post office affairs, would cause a saving of about £1000; and the expected union of the customs and excise, would save another £1000, with reference to the port of Halifax alone; and the bill that passed a few days ago, for judicial reductions, would save about £1,600 a year additional. These items proved the anxiety of the House, and their success, in putting reduction into a regular train. Beside this,

they had been enabled to give £1000 to the sufferers in Canada, and £3000 to relieve distress in the Province, caused by failures of crops. So that, as regarded the finances of the Province, the debt was no worse, expenses had been reduced, prosperity had increased, they had an abundant revenue, and £30,000 to spare in the treasury. He made those references that the House might understand, whatever they had been charged with, that their financial affairs were no worse than they found them, but a great deal better. As to political questions, they had succeeded in causing the opening of the doors of the Council chamber. That subject of complaint and annoyance had been disposed of. Judges were secluded from politics, by being removed from the other branch, and the joint power of the second branch had been abolished, and it had been made to resemble more nearly the constitutional model. There were two bodies now, where formerly there was but one; one of these formed a control over the proceedings of that House, — the other was to assist in carrying on the executive government of the country. The bank influence, also, had been neutralized; and no fears now existed on that head. The other day, they passed what he believed to be a valuable bill, respecting the crown lands. They had settled the question of the outports by opening nearly all whose claims had been pressed on their attention. While this had been accomplished respecting internal affairs, what character had been maintained abroad? By this review he wished to show to the Assembly, that in taking another step, there was nothing in the past to terrify — nothing in the chimeras that had been conjured up to prevent that other step being taken, and a constitution being fixed for the country. What, then, was the reputation of the Province abroad? While other Colonies had gone into rebellion, Nova Scotians had maintained their allegiance unsullied; they, as far as possible, occupied a position in which they helped to calm the angry passions of those who had been dangerously excited. But when a foreign enemy attempted to cross the frontier, how did they act? They did nothing more than they ought to do; nothing more than he hoped their children would do under such circumstances; but they did that, which, at least, was no dishonor to the Assembly. In the adjoining Colonies, that Legislature was considered as a body following out constitutional reforms, and willing to coöperate for that purpose, but entertaining no disposition to weaken the connection with the mother country, nor to sanction that which was not wise, and was not founded on the constitution of the government under which they lived. What was thought of the House in the neighboring States? They said, that, perhaps they received more fair play there, — a more rational interpretation of their institutions and conduct, than in

other Colonies ; but that when they interfered with the just rights of the Province, when they attempted to invade the sanctity of British soil, then the Assembly of Nova Scotia stood in the foreground of opposition. Look to the mother country, and what was the Provincial reputation there? The answer was given in the extract from Lord Normanby's dispatch, which the Queen's representative had placed in his speech at the opening of the session, and which was so honorable to the House. This reputation, he hoped, they would support by the wisdom of their future proceedings. This being the case, they now came to grapple with a question of great moment to the present generation, and to posterity. He might assert, that they had earned from each other some mutual confidence and support ; and from other Colonies and the mother country, a liberal interpretation of their actions and feelings. They had cleared from the field of discussion many perplexing questions, and could now approach that important matter with a single object in view, which, if obtained, would speedily settle all that remained.

If he were asked, what was that question which they were approaching, he would say, that it was the foundation of a Constitution resembling that of England, which lay at the base of every good government, and there could be no wise and satisfactory administration of public affairs without it. The question had agitated every Colony ; it had received the sanction of liberal statesmen ; and that House had again and again pressed it, in one shape or another, on the attention of the home government. Without that just system aimed at, there could be no peace, no good government, in any country. By the settlement of it, no question could again arise, in the present generation, which could greatly disturb the harmony of the country. There would be struggles between parties — there would be minor abuses to be corrected ; but no agitation respecting organic changes, to cause any general annoyance or apprehension. In approaching this question, he would ask, was it new, so far as the experience of the Assembly went ? It had been said that the view had been learned from the Earl of Durham. He [Mr. Howe] admitted, that, as respected that nobleman's opinion, he was glad to have such authority in support of his arguments ; but it was not learned from him. This House had asked for a government, responsible in local affairs, before His Lordship saw this continent. He would refer to the address of 1837 ; in that they asked for such responsibility as would assure to the Province the fair influence of its Legislature, in all matters, and the spirit of the British Constitution. The address of 1838 was of the same character, and the report of Earl Durham did not appear until the spring of 1839. He was happy to have the concurrence of so celebrated

a man ; but he thought it right to show that they were not mere followers of his report, but had asked for responsible government before that document had appeared. He would trouble the committee with some extracts from it, to show the opinions of His Lordship on the subject. [Here Mr. Howe read the following passage from the Earl of Durham's report.]

"It is but too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the Executive and the popular branches of the Legislature. The Representative body of Upper Canada was, before the late election, hostile to the policy of the government ; the most serious discontents have only recently been calmed in Prince Edward Island and New Brunswick ; the government is still, I believe, in a minority in the Lower House in Nova Scotia ; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said, that the natural state of government in all these Colonies is that of collision between the Executive and the Representative body. In all of them the administration of public affairs is habitually confided to those who do not coöperate harmoniously with the popular branch of the Legislature ; and the government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed."

"That they might coöperate harmoniously" in this Province, was the object of the propositions he intended to submit.

It would be perceived how strongly His Lordship contrasted the affairs of the Upper and Lower Provinces of Canada, and commended the political sagacity shown by the former.

"The reformers, however, at last discovered that success in the elections insured them very little practical benefit. For the official party, not being removed when it failed to command a majority in the Assembly, continued to wield all the powers of the Executive government, to strengthen itself by its patronage, and to influence the policy of the Colonial government and of the Colonial department at home. By its secure majority in the Legislative Council, it could effectually control the legislative powers of the Assembly. It could choose its own moment for dissolving hostile Assemblies ; and could always insure, for those that were favorable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the reformers found that their triumph at elections could not in any way facilitate the progress of their views, while that executive government remained constantly in the hands of their opponents. They rightly judged that if the higher offices and the Executive Council were always held by those who could com-

mand a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment, inasmuch as the advisers of the Governor could always take care that its composition should be modified so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the Executive Council; and I cannot help contrasting the practical good sense of the English reformers of Upper Canada with the less prudent course of the French majority in the Assembly of Lower Canada, as exhibited in the different demands of constitutional change, most earnestly pressed by each. Both, in fact, desired the same object, namely, an extension of popular influence in the government."

He trusted that the Assembly would concentrate its powers to obtain this object. He trusted that the question would not be viewed as a petty, party question, but as a great matter, in the honor of settling which, all might participate.

"It is not in the terrors of the law, or in the might of our armies, that the secure and honorable bond of connection is to be found. It exists in the beneficial operation of those British institutions which link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the Colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British empire."

His Lordship here states, that in doing justice to the Colonies in giving them British institutions, the mother country would be relieved, and the armed force, now required to maintain order might be withdrawn. Let these institutions be given, and then, if great changes were attempted, the population would not only exhibit disgraceful ingratitude, but would fall from those institutions which had been handed down by their fathers, and the efficacy of which had been so fully proved.

"In England this principle has been so long considered an indisputable and essential part of our Constitution that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in Parliament on great questions of policy, its doom is sealed, and it would appear to us as strange to attempt for any time to carry on a government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies by impeachment and a stoppage of the supplies have never since the reign of William III. been brought into operation for the purpose of removing a ministry. They have never been called for, because, in

fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If Colonial legislatures have frequently stopped the supplies — if they have harrassed public servants by unjust or harsh impeachments, it was because the removal of an unpopular administration could not be effected in the Colonies by those milder indications of a want of confidence, which have always sufficed to attain the object in the mother country."

That House had never proceeded to the extreme of stopping the supplies; why? It was not because it was satisfied, or had no excuse for so doing, or would not do so if it had the power. No; but they knew that by so doing they should inflict a certain evil on the country — they would be prosecuting what they thought was good in itself, but what others in the country might not think worth the sacrifice. Therefore, a standing rule of their conduct had been, not to jeopardize the public interests by any action. Need he refer to the rescinding of the resolution against the Council in 1837. The rule had been to keep peace, and not to let it be said that from any feeling of pride or self-importance, they would allow the best interests of the country to be endangered.

"The British people of the North American Colonies are a people on whom we may safely rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change that I propose to concede the responsibility of the Colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change which would amount simply to this, that the crown would henceforth consult the wishes of the people in the choice of its servants."

Did His Lordship mean that power should not be grudged to the Colonial Assemblies, to interfere in the great national regulations, in arrangements respecting the army or navy of the empire, or the prerogatives of the Parliament or crown? What was the power alluded to? Power to influence those who conducted the local administrations within the Provinces, and who had the patronage of local appointments in which the mother country felt no concern, which could have no influence in her general affairs, or those of the adjoining colonies.

He would turn for a few moments to another publication to show the opinion of another statesman on such subjects. It was the speech delivered some months ago by Mr. Macaulay at Edinburgh in which was forcibly pointed out the distinction between legislation and administration.



"There is a common error; it is one that I should not be surprised to find even among the respectable body that I now address, for I have found it among men not only of education and good abilities, and generally speaking, enlightened views, but also exceedingly conversant with public life; I allude to the common error of thinking that in politics legislation is every thing and administration nothing.

"It seems strange that people should not be aware that it is often better to have an unreformed system of laws administered in the spirit of reform, than a reformed system administered in a spirit hostile to reform."

The speaker illustrates his position by a variety of references. Instead of dwelling on it any longer, however, he [Mr. Howe] would turn to another authority, which he was confident would have weight with the committee, and the quoting of which gave him great pleasure, knowing as he did that the writer would not be accused of any undue partiality, and recollecting the expressed opinions of that gentleman which seemed to have such an opposite tendency. He alluded to a letter from one of the Council's delegates, Hon. Mr. Wilkins, to the marquis of Normandy. This was not an authority inclined to go to the extreme on the liberal side, however he might be supposed by some to go to an extreme in an opposite direction. He [Mr. Howe] felt glad at this further evidence, that there was a chance of all uniting on this question, and of getting it out of the way, with the other matters that had been settled by the House.

"I have, My Lord, the utmost respect for the representatives of the people of the Colony to which I belong. I most sincerely desire that the two Houses may be enabled to legislate harmoniously and usefully, and I fully assent to the sentiment expressed in one of the resolutions of the House of Assembly passed in the last session, that the temper and spirit of the local administration should be in accordance with the opinions and wishes of the great majority of the people.

"I have dwelt the more at length on this subject, My Lord, because I conceive that little more is required to advance the happiness and prosperity of Her Majesty's subjects in Nova Scotia, who are devotedly attached to her royal person and government, than to secure to them a constitution in form and spirit as nearly as possible assimilated to that of the parent state, thus enabling them freely and independently, by means of their local legislation, subject only to such restrictions as are necessarily incidental to the relation between a Colony and the metropolitan state, and aided by the fostering care and protection of the great nation to which they belong; to develop their own resources, control

and manage their own revenue, improve their own local institutions, and, in a word, to ameliorate their own social and political condition."

These were sentiments honorable to the writer as a late member of the House, as a member of the other branch, and as a Nova Scotian, feeling a deep interest in the welfare of his native land.

If he had searched all the Colonial libraries for a strong opinion in favor of what he wished to urge on the House, he could not have found one which better suited his purpose than that just read. Was not then the proposition before the House the language of common sense, and in accordance with the recorded opinions of the Earl of Durham, Mr. Macaulay, and Mr. Wilkins? Was it not founded in the common practice of life? Suppose a company formed for the purpose of constructing a railroad; suppose the line to be run across the country, the foundation laid surely, and the tracks completed; suppose every thing done on the best and most liberal scale, but no returns realized. Up to that, the result of legislative action was harmonious; but if the officers appointed to administer its affairs, instead of conducting it wisely and being closely responsible to the general body, acted imprudently, directly thwarted the views of the shareholders, and did not acknowledge their control; could any thing but evil result from such a state? Suppose a ship built to navigate the ocean; the merchant might invest his capital, he might fill the hold, and provide her with every requisite; but if he sent her under a crew which disregarded his interests and disobeyed his instructions, would any believe that the speculation could prosper, and that the vessel would make a good voyage, and return successful into port? So was it in national affairs; it would be found that although the House had done much, — had cleared away many questions, — they were required to do still more to secure the well being of the country; that there would be no security until they took one step further, until they had carried out the principles of the resolutions, and made the local government harmonize with the Legislature. This should be done, if they would prevent the possibility of every thing which had been effected being reversed or rendered nugatory. They should not rest satisfied with what they had accomplished, but ought to go on to secure and perfect their work. The country might be swept back to the predicament in which it formerly stood if the House could not influence the administration, and answer the wishes of the people by providing for good government. To test the principles which he advocated, he had prepared four short resolutions, the first of which he would now read to the House.

*Resolved*, That it is the opinion of this committee, that for many years the best interests of this Province have been jeopardized, and its

progress retarded, by the want of harmony between the different branches of the government, and the absence of that cordial coöperation between the representatives of the people and those who conducted the local administration, which, in the view of this House, is highly desirable, if not indispensable, in every British Colony, to which a constitution, modelled after that of the mother country has been granted by the crown.

That referred to times passed. It alluded to the difficulties that had been experienced for many years, and which flowed from the system now under consideration.

Particulars on this subject might be required. He felt that day unusually anxious to conduct the inquiry in a manner suited to the solemnity and importance of the question. If he felt called on to go in an acrimonious manner into the support of the resolution, he might perhaps rake up many things that would justify its language; but he did not wish to express one unnecessary word of harshness, nor to hurt the feelings of any man in the House or out of it; he would therefore only make a few references of a general nature. During the last session he had undertaken to state that, in the last ten years a sum of £80,000 had been wasted in the public affairs of the Province. That charge had been laughed at, but he had never seen it satisfactorily controverted. He believed the reckoning to be sound; but if the sum were not so large, a very considerable loss could be undoubtedly proved. If a better system existed that evil would not have grown up. He might also refer the committee to the old question respecting the customs establishment. If they entered on that discussion with the local government — instead of being against the House, coöperating with it, — would not a much wiser settlement have been effected? Would the result on the quit rent question be as it was if the members of the government had no interest in the transaction, and had no desire to thwart the views of the Assembly? He not only demanded that the Executive Council should not bear against the Assembly; they should give it their full support and hearty concurrence. Every member could recollect the old brandy question. £20,000 had been lost by that question. That was not a dispute between the two recognized Legislative branches so much as it was between that Assembly and another, which wielded combined Legislative and Executive powers. If a system of responsibility in local matters were then in existence, could any man suppose that that dispute would have proceeded to the length it did? When any fear of collision between the two branches occurred in the old country, the Executive stepped in and supplied the corrective. Here the Assembly had been

involved in conflicts, not only with the upper Legislative branch, but with the Executive also. The struggle alluded to ended in waste of the public resources, and distraction of the public mind, and but too plainly manifested the impracticability of carrying on the government satisfactorily in that manner. The old story of the marriage license lasted about a quarter of a century before it was finally arranged. Would any believe, if the local government supported the views of Assembly, that that would not have been settled much earlier? It was brought to a close, he believed, when His Excellency was about coming out; it was then granted as a boon which was to make his government popular and to satisfy the Colonists; they were allowed to get married according to their own notions. The Pieton Academy dispute was another question which agitated the Legislature from 1818 to 1834. Majorities in that House carried bill after bill, and resolution after resolution, before that was disposed of. It might be said that the Executive advisers were right in that part of their conduct; but that was not the question; supposing the House to be wrong, ought not it to have the power, in a local matter, to carry the Executive sanction? The Pieton Academy question was whether an institution should grow up which was favored by large portions of the people. It was finally destroyed, and the very feeling that created it then, began to build up another, which now existed, half academy and half college; and the question of colleges was to that day in some degree embarrassed by the old dispute. He made these references to illustrate his views; he did so, not to create any unpleasant feeling, but as he would refer to a volume of history. The second relation, which he would submit to the committee, was a follows:—

*Resolved*, That it is the opinion of this committee, that during the struggle, which, since 1837, the House of Assembly has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence, which, while it was beyond the control of the Assembly, has wielded the whole power and patronage of the government, to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's ministers.

That resolution did not refer to the history of the country, but to the experience of the present House. He thought he need hardly say a word on the difficulties of the last three or four years; they were fresh in the minds of all. There was scarcely a subject of importance to the constituency of that House, that had not to be fought for inch by inch against the influence of the local government, instead of its being found cooperating with the Legislature, as, to a certain extent, it undoubtedly

ought. He need not refer again to the old matter of rescinding, when the House gave way to the pressure of that influence, rather than cause a great loss to the country. They would not act over again the brandy dispute, and they yielded; but gentlemen around him would well recollect with what feelings. He need only refer also to the opening of the Council's doors. In the spring of 1837 what was experienced? The other branch was not then a Legislative Council only, it was the Executive of the country. Almost every thing that the Assembly asked at that time was declared to be nonsense, or to originate in republican feelings, or disaffection; and it was said that they were going to destroy the country. The recollection of those charges made him smile now; but what was the result? The House addressed Her Majesty, and the Queen thought very different from her Nova Scotia Council; Her Majesty granted much that was asked, and thanked the House for asking. The Executive Council at that time used the whole of its patronage to thwart the views of the Assembly. In the next year, the Civil List Bill was passed, and was referred to the authorities at home. Did any one believe that the recommendations of the Assembly were supported at that time by the local Executive? Did that body say, "The sums are sufficient, the measure is good, give it to the Representative branch?" No; it was believed that their influence was used to defeat it. Need the business of last session be more than referred to, in proof of the resolution? The Assembly intrusted two delegates with a variety of measures which were thought to be important to the country. What were the results? The Legislative Council opposed the measure, and finally resolved that if His Excellency should think fit, he should send two of their body also, to represent their views to the home government. Of course the object was to oppose the general views of the Assembly. If the Executive Council had control in this matter, and felt with the people, either that delegation would not be sent from the other end, or it would receive very different instructions. What were its avowed objects? That the seats of members of the Legislative Council should be rendered permanent, and that there should not be a union of the Colonies. When they arrived home, however, the burthen of the mission was winked out of sight, and they opposed and annoyed the delegates of the House on questions of importance to the country, as much as they possibly could. Would such a delegation be sent under the system proposed? and if it were, would not the Executive stand apart from both, holding the balance fairly between the disputing branches, and not as the favorer and advocate of one, and the opposer of the other? The delegates went, however. The delegates of the House did some good; all

admit that; but he inquired of any who heard him, what good had the Council's delegates accomplished? What did they effect that was desired? What did they defend that was attacked? What did they do? And yet he took it for granted that £1000 had been expended by them, which would have to be paid out of the general or the casual revenue. This was the system that, from time to time, injured the country. The third resolution, which he had prepared for the opinion of the House, was as follows:—

*Resolved*, That it is the opinion of this committee, that, in approaching many of the important questions, to be disposed of in the present session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the government or the country at large; and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled as to secure to this House the aid of the local administration, in carrying out the views of the Assembly, and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's government,

If he were asked for a proof of that, he would give the following illustration. The government asked the House for a civil list—the House passed a bill, which they thought gave sufficient to the public officers: he voted for it, and would vote for it again, and he believed it gave as much as the country should give; but he declared his readiness, if he saw the prospect of settling the question finally by increasing some of the items, to support some increase, for he considered the matter of a few hundred pounds trifling compared with the continued agitation of those measures. He had been charged with an anxiety for agitation; but he might be allowed to say, that if there was a man in Nova Scotia desirous to wind up all these questions, to fix the Constitution, and see the country in peace and prosperity, he could surely lay claim to these feelings. He might be disposed to give more than his honorable friend from Yarmouth, for the purpose of settling the Civil List Bill, and with the view of meeting government half way. [Mr. Huntington said, that it was no principle that influenced the matter, the incumbents increased the sums themselves. Mr. Howe continued.] If the Civil List Bill were taken up again and passed, would it not again go to England with the remonstrance of the Executive Council against it; or, if they did not remonstrate, with their influence opposed to it, instead of the bill going, as it ought to go, with the direct influence of that body in its favor, and their voice praying the government to let it pass. He believed that a reasonable bill, recommended by the local government, would obtain the sanction of the home government. [Mr.

Young said that there would be no difficulty then. Mr. Huntington said that the Governor had instructions to pass any bill that the two branches should agree to. Mr. Howe continued.] If so, direct advantage would accrue by the application of liberal views on the other branch. He did not ask the dismissal of any of the present members of the Legislative Council, but the infusion of liberal opinions as vacancies occurred, and one or two votes would be of much consequence on some important measures; the patronage of the Executive Council would also have much influence on some in the other legislative branch, where there were always members who gave due attention to such matters. Thus, wise, fair, and legitimate measures, might be pressed by the Executive on the other branch, instead of that branch looking to the power and patronage of the Executive for aid against the House. He would now pass to a subject that concerned all who heard him, and that concerned the rising generation still more. The prevailing sentiment of the Assembly, on public education, was, to pass a bill by which good common school education should be extended over every part of the Province. Suppose such a measure to pass; would not its success depend on the manner and spirit in which it would be carried out by government? If the principle of assessment were adopted, and the government received the power of acting on it, what would be the effect? The men who supported popular candidates in the country, would be so annoyed and irritated by the action under the bill, that the members unpopular with the government need never expect to see the inside of the Assembly room again. Thus might be made to operate as a curse, that which would be intended as a blessing; and those were the difficulties that made the House pause and hesitate almost at every step of their progress. They were prepared to deal with education in a proper spirit, but were the government prepared to deal wisely and fairly with the details? Was there a man, on what was called the popular side, who did not feel that the moment he sanctioned such a measure, he placed a weapon in the hands of the local government, which would be wielded to destroy his influence in his county, and turn him from that Assembly? To revert to the subject of the roads of the Province, there was a sum of £30,000 in the treasury, and when they came to expend it, they would have to pause with much anxiety. He felt that from experience. During last session he felt it a compliment in the House to pass a bill, giving £2000 towards opening the eastern road. The six members interested in the line, after much thought, agreed on its expenditure, and on the commissioners of the work. His Excellency was informed of this, but the road was handed over to others, without any regard to previous arrangements

respecting the parts to be first attended to, or the commissioners. He felt annoyed at this, not because the persons employed — Mr. Munro and Mr. Taylor — were not good road makers, but because he considered that the alteration was made for the purpose of annoying the members for Halifax and Guysboro' counties. He complained to the Governor, and was told His Excellency knew nothing about it, that it was done by a committee of the Council; — he complained to an Executive Councillor, and was told that he knew nothing about it, and that the arrangement was made by command of His Excellency. This was the operation of the system, and until some change should be effected, the House felt that they could not go into any great measure of public improvement. He admitted that, during last session, when they supposed that the enemy were in the field, they forgot all such matters, and supplied the requisite funds. But what was their position? So jealous was the House of the Executive Council, that it waived the usual courtesy, struck their names out of the bill, and left the matter to the Governor personally, in order that they might have some responsibility for the expenditure of the money. He might illustrate this in a variety of ways, and might exhibit that the want of some efficient check interfered with public improvements of every description, in a manner that would not be supposed probable by any who were not acquainted with the facts. He referred the other day to the wilderness lands; — if the land office were connected with a wise system of emigration, and that it were determined to carry on a correspondence with emigration societies, for that purpose, and to adopt active measures for adding to the population of the Province, — if they resolved to make that department active and useful, instead of its being as at present, — of making it the means of raising the value of all the wilderness lands of the Province, and of placing it in such a situation as an active man would work night and day to accomplish, — did any man think that they would have the sanction of the local government, or the concurrence of the officer interested? He did not wish to speak harshly of any individual, but the best that any could say of that office, was, that it was a sort of sleepy department, in which if there was no great harm done, there was very little good; — very little revenue was produced by it, and it was very slightly connected with the improvement of the Province. Another question, was the union of the customs and excise. On this he believed that some officers would coöperate with the House, but others might not, and the assistance of the local government might be required on that also. The House knew well what weight that branch had with the Executive,



when they attempted to touch office ; those who were not assured on this point need not vote for the resolution.

Last winter the Assembly voted money to build a Bridewell. How was the subject proposed to the House by the Executive? There was not a single person who could tell what sort of a building it was to be, or what mode was intended to be followed. They passed the vote, without the ordinary information requisite for building a barn. Instead of that, the matter should have come down as a grave proposition, recommended by the Governor, perfect in its details, and having some one responsible for its progress ; some one to abuse and censure, and, if need be, to turn out, if the money were mis-applied and wasted. They had to deal with it, however, as this year they would have to deal with a hospital, which they were called on to build, and which was a good measure, and should have his support ; but it, and all such matters, ought to come down from the Executive, with all the plans and explanations which were required to guide the Assembly, and which would afford some guarantee for the proper expenditure of money. He believed it would be found that nearly all the appointments in the country would afford additional illustrations of the working of the system. Look at Yarmouth ; did the representatives of that place, who acted with the popular party, enjoy the patronage of the county? No, but a little party did, which included about one-eighth of the population. Turn to Digby ; did the popular members for that district enjoy Executive confidence and patronage? A year or two ago, they got a bill for erecting a sessions house in Clare but the local authorities laughed at them, and the measure had not been carried hitherto. If any office were vacant there to-morrow, would a person recommended by the member for Digby be appointed? No, but if one could be found conspicuous for trying to turn that gentleman out, such an individual, probably, would be the successful candidate. In like manner, they might refer to the county of Annapolis. Was the representative of that county a man who would give injudicious advice? was he a wild, intemperate character? Had he not, by hard, honorable industry, obtained a stake in the country? and should not such a man have weight with a government? Yet, did any one require to be told, that if a person were seeking any government favor there, he would not be seen speaking to the honorable gentleman [Mr. Holland] for three weeks before his application. The party in favor there were well known ; it was a little clique, which was, to all intents, the local government of the county. Coming to Kings ; there were three members for that county who generally acted with the majority in the House, and one who was generally arrayed against it. Did they find those three

having influence in the county? No, that would be at variance with the system; but the member of the Executive Council was the man who stood superior in such matters to the other three. To come to Hants; suppose that Mr. Goudge or Mr. McHelly, or Mr. Smith, happened to represent a county in England, would not they have influence in the government, while the party who stood in opposition to them would be excluded, to a certain extent, until it grew up to be the majority? But how was it here? He would answer, by alluding to what he himself recently remarked to some of his own constituents. He told them, if they wanted office, they should commence abusing him, and should vote against him whenever they got the opportunity. He gave that advice, and thought it only fair to do so. He might thus proceed, showing that the minorities of the counties governed them—that the cone was inverted—that the sugar-loaf stood on the small end, and that the whole system was honey-combed and rotten to the core. It might struggle on a little longer; the House might not sanction that which he was about to propose, but he was as satisfied that the state of things could not long exist, as he was that he then had a seat in that House. He was satisfied that the dissatisfaction of the population would proceed, until the good old British practice was introduced, of allowing the majorities to have their legitimate influence on government, while the minorities were left to shake the measures of their opponents, and to turn them out, when they themselves arrived at sufficient consequence.

*Resolved*, That it is the opinion of this committee that the House of Assembly, after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, the people of Nova Scotia misrepresented to the sovereign, and the gracious boons of the sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.

That was a fair endeavor to carry out the views which he entertained; it aimed at that which was recommended by the Earl of Durham; it was in accordance with the opinions expressed by Mr. Macaulay; it was that which was shown to be just and necessary by Mr. Wilkins. It was a fair, manly step, and unless some such resolution passed, they could not grapple as they ought with many questions. Supposing the object to be good in itself, they had to inquire was it constitutional, was it British; could the House be justified in seeking it; was it sanctioned by the mother country's practice, and the maintenance of her supremacy? There, when the members of administration found that they were not supported by the general body of the people, they yielded their situation

into other hands, and he could not but regret that the Executive Council now existing, and those of former years, had not at times acted in the spirit of the British practice. He recollected occasions in which he could not but feel, that if he were in the situation of any one of those gentlemen, nothing would induce him to sit another day at the board, in hostility to the spirit of the popular body. During last session, when an enemy was on the confines, and the Assembly came forward like a band of brothers — when all appeared as one man — he said to the honorable gentleman for the town of Halifax [Mr. Bell], “Now would be the time for the Executive Council to act with that magnanimity which would do them honor; to say to the Assembly, you have all supported the general government, have maintained the loyalty of the people, have acted with spirit and liberality; in heaven’s name, then, let us break down all barriers which have hitherto divided us; throw in such a number of your members into the Council as will make all harmonize; let the foreign invasion be the signal of peace and harmony throughout the country.” If he had been one of that body at the time, nothing would have induced him to forego that opportunity. But the time went by unimproved, and those who voted the money, were left without any influence or voice in its expenditure. The time passed, and the same system remained, to annoy throughout the summer; the same to meet the House in the discussions of that day; the same spirit of exclusiveness, the same opposition to the views which the House urged, and which he hoped they would urge until successful.

But, admitting the end sought to be desirable, it might be asked, was the mode British? He would quote the case of Mr. Pitt, as illustrative of this subject — it might be thought an unfortunate one to quote, as Mr. Pitt retained office for some time in opposition to the voice of the Commons, but he would explain that as he proceeded. In 1784, Mr. Pitt was in a minority, and Mr. Fox was leading the opposition. Pitt was supported by the court, and retained his position; the consequence was that the Commons, on motion of Mr. Coke, passed the following resolution: —

“That it is the opinion of this House, that the continuance of the present ministers in their offices, is an obstacle to the formation of such an administration as may enjoy the confidence of this House, and tend to put an end to the unfortunate divisions and distractions of the country.”

He would now quote some passages from the speeches of Mr. Fox on the subject. Referring to a proposition for a coalition with Mr. Pitt, he said: —

“He protested that every other consideration was, in his opinion,

trivial and of no weight -- that no sacrifice was too great to be offered at such a shrine ; and that he would go any length with any man who would shake hands with him in this truly glorious, truly patriotic, and truly constitutional ground ; and he was ready to own, that the right honorable gentleman had always appeared to him as aiming at the same great and desirable object.

" As on this subject, however, he wished to conceal nothing, he would say the only suspicion he entertained, and which had originated in the mode by which the right honorable gentleman obtained and kept possession of power, was, that he entertained an opinion that the crown might appoint a ministry, and persist in supporting them, who had not the confidence of the House. He wished he might find the suspicion ill-founded, but he dreaded to find it true ; for then a union on such a principle was impossible. It went to deprive this country of an executive government in which the people had any concern, over which they could exercise any control. All the instances of voting money was on a principle of confidence. The minister's influence in the House depended on what confidence they had in him ; he was their trustee ; to them he was responsible for every article of public expenditure."

In England it was not considered necessary that the Parliament should prefer charges against the ministers to cause their retirement. If the House of Commons changed its mind concerning the policy of the party in power, the ministry had to yield to the pressure, and make room for others more consonant with the popular views.

Thus, the clashing between the Assembly and the executive, so common in the colonies, was almost unknown in England.

" Harmony," said Mr. Fox, " rendered all the branches of the British Legislature one, and rendered its operations effectual and consistent.

" Had not a majority of the House of Commons, almost from time immemorial, governed this country? Was it not a confidence in the House of Commons that gave energy and effect to every administration? Was it not the countenance and concurrence of the House of Commons which gave popularity and stability to the throne? Was it not in clashing with this radical and primary principle that so many calamities had happened in some of the reigns prior to the Revolution? Was it not to the influence of this principle that we owed all the glorious and memorable things that had been achieved during the war before last? What could be the reason for relinquishing a principle, which, ever since its prevalence, has been marked with the most striking advantages."

Might he not ask, " what could be the reason for relinquishing a principle " in the Colonies, so highly prized at home?

Mr. Fox continued:—

“He trusted the firmness, the magnanimity of that virtuous and respectable majority, who had gone so far and done so much, would not desert them on this critical and trying occasion. He trusted they would face the difficulties they had to encounter, with resolution and dignity.”

That appeal he felt he might repeat to the majority who had so long acted with him, and done so much for their country.

“That it had ever been an established and understood maxim, that ministers ought not to remain in office who had not the confidence of that House, was to be proved by a reference to the most remote periods of our history. So long ago as the reign of Henry IV., when the nature of our Constitution was but little known, an application had been made to that monarch from Parliament, for the removal of certain of his ministers; when Henry, with the spirit of a British king, had said, ‘He knew no cause why they should be removed, but only because they were hated by the people. Yet he charged them to depart from his house, according to the desire of the Commons.’ This answer, which would have done honor to a monarch in more modern times, when the constitutional privileges of that House, as the representative of the Commons of England, were so much better understood, clearly evinced how essential it had ever been considered that there should exist a mutual confidence between that House and the ministers who were intrusted with the Executive Government.”

He read the extract to show that nothing appeared in the resolutions that was not countenanced by the English practice.

“The House of Commons consequently were possessed of the power of putting a negative on the choice of ministers; they were stationed as sentinels by the people, to watch over whatever could more or less remotely or nearly affect their interest; so that, whenever they discovered in those nominated by His Majesty to the several great offices of state, want of ability, want of weight to render their situations respectable, or want of such principles as were necessary to give effect to the wishes of the House; in any or all of such cases, they were entitled to advise His Majesty against employing such persons as his faithful Commons could not trust. They would then say to such ministers, and say it with the greatest propriety, ‘We admire your abilities, we love your virtues, and we wish your politics were of a sort to excite our admiration and conciliate our confidence; but your system is inimical to the object we have most at heart. We wish to increase the weight of the people in the Constitution; your object is to lessen their weight. We are anxious to establish a strong, an efficient, a united administration; you endeavor only to preserve one which possesses none of all these quali-

ties. We would found an executive government on public, open, unequivocal, responsibility; you are endeavoring, in its room, to perpetuate a cabal. We assert the control of Parliament whenever the general interest requires their interference; you are attached only to what you imagine is the independence of the prerogative. In short, we are the friends of the people; they made us what we are; to them we are accountable; and for them as far as the Constitution bears us out, we will act; but you avow sentiments so materially and flatly contradictory to these, that we are bound in duty to withhold from you that confidence, which your avowed attachments and opinions must inevitably lead you to abuse."

In the resolutions before the committee, the members of the Executive Government were not attacked as individuals, but complaints were made that they were influenced by principles and feelings which were not in harmony with those of the representatives of the country.

Finding their first remonstrance ineffectual, the Commons passed an address, a single paragraph of which would show that this resolution did not go beyond it in strength of language:—

"That as His Majesty's faithful Commons, upon the maturest deliberation, cannot but consider the continuance of the present ministers as an insurmountable obstacle to His Majesty's most gracious purpose to comply with their wishes, in the formation of such an administration as His Majesty, in concurrence with the unanimous resolution of this House, seems to think requisite in the present exigencies of the country; they feel themselves bound to remain firm in the wish expressed to His Majesty, in their late humble address; and do therefore, find themselves obliged again, to beseech His Majesty, that he would be graciously pleased to lay the foundation of a strong and stable government by the previous removal of his present ministers."

That was the way that such matters were pressed in the mother country. Such a course was not followed of late years, for the best of reasons—the ministry did not require such manifestations of feeling; they not only retired when found in a minority, but sometimes while they commanded a small majority, but felt the opposition formidable. Pitt continued to hold the reins of government, because he and the sovereign believed that the people were in favor of his administration, although the House of Commons for the time being were not. At the dissolution, they obtained a majority, but if they had not they must have yielded. And in this country, if the Executive should think that the House did not truly represent the people, and that an appeal to the constituency would materially change the politics of the House, then it had a right to resist

the pressure, to hold the position of Mr. Pitt, and to test the matter by a dissolution of the House. Did any man who knew the country — who recollected that there were no rotten boroughs here to negative the popular voice — believe that any, except very trifling changes, would arise from a dissolution of the House? They could not. In England the country was in favor of Mr. Pitt; if it was not, neither he nor the crown could have kept in that party for a day. The House was in the position to give the advice, included in the resolutions, to the government, and the government was bound to carry it out, except they should think that an appeal to the people would better their condition. He might be asked why he pressed the matter in this mode, instead of by an address to the crown? The reason was, that, fortunately, circumstances had changed recently; there was now no occasion to proceed by address to Her Majesty; the Governor of the Province had the power to afford the remedy sought. It was only necessary for that Assembly to place its opinions on record, and the Governor would be bound to act on them. In proof of this, he would turn to the dispatch of Lord John Russell, and trouble the House with an extract: —

“ You will understand, and will cause it to be made generally known, that, hereafter, the tenure of Colonial offices held, during Her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behavior; but that not only such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of a Governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject of course to the future confirmation of the sovereign. These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties, in the right discharge of which the character and policy of the government are directly concerned.”

That did not provide for the continuance of officers during good behavior, but made a change consequent on the people fancying that mischief, not good, was the result of the executive policy. Judicial offices were not to be meddled with, and his resolutions did not attempt to touch any of the judges, or to affect any of the settled tribunals of the country. Heaven forbid that those should be ever disarranged — that they should ever depend on a vote of the House or on the will of the crown. The character and policy of the government was the touchstone, and they did not seek any other. After enumerating the officers who were to be affected by the dispatch, the Colonial Secretary went on to say: —

"To this list of public functionaries must also be added, the members of the Council, especially in those Colonies in which the Legislative and Executive Councils are distinct bodies."

What was the motive of the House but due regard for the public good? And why was the public good involved in the question? Because the House and the Council were opposed in many measures, and the harmony which seemed essential to the public welfare could not be obtained under present circumstances. In addition to the dispatch, a circular had appeared in New Brunswick, from Sir John Harvey; and he would here say, that he did not think there was ever a Governor in a British Province, that entered more heartily into the views of the government which employed him, and was more desirous to do what he thought was for the good of the people, than Sir John Harvey.

Sir John at once confirmed the view now taken of the dispatch, and understood it not only as increasing the responsibility to the crown, but to the people also. If His Excellency of New Brunswick was right, there was a new Constitution on which the House might act, — on which they might take the step proposed, and thus test the matter, and discover what view was entertained here on the subject, and whether, in reality, it was an improved Constitution — whether, indeed, on the Colonies have been conferred the benefits of responsible government. It struck him as curious, that the dispatch was received in a neighboring Colony as a new Constitution, and that a circular on the subject was sent to the officers of government, and was published in the Royal Gazette, while in Nova Scotia, as far as the public had the means of judging, no notice had been taken of the document. He could not but regret that the example of Sir John Harvey had not been followed here, and that they had not got some clue to the views of the Executive. He did not wish to assert any thing, nor even to insinuate, but to show the supposition which secrecy led to. Suppose that instead of a circular recommending the dispatch to notice, similar to that of Sir John Harvey, the executive government here had forwarded a remonstrance against it, might not that have been done? For all that the House knew, might not the dispatch have been resisted on the very threshold, in this Province. It appeared to him that the House could not continue satisfied, without testing that new Constitution, — without trying whether it really were obtained. His opinion was that the dispatch did give responsibility; that it bestowed all that was required by those who thought with him on the subject. In England there was no law by which ministers were bound to leave office; the Commons had nothing more than the Assembly would have if they passed the resolutions proposed, and if they should be acted on



by the local government. If the resolutions passed, and if a good government followed, as he believed it would, then an end would be put to that warfare between the Representative branch and the Executive, which had existed since his childhood.

The position in which the House had been, could be readily illustrated by a reference to the history of some of its members. He might tell the House that their Speaker, for a number of years, from his talents, and eloquence, from the number of his friends, and his length of services as a representative, at one period representing three counties at a time, was in a position to have as much weight and as extensive influence as any man in Nova Scotia; but was that his experience? The reverse was notorious; and, after the brandy debate, in which he opposed a minority of three, had he not to go once or twice to England before he could secure that which had become his right, — the very office which he now holds? Although he was the favorite representative of Pictou, and to some extent of the whole Province, one or two persons in that town could be pointed out, who, though only a few weeks in the country, had had more influence than the speaker in his palmiest days. He might turn to the example of one who had chosen a path more smooth and flowery than that of politics, — the late member for Annapolis, Mr. Haliburton, — and what was his experience? That gentleman, while in the House, was in hostility to the government of that day, and a certain gentleman of his county enjoyed all its influence, which was denied to one whom the people had elected and the House had sustained. He was reminded of another curious example; it was that of Mr. Stewart, now absent from the Province. He at one time was very popular in his county, and led majorities in that House; but who had the patronage of Cumberland? Who enjoyed the ear of government? One who was known to hate that gentleman most cordially; he alluded to the Hon. Mr. Morse. He did not refer to these examples for the purpose of exciting feeling, but for illustrations, which those on the other side — if there was another side, and he hoped on this question there was not — would acknowledge to be just. Need he refer the Assembly to the example of the late Mr. Young? Who would refuse to do justice to the talents and abilities of that member of the House? He was conspicuous for intellectual superiority, and was the representative of a large county, yet when he made his highest efforts in that House, and at a time that he attracted most admiration by his luminous essays there, twenty boys on the streets of the capital could be pointed out, who had much more influence than he could command. These were past illustrations of the system.

The committee, however, might ask, was the course now proposed safe, and without risk? He acknowledged that there was one risk, and he warned them of it. There was no danger of collision with the Governor, in passing the resolutions; they were in accordance with a constitutional course, and did not infringe any prerogative of the representative of the crown. There was no fear of any collision with the Legislative Council, for that body was not even alluded to in the resolutions. There was one risk, nevertheless, and he would state it frankly. There was a risk that the government might take a stand in opposition to the House — might say that they did not represent the people of Nova Scotia; that, although the supporters of the resolutions were a majority in the House, they did not represent a majority of the country, and, therefore, as soon as the session closed, the House might be dissolved. That was the risk, and the only one, and he inquired whether they were prepared to encounter it? Should he be told that the body which passed the Quadrennial Bill three times were afraid, under that penalty, of passing the resolutions now proposed? If a dissolution should follow, he for one would cheerfully appeal to his constituents. There might be much ignorance in the Province, but he believed that the people well understood this question. He would proceed firmly in the endeavor to procure a good government, and would say on the hustings, that the majority had done their duty as far as they could — that they had made what attempts were in their power to improve the institutions of the country; and that the question was then referred to the people, who were called on to decide who were right and who wrong in the matter. He would pass those resolutions, if certain of being thrown back into private life. He would rather do his duty and pass them, than be there and be afraid to pass them, though he should sell his independence for fifty seats. If he, indeed, were the agitator, which some declared him to be, if he were disposed to perpetuate evil instead of doing good, he would wish that not one of the resolutions should pass; for it was as certain as that they sat there, that so long as the present form of government continued, so long would the country be the fit theatre for demagogues, and would hold out temptations to agitators, which he was most anxious to remove. He looked for the final settlement of measures which caused discord, and for the combined action of the Legislature, from which public strength, and improvement, and prosperity, would proceed.

He might refer for a moment to the charge of personal ambition that would be made against himself, as that might be said to be his chief or only object in urging these measures. He would answer before the

House and the country that if even that were the case, he had a right to cultivate proper ambition as well as other men. He had a right to win and to enjoy any office under the crown to which he owed allegiance; and as long as he did so, properly, and without any sacrifice of duty, none had a right to complain. On a former occasion he had been offered a seat in the Councils, and, more recently, His Excellency did him the honor to say that he had recommended him to fill a vacancy that had occurred. On that occasion he felt bound to say, that if he were honored with the Queen's mandamus, he should have to return it to His Excellency, with a public letter, stating that it would be vain for him to attempt to go into any administration where he should have to act over again the farce of the honorable gentleman from Yarmouth,—to become one of a body whose whole current was hostile to the wishes of the House which supported the policy that he avowed. He thus explained to the House, because he had no secrets to conceal; he would take a seat anywhere in an honorable manner, if sanctioned by that Assembly, but he regarded as of the first consequence the confidence of that House, the respect of those who had so long acted with him, and in whose hands he was that day. He regarded too much the manly hostility of the gentlemen who usually opposed him, and whose taunts he should meet and deserve, if he sold the confidence of the Assembly for any place of honor whatsoever. He did not say that he would not take a seat such as that alluded to, but he would only accept of the honor, if his acceptance were sanctioned by the House, and on the condition, that so soon as the House should express any want of confidence, he would resign. Last year, when the delegation question was introduced, fearing that any supposition of his wishing to be appointed would be an obstacle to his advocacy of the measure, he declared that nothing should induce him to be one of the delegates. If it were necessary for the passage of these resolutions, he would make a similar declaration that day, and would pledge himself that he would not take any seat or place, not only under the present government, but during his life. If the House desired such a pledge he would give it, and he only refrained from doing so, because he believed that they did not, and that they had confidence in his integrity.

He trusted that on this question all considerations of petty ambition, all past bickering and all jealous feeling, would be merged, and that men of all parties would unite to give a Constitution to their country. What signified the little distinction that the word honorable could confer; what was the ambition of filling even the chair of that House, to any Nova Scotian, compared to the honor of being instrumental in conferring on

his country the just principles of the British Constitution? He trusted that contending opinions would be set aside in passing this measure, and that none would be found persisting in opposition. The arrangement of that important matter would indeed still leave some cause of struggle, but it would be the struggle of parties to see which should influence the discussions of the House, and obtain the majority, and act on the government, as in England. Where there was most of such discussions, there the most active spirit of liberty pervaded the land; but then they would not have to deal with organic changes;—with the frame work of institutions. The man who builds a house which satisfies him, has business to attend to within it; and although he may repair it occasionally, he does not meddle with its foundation, nor pull its frame to pieces— that would be the situation of that Legislature on the settlement of this matter. He hoped their legislation would resemble the course of a mighty stream, which foams and dashes over the obstructions which it meets in its descent from the mountain side, but when it gains the valley sweeps on in majestic calmness, enriching and beautifying all around.

If he had the eloquence which he could desire, and which was so necessary for the occasion, and that might be more influential in inducing the passage of the resolutions, he would have acquitted himself very differently that day. Would that his lips were touched with fire from heaven, which should descend into the bosoms of his hearers, and there excite a spirit of unanimity and patriotism, which would lead them to erect a fabric in which their posterity might find ample room, and freedom, and happiness. If he had failed in his arguments, if the House required more, he would tell them to go for them to the mother country, to merry England—see the veneration that is there paid to the great names of those who achieved and transmitted the principles which he that day advocated. Let them look to Ireland, and behold the evils that arose there from the application of different principles up to the administration of Lord Normandy. But now, when a more rational system pervaded that country, it not only sent troops to Canada, and offered to divest itself of military when they were needed elsewhere, but even proposed to raise almost any number of men that could be required, for the purpose of keeping in order the reckless and turbulent in other parts of the kingdom. Would it not be wise to settle this matter for Nova Scotia? the other Colonies would follow her example, and one after the other would adopt those rational and beneficial institutions. He would feel proud and happy that the commencement of these great changes should be laid here, and that they should extend into all the British dependencies. If he wished to operate on their feelings,

and to add force to his arguments he might do so; he might tell them they had arguments beneath their own roofs. Should it be said that the wives they held to their bosoms only embraced the semblance of Britons, — men divested of the most valuable rights of British subjects? could they look at their children, and fail to appreciate the position in which they might be placed? Reject the resolutions, allow the old system to continue, and what would be the result? Their posterity would have on one side the rebellions of Canada, and on the other the republicans of the United States, while neither peace, nor security, nor strength, was within their own borders.

But, if these resolutions were passed — if that precedent of good British government were set for the other Colonies; if none could stand up to administer the government without enjoying the confidence of the country, he believed the effect would be peace and prosperity. Looking to the results of this state of things, he felt inclined to say, give us this noble fabric — give us what is the distinguishing characteristic of the British Constitution — give us the fierce democracy combined with the strong executive — give us that under which our fathers prospered in the mother country — give us that which was so bright an example to Europe, and which Europe in vain endeavored to equal, and all fears for the future state of the Province would be dissipated. In England the principle flourished, but, looking across to France, what did they see? Louis Phillipe contending for the principles on which the local government of Nova Scotia had been acting, and declaring, in practice, that he was the only minister in his kingdom. In England they saw a little girl, whom he was proud to call his sovereign, wielding a firm sceptre. Were it not for the noble constitutional forms that called her to the throne — were it not for the fine and manly feelings of the nation which sustained her authority, what power had that girl to control the millions of her empire? There she lived, proud, respected, happy, — fearlessly walking the parks and streets among her people, — while, if they crossed the channel, they would see the palace of the monarch almost in a state of siege, his chamber surrounded by guards, and his metropolis like a garrison in an enemy's country. Why was this? Because that sovereign thought fit to act on the principle pursued so long by the local government of Nova Scotia. If the House felt disposed to follow the French example, and to repudiate the example of their brethren at home, then let them reject the resolutions. But if they took a different view, and if all parties came forward to give their sanction to the British principle, and to secure that which was their inheritance as Britons, in what position then would their posterity be? The sympathizers might come from the West;

the slaves might rise in the South ; the Canadians in the North might menace, but let this Constitution be possessed, let its invigorating and healing influence pervade the land, and he would be inclined to say, with Sir Francis Bond Head: " Let them come if they dare." Yield this boon, and half the soldiers might be drawn from the Colonies, and, as they increased in population, they might strengthen their form of government, which would, like the atmosphere, yield to every necessary pressure, preserve the balance of liberty, and yet expand with the growth of their posterity down to remote generations. If the present lame system were not overturned, there would be no security; if it were, the present generation might pass away when their labor was over, knowing that the boys who were springing up to take their places would not have these annoying struggles to endure, but would possess a government not eclipsed by any on earth. The republic might split up into fragments, but they would leave their posterity secure in good government and safe, although perhaps surrounded by a hostile people. If the system desired had protected their ancestors, why should it not be a shield to their children? and if it would, should they not provide it for them with religious assiduity?

He thanked the House for the attention they had paid to his long address. If, in it, he had said aught that unnecessarily grated on any man's ears, he there withdrew the unintentional offence before resuming his seat. He looked on that question as of vital importance, as of most grave character, and he would not cumber it with arguments or allusions which he did not deem essential for its support and illustration.

The debates, which commenced on Monday, continued down to Wednesday night, by which time it was admitted on all hands, that the existing system of government was utterly indefensible; that the dispatch of Lord John Russell, as interpreted by the Governor General and Sir John Harvey, did give a new and improved Constitution to the Colonies, and that Nova Scotia ought to claim her right to participate in the advantages of the Constitution without delay. Not only were these views sustained by the large majority of thirty to twelve, who voted for the passage of the resolutions, but were frankly admitted to be just by the Hon. Mr. Uniacke, who withdrew from the division, and by Mr. Fairbanks who voted against them. The debate throughout was remarkable for moderation and firmness, and the division was of a character not to be misunderstood.

On Monday at one o'clock, the time appointed by the Governor, the whole House went up with the resolutions, and a short address, recommending them to the favorable consideration of His Excellency; and received from Sir Colin Campbell the following answer:—

*Mr. Speaker, and Gentlemen of the House of Assembly,*—The subject you have presented to my consideration in this address, has, in all essential respects, been already brought under the notice of Her Majesty's government, in resolutions of the House of Assembly passed in its last session.

Her Majesty's ministers, after full consideration of the subject, and personal conference with delegates from your body, authorized to advocate your views, have expressed in the dispatch which, by Her Majesty's command, I recently laid before you, the judgment to which they had come on the matters of your complaints.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's government in this respect, I do not feel myself at liberty to adopt any other course than to refer you to the dispatch already alluded to, as containing their decision. Justice, however, to the Executive Council, leads me to say that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province.

On the return of the House to their own chamber, the Hon. Mr. Uniacke rose and stated, that yielding to the expressed opinion of the Representative branch, and being desirous of facilitating the introduction of a better system, he had thought it his duty to the House, and to Sir Colin Campbell, to tender his resignation of the seat he held as an Executive Councillor, and that his resignation had been accepted. He then referred to the attacks which had been made upon him, by his enemies and by his friends, for his frank admission, in the debate, of the absurdity of the present system, and the necessity for a change; but declared that neither should deter him from giving efficacy to what he believed to be the intention of Her Majesty's government, nor from giving his support to the principles of Lord

John Russell's dispatch, and establishing a local government that should be responsible to, and work harmoniously with, the Representative branch. He then traced back his conduct as a public man, vindicating its consistency, but declared that, as he had supported the government against the Assembly when he believed the latter were wrong, he would not continue to deny to the people what the government had evidently yielded, nor contend further against the House, when he was convinced that in principle they were right.

When Mr. Uniacke sat down, Mr. Howe rose and congratulated the House on the result of their deliberations. Though it was evident from the Governor's reply, that there was a majority of the Executive Council determined to cling to their seats, and to stave off for a moment the fate which awaited them; still, from that hour, they might date the establishment of the principles for which they had been contending, and of a Constitution, of which no power on earth could now deprive them. The resignation of the honorable and learned gentleman from Cape Breton, did him the highest honor; in fact, nothing in the Executive Council "became him like the leaving of it." Henceforward, no member of that House could continue to hold a seat in the Executive Council, in hostility to the wishes of the House; and no man could ascend the hustings, unless pledged to carry out the great principles upon which he was happy that the learned gentleman and himself, who had been long opposed, now agreed. He paid a just compliment to the vigor and ability which that gentleman had always displayed; and contrasted his conduct with that of the men, who, while they had relied upon him for their defence, now wished to sacrifice him in support of a rotten system, which the government itself had abandoned.

Mr. Howe, irritated no doubt by Sir Colin Campbell's reply, gave notice that he would move an address to the Governor General. On reflection, he moved for the discharge of the order of the day, for going into committee to address the Governor General, and submitted the following address. He stated that his reason for doing so was, that he was anxious before proceeding to adopt measures by which a direct censure



would be cast upon His Excellency Sir Colin Campbell, to exhaust every means within the Province to obtain satisfaction, without resorting to that ulterior step, which if the Executive Councillors were determined to provoke it, must ultimately be adopted. The House had done all they could, in the struggles of the past four years, to save His Excellency's feelings; they were disposed to do so still, and this further step might be taken as a renewed evidence of that policy; it would give those who still cling to power, in the face of the deliberate condemnation of the Assembly, an opportunity to reflect, and decide whether they would or would not determine that the Governor should be sacrificed to shelter them:—

TO HIS EXCELLENCY LIEUTENANT GENERAL  
SIR COLIN CAMPBELL.

*Knight Commander of the Most Honorable Military Order of the Bath,  
Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c.*

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN  
GENERAL ASSEMBLY:—

*May it please Your Excellency,*—We, Her Majesty's dutiful and loyal subjects, the representatives of the Province of Nova Scotia, cannot but express our unfeigned regret at the tenor of the reply, made by Your Excellency to the resolutions passed by a large majority of this House on the 5th instant.

It is true, that some of the complaints urged in those resolutions, had been pressed upon the attention of Her Majesty's government in former communications; but we humbly conceive that the dispatch of Lord John Russell, dated 16th of October, and not that of his predecessor in office, dated 31st of August, to which Your Excellency refers, is the one by which all parties in the Colonies, now and hereafter, are to be governed. We believe that that dispatch, not only gives to Your Excellency the power to remodel the Executive Council, but makes such changes as are required, to insure harmony between the executive and legislative branches of the government, imperative.

This House are at a loss to conceive any "motives of public policy" more "sufficient" to render an application of the principles of that dispatch to this Province advisable, than the facts, that a majority of thirty

to twelve of the members of the Representative Branch have avowed their want of confidence in officers, expressly referred to by the Colonial Secretary,—that they have declared it impossible to deal wisely with measures of great importance to the government and the country, until confidence between the Executive and the Legislature be established; and that, while the only efficient representative of the local government, in this House, has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the government, while a majority of the Executive Council persist in retaining their seats, and Your Excellency declines to exercise the powers confided by Lord John Russell's dispatch.

It is to this House a subject of deep mortification, that while, in a neighboring Province, His Excellency Sir John Harvey recognizes the dispatch of the 16th of October as conferring a new and improved constitution on the Colonies, and has expressed his determination to act upon it,—while in Canada the Governor General declares that “he has received Her Majesty's commands to administer the government of these Provinces in accordance with the well understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them,” that the people of Nova Scotia are to be treated worse than the people of New Brunswick; and that, under cover of a dispatch, written before the new policy was adopted, by a nobleman who no longer presides over the Colonies, principles are to be applied to Nova Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution, than those which have been promulgated for the government of a Province but recently agitated by disaffection and rebellion.

Should Your Excellency, upon reconsidering this subject, upon referring to the Governor-General's message of the 14th of January, in which he declares “his earnest and anxious desire to discharge the trust committed to him in accordance with the principles announced,” still feel compelled to disappoint the just hopes of the people of Nova Scotia, this House will feel unfeigned sorrow; but, in the meantime, they trust they need not assure Your Excellency of their desire to preserve the tranquility of the Province, and to ensure the harmonious action of the different branches of the government.

This address was passed, after some debate. The numbers being twenty-nine to ten.

The lesson was however lost—the warning was thrown away. The following answer was returned:—

*Mr. Speaker and Gentlemen of the House of Assembly,*—I have given to this address the deep consideration to which the opinions of the representatives of the people are justly entitled.

By adopting the course you suggest, I should practically recognize a fundamental change in the Colonial Constitution, which I cannot certainly discover to have been designed by the dispatch of the Right Honorable the Secretary of State for the Colonies, of the 16th of October, in the manner and to the extent supposed by you.

In exercising the solemn trust committed to me by my sovereign, I feel it my duty not to establish a principle involving consequences of deep moment, on which any uncertainty rests, until Her Majesty's ministers shall have been consulted, and the judgment of the Queen ascertained.

It is therefore my intention immediately to bring to the notice of Her Majesty's government, the addresses and resolutions you have lately passed on the subject.

In the meantime, I shall be constantly ready to yield my concurrence to any measures you may adopt, which, in my judgment, are calculated to promote the welfare of Her Majesty's loyal subjects, the people of this Province, whom you represent.

The patience of the reformers was now entirely exhausted, and on the return of the members to their chamber, Mr. Huntington gave notice that, after the business of the session was dispatched, he would move an address or resolution, requesting the sovereign to remove Sir Colin Campbell, and send out a Governor who would carry out the liberal views of the home government. Messrs. Young, Howe, and others, acknowledged that there was nothing else left; if the Governor would not be allowed to act upon the plain and evident construction of the dispatches, they must take the final step, however painful, and establish the Constitution. This seemed to be the general impression, and the subject was dropped, with the understanding that, after the business was brought to a close, an address to the crown would be moved.

We have explained that Mr. Uniacke, the leader of the government in the lower House, had resigned his seat in the Executive Council. Had his example been followed by his colleagues, there would have been a reconstruction of the Council; the power of the House would have been asserted

and acknowledged. The vital principle of responsible government would have been infused into the system as fully in 1840, as it was, after struggles which all regret, at a later period. But the leader's example was not followed. The other members of the Council—for cabinet it was not—refused to resign, and preferred that the Governor should be sacrificed rather than that he should be surrounded by advisers commanding a majority in Parliament.

On the 5th of March, Mr. Uniacke addressed a letter to the freeholders of Cape Breton, giving to his constituents his reasons for resigning. It is as curious now, as it was gratifying then, to discover in this document the earliest recognition, by a conspicuous public man, recently clothed with Executive authority, of the substantial power of the people,—of the right of Parliament to control the administration of public affairs.

Before I enter [says Mr. Uniacke,] into the great question which now agitates the whole British Colonies, I must state some of the minor reasons which have induced me to take this step. I felt that, whatever course other members of Her Majesty's Council might adopt, as a member of the Assembly, I owed it to the House to come out from a body which had been politically condemned by such an overwhelming majority. In vain should I have attempted to stem such a torrent of political disapprobation, and I paid what I considered a due and becoming deference to the House, without for a moment admitting the propriety of the resolutions it had adopted and passed. Another reason was, that I felt it quite impossible to continue in a Council, the measures of which were attacked, without being at liberty to declare and justify the advice I might have offered to the Governor, and to be considered a responsible adviser of the crown, before any principle of responsibility had been either admitted or defined. These two reasons would have been sufficient, in my opinion, without any other, to justify me in the course I have pursued; the first regarded the House, the second had reference to my own public character and my feelings as a gentleman.

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By the amendment moved on the address of the House of Assembly, the principle is admitted by the whole House, and the majority of the House, three to one, have determined the meaning of this dispatch; therefore, whether I am right or wrong, at least I have the consolation to reflect, that I am supported, both by the representatives of the people,

and by those who are placed in authority over us. The Governor General says, that he has Her Majesty's commands to pay a due deference to the well understood wishes of the people of the Province, as expressed by their representatives; and am I, one of that body, not to do so? Bending with veneration at the foot of the British throne, I shall not be found, without the gravest necessity, to disobey the commands of my sovereign. I feel, in paying the deference I have done to the House, that I am submitting not only to my own feelings, but also evincing a loyal reverence to the will of the Queen. It is not for me to say that the House of Assembly do not fairly represent the Province. Let those who think so ascend the hustings, and then, perhaps, they may be considered more at liberty to speak upon the subject.

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A new Constitution has been conferred upon the Colonies, and it is the solemn duty of all to combine in carrying out the measures which may be necessary to promote the great interests which this Constitution will most effectually protect. This is but the extension to the Colonies of the British Constitution; and while Nova Scotians feel that they have deserved it, and will pride themselves on its possession, they all know that there is no other flag on earth that can support that glorious Constitution, either at home or abroad; and that only in the hour of death, if even then, will their grasp of that standard be relinquished.

Mr. Uniacke's conduct, at this period, won Mr. Howe's entire respect, and obliterated the recollection of former differences of opinion. They soon after became colleagues. They retired together in 1844, and went back into the same administration in 1848, their political confidence and personal attachment being still unimpaired. They served together till 1854, when Mr. Uniacke retired to the Land Office, and Mr. Howe became chairman of the Railway Board.\*

\* The following eloquent eulogium on his friend, was pronounced in the session of 1858, a few days after Mr. Uniacke's death:—

Had the Provincial Secretary honored me only with his notice, I should not, perhaps, have addressed the House again. But he has defamed other gentlemen, who are not here to defend themselves. Among them one, who, for many reasons, might have been spared. Sir, a more able, honorable, and distinguished man, never graced the floor of this Assembly, than my late lamented friend, the Honorable James Boyle Uniacke. His noble form, easy deportment, graceful manners, and ready flow of language, are familiar to many who listen to me to-day. No man who ever grappled with him, as I did in the early part of my life, would under-estimate

While this struggle was going on in Nova Scotia, the principles advocated by Mr. Howe and his friends were steadily making way in the Province of New Brunswick. The two Colonies, separated only by an imaginary line, are essentially one. In origin, political and social aspects, and material interests, there are few contrasts to note. Lord John Russell's dispatch, having been laid before the House of Assembly of New Brunswick early in March, a minority of thirteen was got to vote for the following resolution:—

*Whereas*, The avowed object of converting this branch of the Legislature, is to make statutes and ordinances for, and to advise the Executive government in, all questions affecting the peace, welfare, and good government of the inhabitants of this Province: *And whereas*, The exercise of all Executive functions should be controlled and directed with a

his powers. A mind ever fruitful, a tongue ever eloquent, humor inexhaustible, and pathos which few could resist, were among the gifts or attainments of my honorable friend. His colloquial powers were even more marvellous than his forensic or parliamentary displays. He charmed the Senate by his eloquence; but how delightful was he when surrounded by a knot of friends, beneath the gallery or seated at the head of his own hospitable board. How often have I thought, when meeting abroad the choice spirits of both continents, how rare it was to find a man in all respects a match for James Boyle Uniacke. But he was not only distinguished as a legislator. His means and his intellect were embarked in every enterprise which promised the advancement of the common interest, or the growth of public spirit. He took an active part in the introduction of gas and water into this city, and was president of both companies for a time. He built the Penitentiary with grants carried through this House by his influence. He aided us in developing and practically working the new Constitution; and he gave to the great public works now in progress his steady support.

Such was the man, sir, to whom, and to the management of whose department, foul language has been applied here by members of the government, even at the very moment when my honorable and learned friend was in the agonies of death. The Sepoy and the savage, it is true, torture their victims in that hour, but a Christian warrior turns from them with disgust or slays them for their barbarity. The hawk and the kite may peck out the eyes of the noble steed who has run his course, even while the heart is still palpitating and the blood is warm. What shall I say of such foul birds as the Provincial Secretary and the honorable member for Victoria, who have settled upon the reputation of my departed friend, even while his great heart was breaking and his noble spirit was winging its upward flight? What need be said? We all knew him and we know them. A serpent may crawl over the statue of Apollo, but the beautiful proportions of the marble will yet be seen beneath the slime. That my friend may have had his errors, I am not here to deny; but I rejoice that, whatever they were, God in his infinite mercy, and not man in his malignity, is hereafter to be his judge.

special view to the attainment of the same objects: *And whereas*, This committee cannot waive or forego the inherent right of this branch of the government to advise and assist in such control and direction, and to remonstrate against the abusive exercise of those functions;

*Therefore Resolved*, As the opinion of this committee, that the House should view the dispatch in question, as distinctly recognizing an efficient responsibility on the part of executive officers to the Representative branch of the Provincial government.

The old influences were as yet too strong, and the following droll expression of opinion was carried by a majority of two:—

*Resolved*, As the opinion of this committee, that there is nothing in the dispatch of the Right Honorable Lord John Russell, now under consideration, to call forth any expression from the House on the subject of Colonial government; and that, in the event of any occurrence taking place to disturb the present happy political state of the Province, the House cannot but entertain the opinion, that any legal and dutiful representations which they may have occasion to lay at the foot of the throne, will receive, as they have always done, the royal consideration.

Lord John Russell's dispatch of the 14th of October, [See Appendix] appeared in the Provinces about this time. Though His Lordship suggested and reasoned upon cases in which the power of a popular majority might be abused, or in which it might become necessary for the crown to maintain the prerogative, upon the whole, the language of this dispatch was satisfactory, and strengthened and confirmed the position maintained by the Nova Scotian reformers.

On the 25th of March, Mr. Howe moved the following address to the crown, which was carried after a sharp debate, by majorities varying upon the clauses from twenty-eight to fourteen and twenty-five to sixteen:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

*The Humble Address of the House of Assembly of the Province of Nova Scotia.*

We, Your Majesty's dutiful and loyal subjects, the Representatives of your loyal Province of Nova Scotia, are reluctantly compelled again to approach Your Majesty with a statement of grievances, which, while they have been annually, during the last three years, laid at the foot of the throne, still remain unredressed.

The chief cause of all the evils of which the British North American Colonies have complained, has been the want of harmony between the Executive and the Representative branches of the government. The state to which this Province had been brought by the Official Compact, who had, for many years, monopolized all the power and patronage within it, was fully disclosed by this House in 1837. Your Majesty at once recognized the justice of our complaints, and gave positive orders to your representative in the Colony to obviate the possibility of their recurrence, by calling around him, into the Executive and Legislative Councils, those who possessed the confidence of the country.

Had this been done, and had your Majesty's commands, conveyed in the dispatches of Lord Glenelg, been executed by the Lieutenant Governor, the hopes they raised among an intelligent and loyal population, would have been realized; and Your Majesty would not have been, at this time, called upon to vindicate your high authority, and do justice to your people, between whom and your royal favor, subordinate functionaries have hitherto interposed.

In almost every essential particular, the principles laid down by Lord Glenelg in 1837, were violated by Sir Colin Campbell; and directions, too plainly expressed to admit of their being misunderstood, were either overlooked, or so perverted, as to strengthen and consolidate the power of the small and exclusive party, of whose acts and dangerous ascendancy, the representatives of the people had complained.

This Assembly, being most anxious to avoid any appearance of disrespect to Your Majesty's representative, did not, in their subsequent remonstrances, venture to attribute this daring violation of Your Majesty's express commands to His Excellency the Lieutenant Governor. They charged it, as they conceived they had a right to do, upon his advisers; and they sympathized with an officer, surrounded by a Council, and heads of departments, who, their tenure of office being permanent under the Colonial constitutions as then understood, had nothing to fear, and every thing to hope, from sacrificing his reputation to protect their own emoluments and power.

Your Majesty will, therefore, readily conceive with what delight and satisfaction this House read the dispatch of Lord John Russell, of the 16th of October, by which the power was given to the Lieutenant Governor to shake himself free of the influences by which he had been trammelled. They recognized in that document, no new and dangerous experiment, but a recurrence to the only principles upon which Colonial governments can be safely carried on. They saw that while great powers were to be confided—while an unlimited range of selection was to be



given to the Lieutenant Governor, in order to make the exercise of the prerogative most beneficial and satisfactory to the people, he was to be held responsible to the sovereign for the tranquility of the Colony committed to his charge, and for the harmonious action of the executive and legislative branches of the government. In order, therefore, that His Excellency Sir Colin Campbell might, without unnecessary delay, exercise the powers confided, for the redress of grievances of which this House had so frequently complained, we passed, on the 5th of February last, the following resolutions, which were presented to His Excellency on the 10th:—

*Resolved*, That it is the opinion of this committee, that for many years the best interests of this Province have been jeopardized, and its progress retarded, by the want of harmony between the different branches of the government, and the absence of that cordial coöperation between the representatives of the people and those who conducted the local administration, which, in the view of this House, is highly desirable, if not indispensable, in every British Colony to which a Constitution, modelled after that of the mother country, has been granted by the crown.

*Resolved*, That it is the opinion of this committee, that during the struggle which, since 1837, this House has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence which, while it was beyond the control of this Assembly, has wielded the whole power and patronage of the government, to baffle its efforts and thwart the wise and benevolent policy avowed by Her Majesty's ministers.

*Resolved*, That it is the opinion of this committee, that in approaching many of the important questions to be disposed of in the present session, the House of Assembly feels embarrassment and difficulty which it would be unwise to conceal, either from the government or the country at large; and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled, as to secure to this House the aid of the local administration in carrying out the views of this Assembly, and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's government.

*Resolved*, That it is the opinion of this committee, that the House of Assembly, after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, the people of Nova Scotia misrepresented to the sovereign, and the gracious boons of the sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.

The following answer was returned:—

*Mr. Speaker, and Gentlemen of the House of Assembly,*—The subject you have presented to my consideration in this address, has, in all essential respects, been already brought under the notice of Her Majesty's government, in resolutions of the House of Assembly passed in its last session.

Her Majesty's ministers, after full consideration of the subject, and personal conference with delegates from your body authorized to advocate your views, have expressed, in the dispatch which, by Her Majesty's command, I recently laid before you, the judgment to which they had come on the matters of your complaints.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's government in this respect, I do not feel myself at liberty to adopt any other course than to refer you to the dispatch already alluded to, as containing their decision. Justice, however, to the Executive Council, leads me to say, that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province.

Astonished and grieved that, while no notice had been taken by His Excellency of Lord John Russell's dispatch, or of other public documents, illustrative of the wise policy announced by the new Colonial Secretary, reference only had been made to a dispatch of a prior date, breathing a different spirit, and written by a nobleman who had retired from the Colonial Office, this House called His Excellency's attention to those important state papers in the following address:—

TO HIS EXCELLENCY LIEUTENANT GENERAL  
SIR COLIN CAMPBELL.

*Knight Commander of the Most Honorable Military Order of the Bath,  
Lieutenant Governor, and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c., &c.*

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN  
GENERAL ASSEMBLY.

*May it please Your Excellency,*—We, Her Majesty's dutiful and loyal subjects, the representatives of the Province of Nova Scotia, cannot but express our unfeigned regret at the tenor of the reply, made by Your Excellency to the resolutions passed by a large majority of this House, on the 5th instant.

It is true that some of the complaints, urged in those resolutions, had been pressed upon the attention of Her Majesty's government in former communications; but we humbly conceive that the dispatch of Lord John Russell, dated 16th October, and not that of his predecessor in office, dated 31st of August, to which Your Excellency refers, is the one by which all parties in the Colonies, now and hereafter, are to be governed. We believe that that dispatch not only gives to Your Excellency the power to remodel the Executive Council, but makes such changes as are required to ensure harmony between the executive and legislative branches of the government, imperative.

This House are at a loss to conceive any "motives of public policy" more "sufficient" to render an application of the principles of that dispatch to this Province advisable, than the facts that thirty to twelve of the members of the Representative branch have avowed their want of confidence in officers expressly referred to by the Colonial Secretary; that they have declared it impossible to deal wisely with measures of great importance to the government and the country, until confidence between the Executive and the Legislature be established; and that, while the only efficient representative of the local government in this House has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the government while a majority of the Executive Council persist in retaining their seats, and Your Excellency declines to exercise the powers confided by Lord John Russell's dispatch.

It is to this House a subject of deep mortification that, while in a neighboring Province, His Excellency Sir John Harvey recognizes the dispatch of the 16th October, as conferring a new and improved Constitution on the Colonies, and has expressed his determination to act upon it; while in Canada, the Governor General declares that "he has received Her Majesty's commands to administer the government of these Provinces in accordance with the well understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them," that the people of Nova Scotia are to be treated worse than the people of New Brunswick; and that, under cover of a dispatch, written before the new policy was adopted by a nobleman who no longer presides over the Colonies, principles are to be applied to Nova Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution than those which have been promulgated for the government of a Province but recently agitated by disaffection and rebellion.

Should Your Excellency, upon reconsidering this subject, upon refer-

ring to the Governor General's Message of the 14th January, in which he declares "his earnest and anxious desire to discharge the trust committed to him in accordance with the principles announced," still feel compelled to disappoint the hopes of the people of Nova Scotia, this House will feel unfeigned sorrow; but in the meantime, they trust they need not assure Your Excellency of their desire to preserve the tranquillity of the Province, and to insure the harmonious action of the different branches of the Government.

The following answer was given :

*Mr. Speaker and Gentlemen of the House of Assembly.*—I have given to this address the deep consideration to which the opinion of the representatives of the people is justly entitled.

By adopting the course you suggest, I should practically recognize a fundamental change in the Colonial Constitution, which I cannot certainly discover to have been designed by the dispatch of the Right Honorable the Secretary of State for the Colonies, of the 16th of October, in the manner and to the extent supposed by you.

In exercising the solemn trust committed to me by my sovereign, I feel it my duty not to establish a principle involving consequences of deep moment, on which any uncertainty rests, until Her Majesty's ministers shall have been consulted, and the judgment of the Queen ascertained.

It is therefore my intention, immediately to bring to the notice of Her Majesty's government, the addresses and resolutions you have lately passed on the subject.

In the meantime, I shall be constantly ready to yield my concurrence to any measures you may adopt, which in my judgment, are calculated to promote the welfare of Her Majesty's loyal subjects, the people of this Province, whom you represent.

This reply, the Assembly are most reluctant to avow, withered all the hopes which they had cherished. It told them that the officer who had violated the plain letter and spirit of Lord Glenelg's dispatches in 1837, was determined either not to understand, or not to act on the dispatch of Lord John Russel, and convinced them that the views of Your Majesty's government would never be carried out by officers hostile to its policy, and who, when commanded to call around them those who possessed the confidence of the people, were determined to persist in governing by the aid of those in whom the people had no confidence.

If up to the period when their final remonstrance was made to Sir

Colin Campbell, this House conceived that there was reason for dissatisfaction and distrust, the recent appointments to the Legislative and Executive Councils have furnished further evidence of a determination to perpetuate the system, of which this House has so frequently complained. To some of the appointments to the Legislative Council, grave objections might be urged; while in the appointment to the Executive Council, the House recognize a studious determination to pass over every man possessing influence, and enjoying the confidence of the people, to do honor to an individual, of whose political conduct this House will not trust itself to speak, but who certainly cannot bring to the aid of a government which has been for years in a minority, the smallest portion of influence in the Commons.

This House, notwithstanding these gross violations of the sound principles laid down by Your Majesty, for the government of British North America, have made ample provision for all branches of the public service, and for carrying out what they believe to be the policy of the Imperial Parliament, in order to bind in closer connection with each other, and with the parent State, Your Majesty's Colonies on this continent. They have not even declined to grant a sum, drawn in violation of their privileges, by Your Majesty's representative. But these supplies have been voted, because the representatives of the people of Nova Scotia confidently relied upon the justice and firmness of their sovereign. This House are most reluctant to believe that Your Majesty will turn a deaf ear to the complaints of your people, — that while the Governor General has been told that there is "no surer way of earning the approbation of the Queen, than by maintaining the harmony of the Executive with the legislative authorities," a different rule will be permitted to prevail in Nova Scotia; or that the favor of the crown will be extended, in one Province, to a policy the very reverse of that laid down for the government of another.

It is true that Nova Scotia is a small Colony, and that Your Majesty may, if you see fit, govern it by the strong hand of power, relying in no degree upon the affectionate attachment of its inhabitants, but it is also true, that in no portion of Your Majesty's dominions, are the powers of the Crown and the rights of the people better understood; and in none is there a more determined spirit of resistance, by all constitutional means, to a system of Government founded on mere favoritism or injustice. From the position the people of Nova Scotia occupy in the centre of the lower Colonies, and availing themselves of the influence which their loyalty, their intelligence, their firmness and their moderation, have acquired for them among the population of British North America, they

will never cease to appeal to the public opinion around them, to contend against that system, and to vindicate and assert, by every means in their power, their rights as British subjects.

That Your Majesty will join with this House in obviating the necessity for such appeals — that you will repress these absurd attempts to govern Provinces by the aid and for the exclusive benefit of minorities, this Assembly confidently believe; and in asking Your Majesty to remove Sir Colin Campbell, and send to Nova Scotia a Governor who will not only represent the crown, but carry out its policy with firmness and good faith, the Representatives of Nova Scotia perform a painful duty to their sovereign, and to their constituents, but recommend the only remedy which they fear, can now be applied to establish harmony between the Executive and Legislature of this Province.

The debate we cannot find in the newspaper reports. We have a distinct recollection of it, however, and of the perils that were encountered by those who took this extreme step. Sir Colin Campbell was a fine old soldier, who had distinguished himself under Wellington in many a stern encounter. His manners were frank and social. He had no personal enemies even among those who opposed his government. He had many friends who would resent what now began to assume the appearance of a personal attack. Besides, there was great danger that many moderate persons, who had hitherto taken but little part in politics, but whose sympathies were with the reformers, might be startled at this extreme step, and throw their weight into the opposite scale. These considerations weighed upon all our minds, at this period. One or two members who usually voted with the opposition, went over to the government. One or two shrunk from voting for the recall. Five-and-twenty stern men, however, with Mr. Howe at their head, voted for the whole address, and the contest was at once transferred from the halls of legislation to the shire towns of the Province.

It was customary, for many years, for his political opponents to call Mr. Howe an agitator. It is a curious fact that they set him the example, and that, up to this period, though several meetings had been convened at Annapolis, and elsewhere, to

condemn his policy, he had scarcely ever attended one for any purpose, outside of Halifax.

No sooner had the address, asking for Sir Colin's recall, passed, than requisitions were signed, and meetings held, in various places, to sustain that officer. The first attempt at agitation, against the action of the majority of the lower House, was made in Halifax. A meeting was called of all those who were opposed to its policy. This the members for the city and county declined to attend, but called another on a broader basis of public discussion, being open to everybody of all shades of opinion. This meeting was addressed by Mr. Howe, in explanation and defence of the Assembly, for some hours. Mr. Johnston, then Solicitor General, came forward on this occasion to defend Sir Colin and the Council. Here, for the first time, met those two gentlemen, destined thereafter to test each other's skill and resources on many a hard-fought field. The meeting ended without any expression of opinion. A division was impossible after dark, the Masons' Hall being crowded to suffocation. Mr. Howe was carried home on the people's shoulders. Mr. Johnston's speech was printed, and circulated by thousands over the face of the country to influence public opinion. We give some passages of Mr. Howe's speech on this occasion:—

Mr. Howe rose and spoke as follows: Mr. Chairman, and Gentlemen,—After a long and laborious session, my hope and desire was, to have retired into the bosom of my family, and to have devoted my time to that moderate portion of public business that it is my weekly duty to perform. I had no wish that unnecessary excitement should be got up upon public questions, after the legitimate authorities had expressed their opinions, and appealed for decision to the government at home. But, two or three days ago, I was told that notices had been posted up, calling a meeting—not of the freeholders—not of the inhabitants of the town generally—not of all those who felt an interest in the discussion of public questions, but of those only who *did not concur* in the proceedings of the House of Assembly,—those who, in their own minds, had condemned the House. Under such a notice, I could not make my appearance at the meeting. I was one of those who were condemned without being heard. If I went, I would have to appeal to an audience

who had previously formed their opinions. All that I could do was, to address a note to the chairman of that meeting, calling his attention to the terms of the notice, and stating the reasons why I did not attend. I then consulted with my colleagues, and put the question, Should we take that one-sided meeting as an expression of public feeling, or should we call the community together, and, after a full exposition of our public conduct, ask for a decision, without undue influence or intimidation. It was at first intended to send a requisition to the Sheriff, but it was found, in addition to the notices, that individuals had been parading the community, canvassing for support to their views, using intimidation, and making use of language, which, if as stated, was unjust in the highest degree. It was then felt that no time was to be lost; that it would be unwise to wait for a general requisition, but that, on the spur of the moment, it was our duty to call our constituents together, and appeal to them broadly and fairly. This meeting has been assembled accordingly; and I see before me men of all shades of opinion, of all ranks and classes — men who, I hope, whatever they have been induced to do or to sign, have come here to hear and to decide for themselves, after a full discussion of the subjects which have engaged their attention. To this meeting, as to my constituents, on all occasions, I am content to appeal. I never shrink from responsibility of any kind. I have never wanted the courage to appeal to them openly, though I might want the temerity to appeal to their private prejudices, by the circulation of slanders which I dare not avow in public.

The parties to be put on their trial this day, are the members for the town and county of Halifax, and the House of Assembly at one side, and the Governor and his administration, on the other. Can I avoid feeling what a wide contrast there is between the power of the parties? Had I the entire patronage of the country at my disposal — had I twelve Executive and twenty Legislative Councillorships to bestow — had I influence over every appointment in the country — could I send my aids abroad to canvass, how easily could I assemble in this room two hundred persons, who would be disposed, under any circumstances, to take the most favorable view of my public conduct. What a different situation do I stand in! Can I bribe or intimidate an individual in this room? I stand before you on my public character, to be condemned or not, without favor or affection. If I have not truth and justice, and a good cause, then have I nothing to defend me. I did not attend the meeting on Saturday, but I found that many in that assemblage, — I except many worthy persons for whose characters I have the highest respect, who would take a conscientious view, and make up their minds, influenced only by what



they thought the interests of the country, — were the steady opponents of the popular cause. When I looked at the leaders of that meeting — those who had canvassed the people, and herded them together — those who were the bell-wethers in the movement, I found that they were of the same party against whom I have been struggling for the last twelve years. Among them there were one or two, who, I understand, in their private canvass, made use of my name in a manner that, as a public man, I will not allow. I ask of Mr. E. Cunard, senior, whether he took liberties with my name, and whether he is prepared to answer?

Mr. E. Cunard. I am here, and will answer. I did not.

Mr. Howe. I ask him whether he said that I was running the same course as Papineau, and ought to have had my head off three years ago?

Mr. Cunard. I did not. I said that the resolutions which passed the Assembly were something similar to the Papineau concern.

Mr. Howe. These are matters to be openly and freely discussed. I have no concealments to make.

Mr. Cunard. Having been thus candid, I ask for your author.

Mr. Howe. Mr. Conrad West.

[Some altercation ensued between Mr. Cunard and Mr. West, amidst cries of "Order."]

Mr. C. West to Mr. Howe. Mr. Cunard said that you were a Papineau, and that there would be a revolution in the country in a few years. It was not Mr. Cunard that spoke of your head being taken off.

Mr. Cunard. I deny the whole of it.

Mr. Howe continued. If Mr. Cunard disavows the expressions, and there has been any mistake, there is no cause of offence on my part. I came to the meeting prepared for retaliation, but as the offensive expressions have been denied, I will pass them by. It is true, however, that the meeting of Saturday met to condemn the conduct of the town and county members. I was not much surprised at the fact, for I recollected that the party were not always very well pleased with the members they manufactured themselves. In former times they came forward to put in Mr. Fairbanks and turn out Mr. Young; then they put up Mr. Deblois to turn out Mr. Fairbanks, but Mr. Fairbanks's friends being too strong, they made a mistake, and turned out their friend Mr. Murdoch.

Mr. Deblois. I was not put up to oppose Mr. Fairbanks.

Mr. Howe continued. By and by the people of Halifax became tired of these members "made to order," and took the matter into their own hands. Then Mr. Murdoch was brought forward to divide a unanimous feeling, and put down the system of public nomination. The

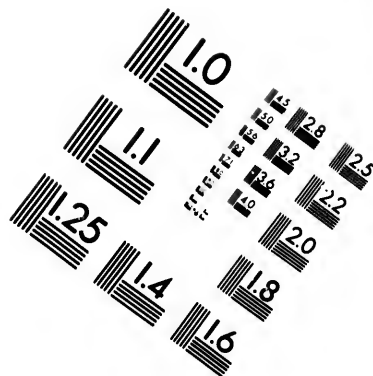
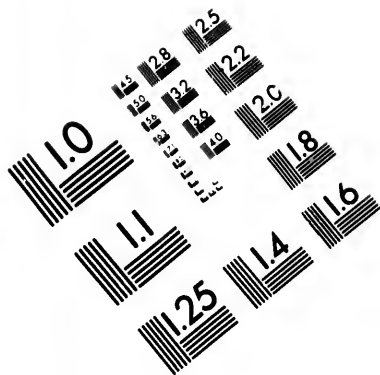
history of the past satisfied him that those gentlemen who had now attacked the members of the Assembly, were chargeable with considerable vacillation, for they had put forward several who did not satisfy themselves.

On what principles were I and my colleagues elected to the Assembly? Our pledges were that we would endeavor to diminish public expenditure, and increase the popular influence. [Cries of "£1000 to the delegates," "Silence," "Order."] I will proceed to show how these pledges have been fulfilled. In the first session of the present Assembly the public expenditure was reduced £3000 a year. The first pledge was faithfully kept, so far as the power of the Assembly went. Then the Council doors were opened; the judges were removed from the Councils; the old bank influence was neutralized; the Legislative and Executive Councils were divided; and last, though not least, the Quadrennial Bill was passed, that which gives this meeting an opportunity of expressing their opinion on the conduct of their members three years before they would have had it under the old system. Thus was the second pledge kept. Who now doubted that all these measures were good? But I could point to some of the party, I do not mean the body of the people — some of the leaders and movers at the late attempt at agitation — these, and their friends in and out of the House, opposed almost every one of the concessions thus obtained, and which went to increase the popular power. The late meeting was called to find fault with the members. The worthy gentleman who was in the chair stated, as his reason for accepting, that he had formerly represented the town of Halifax for seven years. [Cries of "He is a better man than you," "Silence," "Turn him out."] He participated in the feeling of the meeting, and I would ask that gentleman, when he charges the present members with doing too much, and doing it violently, might not himself be charged with doing too little? Why had not he saved the £3000 a year? If he did not, in the course of his seven years, does he not owe some account for allowing the expenditure of £21,000 that might have been saved? [Some exclamations were here made by a person who had repeatedly interrupted the speaker. Cries of "Order" and "Silence" were made; the individual persisted, and he was turned out of the room.]

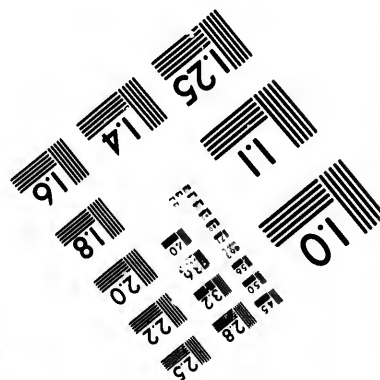
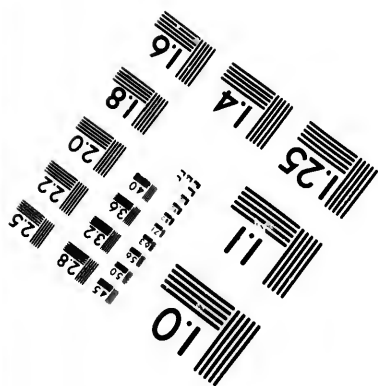
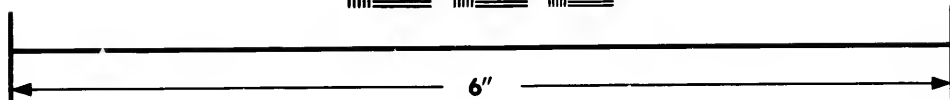
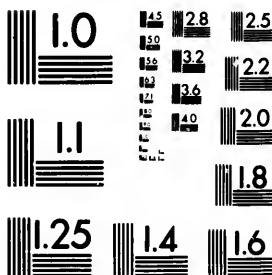
The Chairman. Would it not be better to confine remarks to the purposes for which the meeting was called? Are you not straying, rather, from the question.

Mr. Howe. I am coming to the point. To accomplish these matters it was necessary that they should come within the range of the Assembly's powers. Other things were dependent on the sanction of the





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authorities at home, and they could only be reached by means of an address to the throne.

Mr. Fillis. A threatening address. [Cries of "Turn him out." "Silence." "Order."]

Mr. Howe. I am not talking now of the address recently passed, but of that which passed in the first session of the House, for the purpose of obtaining the sanction of the home authorities to changes which were thought necessary. While passing it, the same party that now opposed the members of Assembly, opposed it, in the House and out of it. The same efforts were made to prevent that address, which contained no threat, from going to England. Yet what answer was received? The government conceded almost every thing that was asked, and sent instructions to the government, which, if I had had the penning of them myself, I could scarcely have penned any thing that would have been more universally acceptable. Respecting the civil list, and the Councils, the home government agreed with the House. It was stated that the crown cared nothing about the sums given to public officers, provided they were sufficient for their maintenance; and it was stated that they should be content with an economical arrangement. Those who enjoyed the confidence of the country were directed to be introduced into the Councils, so that a united action of the different branches of the government might be formed, and the whole be made to harmonize—the Assembly agreeing with the Executive. Had these instructions been carried out, and their spirit followed, there probably would have been no more commotion,—no agitation about responsible government—no discussion about the frame-work of our institutions, for several years. But, in the carrying out, all was marred. Had the Legislative Council been so constituted, that it would work harmoniously on one or two great questions, there would have been but little difficulty respecting the Executive. Had a majority of the Executive been composed of those who possessed the confidence of the country, the other could have been gradually moulded as vacancies occurred. Did we make it a charge that the Governor did not make both Councils of one character immediately, or that he did not omit all the old members of Council? No. The feeling was, that one or other of the Councils should be made to sympathize with the House. It was not expected that both should be governed by the House. If one were wrong it would not be minded, but both were so constructed, that the House were satisfied the moment the appointments appeared, that two or three great questions could not be carried. What were these measures? It had been said that nearly every thing passed the Councils, but I will state what has not passed—the bill for

reducing the expenses of the civil list, and that arranging the judicatory of the Province. Respecting these topics, the home government expressed a degree of liberality which the people of Nova Scotia ought to be thankful for. The government made some specific propositions, but, from the whole tenor of the dispatch, it was evident that if the Colonial parties could agree, there would be but little fear of any disagreement at home. The appointment to both Councils made it impossible that parties here could agree. At the time Lord Durham came out to Canada, the Councils were again dissolved; the House promptly remonstrated with the Governor, but the old system was confirmed. The next step thought of was to send delegates to Canada, to the Governor General. When that was proposed, many of the gentlemen who held the meeting the other day were outrageous at the proposition, and the measure was finally defeated. What was the result? His Lordship arrived in Canada, and a mission to him was made up, and sent by Sir Colin Campbell, chiefly from the other side; I say the other, because when the popular party had but one voice in the delegation, the influence might be said to be arranged, as in other matters, to secure a preponderance for one party.

In its second session the House found matters in the same state, and passed another address, complaining that the changes which they had a right to expect had not been made. When that went home the ministry were much occupied in important concerns, in the face of a strong opposition, and were waiting for the report of Lord Durham; and they did not take the steps which the Assembly thought necessary. In the third session a delegation was considered advisable to explain the views of the House and remove existing difficulties on several subjects; to show what wrong principles were in operation in some cases; and how, in others, details had not been carried out. I may be asked what was obtained by that step? I answer, they have opened the outports of the Province. I know that in town a cry has been got up on that subject. But, gentlemen, can the town be ruined by the prosperity of its neighbors. It is preposterous. All would prosper together. In another department the delegation had effected a saving of about the same sum per annum which the delegation cost; I allude to the post office. The main grounds of complaint were, that the Constitution of the country was such that the branches did not harmonize, and bills could not be passed which were essential to matters of economy, and that the whole administration was in the hands of the minority. When it was found that two members of Assembly were going to England, two members of the Legislative Council were selected to oppose them. Then came the question

of pay. The House said it could not pay those who were going home to defeat what they wanted to effect; they might as well appropriate one thousand pounds for the building of a bridge, and give another thousand to another party for pulling it down. The consequence was, that those who represented the Assembly in London had to go without their expenses, and the experience of the delegation was, that on many of the great questions, the gentlemen from the Legislative Council did their best to defeat the views of the House.

The meeting will see that my observations bear on the conduct of the Lieutenant Governor. In the first place the plain instructions of Lord Glenelg were not carried into effect. Any one might be satisfied of that by looking at the documents, and the selections that had been made under them. I believe that the circumstances of the country were such that the instructions might have been obeyed, if parties who had the power wished to do so. It was all very well to select two gentlemen to represent the local government; but the two who were appointed were known to hold pretty high notions with regard to the general conduct and opinions of the Assembly. Gentlemen may say that these delegates had a right to their opinions; so they had; but my argument goes to show that the selections gave plain intimation of what kind of work was to be done.

One of the delegates of the House was my friend Mr. Huntington. It was immediately found by his opponents that, during the Canadian rebellion, when there was much excitement, and every one was saying every thing that came foremost, he had used some strong expressions. The fact is that Mr. Huntington has a nervous affection of the heart which makes him irritable at times. Gentlemen may laugh, but I hope none of them may ever have such an affection. Mr. Huntington, it appears, had made use of some strong expressions; but not stronger than was used by fifty members of Parliament, and at meetings in the mother country. But what was the use made of it, in order to destroy the influence of the Assembly? Affidavits were prepared and forwarded to England for the purpose of making the government believe that Mr. Huntington was a disloyal man. Now gentleman, I ask, if an individual were to go round the community, at almost any time, and take down the words made use of in conversation, how would they appear? I heard a gentleman say that one of the highest public functionaries of the Province, during recent proceedings, called the Queen a "damned little radical." Suppose an affidavit were hatched up on that expression and sent home. An official personage also said that Her Majesty's present ministers ought to have been hung. These were the gentlemanly



expressions that had been used on the other side. We, gentlemen, never think of making up affidavits about such things, we have a spirit above such modes of opposition. Did Mr. Huntington deserve such treatment? I believe he is almost the only man in the House, except the old soldier alongside of me [Mr. Forrester] who ever fired off a gun in defence of the country against the Yankees. During the last American war, an enemy's vessel went along the coast near Yarmouth, spreading alarm. One night news came that her crew were landing, and the principal person who rallied the people was old Mr. Huntington, who, with his three boys, the present member among them, and some others of his company turned out, beat the boat off, and killed and wounded six or eight of the enemy. This affidavit, however, exhibited the kind of petty arts that the House had had to contend with. Thus men were misrepresented and stigmatized for their opinions. [Mr. Halliburton asked if Mr. Huntington was not opposed to monarchical government.] It is asked if the honorable gentleman is not opposed to monarchical principles. He is not; but he is opposed to any government by a clique or a party; he admires the British Constitution, and the dearest wish of his heart is to see that Constitution, in all its purity, flourishing in the country. By this, and other matters, it was plain that the entire influence of the Governor, and the Executive and Legislative Councils was placed in opposition to the House in the negotiations; and they were referred to a Colonial Secretary, who was related by marriage to the Governor himself. With these combinations to struggle with, it was not possible for the delegates of the House to accomplish more than they did.

While they were absent, much discussion arose on responsible government; and I may be asked what that term means. It means that the Executive, which is to carry on the administration of the country, should sympathize with, to a large extent, and be influenced by, and when proper, be composed of, to a certain degree, those who possess the confidence of the country. That is the way the matter is understood at home; this is what was contended for here, and would be sought until obtained. I, gentlemen, felt it my duty to take part in the discussion of this question. Persons opposed to me were continually attributing to me all sorts of wild opinions, until parties were made to believe that if I did not set fire to the mines and blow up the Province, I would at least let in the Bay of Fundy in the rear, and swamp the whole. I was said to have all sorts of wild vagaries in my head, and I thought that the better way was to let the people see what my opinions were, and what I wanted. Therefore I published my views. I laid them before the

country in a pamphlet ; they went into the adjoining Colonies, and never yet have I seen an argument which at all overturns the general principles advocated. Were these views extraordinary, and confined to a narrow circle? Lord Durham's opinions and conduct sanctioned the principles ; the government at home agree to the practice in its full extent, although at first they rather started at the theory. New Brunswick also supported the views of the Assembly ; they passed one resolution in favor of the principles without a division, and another going the whole length with a minority of four only. But who else keep the Assembly of Nova Scotia in countenance? Sir John Harvey and the Governor General. These principles have not been long or ardently discussed, yet the whole of British America understands them, because they are based on the British Constitution ; they lie at the foundation of good government, and are felt necessary for the safety and prosperity of those who inherit the feelings of Britons.

I now come to the last session of the Legislature, and what was the position of affairs at its commencement? The Assembly saw that no change of any importance had been made in either of the Councils. The resolutions against the Executive Council were passed, because at an early period of the session it was seen, that unless a responsible Council was obtained, it was useless to attempt the adjustment of one or two great questions which were before the House. The session also was commenced under greatly altered views. Lord John Russell's dispatch had been received, and what was the purport of that document? Its object was to get rid of the numerous references to England by giving the Governor of the Colony sufficient power to carry on the local government.

The House then passed four resolutions condemnatory of the policy of the Executive Council, and took them to the Governor. The answer was, that the Governor was satisfied with them, that the House had sent delegates home, and that the marquis of Normanby had stated that he would not interfere as regarded the existing Councils. The House then passed an address to His Excellency, calling his attention to the dispatch of Lord John Russell, and to the opinions of the Governor General and Sir John Harvey. The answer to that was, that he would refer the whole matter to England. The meeting of Saturday considered that the Assembly should have waited the result of that reference. Of what use could another reference be? With our own delegates on the spot, there was influence sufficient to counterwork us ; and on their return we could not pay them out of the people's chest without wasting another £1000, and therefore could not send them again. What could be expected of a

further reference? To whom would the matter be referred? To the delegate of the Governor and Council, Mr. Stewart, who was still in England, and to two or three other Councillors who were also there, and whose influence could be safely reckoned on, while the Assembly had no influence to urge its views. Should we send home half a quire of paper to meet the active opposition of those gentlemen? It was seen that such a reference would be destructive of what we considered a great public benefit, and the final step was resolved on. We passed an address to the crown, praying for the removal of the Lieutenant Governor. I say to this meeting in all sincerity, if we had not performed that act — if we had shrunk from it — if we had failed in that part of our duty, painful as it was, you might well have scouted us from this hall to-day, and have withdrawn your confidence from those who affected by timidity, or corruption, or ignorance, had failed in so important a point. Why did it become necessary to pass that address to the throne? Lord John Russell in his dispatch said, that not only should the Executive Councillors and heads of departments be subject to be displaced in political exigencies, but that a change in the person of the Governor should be considered a sufficient reason for a change of the advisers of the Executive. Were we not bound, if we could do it in no other way, to get that change, which was so much desired, by effecting a change of the Governor?

Why was it necessary to have harmony here between the Executive and the Legislature? We passed recently £45,000 for roads and bridges, and in whose hands was it placed? In those of men who condemned and opposed the House. The whole details were to be carried out by those over whom there was not the slightest influence. Another reason why there should be harmony, and why the government should be made to satisfy the people was, that all the appointments of the country were entirely distributed by the Council. These ran through the whole country, and how could there be satisfaction, quiet, or peace, in a Province so situated? I may be asked what was the exigency respecting the civil list and the judicatory? why were we not contented with what was obtained? I will explain the nature of those measures. The expenses to be effected by these bills amounted to £7,600; by the bills passed by the House and rejected in the Council, the ultimate expenditure, after the death of the incumbents, would be £5,300. The main object was to effect a saving of £2,300 — a saving to the country, but not to the party who ruled the country; it would take that amount of patronage from that party who pretty much relied upon patronage to support their cause. To reduce the power of ruling in

that way, was to reduce the power of influencing the leading minds. While the House were endeavoring to effect this saving, and to secure the casual and territorial revenue to the country, who were endeavoring to increase the expenditures? The salary of the Master of the Rolls a few years ago was £600, but the casual and territorial revenue was in the hands of the crown, and the salary was now £812. During last year several small sums were tacked on in that way out of the revenue, which, if repeated to the meeting would make them laugh. Another curious matter happened during the year: formerly all the public officers were paid in dollars at 4s. 4d., but they now contrive to get paid in sovereigns at 25s.; so that in that way, every salary settled on the casual revenue, was increased £9 10s. per cent. How did it happen that while the House struggled for reduction, every salary had been thus raised? Where was the influence to accomplish this increase? These were some of the accidents, so many of which, occurring within the last four years, made us believe that they were not accidents, but were done on system.

Before the final address passed, the two bills had been destroyed. Had nothing more been done? If nothing more had been done, I am not satisfied that that address would have been urged. But new appointments were made. I may be asked, are they not respectable? I answer, many of them are. Most of the gentlemen appointed in town I have known from boyhood, and I would be far indeed from saying a disrespectful word of any of them. Who was taken from Cumberland? A gentleman who, at last election, opposed both members who represent the county. Is that fair? Shall appointments be taken from the minority in the country? Would the town sanction that? Who had been taken from Yarmouth? A respectable and wealthy, and, I believe a good man; but one who, I understand, will act with the party that oppose the three gentlemen who represent that county in the House. Is that fair? Is that the way to make the House and Council harmonize? There was one other, and heaven knows, I wish that it had not been made. Who was the other person appointed? I will say nothing offensive about him, because he is not present; but it may be sufficient to say, that he was the delegate of the Governor and Legislative Council, sent to oppose the House of Assembly. Why was he elevated? After losing his seat in the House of Assembly, or having a hard contest and not much chance of winning it, he was appointed to the Legislative Council, and sent to England to oppose the views of the House, taking his share of the £1000. He had been sent home to oppose the wishes of the country, and was then sent out to govern it. All this was done before

the Assembly's final address passed. Was there any other step that the House could take? I address myself to the calm minds of many whom I see before me; many also who may not agree with me in political opinions on some points; and I think they will retrace any steps they may have taken on the subject, if I show them that there was no other resource left to the House. Could nothing else be done? Yes; we could stop the supplies. I put it to you to say whether it would be better to stop the circulation of £60,000 or £70,000 throughout the country — to leave the schools, and roads, and bridges to go down, and suspend the salaries of the public officers who depended on the vote of the House, or to take the step which we did.

Which would be the wisest course; to occasion distress and confusion, or, by a simple resolution, to desire His Excellency's recall? I believe that if the Governor himself was left the choice, — I think I know enough of him to be able to say, — that his decision would be, Do not injure the country to carry a public measure, pass your censure on me, allow me to pass away, let some one else come in my place, and quietness be the result. Another reason why the House did not like to stop the supplies was, that that was the Canadian remedy; — and its results were confusion and wretchedness. In acting as the House did, what example did we follow? That of a country that could not be charged with disaffection, — the example of our sister province of New Brunswick, whose people are of well-known loyalty, and who have never forfeited their allegiance to the throne. Persons complain that the language of the address is strong. I admit that those who are out of politics, who are in the quiet walks of life, may measure their expressions at all times; but some allowance should be made for those who are engaged amid the warmth of political struggles, if, at times, they put rather too much animation in a public document. I do not admit that that was the case in the instance before the meeting. What was the language of New Brunswick to Sir Archibald Campbell? They, like us, never got satisfaction until they declared their want of confidence in their Governor, accomplished his removal, and procured another in his place. I will read to the meeting what the Legislature of New Brunswick said: "*Resolved*, As the opinion of this committee, that in thus disobeying the commands of His Majesty," — in New Brunswick, as here, the home government was with the people, and the Governor was against — "and in placing himself in direct opposition to the recorded opinions of the Legislative Council and Assembly, His Excellency the Lieutenant Governor, and a majority of the Executive Council, have entirely forfeited the confidence of the country." That was the step the sister Province

took, to get rid of those who would not carry out the policy of the home government; that was an example worthy of Nova Scotia, and which she might be proud to follow. Suppose we had not done so, Sir Colin Campbell might remain for a considerable time, or another Governor would come to fall into the same hands, and pursue the same policy. While on this part of my subject, I will allude to a charge in the last Recorder; I have the passage here, and will read it to the meeting. "The measure was concocted by three individuals. Such an address could only have been instigated by personal feelings, &c. It was well known by every member of the House, that His Excellency had received an intimation from the home government, that, as he could not consistently and conscientiously carry out the principles by which, for the future, these Colonies are to be governed, his services would no longer be required." A charge of personal feeling is there made against some three persons, who are supposed to have prepared the address. Before this meeting I plead guilty to the composition of every line of it. Most of it had been prepared without any consultation; and it was then submitted to a committee of seven or eight members, when some slight and mere verbal alterations were made. I take the whole responsibility myself.

On this point I will state before the public, that two days before the address passed, I had a full conversation with the Governor on the subject. I stated to him what the probable result would be, and he never intimated that he had been or expected to be recalled, and I do not believe that a single member of the House had any intimation that that was the case. We knew that his term of service had expired, but we also knew that so long as a Governor goes on pretty quietly, and there is nothing better to offer him, or he has nothing better in anticipation, he is often allowed to remain. There was no such information, as that alluded to in the paragraph which I have read, before the members of the Assembly, and I deny the statement *in toto*. What, I may ask, was the nature of the censure passed? It was said to be an insult to the Queen's representative and to the Queen herself. What was the censure? It declared that there was a want of confidence in His Excellency's policy, that, as far as the Assembly could perceive, he was a Tory, and would not carry out Whig policy in the Colonies. Had the House used opprobrious language? had they called the Governor a tyrant? had they given him a personal insult? No such thing; they passed a political censure on his political conduct, complained of appointments connected with the welfare of the country, and asked to have him removed. The request was not on personal feeling, but for the purpose of effecting a change of policy.

I have been pretty sorely tried in public life, but I declare that the severest trial of my life, that which most agitated my bosom, and weighed on my spirits, and caused me the keenest pain — that which I would most gladly have put aside and avoided, was the moving and advocating that address. I felt pretty much as a soldier would, who should be called out on a firing party, to shoot a man who had been impelled by circumstances and bad advisers into crime. I felt, although compelled by the Constitution to take the steps that were taken, that His Excellency was surrounded by persons who were more to blame than he himself was; and if ever I performed a task with a heavy heart, it was that. While I state this for myself, I know that I can absolve others from all malignity in the matter; as far as I know there was no personal feeling mixed up in the question. Having performed that painful duty, I and my colleagues, and the country members who voted with us, felt that all that could be done was done, and that the question was now to be tried out by the people, — not by addresses — in England they were too much accustomed to addresses on every side, to value them very much; not by one-sided meetings of those who had made up their minds, — but by the general elections of the Province.

I now appeal to you, — I put the matter in your hands, to say whether we have done right or wrong. I am not without some suspicion, however, that some of those who formerly manufactured members for Halifax, have seized on the censure as affording the means of commencing an electioneering campaign. They may sympathize with the Governor; but the chief sympathies of some of them are for the continuance of the system which he helps to uphold, and which a new Governor might help to destroy.

I was disposed, gentlemen, to be done with political agitation; I thought it was unnecessary; but I heard of the meeting on Saturday, by a notice which precluded my attendance. It called those only who concurred in condemning certain conduct of the House, and to go there, and appeal to a meeting of one side only, would be ridiculous. I thought that the better way would be to assemble the whole community, and an invitation was given to all. Those now around me are the wealth and sinew of the community, many of whom are opposed to me in politics. I hope there will always be some little difference in the community, — opposition is useful for the eliciting of truth. I did not attend the meeting on Saturday, but the reporter was there, and I hold in my hand a list of the chief movers and speakers, and an authentic report of the speeches. The first speaker is Mr. Deblois; that is all very well; he, however, should have recollected that he was the *rejected* of Halifax.

Mr. Deblois. I was not the rejected. I did not offer a second time. I would not do so.

Mr. Howe. I thought the honorable gentleman had offered, and as I mistook, I beg his pardon. In the Vice President's chair was Mr. Justice Keith. I have no objection to that, and have only to say that I like his ale better than his politics. Then my worthy friend Major Fairbanks appeared as a prominent speaker. That was all right enough; his brother was one of "the glorious minority," and it was only fraternal of him to cover his retreat. The speech of Mr. Fairbanks admits that the Assembly were right in all their proceedings, except in asking for the remedy which was to crown all. The Hon. Mr. Wilkins was also one of the speakers at the meeting, and his speech was respecting the notice by which it was convened.

Mr. Wilkins. I thought the notice a proper and right one. The subject had been discussed, and it was a sensible thing to call a meeting of those who were opposed to the Assembly's address.

Mr. Howe. Although the honorable gentleman is not among the people of his own county, he is among persons who respect his manly character. I must say, that I wondered to find him, the ex-delegate, who owns no freehold in this county, taking a part in a Halifax meeting. I meant, however, to compliment him when I came to his speech. Mr. Smith was another of the speakers. That gentleman is a lawyer from the West Indies. I admit the worth of Mr. Smith. I believe he is a gentleman, in every sense of the word; he is a fine, manly lawyer; he has embarked capital in the country, and none could complain of his taking a part in the proceedings. But I thought it was a good joke, to have a lawyer come from a slave country to teach the Blue Noses liberty!

Mr. Smith. I attend to-day although I am not a freeholder, and I trust that I will get an opportunity of answering, when I will give as good as I get.

Mr. Howe. Certainly; and it will be no wonder if I get as good as I give, for the learned gentleman has had much more practice than I have had. He seems to have decided, because the Blue Noses have more liberty than the slaves had before he left the West Indies, that they should be content and think they had enough. Among the other speakers, I found one of His Excellency's Colonial aids-de-camp. That was well enough; but it seemed rather a queer way of getting an expression of the public opinion. In short, I found that nearly all the leaders and canvassers, in one way or the other, had some reasons for pretty strong feelings on the subject.

Mr. E. Cunard, junior, said that he had not said any thing which was incorrect.



Mr. Howe. I never heard any thing unhandsome of the gentleman, and I do not intend to say any thing to that effect.

I now come to the nature of the speeches that were made on the occasion. Mr. Fairbanks said he was pleased to find on the part of the Assembly and the people that they were disposed to get every privilege and control, which was rational and right, over their own affairs; that the proceedings of the Assembly were correct on those matters, and that he did not approve of some of the appointments. That is pretty fair, and I am glad to find such opinions spreading in the community. Mr. Fairbanks then went on to say, that when he found that the "representative" of the sovereign had been attacked, he dissented. But it should be recollected that it was because the Governor would not represent the sovereign, that he was attacked. The minister in the House of Commons, represented the sovereign to a certain extent; and what delicacy was felt at attacking him? It was this final step that Mr. Fairbanks disapproved, and he said that he did not wish to go into the general character of the representation. He then remarked that if *they* did not like them, *they* could turn them out; — applause followed that remark; or, if *they* did like them, they could keep them in; after which was a laugh. Now it is just possible that *you* as well as *they* may have something to say in these matters, although not at this meeting. I do not say what prospect or probability there is, but I am willing to take my chance, and *the laugh* may be on the other side by and by. The grant of £100,000, which was placed at the disposal of His Excellency, was adverted to. But how was the House situated at that time? They placed the money in the hands of His Excellency, — not in those of his Council, — because it was felt that there was no control over them. But was any member satisfied with such a vote? Were any of you satisfied that money should be put into the hands of any public officer over whom there was not proper control? There was no other mode at the time, and the people showed what were their feelings by the sacrifice which they freely made. Mr. Fairbanks said that the Governor had been censured because he did not read the dispatch as some of the members of the Assembly did. But we read them as the Governor General, and Lord John Russell, and Sir John Harvey, and some of the most talented men in the minority, read them. It was then said, in Mr. Fairbanks's speech, that the Governor "had a right to read the dispatches as he thought proper." That right, however, was a question. My friend, Mr. Fairbanks, is an agriculturist. Suppose he should write a note to his gardener, and tell him to plant peas in a certain spot, and that he found turnips coming up instead, he would say, How came you to make that mistake; could you

not read my note? The gardener might answer, Yes, I read your note, but I had a right to read it in *my own way*. It was then said, that we had no right to think that the mother country wished to oppress us. We never thought she had any such wish. Again, the meeting were told, that if the House were dissatisfied with the appointments they might "wait for others." That was one way of accomplishing matters. Suffer situations to be filled up by hale, hearty young men, and then wait, having only the same chance at their falling off that there was before.

I observe that Mr. Smith finds fault because we censured His Excellency for one act, and says that we kept grievances out of view. The reason was obvious; they had been stated in other addresses, and the recapitulation and answers in this, would make it too long. I dare say, however, if I sat down to write by the yard, it might have been much longer. If the learned gentleman would take up the debates and addresses of the last three years, he would find them stated at length. He then inquired whether the Governor should "be obliged to select members of Council from the House?" We did not contend that all should be so selected, but that two or three should be taken from it; two from the Legislative Council, two or three from public offices, and two or three from the community. But we also contended, that if members were taken from the House, they ought to be taken from the majority, — not the minority. In urging these matters, we only urged what was within the practice of the mother country. It appears, also, from the report, that the learned gentleman said, that the Assembly wanted "to uproot the Constitution of the country." I do not know whether that language was used. The reporter is generally correct; and I only remark on it, that what we want is to establish a Constitution for the country, which has none, except that tendered in Lord John Russell's dispatch but withheld by the local government. We have been living under a chance-medley system; governed by dispatches, under which the people had no power or influence on the local government. We want a system that will make the path to eminence open and free, as in England, where one man's son has the same chance, according to his abilities, as the child of any other man; where there is no combination among a few, to keep all the rest out. Every boy of good sense, and talents, should have fair play to rise in the councils of his country, and take that part in them for which he was fitted by nature and industry. The learned gentleman then spoke of the fluctuation of majorities, but all that was well known. Suppose the majorities here were not formed precisely as they were at home, they were on as good a basis, — on those who owned property. The majority of the Assembly were formed on a free

open franchise, given to a constituency which could be well trusted with the power. To be told that the majorities of to-day might not be the majorities of to-morrow, was news to Nova Scotians. It was well known that majorities fluctuated under the present system; but let that which was sought be established, and the same consistency would be found here as at home. Majorities fluctuated there, and would here, but the constituency would remain. The inquiry was then made, whether any people could be so governed? and the meeting were congratulated that they were not a people without a head. A people without a head indeed. I sometimes have fancied that I have seen an individual without a head,—at all events, a head which could take in sound arguments. I do not say that that is the case with the learned gentleman; but I have seen such things before now. Again, it was said, in no instance was a specific charge brought against any of the Council. Why, we charged them all, and they cried out, “Do not attack us; attack the Governor. We have nothing to do with it; he alone is responsible.” Under such a system, what could be done? The only course open to the House was that which was taken. Again, it was said to be hard to condemn those who had been appointed, without knowing of what they were guilty. But we could act as the meeting of Saturday had done; they condemned the House for what they knew of it, and the House condemned the appointments from what we knew of the party. There are a number of them on whom I could make observations, because my object is to show that the premises being wrong, the conclusions are incorrect; but time will not admit. There is one passage on which a few words must be spent. The learned gentleman said that our address was an insult to the Queen, and that we insinuated resistance to the mother country. The man who could pick that meaning out of such a document as this, has either much better eyes, or better imagination, than I have. I may read a few passages of this abused address, to show to the meeting how we have insulted and threatened. [Mr. Howe here read the concluding paragraphs of the Assembly’s address, making comments as he went on.] I ask the meeting, where is the threat in any of these passages? Why did we allude to governing by the affections? Because Lord John Russell’s dispatch declared, that the Queen “relied on the affections” of her Colonial subjects. What was meant by resistance by constitutional means? The means of this meeting; by the power of speech, and the action of the pen; by the vigor of Nova Scotian intellect operating on the Councils of their own country and on those of the mother country also. Did the address say that we were going to agitate for any thing that was not within the limits of our

legitimate privileges? No, we only sought that which we were entitled to under the Constitution which she gave to the Province. It might be said to be wrong even to talk of this kind of resistance. But how had Catholic emancipation been carried? By a population who created a state of public opinion that forced the change. Slave emancipation had been effected by the population urging the measure, within the limits of the Constitution, until the government was compelled to yield to the demand. Did they resort to physical force, or go beyond the Constitution? No. And are Nova Scotians to be tied up within narrower limits? Are we to be afraid of opening our mouths? Must we hush our complaints in "the bondman's key?" You may be chastened down to that; but, as far as my influence goes, it shall be after I am dead. I have thus got through that rebellious document, and shown to you that there is not a line of it that a Briton might not write in the presence of the Queen herself,—that the language is not stronger than was required,—not stronger than was used in New Brunswick. I may say, that in performing our duties, we never overstepped the boundaries of what you gave us in charge. I did intend to have commented on some other matters that occurred, but as I have occupied so much of your time, and as some feelings with which I commenced have passed away, I will hasten to a conclusion.

Having given a fair candid argument on the merits of the case before the meeting,—having reviewed the arguments that have been brought against the House of Assembly, it is for you to consider what is finally to be done. The question is not to be settled by meetings of one kind or the other: as the former meeting had been called we could not well avoid calling this, but I regret that both have been called. One effect of them will be the holding of public meetings throughout the country, that impotent attempt to put down the Legislature, will run like wild fire and arouse the indignant feelings of the population; they will declare that they are not to be controlled by any two hundred or three hundred persons assembled in this town, and they will say this by an expression of feeling in their own districts. Suppose I choose to call meetings in the country parts of Nova Scotia, what is to prevent me? This point reminds me that in passing over the remarks made by Mr. Wilkins on Saturday, I did not do him justice. When some at the meeting wished to make it appear not to be one-sided, he said that it was, and that there ought to be no mistake about it. That was the manly way of opposing a party. I now however, as he has entered the arena at Halifax, challenge him to convene the County of Hants under his parlor windows, and if I do not get a majority there to support the

House of Assembly, then I will say that I do not know the independent yeomanry of the county in which he lives.

Mr. Wilkins. I did not make use of the expression to cast any reflection on the meeting — I approved of it.

Mr. Howe. So it is stated in the report. I would not do the learned gentleman any injustice; I respect him too highly; I respect any man of fair and open conduct. But I say to those who pride themselves so much on the meeting of Saturday, that if meetings were called in the seventeen counties of the Province, I believe that in fourteen of them the policy of the House of Assembly would be supported; and if it were necessary that these county meetings should be called, there would be no doubt that they would result in our favor. Was it wise, then to disturb the country by such a manifestation? I do not think it was wise to agitate the subject more than was necessary, but the object of the meeting was to turn out the representatives of the town and county. Some hints of that kind were given, and if that were avowed, the mode would be fair and manly. But suppose that the whole of us should be turned out, and that four were put in to represent the opinions of the Saturday's meeting, what then would be the effect? I have made a calculation of what I believe to be the real state of the country; I may be mistaken, but I believe that the result of all the elections will be to give thirty-four in favor of the principles of the present House, and fourteen or sixteen against them. It is for you to make your choice. Will you send representatives to sit in the majority or the minority? When the time comes, the constituency, I take it for granted, will express their opinions openly and manfully, and those who gave three cheers for the glorious minority — who did indeed cover themselves with glory — may be at the general election, in a glorious minority themselves. If I am to retire, I have sufficient work to engage my attention; I will retire to my books and my pen, which no meetings can deprive me of, and in spite of any of those, my voice shall still be heard in British North America. If the constituency tell me to go back to the House, I am willing to grapple for four years more with the public business of the country; and if they are required, my best exertions shall be devoted to your service. If they are not, I will employ my energies elsewhere, I trust with advantage to the town and the country. All my aim is to raise the population of my native land; I might have gone over to the opposite ranks, where perhaps I would have been fawned upon, but I long since decided to live among, and act with the great body of my countrymen. I will be fearless and hopeful if baffled, and I hope not too triumphant if I succeed.

I turn to a passage in the report, in which one of the speakers at the meeting of Saturday said, it expressed the opinions of the "respectable part" of the community. I may inquire what is respectability? Is it to be admitted to Government House? [Cries of No!] It is just possible that persons who are not very respectable sometimes are admitted there. My idea of respectability is, that it is founded in virtue, industry, talent, and integrity, public and private. When we are told by the two hundred or two hundred and fifty persons who met here on Saturday, that they composed all the respectability of the town—[cries of "That was not said; it was said *great part* of the respectability." "No." "Yes." Uproar.] I am referring to the reporter's notes, and I find that these often comprise words which the speakers forget, but as the expression is disavowed, I am well pleased, and I believe that there are not many who would concur in it.

It is for the constituency to decide on the subjects which have been brought to your notice. I do not fear the result of their reflections. Those who decided the last elections may, if united and firm, decide the next. That question however, is not to be decided at this meeting, it will be put when the proper time arrives. I have no fears as to what will be your determination; and I know that the fishermen along the shores, who used to be carted up, or shipped in boat loads like cattle, to elections, have become more intelligent than they were; more awake to their true interests, and to the justice of the cause in which we are engaged; and I have no fear of the old influences operating on this class of the freeholders to any great extent. The farmers on the peninsula, and beyond it, are also with the Assembly, and the intelligent yeomanry of the country will be with us almost to a man. That may be too much to say, but when it is said that property is against us, I look to Colchester, and can hardly see ten Tories in the whole of it. In King's also, the population are with the House; the same in Hants, and so on through thirteen or fourteen of the counties. [Cries of "Pietou."] I am quite prepared for Pietou, also. In that county there are about 2000 freeholders. An address recently came down to the Governor with 2,700 names attached to it, another for the opposite side, has obtained about 1,200 signatures, nearly all of them freeholders; so that out of 2000, if the other address is to have weight, they manage to make nearly 4000! That county is well known to be divided into two parties, of nearly equal numbers. At the last election the county supported Mr. Dickson, he carried his election by about thirty, and voted for the address of the House; so that that county is with us, as regards the *last* election, and when it comes to be tried again, we will take our chance of obtaining a share.

In conclusion, I have to thank you for your attendance, and for the kindness with which you have heard me. If I have said any thing which I ought to have left unsaid, — any thing that may be considered personal, unfair, or likely to give offence, I here withdraw it. Several who hear me may have signed an address to his Excellency, supposing at the moment that he had been hardly used, but in your memory can you recollect any Governor or Admiral, who had not addresses got up for him, by some of the leaders of that meeting? Whatever benefit they did those individuals, many of them did not perhaps accomplish much for the community. Whether your representatives acted right or wrong, believe me that they did what they have done with good motives, and that it was the political conduct alone of the Governor on which their censure was passed. I believe in my conscience that, at this moment, Sir Colin more sincerely respects some of those who voted for that address, than he does others who cling around him when they should have left him free, and who now vainly endeavor to defend him. Whether he is to blame or not, Governors come and go, but the Province remains forever. Let us then not be deterred from the performance of our duties, however painful, but go on calmly and good humoredly, reflecting credit on the community by peaceful agitation, until the foundations of the British Constitution are securely laid, and then enjoy happiness under it, neither seeking nor wishing any further change. [Three hearty cheers were given at the conclusion of Mr. Howe's address.]

This was a busy summer for the reformers. Their leader had his hands full. His first duty, after the hostile movement in the capital was neutralized or defeated, was to review the Solicitor General's speech. This he did in two letters, which will be found, among others, in the second volume. They are preserved as specimens of manner and style at this period, but many of the topics discussed have long ceased to interest us.

From the capital, the war was carried into the interior by the supporters of the Governor. Meetings were called in Kings, Cumberland, Yarmouth, and Digby, but the Governor's friends were beaten. Three counties only, out of seventeen, responded to their call. Before midsummer it was apparent that the questions at issue were understood by the country, and that, whatever the decision in England might be, Mr. Howe would be sustained at home.

In May it was announced that Lord John Russell had declined to present the Assembly's address to the Queen, and that Sir Colin would be sustained. In June it was intimated that he was going to England. The excitement all over the Province was very great. Mr. Howe was invited to public dinners in Kings and Annapolis, and delivered speeches upon the topics of the day to large bodies of yeomanry.

On the 9th of July, the steamer Unicorn arrived from Quebec. His Excellency the Governor General came in her, and it soon became known that he intended to assume the government. Being sworn in, he at once proceeded to business. The leading men of both parties were sent for, and their opinions invited. We have often heard Mr. Howe laugh over his share in these conferences. Prior to the Governor General's arrival, he had been offered a seat in Council, upon condition that he would renounce the heretical principles enunciated in his letters to Lord John Russell. He declined the honor upon those terms. On the arrival of Mr. Powlett Thompson, Mr. Howe's pamphlet was put into his hands, as evidence of the utterly absurd views which the writer entertained. On being questioned Mr. Howe offered to read the pamphlet to His Excellency, and convince him that there was not only no harm, but a great deal of good in it; that responsible government was just as practicable in Nova Scotia as in England, and that it was the only remedy for the manifold grievances of which all the Colonies in North America complained. The reading went on. Mr. Thompson was asked to object to what he disapproved. Upon a few points he invited discussion or desired explanations. The objections started were removed, the explanations sought were given, and before Mr. Howe left the room the foundation was laid of that mutual confidence and respect which only terminated a year after with the premature and melancholy death of the Governor General.

Before Mr. Thompson left Nova Scotia it was apparent that the old system was doomed, and that Sir Colin would be removed. Expressions in his reply to an address from the people of Halifax were caught at as negating this presumption, but those who had had an opportunity of discussing politics with



him could not be mistaken in the bias of his mind. What he would report or do, no man knew exactly, but enough was known to prepare us for changes in the right direction.

Lord Falkland arrived in Nova Scotia in September, and was sworn into office on the 30th of that month. Four members of the Executive Council, who held seats in neither branch of the Legislature, were at once informed that their services could no longer be retained; their places were required, that gentlemen who could bring to the support of government popular qualities and influence might be called round the Queen's representative. Mr. Howe was invited to take a seat in Lord Falkland's Council. He consented upon these conditions: that Mr. McNab should go in with him; that a bill for incorporating Halifax should be brought down as a government measure; that other liberals should be drawn into the Executive Council as vacancies occurred, and that all the members should hold their seats upon the tenure of public confidence.

Prior to Sir Colin Campbell's departure, a scene occurred highly honorable to both the parties concerned, and which we record with satisfaction. Passing out from Lord Falkland's first levee, Mr. Howe bowed to Sir Colin Campbell, and was moving on. Sir Colin called to him, and, extending his hand, exclaimed, "We must not part in that way, Mr. Howe. We fought out our differences of opinion honestly. You have acted like a man of honor. There is my hand." It was shaken in all sincerity, and, on the old soldier's departure, a graceful tribute was paid by his opponent to his chivalric characteristics.

We have now to exhibit Mr. Howe in a new character, — that of a responsible minister to a Colonial Governor tolerably ignorant of the new principles he was sent out to administer, and surrounded, from the moment of his landing, by a good many persons not disposed to give them a fair trial. We have hitherto marked his action as a Colonial reformer; as the fearless leader of a progressive party; as a popular favorite, doing battle against the Government. We must now contemplate him playing a new part, with suddenly changed relations to all around him. His difficulties were great. He had to instruct, satisfy, and control

within constitutional limits, a nobleman of his own age, bred in the school where pride and heady impulses are spontaneously developed, married to a King's daughter, and remarkably good looking. He had to assert and maintain, in the Cabinet, the general principles which he had advocated outside; and he had to satisfy the country that he was doing so, and that its interests would not be jeopardized by his acceptance of the seat.

The House was dissolved in October. On the 23d, Mr. Howe addressed a long letter to his constituents. He thus describes the changes which had been wrought by the liberal majority within the four years that they had acknowledged his leadership.

To understand the measures we have pressed, and the changes which have been effected, so far as they touch the general principles of our government, it may be necessary to turn back to the state of things as they stood in 1836. At that time a council of twelve persons, chosen, with one exception, from the capital, formed the second branch of the Legislature, sitting in secret, deliberating with closed doors, independent of the Governor, who possessed no power to add to their numbers, or soften their prejudices, and far removed from the possibility of cordial sympathy or coöperation with the popular branch. These twelve persons also shared among them the whole executive powers of the government. Not one of them was required to appeal to the people, or to secure a seat in the Assembly. They were, for life, the advisers of the Governor, and the rulers of the people, without either possessing the power to shake them off, or to break through the intrigues and combinations, by which, at whatever hazards to the safety of the one or the dignity of the other, they sought to confirm and perpetuate their power.

Mark the changes which have been wrought by the energy of those who have been denounced as the enemies of their country, but whom I cannot but regard as among its most enlightened and steadfast friends. A broader basis has been given to the Legislative Council, which is now composed of twenty members, divested of all but their fair proportion of executive influence; nine of them drawn from the rural districts, and the whole deliberating, like the House of Peers, which they are intended to represent, in the presence of the population, who are now as freely admitted to their debates as they have ever been to those of the Representative branch. If this body does not partake of a still more popular

character, I look to time for the remedy; and, meanwhile, I cannot admit that either my colleague or myself are to blame.

The Executive Council, no longer regarding the Queen's mandamus as personal property, to be held for life, independent of her who conferred and of those for whose benefit it was created, now regard it as a public trust, to be retained only while the confidence of the crown and the confidence of the country sanction the possession; and to be gracefully yielded, whenever the honor of the sovereign and the exigencies of public affairs require a sacrifice of personal influence and feelings. This, I think you will admit, is a fine approximation to the principles and practice of the Constitution, as understood at home; and, as such, it will no doubt be received as a gracious boon from the sovereign, prompted by the enlightened prescience of the statesmen who now direct our national affairs. Six out of ten of those who compose the Executive Council, are members of the Representative branch; once in four years they must come upon the hustings to ask the people whether or not, for another quadrennial term, they shall surround the Queen's representative, and enjoy the highest honors of the country. Here, then, are popular checks, favorable to liberty and good government, unknown to our Constitution previous to the arrival of Lord Falkland, but which make us feel that at last Nova Scotians are admitted to the high political standing of their brethren in the British Isles. If it be asked how are those members of the Executive Council who have seats in the second Chamber to be influenced by public opinion? I answer, when they forfeit the confidence of the body to which they belong, or when no combination of able and influential men, in the popular branch, can be got to act with them, they also must retire, for, from that moment, they cease to be serviceable, and become an obstruction to the government.

But it may be asked, do not these changes limit the prerogative, and weaken the legitimate power of the Queen's representative, so far as to endanger the balance of the Constitution? By no means; the Governor is still responsible only to his sovereign; the patronage of the country is at his disposal, to aid him in carrying on the government; he can rid himself of factious or selfish advisers, by dismissing them; he can appeal to the people, by dissolving the Assembly, and call in the power of the Empire, should the great privileges conceded be abused. That they never will be, in Nova Scotia, I think I may venture to predict; and the highest hope that I entertain at this moment, is, that my countrymen will cordially aid a nobleman who has no other aim than to give them the fullest measure of self-government, peacefully to work out these principles, and to open the widest field for generous and manly

competition, compatible with the preservation of the prerogative and the integrity of the Empire.

Yet, it may be said, admitting these changes to be good in themselves, the agitation of the public mind, in order to obtain them, has done evil. I look abroad for evidence of the truth of this assertion, but confess I am unable to obtain it. It is true that there have been discussions in the newspapers, and in the Legislature, in which both parties to the controversy have sometimes transgressed the boundaries of fair debate, but this is an evil inseparable from all kinds of disputation. There was as much scurrility in the newspapers in the days of Agricola and Lord Dalhousie, as in more modern times; Halifax was as violently divided by Grassie and Pryor's election, which was a mere personal affair, as it was at the last, or is likely to be at the next, by broad questions of public principle; while the Barry riot has certainly been unequalled by any feats of the party who have been urging these improvements during the last four years. So much for the capital; and if we look to the country, may we not ask if an academy did not create more violent parties and bad feeling in Pictou; a dyke in Cornwallis; and a bonfire in Liverpool, than have been aroused by the great question of our day,—whether the executive and legislative branches of a Colonial government should harmonize, or be kept in a constant state of conflict? To me, it is a matter of pure satisfaction to reflect, that by the peaceful agitation of four years, in which, from one end of the country to the other, there has not been a blow struck or a pane of glass broken, great changes have been wrought, and invaluable principles established, for which other countries have for centuries struggled in vain, or have only purchased by civil conflict, and blood, and tears. It is true that the people have talked politics and discussed general principles of government, but all the time they have been rising in the scale of social comfort, and mental and moral improvement. Is there less of intelligence, of wealth, of public spirit, of high moral principle, of a taste for intellectual pleasure, in Halifax, than there was? Is there less throughout the country? No man who knows it will make the assertion. The people read and think more, but they drink and fight less; there is more industry, with higher intelligence to guide it, but less waste, and fewer mortgages and lawsuits; and although I am far from asserting that these contrasts are strictly the results of political agitation, I am happy that the improvement in the character and condition of the people has kept pace with the improvement of their institutions.

We do not know that we have ever seen the views of perfect

religious freedom and general justice, which he had ever inculcated, more quaintly expressed than in a paragraph of this address:—

Upon another topic allow me to say a few words. It has been objected by some that a spirit of hostility has been manifested to the Church. I will frankly explain to you my views and feelings on this subject. The beautiful streams that intersect our country in all directions, roll past the dwellings of Episcopalians, Presbyterians, and Methodists, and shed an equal charm upon their children playing on the banks. In passing by their orchards I cannot observe any richer tint upon the blossoms, or finer flavor on the fruit, of the one than of the other; nor is there any distinction in the verdure with which nature clothes their fields. The mackerel run as freely into a Catholic's or Baptist's net as into any other, and I naturally enough ask myself why, as a legislator, I should make distinctions which God in his own good providence has not made? Nay, why should I not rather remove any which others, with the best intentions but with little foresight and most mistaken zeal, have set up, breeding contentions among the people? I wish to see Nova Scotians one happy family, worshipping, it may be, one God in various modes, at different altars, yet feeling that their religious belief makes no distinction in their civil privileges, but that the government and the law are as universal as the atmosphere, pressing upon, yet invigorating, all alike. To me it is a matter of sincere gratification, that my sentiments are those of Her Majesty's ministers, and of the enlightened statesmen who represent them upon this continent. My wish is, not to injure the Church, but to see it built up and extended by the zeal and piety of able ministers; and my desire to change its political position, extends no further than that of Her Majesty, whom every good Churchman recognizes as its head.

Mr. Howe thus alludes to and vindicates the change in his personal position:—

In expressing my readiness again to accept a seat in the Legislature, let it not be supposed that I have any pecuniary interests at stake. I have never asked for or obtained any situation of emolument under the crown. My devotion to public affairs has hitherto cost something; it has not yielded me a farthing in return. Though I would never waive my right to accept office, if thereby I could serve the government and benefit the country, my own industry has hitherto been sufficient for my

support, and of this you may be assured, that I will never hold any office into which I cannot carry your confidence, and the discharge of the duties of which can, by any possibility, bring me into contact with the true interests of the people.

Having been elevated by Her Majesty's command to a seat in the Executive Council, a brief explanation may be necessary on this subject, and I make it the more readily because I have no secrets to conceal. When the charge of personal ambition has been reiterated, by those who assert their claims to fill every post in the country, by applying in shoals whenever one happens to be vacant, I have often smiled at their modesty, and at their ignorance of facts. Had I sought my own advancement, and not the general good, I might have accepted a seat in Council, in 1837, and held it for life, independent of the people. Again, in 1839, had I abandoned my principles, I might have obtained the vacancy occasioned by the demise of the Hon. Joseph Allison; but to have gone into the old Council, upon the old principles, would have been to deserve the epithets which have sometimes been as freely as ignorantly applied. When, however, Her Majesty's government, by the withdrawal of Sir Colin Campbell, by the retirement of a large section of the old Council, and by the adoption of the sound principles for which the popular party had contended, made such a demonstration as I conceived entitled them to the confidence of the country, it seemed to be clearly my duty to accept the seat tendered by the new Governor, and to give him the best assistance in my power. You may, perhaps, feel that some gentlemen are retained with whom it may be difficult to act, and that others are left out whose services it might be desirable to secure; but the question I had to decide was, whether at the moment His Lordship could do more, and whether you would acquit me of blame if I did less. I was well aware that I ran some risk in changing my position, and attempting to work out new principles, amidst the feelings and prejudices of the past; but my reliance was upon your good feelings and good sense, upon the principles themselves, and upon the enlightened views and firmness of Lord Falkland, than whom I do not believe there is a man in the Province more sincerely desirous that the government should be administered "in accordance with the well understood wishes and interests of the people." In claiming your suffrages, then, as a servant of the government, let it be distinctly understood that I mean to give it a cordial and generous support, so long as I believe it is so administered. To press organic changes further—to cherish feelings which past conflicts have aroused—to contend for more than can, or than ought to be yielded, until experience has demonstrated its absolute necessity, would

seem to be the duty neither of a good man nor of a good subject. That you will approve of the course I have taken — that you will rally around and sustain the government of Lord Falkland, until it forfeits your confidence, I cannot doubt. My belief is, that my countrymen will, by their conduct at this period, prove to their sovereign that they appreciate, and are worthy of the boons she has conferred; and that it will be their pride to show to their brethren at home, and to the surrounding Colonies, that they understand their duties as well as their rights.

Though all the members of the old Executive Council, who had had seats in either branch of the Legislature, were included in the new arrangements, mortal offence was given to the party who had sustained Sir Colin, by the removal of three or four gentlemen of great wealth who had not, and by the appointment of Mr. Howe. On the other hand, several of the leading men in the liberal ranks were dissatisfied because the removals had not been more extensive, and the appointments from that side more numerous. The mass of the population were, however, hopeful and cheerful. They saw that great good had been done, and had unbounded confidence in the integrity and resources of their leader. On the 21st October an address was presented to Lord Falkland by the citizens of Halifax. We presume that it was written by Mr. Howe. Responsible government was then the thought uppermost in every man's mind. Were we to have it, or not, was the question.

Whatever differences of opinion may exist in Nova Scotia, as in the mother country, upon political questions, Your Lordship will find one pervading feeling of loyalty and attachment to Her Majesty's person and government, and a strong desire for a perpetual union with our brethren at home, under kindred institutions, favorable to rational liberty, and having a broad foundation in public confidence. Your Lordship's long connection with those distinguished statesmen to whom the British islands are so largely indebted for the extension of political and municipal rights, and the amelioration and improvement of their institutions, leads us to anticipate that your best exertions will be used to extend their principles and practice to the Colony now placed under your command. Our fervent hope is that your Lordship may succeed in establishing a strong administration, carefully guarding the Queen's prerogative, while consulting the interests and opinions of the people; and that

the sound principles of Colonial government, announced by Her Majesty's ministers, may, by your firmness and discretion, be peacefully developed and generally recognized in this Province.

The answer given calmed the popular excitement, and conveyed to the country an assurance that times had changed, and that a new spirit had been infused into the Executive. Lord Falkland said:—

The warm admiration you express for the Constitution of England proves that the inhabitants of Halifax know how to appreciate, and are worthy of, the blessing to be derived from a similar form of government.

I am anxiously desirous that the municipal rights and privileges enjoyed by the natives of Great Britain, should no longer be unshared by their fellow subjects in this country, who will ever find me ready to aid in modifying or remodelling their institutions, when changes are really required, and may be safely effected; and I trust that a firm and fixed determination on my part to consider talent, industry, and character, as qualifications establishing the most valid claim to distinction and preferment, will secure to the public the services of those best fitted to bring about such ameliorations as may be found practicable.

The success of my endeavors to carry out such improvements and alterations as may be necessary must, in a great degree, depend on the assistance and support afforded me by the people of Nova Scotia. Living under a representative government, the inhabitants of this Province are masters of the means by which British institutions have been attained and matured, under circumstances of difficulty and danger that this country can never have to encounter or overcome; and the acquisition of all that the Nova Scotians can reasonably desire will naturally flow from the wise and judicious use of the privileges of which they are already possessed.

The House was dissolved on the same day, and all parties prepared for the elections. A powerful opposition was organized in Halifax. The reformers prepared to meet it. Mr. Bell retired to make way for the Hon. James McNab, and that gentleman and Mr. Howe ascended the hustings as Executive Councillors, making the declaration, for the first time in Nova Scotia, that they held their places by the tenure of public confidence, and should tender their resignations to the Governor the moment that the support of the people's representatives



was withdrawn. The contest, under the old law, lasted a fortnight, and the four reformers were triumphantly returned for the metropolitan town and county. We had our share in this spirited struggle, having been returned as Mr. Howe's colleague in the representation of the county, both of us by large majorities. When all was over we were entertained at a public dinner, in the Masons' Hall, by a numerous body of our supporters. Mr. Howe, in returning thanks on this occasion, said:—

For this sumptuous entertainment,—for this proud, though perhaps unnecessary display of the talent, and integrity, and public spirit of the capital, now spread before me, I, as one guest, thank you from the bottom of my heart. My own sentiments were common to all your representatives; we felt that this exhibition of your power and feeling was not required; we felt that the gentlemen who had acted on the committee, and those who supported them, had had labor and trouble enough, without assuming more. But we found that the large body in whose hands we had placed ourselves, had resolved to pay us this compliment, and we submitted to your wishes. When I look round on what lies before me,—when I see a table equal to any thing that I have previously seen in Halifax, and surrounded by numbers which exceed those of any former festive occasion,—can I but feel deeply grateful for the exhibition? When I look around the board, let those who oppose us say what they will, I see the stamina of this community, whether I look to wealth, independence, moral principles, or intelligence. If I want men to build ships or rear houses, I find them around your board. If I want men to conduct the mercantile business, or the retail trade, between man and man, I find them around your board. If I want men to bid the canvass of the country float before the winds of heaven, and convey its products to distant lands, I find them around your board. If I want men, who, in the quiet walks of life, teach the great moral principles to their friends and families—if I want men fit to instruct, to support scientific institutions, to refine and stamp a value on education; able to meet the best intellects of the country in legislative debate, or to give efficient advice in the councils of the Queen's representative, and possessing the confidence of the country, I find them around this board. If I want men who rely on each other; who, in private domestic associations, are respected; who cherish their families, and unite to strengthen the moral independence of the frame work of society, I find them around this board. Is it, then, any wonder that I feel myself proud to be among you? is it matter of

surprise that I and my colleagues should feel excited and exalted by the high compliment paid us?

There are many things connected with the occasion particularly grateful to my mind. About four years ago, a number of our opponents met in this very room to charge the reformers of the Province with treason and rebellion. Five months ago, as many as sit here, met for the purpose of denouncing your representatives, and threatened to force them from their seats. If, on either of these occasions, those persons had had the gift of second sight, and could have seen in anticipation, this hour; could have seen the wealth, and talent, and independence which are met here this night, they would, perhaps, have shown less presumption. They who met to denounce us as abettors of treason, would now find that we have Her Majesty the Queen, and Lord John Russell, on one side, and the Governor General, Lord Sydenham, and the Governor of the Province on the other, cheering our endeavors, and saying, Well done good and faithful servants. This change is grateful and pleasing to me and to my colleagues; it is pleasing to some who are not in our position. There are associations beside those mentioned, connected with the occasion. The Great Teacher said, speaking to his disciples, that those who would be honored should humble and abase themselves, and that the highest should wash the feet of the lowest. On this occasion, your late representative, and he who sits beside him in the chair of this meeting, although neither occupying a seat in the Councils of the country, both hold a position, morally and politically higher than any in House or Council. We may well boast, that whether we are called to continue or to retire, to occupy our seats or to withdraw from them, the popular, the liberal party, are ready to do one or the other. There are times when the triumphs of others touch us more sensibly than our own. If I feel proud and honored on this occasion, I feel more so because my enjoyments are shared by the men that I see around this board, who, through evil and good report, when the banner of reform fluttered in the gale, and was often sadly shaken, stood beside the staff, shook the bunting to the breeze, and faltered not in their public duty. There are men here who, in other times and other scenes, would have dared death for their principles, and would have laid their heads on the block rather than desert them. I am proud on my own account, and more so, because these men, who struggled so long and steadily under the flag of freedom, see it at last waving its graceful folds above their heads. I may say, in the words of the immortal bard, "Now is the winter of our discontent, made glorious summer by the sun of Falkland." Having weathered the tempest, we have at last attained that position for the country, which makes it an honor to

be a Nova Scotian, native or adopted. To take one more lesson from the bard of Avon, I would, with old Prospero, here break my wand, cast aside my spells, and be done with excitement; because the times have changed, and peace and happiness extend over the land. I hope to call no more spirits from the vasty deep of agitation; but henceforward to urge you to employ your energies in support of the government of our choice, and for the furtherance of measures calculated for the general good.

Allow me, also, to improve this occasion, by warning you, that you must not, as the friends of liberal principles, expect too much from the government at present established over us. Our duty is, to give to Lord Falkland a generous, manly support; to assist him in carrying out measures which we believe useful, and wait with patience where difficulties arise, and not expect that every thing can be accomplished at once. I would now say, that so long as you feel confident that His Excellency's views aim at the progress of the country and its institutions,—so long as you feel convinced that we are acting zealously in your behalf,—give us credit for good intentions; and where we fail, believe that we have done the best under circumstances, but that difficulties which we could not surmount, intervened.

There was a time, when looking round the community, and the Province generally, only a few could be found who cherished the spirit of reform; but now I feel, that if myself and my colleagues were to perish to-night,—if we had to withdraw at once from all sublunary scenes,—that, although the grass might grow above us, our principles would not die; they are engrafted in your hearts, and in the hearts of your children, and I defy all the cliques and compacts in the world to tear them thence, and prevent them from being preserved and perpetuated in the country. Nova Scotia has a high duty and destiny before her. Looking to her narrow boundaries, you may say that it is a small country, and the inhabitants few; but her influence is wide and important. There is no sentiment uttered here to-night, which, in ten days, will not be read on the shores of Lake Ontario. By such means it is, that this little Province has more influence and power than could be imagined, looking to her geographical extent only. She has an influence in New Brunswick, in Prince Edward Island, in Lower and Upper Canada; and my pride and hope is, that we shall make Nova Scotia, by her loyalty, intelligence, and spirit, as it were, a normal school for British North America, to show how far British liberty may be assumed in a Colony, and at what point it should stop, and the people be content. My own belief is, that by the change which has taken place in our Constitution, and by

your intelligence and virtue, we may become a wholesome and bright example to all our sister Colonies. You gave the health of a nobleman whom I was proud to see remembered. I allude to Lord Sydenham. To his penetration and firmness we owe the changes which have recently taken place, and we cannot make a better return for the favors conferred by His Lordship, than by throwing the influence of Nova Scotia into the scale of Canadian politics, strengthening his hands, and giving the principles we value a wide circulation, until, in the language of the toast, Great Britain "sees her fairest features reflected in the western wave."

The elections throughout the Province were most satisfactory. All the members of the Executive Council were returned, but at the same time there was a very decided majority of liberals sent in to maintain the ground that had been won, should there be any disposition to go back to the old principles of government.

On the meeting of the new House Mr. Howe was elected Speaker, beating Mr. Uniacke only by a majority of two. This triumph was great, though the majority was small. For a self-trained man, having sat but four sessions, to spring into the Speaker's chair over the heads of four or five professional, and many older members, was a novelty in those days. Some of Mr. Howe's ordinary supporters did not vote for him, however, sincerely giving the preference to Mr. Uniacke's admirable qualifications, or doubting the extent of their leader's knowledge of Parliamentary law. It was not at the moment perhaps very great, but it was not Mr. Howe's habit at that, or at any time, to want what could be mastered by industry and research. He studied Hatsell, and the best authorities diligently, and we do not remember, during the two years he occupied the chair, that his decisions were ever disputed.

Both candidates were members of the Executive Council, though neither held any office of emolument under government. In England the Speaker is a member of the Privy Council, but not of the Cabinet. It was clear, therefore, that if we had a Cabinet, and as yet the development in that form was sufficiently obscure, our practice at this time was not in strict accordance with that of England. The discrepancy was pointed out, and Mr. Howe at once said that "if the House,

by resolution, should say that the offices were incompatible, he would be prepared to vacate one of them." This was never said. A resolution was submitted, but withdrawn after debate, the majority being reluctant to lose Mr. Howe's services in the Executive Council at that period, or to deprive him of a distinction fairly won by popular election. The practice has since improved. As a Cabinet, including heads of departments, has become a recognized institution, the Speaker of the Lower House is generally a prominent man, friendly to the administration, but without being a member of it.

On the 11th of February, the House went into committee of the whole, when Mr. Howe and other members of Lord Falkland's Council made their explanations. These were given in various forms of phraseology, all parties naturally feeling that they were trammelled by the past and touching on tender ground. All the members of Council in the Lower House, however, frankly acknowledged that a great change had taken place. That the members of administration, brought together by the force of circumstances, which had rendered a coalition desirable if not inevitable, were henceforward to hold their seats not by the life tenure, but by the tenure of public confidence. That they were to prepare measures in the recess, and submit them to the Legislature, taking the responsibility of failure or success. That the Governor could free himself from any unconstitutional pressure by demanding their resignations, and that the House might at any time assert its power by resolution, and compel them to resign.

Had the explanations in the upper branch been equally explicit and satisfactory, much suspicion, irritation and subsequent conflict, would have been spared. But they were not. In a debate, which occurred there on the 17th of February, Mr. Wilkins made a curious speech, in which, after describing the sort of responsibility contended for by the House in its resolutions, and by Mr. Howe in his pamphlet, he denied that any thing of the kind had been conceded. "He did not believe that the Province had obtained the English Constitution, or that it could be obtained."

The Solicitor General, Mr. Johnston, made a still more per-

plexing and unsatisfactory speech. After tracing downwards the series of measures that led to the recall of Sir Colin Campbell, he said:—

The point at issue was not the mere mode of constructing the Councils, it was direct responsibility; the forcing of that principle on the representative of Her Majesty. The next inquiry was,—in what position were the political affairs of the Province at the present time? How far had responsibility been conceded?

In point of fact it was not the intention to recognize the direct responsibility which had been developed in the address. To concede such would be inconsistent with Colonial relations. The Governor was responsible to the minister, who was responsible to the crown and Parliament. If responsibility had not been conceded what had? He felt in attempting to answer that question, that the subject was incapable of exact definition. The responsibility at home had grown up from circumstances. No statute or resolution contained any clearly defined limits of the powers of Lords or Commons. The Constitution of which British subjects were so proud, depended on the operation of principles reduced to practice, regulated, not by defined rules or statutes, but by the good sense and intelligence of the people. If the prerogative pressed hard, it met with a counterbalancing check; if the claims of the people pressed on the prerogative, opposite checks were called into operation. The principles were undefined, but adapted themselves to public exigencies. So should it be here, and everywhere, where it was desired to have similar results. The moment attempts at defining were made, principles difficult to be controlled and calculated to cause dangerous conflicts would be called into existence. They should be allowed to operate practically, regulated by the good sense and good feeling of all the branches. Direct responsibility was inconsistent with the circumstances of the country. What were the characteristics of the great country to which the Province belonged, and which possessed responsibility? The orders of society there were various and well defined. There were the manufacturing, agricultural, and monied classes; and popular feeling was modified, and undue claims repressed by the operation of those classes one on the other. The Province was in very different circumstances. Excepting the large towns, the whole country was united in feeling. None were much elevated above others, all had nearly the same interests; and if direct responsibility existed here, and undue power were sought, corresponding checks would not appear. The whole pressure would come on the crown, and a collision between the people and the government

would be produced. Independent of Colonial relations that responsibility could not be safely possessed.

The changes could not be defined in specific terms. It was not a change of the Constitution as had been said elsewhere. The three branches continued as before; the change simply was, that it became the duty of the representative of Her Majesty to ascertain the wishes and feelings of the people through their representatives, and make the measures of government conform to these as far as was consistent with his duty to the mother country. This was not to be effected by any declaration that he should do so; not by any power of the Assembly to say that it was not done, but by calling to his Councils individuals possessing influence in the Legislature, who might advise measures that would secure confidence and harmony. Supposing they did not command the confidence, was the Governor bound, at the bidding of the people, to change his Councils? If that question were put in writing it would receive a negative from the home government. Yet who but would say, that in the present position of the Executive, some such power existed. If the Assembly passed such a vote, a Governor would do more than inquire whether that was the fact; he would ask the grounds of it. If he found those sufficient he might feel it requisite to make such changes as would comport to the general well-being and cause harmony; but if he found the complaint not of that character, it might be presumed that changes would not be made, but that he would appeal to the people, place himself on their good sense, and ask would they return men inclined to perplex and harass and make unreasonable claims.

He [the Solicitor General] could not lay his hand on any theoretic change. The system was not that sought last year by the action of the Assembly on the vote of want of confidence. Lord John Russell by his dispatch refused that form of government; and he [the Solicitor General] could not but retain his opinion that the Assembly then was pressing for principles that could not be wisely conceded.

The power of the Executive Council was, heretofore, very indefinite. How far they would be now considered responsible would depend on the discretion of those who administered the government. The Governor would take their advice when he considered it expedient to do so, and he would think it expedient in most cases, or they would be placed in difficulty respecting measures which were beyond their influence. Nothing would more tend to preserve the harmony desired, than that the responsibility of measures in the House of Assembly, should be thrown on the Executive Council much as possible. They should have the burthen

of as much responsibility as consisted with the exercise of the duties of government. They would thus be more at liberty to vindicate than they could be if advice had not been sought and taken.

Mr. Stewart, another member of the government, declared that —

No change had been made in the Constitution of the country, and the principles of responsibility had not been conceded. Responsible government in a Colony was responsible nonsense — it was independence. If the responsible government aimed at elsewhere, supposing the debates were reported correctly, were granted by a minister, he would deserve to lose his head. It would be a severing of the link which bound the Colony to the mother country. The recent changes infused a principle into the government, which conveyed by practical operation privileges not hitherto enjoyed by the people. It was not responsible government, however.

These speeches, whether so intended or not, created at once very great distrust in the House and throughout the country. It was evident that either the speakers did not understand what had been acquired, or that they desired to cover their retirement from ground that was untenable by showing that it was of no value. A section of the old liberal party had, from the commencement of the session, shown symptoms of hostility to the government because it contained so few members from that side, and because it could not pledge itself [being restrained by a dispatch from the Colonial Secretary] to adjust the civil list. Between his new colleagues and his old friends Mr. Howe had, during this session, his hands full. His first care was to reiterate and define the principles upon which the administration had been formed, leaving those who ventured to gainsay them their option, either to retire from the Council, to acquiesce in his definition, or to demand his retirement. On his attention being called to the speeches made in the upper House, Mr. Howe said: —

That he cared not what had been expressed by others in other places, and he could only consider that the reporters had reported what could not have been said; but if any man in the Colony, in that House or the other, said that there was no change in the Constitution, the person so



speaking would not state what was the fact. If it were denied that the administration, and every administration to be formed in the Province, depended on the confidence of the popular branch for support, the denial was contrary to the fact, if the popular branch was true to itself. It was not a matter of taste or opinion, when the House passed a vote of censure, whether the Council should resign or not. It might be matter of taste with the Governor whether he would dissolve the House or change his Council. The members of that body would have no taste or discretion in the matter; they were bound to tender their resignations, and if they did not do so His Excellency would send for them in half an hour.

A few days afterwards he spoke for two hours. He said:—

One impression which had gone abroad from another place was, that he, as one of the majority of the last House, was anxious to establish a form of government characterized under the term Responsible Government, which had been described as responsible nonsense, and which differed widely from the system now established. Other views were also given of the objects of that majority. In his place, that day, in behalf of that majority, he demanded proof of the assertions. In no document, issued from the last Assembly, were the words responsible government once used. The very form of government which that majority pressed for, was the precise form which had been obtained. He held the report of a debate that had occurred elsewhere in his hand, and there it appeared, that the majority had been charged with striving after some chimeras described as *direct responsibility*. The fact was, that the responsibility striven for they had now secured. A vote of that House, now, might place the Governor in this position; he should discharge his Council, change his policy, or dissolve the House. That was the system which every man of the majority had in view, and it was truly British. Sir Colin Campbell would do neither of the three. He evaded the dispatch by which the new policy was announced. His Council would not resign; he would not dismiss them; he shrunk from dissolving the House, and finally, all parties in the Colony shifted the responsibility off their own shoulders to those of the Secretary of State. That system was at an end. The responsibility now rested on the Governor and his Council, and whether it was called direct or indirect, it was sufficient to insure good government. The direct responsibility which he, as an individual, contended for, had reference only to local appointments throughout the country. That opinion he yielded, as an individual, to the better judg-

ment of the Governor General. The Governor, as the Queen's representative, still dispensed the patronage, but, as the Council were bound to defend his appointments, the responsibility, even as regarded appointments, was nearly as great in the one case as in the other. He made these statements, in order that the country might be set right, and his own public character vindicated.

With the refractory members of his own side, he remonstrated with equal sincerity. He showed them how much had been gained; how impossible it was, when general principles had been yielded which secured to the people the right to mould and control the administration in all time to come, when four or five gentlemen had been removed, and the conduct of affairs intrusted only to those who had seats in the Legislature, that he could continue a course of fruitless opposition, or refuse to give his counsel and aid to the Queen's representative. He showed that he had twice refused seats in the Executive Council because the principle of responsibility had not been conceded, and that he had urged the Governor General to leave him out of the new arrangement, pledging himself to sustain the administration if Mr. Huntington and Mr. Young would go in. A single passage will show the tone assumed towards his old friends:—

What position should the members of the old majority have taken up? Their principles had been adopted; they had shown their power by the choice of a speaker; they should have kept a united front, supporting the government cordially, but stimulating or checking it as circumstances should warrant. He did not think that their duty was to create the kind of opposition which had been attempted, and defeated from time to time, and which he was sorry to observe. Their natural position was proud and honorable, and they should have taken it up with dignity, and maintained it with discretion. They had gained many concessions from the mother country, had made a fair, honorable arrangement; they stood on high ground, while their opponents had but saved their honor. Thus all were enabled to combine and carry forward the improvement of the country. He should be sorry to part company with old friends; they could do most good when together. While they acted with him they had advanced on from triumph to triumph, but, within the past fortnight, they had fallen from defeat to defeat. They should, according to his view,

have taken a different position, should have supported the government as established, giving it a fair trial, and should have gone on developing and working out their own principles, so far so was consistent with the circumstances of the country. Thus they would have formed a wholesome check on the government, if that body faltered in its duty, and would have held a position of weight and dignity. Would he, as a member of the Council, have had his hands strengthened or weakened, by his friends occupying that position? By doing so, they would have remained united, and instead of showing the disunion and weakness which had lately marked their acts and councils, been powerful for good or evil, which they were once, and would have continued, had they followed the course he had indicated. If they had done so, would the government have denied them their just influence, as opportunities offered?

The effects of this speech were seen on the division, a motion, intended to embarrass the government, being sustained only by a minority of six. A generous support was given to the administration during the remainder of the session, and some valuable measures were passed.

Among these, was a Bill for incorporating the City of Halifax, which had been carefully prepared during the recess, and was brought down from the government. It had the support of its members in both branches, and was passed by large majorities. It was the first fruit of the new system, and practically illustrated its value. Two years before, one of the fiercest battles that we ever remember to have seen in our Legislature, in which personal collisions were hardly avoided, ended in the defeat of a Bill to incorporate Halifax.

Mr. Howe, during this session, made an attempt to introduce into this country the New England system of free schools, supported by assessment. No measure was brought down, but the opinion of the House was tested by an amendment, moved on the ordinary School Act. Public opinion was not prepared for this important change, and the proposition was negatived by a large majority. His speech, on the occasion, is preserved.

Mr. Howe said that he felt it might have been expected, that he should have given some notice of the subject thus introduced; but, as he was in the chair, he could not do so when the report of the committee

was brought in, and he had not the opportunity in a subsequent stage. He considered that as the question was likely to be raised, whether or not common schools should be supported by assessment, every member would have the privilege of expressing his opinion on the matter. He felt deeply interested in the question, and was anxious to get from the House a sanction of the only principle on which the Province could found general education.

Some questions were so broad in their base, so elevated in altitude, and involved so much of the dearest interests of the whole people, that they were raised far above faction and party, and required the calmest and gravest consideration of every member. The subject then before the House was one of these; and, beside the deep attention which it required, every one should feel the great responsibility which it imposed. The subject of education, in a Province like Nova Scotia, was one of the most important which the Legislature could be called to consider. Compared with it, questions of roads, and of fisheries, and of politics, sank into insignificance. Or, as the member for Yarmouth, who sat beside him, had just suggested, these were all absorbed in the other; for, if the people were intelligent,—if they were educated,—they would not be without the means of raising money, of making roads, of forwarding enterprise, and regulating matters of trade. Among the uneducated, nothing was established, or firm, and the spirit of self-sacrifice—so necessary for the wise management of public affairs—was wanting. In inviting the attention of the committee to the matter, he hoped, that notwithstanding they were so near the close of the session, they would feel its importance, and give the consideration that it demanded. He had been on the committee of education for the last four years. When that body met for a first time, the step taken was somewhat similar to the action of the present committee. They took up the old School Act, and made some improvements in it, concluding, for various reasons, that the country was not prepared for the principle of assessment. Some of those reasons were yet in force, and some of them had passed away. The committee resolved to recommend an additional £1000 in support of common schools, and to go on under the old system. He regretted the course that had been pursued in the last House on this subject, and took some of the blame to himself. There was a majority in the committee, and in the House, in favor of the principle, but they were afraid to take the responsibility. One difficulty which existed then, but had been removed since, was, that the Assembly and the Executive were in a state of conflict; and they felt, that if they passed a law, involving the principle, in carrying out the details it might be made to operate so un-

pleasantly us to excite the people, and so the popular branch be cut up by the weapons which itself had furnished. The deliberations then were in the committee room, and the public knew little or nothing of what was going on. The committee felt that the matter had never been fairly tested, and were reluctant to deal with the question in a spirit which, if entertained, might have settled it forever. He felt satisfied that the gentlemen who brought in the present report had given much attention to the subject, and had suggested several improvements. If the House should decide against assessment, perhaps they could not do better than adopt the amendments proposed, with some slight modifications. He did not mean to attack the report, but felt it his duty to try the sense of the House upon the assessment principle before that document should receive full concurrence.

Sometimes, great questions were carried by pressure from without acting on the Legislature, and sometimes by an intelligent Legislature pressing on the people. He believed the time was hastening, when, in either of these ways, the principle would be carried; when there would not be, throughout the length and breadth of the land, a family to which the lights of a common school education would not be accessible. He was aware that, in pressing his views, he would have to meet those who had asserted different opinions in the committee; but some of that committee agreed with him, and he hoped that others might be induced to do so. At the worst, he would appeal from them to the House,—to that committee of the Province,—and ask them to sanction the only principle which could lead to a sound system.

His Excellency's speech included suggestions on this subject; they contained the opinions of an intelligent stranger, on the position of affairs as he found them in the Province. He [Mr. Howe] was prepared to support the principle, not because it was so recommended, but as an individual member of this Assembly, from an opinion founded on his acquaintance with the state of society in the Province. Gentlemen might say that the principle of assessment involved great responsibility; but he would inquire, was there no responsibility involved in not accomplishing any thing? in not doing what good was in their power? If he could see a large majority of the House declare that education should be within the reach of every family in the Province, that every child should get the rudiments of learning, he would willingly assume the responsibility, and would cheerfully retire from the Assembly, if that should be the penalty, satisfied that he, as one, had done good enough; that those with whom he had been associated had conferred great blessings on the country, and might leave subsequent legislation to their

successors. He hoped to see the day that that would carry, and to find, even then, in that committee, something like a free expression in favor of the principle. Members were apt to become so engaged with local interests, as almost to unfit their minds for the calm consideration of great topics. But he appealed to gentlemen who were proud of the Province that they were intrusted to represent, whether any thing was so calculated to excite attention, as the question whether the people should be universally educated, or one-third be allowed to remain in lamentable ignorance?

He might turn, for illustration, to countries which they should be happy to follow, — to those ancient systems which modern times were proud to imitate, — and ask whether it was not the duty of Nova Scotians, in that early stage of the history of their country, to endeavor after similar advantages. Look to the United States; persons had said that the free institutions of that country had caused it to make the progress for which it had become remarkable. He honored those who founded the infant republic, — under circumstances they did wisely, — but was it the mere political institutions that conferred superiority? Were not the boundless resources of a young country operated on by almost universal intelligence? What gave an active population to the valley of the Mississippi, to the territory of Texas, to the western prairies, except a surplus population which had been trained in the common schools of New England. Massachusetts, by its almost universal mental cultivation, could throw off its swarms to every point of the compass, which were ready to direct and lead the way among new communities.

In the olden time, it was well known, although the phrase was modern, that "Knowledge was Power." No people ever rose to eminence, no nation ever attained a brilliant rank in the pages of the past, which did not acknowledge the maxim. Who now ran over ancient story for the purpose of reading of deeds of arms, of fields marked by carnage; who now tracked the steps of the rude destroyer, who made battles his pride and pleasure, and set up a false standard of worth before a misled people? Was not the object of study, rather, the progress of knowledge, the growth of art and science, and the elevation of nations in the moral and intellectual scale. If the fact that knowledge is power was known in ancient days, and prized, how much more should it be now, and in a country such as Nova Scotia. Look to its size, its position, the number of its inhabitants, and by whom they are surrounded, and strong inducements would be at once seen for the spread of intelligence, and by it the multiplication of power. They were but 200,000, in a narrow space, surrounded by millions. Were they not called on to increase

their energies? and how? Was it by attempting to wrest power from those who constitutionally possessed it — by assuming any thing which a Colonial condition rendered inexpedient? No, but by increasing information and intellect — by adding to the intelligent minds who could illustrate the axiom that knowledge was power. Even when the Miemae roved unchecked through the wilderness, knowledge — the knowledge of the woods, native talent, energy, and acuteness — gave one man influence over another, and proved the truth of the maxim. Classic history teems with evidences of the superiority of the educated over the mere physical mass. How much more is this the case in modern times. Now, instead of the wooden horse, and the catapultæ, and the burning glass, there were the battering train, the shell, and the army surrounded by all the appliances of modern science. Then, in the peaceful arts, they had but feeble attainments — now, there was the railroad, the steamship, the factory, and all that so vastly increased human capability.

It might be said that the Province was only a small dependency of a great empire, and therefore it should be content with its present status. Would that be the reasoning of an intelligent youth? would he be satisfied with his father's character and acquirements, and not seek reputation for himself? If that would be unwise and improper in the son of a family, so would it be in a Colony however small. The duty of the Province was, so far as it could, to emulate the example of that great country from which it sprung, and, if possible, to go beyond it in the intellectual race. If he were asked what kind of knowledge he would cultivate here, his answer was, first, give your civilization a base co-extensive with the Province, and let, if you choose, its apex pierce the highest heaven of imagination and art. Start with the proposition, that every child shall have the rudiments of education — that from Cape North to Cape Sable, there shall not be a family beyond the reach of common schools; not a child who is not acquainted with reading, writing, and arithmetic; give, then, the means for the highest progress, if you will, but make sure of the broad basis for all. Be certain that all have the rudiments, leaving the higher steps, in the sufficiently abundant seminaries of learning, to those who may be inclined to ascend them. How was the Province to maintain its own station among surrounding multitudes? The mere boundaries might be protected by the armies of England; but the people would, of necessity, be influenced, mentally and politically, by those around them, as one portion of the human family operated on its neighbors — except their intelligence and civilization were higher than those of the surrounding

masses, in which case they would become the operating power. Leave education as at present, and the country must be influenced by the energy and talent of those around; make education coextensive with the population, give the people a high position, and then they would exert an influence on all surrounding countries. Would not that be wise? Should they not emulate the bright example of the mother country, and prove that here the British blood, and language, and name, had not degenerated? Although of necessity cut off from many means of information, and stores of literature and learning, which time had accumulated there, they should show that they had made the most of their limited resources, and, so far as they could, had elevated their portion of the people of America. Were there any who did not feel pride in the Nova Scotian enterprise which bridged the Atlantic with steamships, and at other evidences of the Provincial character and genius, which made the country better known at home? Were any so careless of the character of the whole people as not to give them all the advantages which they ought to possess? This might not be the time — gentlemen might not be prepared to go into all the details necessary for perfecting a measure founded on assessment, but they should exchange views on it, and compare notes, and so hasten on the hour at which it might be secured.

The triangle was a simple figure, yet, by its properties oceans were traversed and planets measured. The three elements of reading, writing, and arithmetic were simple in themselves, yet the schoolboy, qualified with these, had the means of all knowledge; not of the mere information that was acquired by experience and observation, but of that which passed from hand to hand, and was the result of labor, and genius, and scientific inquiry. Gentlemen might feel the importance of what he was urging, by asking for what consideration would they allow these rudiments, and all they had acquired by them, to be stricken from their minds. They were but fifty men; yet if that blank were made, would not the country miss their varied information? Where would their families turn for the skill which wisely conducted their affairs? Where would themselves turn for the accumulated stores on which they now relied for the duties of mature life and for the solace of old age? They were only fifty men assembled on the floor of that House; and if the idea urged was painful, — if they could not bear the thought of being robbed of those sources of pleasure and power — if they would prefer parting with every thing else than the knowledge and intelligence that distinguished them from the mass, they should ask



themselves were there not ten thousand Nova Scotians growing up without the simplest rudiments of learning? The committee should also consider, if that number were growing up without any education, were those who received some attention taught as they should be? Had they the best system; or, in many cases, any thing like a system? Was there the uniformity that should exist on a subject of this importance? He was led to believe that many of those who were called on to impart the education provided by the Province, did not exhibit that missionary zeal which was requisite for carrying out the wishes of the government. The adoption of the committee's report might do good; it might introduce more uniformity and efficiency, but it did not go far enough. Under the old system, or that proposed, the entire population could not be educated; nothing but assessment would be effectual. Gentlemen from the country felt reluctant to say so, but the time would come when they would, and then the want of the rudiments of education would be considered, throughout the country, as lowering the caste of a family, and as a state of degradation from which they could and should emerge. All this could not be accomplished except by plain speaking in that House; by acting with vigor and wisdom. He could not state exactly what the present schools cost the people; that could be ascertained by returns from towns and counties; but he believed if these elements for forming a correct judgment were possessed, it would be ascertained that the amount required by assessment, in addition to what was now paid, would not be very large. The general board recommended would do good, and might prepare the way for the wider system. But, when they came to that system, they should be ready to lay a tax of about £2000 a year on every county in the Province. Was that possible? He believed that it was, and that once levied, its beneficial effects on persons and property, would cause it to be lightly borne. If there were thirty thousand children to be educated, the system would require one thousand schools, at an average of £60 to each, making in all £60,000. Grants from the Treasury might reduce this to £40,000; and that would include tuition fees, or all that was now paid for education. The amount to be drawn from the people would be spent under their immediate inspection, and would be circulated among themselves, and go back to their own pockets; the amount drawn from circulation would be scarcely worthy of consideration. Means might be devised to meet difficulties caused by the comparative poverty and thin population of some settlements. Impediments were anticipated from the action of the different religious bodies, but these were not insuperable. A popular board of management would

do much, and there was not any thing sectarian in learning to read. The books read might bias the mind, but the means of after knowledge, the mere operation of reading, need not interfere with peculiar views. The same might be said of writing and arithmetic. Another difficulty related to the teachers. They were described as every way inadequate. The reason was, because no proper provision had been made for them. Until the whole matter was taken vigorously in hand, and properly arranged, they need not expect that fit persons would devote themselves to the employment. The question was one of deep interest. Was there a father in the House who did not feel anxious solicitude as to the question to whose care he should intrust his offspring? It was one of the most perplexing inquiries to the mind of man. Should they not provide, then, for the whole people, — endeavor to accomplish that which was felt individually so important? Should they not provide for good teachers, for uniformity of system, for books and diagrams, and the many appliances approved in other countries, but which never could be thoroughly introduced here, without assessment.

An objection which pressed on many minds was the unpopularity of direct taxation. It was unpopular in every country, although less so where it was experienced than where it was only spoken of. A change to direct taxation for general purposes, would not be advisable; yet, even under such a system, the country might prosper as well as under the present. But for the sacred purposes of education, for founding a Provincial character, for the endowment of common schools for the whole population, no hesitation need be felt at coming to direct taxation. Few, perhaps, were more worldly than himself, or more alive to the value of popularity; yet he would willingly take all the blame, all the unpopularity that might be heaped on him, as one who had a share in establishing that which he proposed. They were representatives of the people, and he put it to them, as they were greatly honored, should they not greatly dare? They were sent to do their duty to their constituents, whether their acts always gave satisfaction or not. They were sent to represent the opinions of the country, when they believed the people were better informed than the House; but to exercise their own judgments when they felt convinced that they were better informed than the people.

He called on gentlemen not to be too timid in risking popularity, and not to reckon too carefully the price of doing their duty. Were they Christians, and afraid to lay down their seats, when He from whom they received the distinguished name laid down his life for them? Were

they Nova Scotians, and afraid to do that which would tend to elevate the country to the highest moral grade? If so, they were unworthy of the name. It was their duty to raise and establish the character of the country as the character of other countries had been, by the intelligence of the people.

When the name of Swiss was mentioned, why did it impart an idea different from that of others? Because by love of freedom, of mental cultivation, and by valor, that people had become celebrated. The Englishman was known by his manly bearing and honor. The Scotchman had earned a peculiar character for intelligence and good sense, in almost every part of the globe. Had not Nova Scotians a name to acquire? and should not that Assembly do all in its power for the elevation of the public character?

Mr. J. R. Dewolf. Should not some deference be paid to the "well understood wishes of the people?"

Mr. Howe. By governing according to the well understood wishes of the people, was meant, the well understood wishes of the intelligent; not the wishes of those who might not be informed on the subject to be arranged. Perhaps a majority existed, at that time, in the Province, opposed to the system suggested; but he trusted not a majority of the well informed minds. He admitted that the wishes of the people who were known to be informed, ought to govern the legislature; but, as the member for Queen's would not yield his parental authority to his young family, when it was wanted to guide and control, — so, although the Legislature should defer to the intelligent, they should, where they saw the necessity, treat the uninformed as the father did the children who surrounded his knees. He knew that that gentleman was too well aware of the advantages of education, not to admit that if the two hundred thousand inhabitants of the country were all educated, they would be as useful for all national purposes, as four hundred thousand without education.

Mr. Dewolf said, "Yes."

Mr. Howe knew that the fact would be admitted by the good sense of the gentleman addressed, and should not an attempt be made to improve our system? Many measures had passed in the House, which were scarcely understood by the people at the time; and it was their duty to do what was right, risking the consequences, and throwing themselves on the good sense of the people.

Their duty at the present time peculiarly was, to lay the civilization of the Province on a broad basis. A few years ago Nova Scotians were shut out from other countries, but now they were in close connection with the great lines of communication, and had means of rapid

transmission to every portion of the globe. Formerly Nova Scotians might have lived like snails in their shells, satisfied, that if ignorant, the disgrace would be confined to themselves; and if enlightened, that their intelligence could scarcely break through the obstacles by which it was surrounded. Now, however, intelligent strangers from almost every part of the globe were to be met continually in the streets; and the natives of the Province were tempted by the facilities of travel to change their place of residence. Should not they be anxious that strangers might bear testimony to the intelligence of the country;—and that the young men of the Province should be able to take advantage of the broad fields before them? They found that the millionaires of large cities were not always those who inherited riches from their fathers, but persons who had gone in strangers, and acquired rank by integrity and intelligence. Nova Scotians, as well as others, would, if rendered capable, spread themselves over the world, and compete for the prizes which high morals and capability might win. In every point of view, it was the duty of the Legislature to build education on a broad basis, to provide for the instruction of all classes of the people. On that they might erect establishments for the higher branches and provide means of cultivation for the more ambitious minds.

Many in the House might apprehend the political reaction of ignorance. If his constituents should desert him for adopting assessment, he would return home, pleased and proud, and amply repaid, by seeing schoolhouses rising in every direction, and troops of children coming from them with intelligence beaming on their faces. Some members might not be aware of the great efforts made in Europe in the cause of education. He admitted that the Province had not been careless, considering its means, but the question pressed, Could not much more be done? What had been accomplished in Europe? Germany, for many years, had refrained from war; from aiming at foreign conquest. England had extended her empire in many directions, and France had added to her dominions;—but Germany had turned from these things, and had been engaged in a great moral conquest over the ignorance of the people. In 1817, Prussia was prostrate and exhausted after a long war, and part of her population were serfs and slaves to the aristocratic classes. She was without the moral machinery necessary for the proper management of her affairs; but she had a wise king and minister, who were not afraid to grapple with difficulties, and the result was, instead of the spread of arms, the almost universal extension of intelligence, until, according to statistical returns, there was not an uneducated family in the kingdom. The published

facts proved, that it was possible to have a whole people educated. In Prussia there were two millions four hundred thousand children, and all of these within the ages of five and fourteen were instructed. This work done once, was done forever. The generation taught would keep what they obtained, and would perpetuate the system for those who were to follow. If that could be accomplished under a despotic monarch, should they, under wise and liberal institutions, fear to attempt the same? It might be said that such a monarchy possessed the powers and the machinery for vigorous exertion, but they could do nearly as much for the Province, if the members of that House only did their duty. They might give the means and power, and create the machinery to carry out their views. Prussia had its two millions of educated children, — and Nova Scotia might digest a system by which she would be sure that none of her thirty thousand remained in ignorance. To do this they should act boldly, and not look too closely to annoyances from without. They should look to the ultimate benefit, and, in some degree, coerce the people; that was a duty the House owed them as their representatives.

In an ancient city — whose name he had forgotten — a law existed, of which it was decreed that he who moved for its repeal, should come to the market-place ready for execution. The time came, when the law proved detrimental; when it ought to be repealed, and there was not wanting an individual ready to offer himself as a sacrifice. He hoped there would not be wanting, in that House, those who, imitating that example, would risk much for the passage of a good law. In Calais, twelve persons came forward, to purchase, at the price of liberty and life, the safety of the community. Should it be said that Nova Scotians were not prepared to pay the penalty of loss of seats in that Assembly, to do a great good to the Province?

He trusted that gentlemen would take a broad, liberal view of the matter, and not be deterred by the prejudices which existed in their respective districts. Petitions had been presented against assessment, and a large portion of the people might be opposed to the principle, but if the Legislature devised and enacted a good measure, clamors would subside, and ultimately the act would be hailed with thanks and praise from one end of the Province to the other. If they passed the principle, and put it in operation for eight or ten years, and the people should take a view of it fatal to the return of the Assembly, although he felt pride in presiding over the House, he would feel more pride in sitting at the head of an assemblage of fifty men doomed to lose their

seats for such an act. Public opinion would change as the measure became better understood, and the time would come when they would look back at its passage, as the Prussians looked to the ordinances which raised that whole people to a moral and intellectual position which others might envy.

This well meant effort failed. Direct assessment, even for education, was unpopular, and a similar appeal, made by Mr. Howe some years later, was equally unsuccessful.

The session closed on the 10th of April, the first under responsible government. However imperfectly developed, or misinterpreted, it was evident that a marvellous change had been wrought in the position of the Executive. Lord Falkland, instead of standing in an attitude of antagonism, personal and political, to the people's representatives, as Sir Colin Campbell had done, only the year before, was enabled to address them in very different language:—

It is most satisfactory to me to be able to state that not one bill has been presented by the Executive to Parliament but which has, after searching examination, been found worthy of adoption; while I am able, consistently with my duty to the Queen, to agree to every Act that has emanated from either branch of the Legislature. I cannot but regard this fact as a decided indication that my administration is approved of by the public, and that those by whom I am fortunate enough to be ably and efficiently assisted in the conduct of the government, and to whom I am deeply indebted for the readiness and zeal with which their aid is at all times afforded, enjoy (in the degree in which, for the successful carrying on of the business of the Colony, it is necessary that they should enjoy it) the confidence of the people.

Some important changes occurred shortly after the close of this session. Under a bill for abolishing the inferior courts, a new judgeship of the supreme court was created. Judge Hali-burton (Sam Slick, a very old personal friend of Mr. Howe's) received the appointment. Judge Fairbanks died on the 15th of April, and Mr. Archibald was appointed Master of the Rolls and judge of the admiralty court. Mr. Johnston succeeded him as Attorney General, and Mr. Uniacke received the

Solicitor Generalship. This last appointment brought prominently into notice, for the first time, the checks and guards supplied by a bill, introduced by Mr. Doyle, and carried through by the reformers a session or two before, and under which the chief departmental officers vacated their seats on the acceptance of office and went back to their constituencies, as in England. We have become so familiar with the practice now that few can trace its origin. But it was a novelty, in 1841.

Having got through the session, Mr. Howe determined to visit Canada. There were many reasons why this step was necessary at the time. It was important that he should, by personal communication with the Governor General, ascertain whether his policy had been correctly apprehended, and whether the doctrines which Mr. Howe had laid down, and enforced in debate, were open to criticism or met with His Excellency's sanction. It was natural that he should desire also to be present at the opening of the first session of the Parliament of United Canada, and to hear the leading men of both Provinces, of the more conspicuous of whom he had read and heard so much. In every respect this visit was as useful as it was personally gratifying. Not only did Mr. Howe receive from Lord Sydenham the most cordial approval of what he had said and done, but his lady and himself were treated with marked kindness and distinction. Among the more prominent politicians, of all origins and parties, he was welcomed, as an old friend, and fellow-laborer in the cause of Colonial elevation.

The impressions made upon Mr. Howe's mind, during this tour, were thus recorded on his return:—

Our object in leaving home was, not to get an office, but to get information—to ripen and prepare the mind for the due performance of the duties of any office which Her Majesty may see fit to confer upon us, should she, which is not very likely, at any time have more than she knows what to do with; or for the discharge of those humble yet not unpleasing duties by which our past life has been engrossed. He is not a wise man for himself, who loses any opportunity of storing his mind with the varied, instructive, and often delightful impressions, which travel only can give. He is not a wise Nova Scotian, who shuts himself up within the boundaries of his own little Province, and wasting life

amidst the narrow prejudices and evil passions of his own contracted sphere, vegetates and dies, regardless of the growing communities and widely extending influences by which the interests of his country are affected every day, and which may, at no distant period, if not watched and counteracted, control its destinies with an overmastering and resistless power. Others may think differently, but this is our opinion, and we act upon it whenever we can be spared from the ordinary avocations of home. We have never found that information was troublesome to carry, or that we had too much of it; but we have often found that our own family circle, our friends, our neighbors, our countrymen, if they will permit us to say so, wanted much more than we could impart. Hence our tour to Canada and the United States. It has been a very delightful one, dashed, it is true, by the contemplation of strong contrasts, which we wish were less strong, and of the effects of errors which cannot be recalled, but still rich in interest, pleasure, and instruction.

The great valley of the St. Lawrence, from Kamaraska to Erie, with its mighty river, its broad lakes, and its tributary streams — its stupendous cataract and beautiful waterfalls, would, of itself, furnish attractions enough for a lover of nature in all her majestic proportions, even if there were not a single human being to diversify the scene by his labors or his follies. Of this we have seen all that flying tourists usually see; more, perhaps, than most of them; much less, however, than we could have wished; and, although we had written and read a good deal about Canada before we saw it, we would not like to exchange the strong impressions, and accurate knowledge, gathered in a few weeks, for all that the study of books and newspapers had given us, of the vague and conjectural, in many years. The scenic attractions of Canada are not its only ones. There are a million of people in the United Provinces, of different origins, with a strangely checkered history, having but one interest, — the improvement of the noble country which God has given them, — but bringing so many adverse and conflicting feelings to bear upon its public affairs, that, to the mere student of human life — to the amateur in politics — we know of few countries which offer so much of moral and political interest and instruction. Unfortunately for us, we could not always feel or assume the indifference of a mere looker-on. As a Colonial politician deeply committed to certain principles of government, the application of those principles, in all their integrity, to the largest Colony on this continent, was a matter of grave importance; as a British subject, looking through the mists of mere nationality at the actual condition of things around us, there was enough to painfully enlist the feelings; and as a Nova Scotian, well knowing that every new blunder,



every false step, every absurd prejudice or evil passion, nay, almost every wrong word, was to affect the future peace, security, and happiness of our own country, we may freely confess that, so far as we were enabled to study the public affairs of United Canada, we often suffered quite as much as we enjoyed. The reasons for all this, it would not be wise, at the present moment, to give. Those who are trying a great experiment, want the sympathies and active assistance of all who can aid them; and those who can do no good, should at least do no harm, by injudicious intermeddling, or the publication of hastily formed impressions and crude opinions. The meeting of the united Legislature gave us an excellent opportunity, not only to hear all the best speakers, but to make many personal friends and acquaintances, among those who were previously known to us by reputation, and others just rising into notice, and to exchange opinions with the men in whose hands the destinies of the country will probably be for the next twenty years. Of course we mixed freely with French and English, and with men of all shades of opinion; for, though wishing success to the Governor General's administration, and never disguising that opinion, we found, even among those who opposed it, the welcome of an old friend to Colonial peace and freedom.

After spending a month in Canada, and lingering at the Falls of Niagara for a couple of days, till the mighty cataract had roared down the discordant voices of the Canadian politicians, and the follies of man were forgotten amidst the sublimities of nature, we entered upon another scene of varied interest and instruction—one which British statesmen and British soldiers cannot too attentively study; one which British Colonists are no more safe in shutting out of their calculations of the future, than would the mariner be, who, in crossing the Atlantic, made no allowance for the Gulf Stream. The State of New York, from Erie to Long Island, presents a spectacle of no common interest. We traversed it, from Buffalo, the great entrepot for the produce of the West, following the main lines of traffic and social intercourse, down to the great Atlantic city, leaving, of course, much that should have been seen, on our right hand and on our left, but seeing enough to enable us to judge of the rest, and to fill our mind with new and grave reflections. From New York we turned to the South, and Congress being in session, spent a few delightful days at Washington, listening to the debates in the Senate and the House of Representatives, and availing ourselves of the aid of kind and valued friends to make the acquaintance of many of the ablest orators and statesmen of the republic.

The question has been put to us twenty times in a day, since we returned home, "What do you think of Canada?" and as it is likely to

be many times repeated, we take this early opportunity of recording our conviction that it is one of the noblest countries that it has ever been our good fortune to behold. Canada wants two elements of prosperity which the lower Colonies possess, — open harbors for general commerce, and a homogeneous population, but it has got every thing else that the most fastidious political economist would require. We knew that Canada was a very extensive Province; that there was some fine scenery in it, and that much of the soil was good, for we had read all this a great many times; but yet it is only by spending some weeks in traversing the face of the country that one becomes really alive to its vast proportions, its great national features, boundless resources, and surpassing beauty. It is said, so exquisite is the architecture of St. Peter's, at Rome, that it is not until a visitor has examined the fingers of a cherub, and found them as thick as his arm, or until he has attempted to fondle a dove, and found it far beyond his reach, and much larger than an eagle, that he becomes aware of the dimensions of the noble pile. So it is with Canada; a glance at the map, or the perusal of a volume or two of description, will give but a faint idea of the country. It must be *felt* to be understood. We will endeavor to explain what we mean.

Nova Scotia and Cape Breton together, spread over a space of four hundred miles in extent, and a good steamboat will run past both in thirty hours. From Anticosti to Quebec is about six hundred miles, and then, when you have got there, you are but upon the threshold of the Province. For two days and nights you steam along, after entering the estuary of the St. Lawrence, at the Unicorn's highest speed, with Canada on both sides of you; and when you are beneath the shadow of Cape Diamond, you begin to think that you have got a reasonable distance inland — that Canada, as they say in the States, is "considerable of a place." But again you embark, and steam up the St. Lawrence, for one hundred and eighty miles further, to Montreal, and there you may take your choice, either to continue your route, or to ascend the Ottawa, and seek, at a greater distance from you than you are from the sea, for the northern limits of Canada. But you probably prefer adhering to the St. Lawrence, as we did, and on you go, by coach and steamboat, for forty-eight hours more, and find yourself at Kingston. Looking back upon the extent of land and water you have passed, you begin to fancy that, if not near the end of the world, you ought at least to be upon the outside edge of Canada. But it is not so; you have only reached the central point chosen for the seat of government, and, although you are a thousand miles from the sea, you may pass on west for another thousand miles, and yet it is all Canada.

But the mere extent of the country would not, perhaps, impress the mind so strongly, if there was not so much of the vast, the magnificent, the national, in all its leading features. It is impossible to fancy that you are in a Province—a Colony; you feel, at every step, that Canada must become a great nation, and at every step you pray most devoutly for the descent upon the country of that wisdom, and foresight, and energy, which shall make it the great treasury of British institutions upon this continent, and an honor to the British name. All the lakes of Scotland thrown together would not make one of those great inland seas, which form, as it were, a chain of Mediterraneans; all the rivers of England, old father Thames included, would scarcely fill the channel of the St. Lawrence. There is a grandeur in the mountain ranges, and a voice in the noble cataracts, which elevate the spirit above the ignorance, and the passions of the past, and the perplexities of the present, and make us feel that the great creator of the universe never meant such a country to be the scene of perpetual discord and degradation, but will yet inspire the people with the union, the virtue, and the true patriotism, by which alone its political and social condition shall be made to take, more nearly than it does now, the impress of its natural features. Canada is a country to be proud of; to inspire high thoughts; to cherish a love for the sublime and beautiful, and to take its stand among the nations of the earth, in spite of all the circumstances which have hitherto retarded, and may still retard its progress. Whether she shall take her stand by the side of Britain, respected, free, confiding, or whether she shall be held by the strong hand of power, until she breaks away, when circumstances favor the outburst of savage discontent, is the problem which will probably be worked out within the next five years.

Chief among the resources of Canada, must be regarded her boundless tracts of rich and fertile land. For many miles below Quebec the soil is excellent, and the further you proceed onward the better it becomes, until, in the western regions of Upper Canada, it is found inferior to none on the continent of America. No man can estimate the numbers that Canada could feed, or form the least idea of what its agricultural export might be, if all the land capable of improvement were under cultivation. For conveying this produce to market the noble rivers of the country afford extraordinary facilities; but sixty miles of canalling are required for the transportation of bulky articles from Lakes Michigan and Superior to the sea, while the distance from Buffalo to Albany, by the Erie Canal, is upwards of three hundred miles. To the completion of the few short cuts which are required to perfect the navigation of the St. Lawrence, it is probable that the serious attention of the gov-

ernment and the Legislature will now be turned. There are not wanting sanguine men in Canada, who would cheerfully expend upon these every farthing of the promised million and a half, in the confident expectation that, when completed, a very large portion of the flour and wheat from Ohio and Michigan, to say nothing of the productions of the Province itself, would be attracted through what they believe will be the favorite, because the least expensive route.

Lord Sydenham died on the 19th of September, having lived to inaugurate the new system, but not long enough to clearly apprehend its legitimate results. Before his death the Whigs had been defeated on the sugar duties. Sir Robert Peel came into office, and Lord Stanley succeeded Lord John Russell as Colonial Secretary.

This change inspired the cliques, in all the Colonies, with hopes that responsible government would be discountenanced and withdrawn. Sir Charles Bagot signally disappointed them, but died too soon. The conservative party in England had no such design. Responsible government had been loyally accepted, by both parties in Parliament, as the true remedy for the grievances of North America, with which both had been sufficiently perplexed. But it was a long time before the cliques, in all the Provinces, who had lost or were likely to lose power by the adoption of that system, were convinced of the fact. The change of ministry, in 1841, inspired them with new hopes, and stimulated them to fresh exertions; and unfortunately, Sir Charles Metcalf, with a nature courageous and honorable, generous in expenditure, boundless in liberality, with great experience, great skill, and fine taste in composition, had been trained in a country where suspicion, and contempt for the natives, formed the general rule of administration. It is the first lesson that a cadet learns in India, and he has not forgotten it when, after forty years of service, he is elevated to the rank of Governor General. All Sir Charles Metcalf's perplexities in Canada arose out of the indelible traces of his eastern training. He could not dismiss from his mind the impression, when the Baldwins and Lafontaines of Canada claimed the legitimate fruits of the high positions they had acquired in the confidence of their countrymen, that they

were trying to overreach him. He could not be made to comprehend that a Canadian statesman might be as wise, in the affairs of Canada, as an Englishman. That he might be as loyal, as sincere, as careful of the prerogative. He stood too much upon his guard, withholding confidence, and, as a natural consequence, inspiring distrust. Collision and doubt, an endless war of words in Canada, and serious embarrassment elsewhere, were the results. It was not until Sir Charles's death, which everybody, on personal grounds, deplored, that responsible government in Canada received its full development. In Nova Scotia, all parties were perplexed, and the reformers seriously embarrassed, by his proceedings.

The session of 1842 opened with fair prospects of strength and harmony for the new government. Of the small section of the liberal party that stood aloof, two had died during the recess, and Mr. Young had accepted the vacancy created by the elevation of Mr. Archibald, and was sworn into the Cabinet on the 13th of January.

A bankrupt law, a bill for regulating the courts of probate, and one providing for the relief and instruction of the Indians, were among the measures brought down. The two last were passed by both Houses; the first was lost in the Assembly by those who desired to embarrass the government, availing themselves of conscientious objections entertained by country lawyers and others against some clauses which they thought centralized the functions of the court too much. The bill was crippled and abandoned. It was the first government measure introduced and lost. Questions were put to the members of Council to know whether they intended to resign, and notices were given by two gentlemen of their intention to move hostile resolutions to test the strength of the administration. These notices were afterwards withdrawn; but, as it became desirable to ascertain the true position of the government and to break up hostile combinations, if any were forming, it was determined that a vote of confidence in the government should be moved by friendly supporters, and that the real strength of the opposition should be tried out. This was done; and after full debate a majority of forty to eight sustained the government.

Mr. Howe's speech on the occasion occupied two hours. He traced the acts of the Cabinet, defended its appointments, and showed that however formed it was discharging executive functions in a just and liberal spirit.

Scarcely had this proud position been won for the administration, when Mr. Howe's colleagues in the Legislative Council struck it from beneath their feet. A speech was made in that body by Mr. Stewart, and carefully reported, in which the principles of government, as frankly explained and understood by all the members of the administration in the lower House, were so toned down and negatived as to be incapable of explanation or acceptance as a system of government. Attention was immediately called to this speech, which was denounced in the press and in the Legislature. It was apparent that some antagonism existed in the new Council, and that the elements which circumstances had outwardly combined did not inwardly harmonize. The determination was general to put an end to this state of things, and to have an authoritative declaration, in some authentic form, which should bring the whole Council to an acknowledgment of their responsibility to the Commons. Mr. Howe made no secret of his determination to retire, and allow the majority to test their power to overturn the government, if a doubt was suffered to remain that they possessed it. The danger was imminent. A meeting of Council was called, and Mr. Dodd was deputed to make a statement which it was assumed would be satisfactory. He referred to explanations which had been made in the House (during his absence), stated his hearty concurrence with these, and expressed his gratification at the vote which resulted. He then referred to the published remarks of members of the government in another branch of the Legislature, and explained. The Hon. Mr. Stewart, he said, was not treating the subject of government fully and regularly, but was only giving an answer concerning certain points; and that that gentleman fully concurred with the members of the government in the House of Assembly respecting views which had been expressed of the system now in operation. The other member of government (the Attorney General), whose remarks had appeared and were considered cor-

roborative of Mr. Stewart's views, had made similar expression of concurrence; and, moreover denied the accuracy of the report of his speech, refusing to be bound by that which he had not revised, and did not acknowledge as stating his sentiments. Mr. Dodd then proceeded to read a paper, which will be found in the appendix, and which was at the time jocosely called a "Confession of Faith." In this paper, while the Governor's responsibility to his sovereign was declared, and the responsibility of his advisers to him admitted, their obligation to defend his acts and appointments, to preserve the confidence of the Legislature, and the right of the popular branch to obstruct and embarrass them, was affirmed in the most explicit terms.\*

This declaration calmed the air, and the session closed triumphantly. Mr. Howe's speech in defence of the government was republished in Canada. The Montreal Courier thus expressing its opinion of its merits:—

A very important speech was delivered in the Nova Scotian Assembly a few days back by the Speaker, the Hon. Joseph Howe, from which we gather most of the leading points of Lord Falkland's administration. A more favorable statement was never made, nor could language more appropriate have been selected to make it in. It came as a death blow to the hopes of the enemies of the administration, and will serve to show the grossness of the misrepresentations with which, even in this part of the world, Lord Falkland's government has been assailed.

As this speech exhibits the working of responsible government in Nova Scotia, we shall proceed to make some extracts from it, elucidating its principal features.

We have here the spirit of Lord John Russell's famous dispatch, fairly carried out, and from this form of government—responsible or not responsible—we fearlessly assert that no man or set of men, either in this Province, or at home, can ever depart. We may improve the action of the government and select other men to give energy to its decisions, but the system itself and the principles on which it is based are immutable.

Though so large a majority in the Legislature had expressed

\* Doddean Confession. — See Appendix.

its approval of the administration, and pledged to it support, and although that majority included many of the ablest and best business men then before the country, outside there was an organized opposition of a very virulent kind. Several of the gentlemen who were compelled to retire, on the formation of Lord Falkland's government, were men of large fortunes and fair social standing. Not being members of the Legislature they could not be included in the Executive under the new system. They could not or would not comprehend the necessity which compelled their retirement, and deeply resented what they persisted in regarding as personal injustice and degradation. Their feelings were shared by relatives, friends and partisans. These overflowed into the press, which was characterized by bitterness and personality, up to that period, unknown in its political history.

On the 23d of June, a writer, under the signature of "A Constitutionalist," appeared in *The Nova Scotian*. In a series of nine letters he grappled with and refuted every charge that had been brought against the government by the newspaper writers of the day. He explained and illustrated, in popular and attractive language, their principles and measures, and carrying the war into the enemy's camp overwhelmed them with sarcasm and drollery. These letters were, at the time, and have been ever since, attributed to Mr. Howe. The authorship has never been either acknowledged or denied, but the effect of them was very striking. They were eagerly read all over the country, and the scribblers who had, for months, assailed the popular party, were fairly beaten at their own weapons.

On the 7th of September, Mr. Howe was offered and accepted the appointment of Collector of Colonial Revenue, vacated by the death of the incumbent.

The legislative session commenced on the 23rd of January. On the meeting of the House, Mr. Howe stated that, having accepted an office of emolument, he felt it his duty to resign the chair. The propriety of this step was at once acknowledged. His resignation was accepted, and his services were recognized by the passage of a resolution, by unanimous vote,



in which the House recorded its sense of his impartial and correct deportment in the chair.

Mr. Wm. Young and Mr. Huntington were candidates for the Speakership. The former was a member of the Executive Council. A resolution was passed declaring the two offices, henceforward, incompatible. Mr. Young was elected by a majority of two, accepted the chair, and tendered his resignation of the seat in Council.

On the 8th of February, the Qualification Bill, announced in the Governor's speech, and brought down by the Executive, created an animated discussion, and threatened, for a time, the defeat of the government. The nature of the measure will be gathered from a speech delivered by Mr. Howe on the second reading.

Sir, in rising to move that the bill be committed to a committee of the whole House, I feel it my duty to offer some reasons for doing so. The motion, if agreed to, will be considered a sanction to the principle of the bill, and in thus calling on members, arguments in support of the motion may be expected. The bill was announced by His Excellency in the opening speech of the session, and that it was truly described as "calculated to extend the privileges of the constituency of Nova Scotia, to render available to the Province at large the services of persons well qualified to comprehend its wants and advance its interests, but whom local circumstances might, under the present law, temporarily exclude from the Legislature," I trust to be enabled to demonstrate. I look on the bill, sir, in some respects, as a legacy left to the House by a gentleman who has long since departed from among us; one with whom I may have sometimes differed in opinion, but whose memory stands so high in the estimation of Parliament, that I may be warranted in saying, that if the bill contained any principle at variance with the liberties of the country; if it deprived the electors of any privileges; if it proposed any innovation by which the government could be strengthened at the expense of the people,—it never would have had his sanction and support. That the bill has the deliberate approval of the Executive government, is one reason, perhaps, why it should be more carefully and jealously examined by this House. I may say, sir, that no respect for authority would induce me to stand up here, and offer the measure to the approval of Parliament, if I did not believe that the

country would be served by the qualification for a representative being restricted by no bounds, except those of the Province. The Executive, in forming the other branch of the Legislature, is unrestricted. He looks over the whole Province, and selects men from every part, whom he deems most fit to represent the various classes of the whole people in the Council; to sustain the just rights of the crown, and the interests and privileges of the population. There the prerogative runs over the country at large; and should not the people have similar advantages? Should the Executive, in forming one branch, have such a wide choice, and the people, in forming another, be confined to a narrow circle?

In England, the elective franchise is confined to counties, boroughs, shires, and cities; here, to counties and towns. The limitation was wisely made, in order that every interest might be fairly represented. If it were not so restricted, the interest which included the majority of the people would send all the representatives. Such a restriction is wise and necessary for the ends of proper representation and of justice. But when representatives have been elected, though they are considered the peculiar guardians of the places whence they were returned, by the theory of the British Constitution, which we claim for our inheritance, and according to the views of the highest minds in the empire, the moment a man takes his place in Parliament, he is not a representative of a part of the country, but of the nation at large. So far, the theory and practice of the Province agree with those of the mother country; but when we come to the mode of selection, a great difference appears,—a difference which the bill before the House is intended to remove. In the United Kingdom, a man who holds a qualification in any part, may run an election in England, Ireland, or Scotland. Why should not similar privileges exist in Nova Scotia? Not only may the electors of England choose from the three kingdoms, but they may range over every portion of the empire, and select a man anywhere, who has the one requisite qualification. Thus Liverpool may choose from Canada; Manchester from Jamaica; and even London from Nova Scotia, if the constituencies of the respective places find a British subject in any of these distant possessions who has the British qualification, and whom they prefer for their representative. Have you a similar range in the Province of Nova Scotia? No. The existing law says that a candidate must own property in the immediate place which he seeks to represent. Is this limitation wise? That it is not, I believe, because it is not British; and because I believe that no good reason can be adduced for the distinction. To be free of Great Britain, a man need to

hold only one property qualification; to be free of Nova Scotia, with its three hundred miles of length, and its two hundred and fifty thousand inhabitants, a man should hold three-and-twenty freeholds. Was there any thing in the country which called for that great distinction? Even if restriction were wise for an old, wealthy Colony, would it be for one like Nova Scotia? Was there any thing restrictive in knowledge, statesmanship, or eloquence, which would evaporate except a man came from a particular spot? No; and those who possessed these qualities ought to be allowed to test public opinion in any part of the country. At present, a man incapable of managing his own concerns, of addressing a sentence to the House, may hold the twenty-three freeholds; yet a man who would be an ornament and honor if selected, may be confined to a narrow space, and effectually debarred from public life. By the restriction, able men are shut from a manly appeal, and from a trial with persons of similar calibre in the halls of legislation.

How stood these matters in other countries? I do not, sir, pretend to be very intimate with the constitutions of ancient assemblies, but I remember enough to know that the senators of Rome were senators of the city and the empire, and represented the people at large; the tribunes were the tribunes of the people; the conscript fathers were fathers of the state, and of all its population. If you go to Athens, birth, talents, and property, will be found to have given qualification; but if I mistake not, not property in a particular street or district. In Canada, as is well known, the British practice prevails. I do not, sir, love things merely because they are established. I think that things which are established have a common argument in their favor,—that they are established; and that they have worked well in the countries where they exist, I must believe until reasons be shown to the contrary. I do not say that we are bound to follow those examples; but I believe that the present practice of the Province is injurious, and that the practice of England may be safely taken as a guide. My reasons for these opinions, sir, are threefold:—

First, I believe, that the proposed change would be beneficial, as regards the rights and privileges of the electors; secondly, as regards the character of the Parliament; and thirdly, respecting the powers, and rights, and privileges, of individuals who may be called to represent the country.

First, as respects the privileges of the people. If His Lordship, in announcing the measure, had not faithfully described it as calculated to extend the privileges of the constituency, the House ought not to pass it.

But if it can be satisfactorily shown that it will operate as described, then I trust that the House, with a generous feeling, a right-minded appreciation of the intentions of the Executive, will accept and pass the bill. Why, I may ask, should the people be restrained in their choice? Why should any portion be confined to particular limits in seeking a representative? If fifty men are to be sent to this House, and are to demand the respect of the constituency, why not the constituency be enabled to make the body as efficient as possible? Why should the people, whose rights and privileges we should wish to extend, and to place, not only beyond the control of the Executive, but the control of any other power, except their own judgments,—why should they be hampered by an anomalous law, in so important a matter? Men in search of a horse, a wife, or a farm, have the whole Province to choose from. You would not say to a man in search of a horse, you shall be confined to Lunenburg; where, perhaps, they set as much value on an ox as on a horse. A man in search of a wife should not be restricted to Falmouth, where, without meaning any thing disparaging to my friends from that quarter, they prize their horses nearly as much as their wives. Should a man, seeking a farm, be prevented from looking beyond the county of Halifax, where a good one is scarcely to be found? Instead of this, persons so seeking may go to any part of the Province; but when we come to the representation, a great difference appears, and the same freedom of choice is not allowed, but a narrow circle is drawn, and a constituency is told to select the best within that. I hope that this needless restriction of the rights of electors will be removed.

Looking at the subject under the second head, as respects its effect on the character of the Assembly,—is there a man within the walls of the House who has not felt himself trammelled by the absence of some such measure? Were there not many who felt that they had served the country faithfully; that they had maintained their independence—had never bowed their spirits before the authority of government to the prejudice of the people, and had ever upheld what they believed to be right, but who had also never stooped to pander to sectional and local party influences of the small places for which they had been returned, and who might therefore be met by the opposition of those influences? What member was there who had not felt that, although he had in this manner truly performed his duty as a representative, he was liable, under the present law, to be judged or misjudged by a petty fragment of the population, by some insignificant fraction, influenced and inflamed by some paltry consideration? I appeal to the House on this point,

and inquire, will not the passage of the bill remove these barriers to freedom of action, and have a tendency to raise the character of the Assembly? I believe it will. I believe that to give every public man the freedom of appeal to the whole country will have a tendency to break down these sectional feelings. It will give to the population of Nova Scotia what every public man in England possesses, the right and power, and privilege, of appealing from petty factions, and of throwing themselves, for acquittal or condemnation, on the great body of the people, whom by theory they represent.

In turning to the third branch, sir, of my argument, I have to consider the effect of the bill on the position, rights, and independence of individual members of the Assembly. I feel, sir, that while in theory we represent the whole people, we have not, in practice, that which should follow such theory, the right of an appeal to the whole, but allow a fraction to condemn those whom the whole might sustain. I ask, is that English—an inquiry which always has weight in this House. I turn to the history of England; to those proud records of the mother country, to which we never turn without feeling our bosoms swell; without being cheered by proud examples. I turn to that extraordinary period when Elliot, and Vane, and Hampden, and their copatriots, struggled for liberty against prerogative, and I find that there was scarcely a public man who did not throw himself on various constituencies. If we come down to a later period, beginning with the administration of Sir Robert Walpole, and ending, if you will, with that of Sir Robert Peel, we can scarcely find a man noted for eloquence and patriotism who has not been condemned by some single constituency, which, if it had the power, would have crushed talent and high endeavors in consequence of some local dissatisfaction or prejudice. The younger Pitt sat for Appleby and the University of Cambridge. What sustained the immortal Burke, when it was made a matter of charge against him, that he was too liberal to Ireland—a charge which has often had force in more modern times; when he was charged with supporting its manufacturing claims, and its demands for freedom of trade; when he made the brilliant speech in which he declared that he was not a delegate for a part but a representative of the whole; what supported him, but the conviction that he could appeal to any part of the country, and that his character would be sustained. Mr. Fox sat, I believe, for Manchester and Westminster. Sheridan for Stafford and Ilchester, and contested Westmoreland. Canning sat for Newton, Isle of Wight, Windsor, Sligo, and Liverpool. If these great men found advantage from such a provision as

that secured by the bill before the House, would any argue that its tendency was evil and dangerous? Would any man, looking back on the times alluded to, and having the figures of these statesmen before his eyes, commit to any one place the power of extinguishing such lights of a nation? Coming down to the times of O'Connell, and looking to the triumphs of great principles which he achieved, we find that he represented Clare, Kerry, Meath, Cork, and Dublin. Who that was familiar with the history of public affairs would say that such an eagle's wings should be clipped—that he should be tied down to any single borough or town, without the right of appeal to all? Men in England could buy him over and over again, as regarded monied wealth, dependent as he was on his profession, and the gratitude of the nation. What chance would he have had with men of £300,000 a year, if he had not had the privilege of throwing himself upon any part of the kingdom? We come now, sir, to the modern economist, who may have made some great mistakes about the Colonies, for he did not take into his calculation that within Her Majesty's dominions there were no men more attached to her person and government than Colonists; but would any man who traced parliamentary history wish to see Joe Hume thrown out of the great Assembly of the nation? Some sinecurists who had been cut down in emoluments by his calculations, or some who otherwise prospered by corruption, might have wished that he were limited to one constituency; but such persons were few in number, and by a better system he retained his parliamentary place and usefulness. He represented Aberdeen—he began with his own countrymen, and having become unpopular with them for some cause, he appealed to England, was returned for Middlesex, and losing Middlesex, was returned for Kilkenny, in Ireland. That was the manner in which public men in the United Kingdom maintained their public career; that was the mode in which the system worked which was now sought to be introduced into Nova Scotia. I need scarcely mention the name of Brougham; no man would wish to see such a public character shut, at any time, from the walls of Parliament—to see him placed under the ban of any single constituency. He represented Camelford, Knaresboreugh, Winchelsea, and Yorkshire. I now come to a man whom Colonists have a right to respect, if they respect any public man,—Lord John Russell! To his prescience and sagacity, in a great degree, do Colonists owe the system which the present governments of British America are carrying out. This statesman represented Poole, Calne, Devonshire, and, when a great struggle seemed to require such a test, he threw himself on London, and sat for the

metropolis. I make these references, sir, without political bias — without at all intimating that I approve of all that these distinguished men accomplished or attempted; but to show how the principle which is embodied in the bill operates in the mother country. Lord Palmerston represented Cambridge, Bletchingly, South Hampshire, and Tiverton. I now come to the present Premier, and although I have differed in views from the head of Her Majesty's Councils, I can remember no period when I wished to see a man of his powers of mind removed from the Parliament of the country. I would be sorry indeed to see a man of such talents and acquirements limited to the judgment of the smallest Whig, or Tory, or Radical constituency. Sir Robert Peel would never have risen to the eminence which he occupies, he would not have ripened his powers of sagacity and eloquence, if he had not the privilege of appealing to every section, and of maintaining his principles in every part of the kingdom. He has represented Oxford, Westbury, Cashel, Clipperton, and Tamworth. So that gentleman will perceive that the present Premier of England has sat for five or six places, and that his experience is strongly in favor of such provisions as those recommended to the House. I now turn to Lord Stanley, one of the ablest debaters in the House of Commons, and a nobleman of whom I may be permitted to say, that he is as anxious as any one connected with the British government sincerely to carry out the principles which we are endeavoring to establish in this Province — as desirous to extend to the Colonies the principles of the British Constitution, and thus assimilate the condition of Colonists to that of the residents of the United Kingdom. Lord Stanley sat for Stockbridge, Preston, Windsor, and North Lancashire. May I not turn to these illustrations of the principle which is before the House, in proof that its practice is beneficial? Looking back on the past, would any man wish that one of the luminaries of those times, should be excluded from public life by narrow restrictions? Would any wish to lose one brilliant speech, one admirable measure of these men? Would any, no matter of what political shade, strike from the galaxy of British talent one of its ornaments, or keep any one great man in obscurity because he had maintained his independence, and asserted his principles? Would any wish to apply to the persons enumerated restrictions like ours? If there were one so actuated, I would tell him that under such circumstances some of the noblest flights of eloquence, some of the wisest laws, some of the most valuable expositions, would be lost to us, and lost to the country, where they are treasured in the hearts of the people.

I am aware, sir, that it may be objected, that this bill was introduced two years ago; was opposed by some members of government; and was lost. If at that time government had come to united deliberate action on the measure, I would not be ashamed to say that government had become wiser at the present day. When the bill was first introduced it was opposed by the then Attorney General, in an argumentative speech, and that knowledge of the prejudices of the country with which he was so well acquainted, and with that animation and humor which he could so readily bring to bear on any question. I was in the chair of the House on the occasion, and felt as I do now, without having the power to express an opinion. There was no united action on the measure then,—the government had been but newly formed; it had not time for consultation, or for a review of the public affairs of the country. If I felt at that time, sir, that the bill would have been useful under the old system, I feel now that it is an essential element of the new constitution. What has occurred in Canada since then? I invite the attention of gentleman, not that they may be persuaded by me, but influenced by their own judgments and understanding. Mr. Lafontaine was driven by violence from the hustings of a French constituency, and would have been deprived of his chance of a seat by the present law of Nova Scotia. He threw himself on an English county of Upper Canada, and is elected, and goes into the Councils, where his talents may be exercised in favor of public order. Mr. Baldwin is an Englishman, and, notwithstanding what his enemies say, I believe that he is as sincerely honest a public man as any in the Colonies—that he has the public good as much at heart as any man within the walls of this house. He was refused by English constituencies, and was compelled to throw himself on one of the French counties.

In that country they are finding the value of the British system, and we will, by and by, find it here. Under the law in operation in Nova Scotia, such a man as Mr. Baldwin would be compelled to buy half a dozen freeholds, instead of one enabling him to run for any part. Why should not the law found useful there apply here? Why should violence deprive a man of the right of appeal? Why should local prejudice turn an Englishman, any more than a Frenchman, from the halls of legislation, without such redress as was enjoyed in England?

I may turn, sir, to Nova Scotia, for some possible illustrations of the application of the principle. I may fancy that the Speaker of this House, might at some time have voted against a Governor who had strong national feelings in his favor, and for this vote that he might be turned



from a particular county, — rejected, not because he had not adequate talents, or did not serve his constituents faithfully, but because he had politically differed with a gentleman, whose countrymen were influenced by old, and venerable, and highly respectable associations. Supposing this to be the case; why would you deprive the House of its Speaker, and the Province of his talents, without any right of appeal to a wider and less prejudiced tribunal? Suppose the Solicitor General, or his honorable colleague, whom I equally respect, were turned from the representation of Cape Breton, by means of that exciting, but, to my mind, monstrously absurd question, the repeal of the union between that island and Nova Scotia, — suppose them dismissed on this local question which is manifestly at variance with the great interests of the Province; would you allow these gentlemen to be thus driven from public life, and be told that they should not enter these walls again, because you wish to retain a restrictive law? Fancy another instance, which may not be very unlikely to occur. We all respect the intelligence and independence of the honorable member from Yarmouth; suppose that he should not be inclined to give as much of the public funds to one particular institution, as its friends thought that it was entitled to, — imagine that the circumstance were brought to bear on his seat so as to deprive the Province of his services, — would you say that that should be the case without full appeal?

Under the present law that could occur; under the bill before the House he could come to Halifax, and throw himself on the constituency here. Although it has been said that wealth might get undue influence under the bill, if that gentleman were to throw himself on the capital, it would soon be discovered whether the wealth of the few could carry a contest against the confidence and good wishes of the many. In endeavoring to work out changes which I thought beneficial to the Province at large, I may have given offence to a portion of my constituents. I feel bound, while making this allusion, to return my thanks to them, for the confidence, and kindness, and steady support, which I have received at their hands, and which enable me to stand here to-day, independently, as their representative. But suppose that parties were different, and that differing with my constituents on the free port question, and in extending privileges to every part of the Province, I made enemies of those who wished to restrict them to the capital, and that I found myself supported by the minority only; should I not have the right of appeal to those parts which had been opened against the wishes of those who desired to monopolize such advantages? Or go to Argyle, so well represented by

the gentleman who comes from that place; there the population is half French, half English; if a man of talent were to arise among the French, and that some jealousy made him unacceptable to the English, who happened to be the more powerful portion, there he should stay, because he was confined to the franchises of the township. If there was a Frenchman there who had a desire to serve the Province at large, and from the specimens that part of the population have sent here—from the courtesy, kindness, intelligence, and moderation of those who have represented them, we may be prepared to see a man of brilliant talents rise from among them and claim public attention; would you say to such a young Frenchman, whose mind was informed by the literature of two nations instead of one,—would you say to such a man, You cannot come into the Assembly of the Province, except for Argyle, although you might be respected elsewhere for your talents and moral character? Look to Guysborough; that district is divided by a bay and a river. Now, instead of the young Frenchman, suppose a man there, of brilliant talents, judged by the local feelings of fishermen and farmers. Fancy such a man on the farming side of the harbor, driven from the hustings because he did not lay a duty on salted provisions, and rejected at the other side because he did not fully understand the mysteries of clear sheer pork, which fishermen prize so much. Hundreds of such instances could be given. Go into Colechester, and those who know it best will corroborate what I say,—go there, and what is the exciting question? what has divided men's minds during the last two years? Has it been responsible government? Not at all; the whole population are in favor of it. Has it been the differences between Lord Falkland's government and those who oppose it? No. Has it been any question of public policy? No. What then? The entire county is separated into two parts by a river, and the parties in opposition are those on each side of it; the question being on which side a proposed road shall run. That was the all-absorbing question there, and on such should a public man be judged, turned from the Assembly, and refused appeal to the whole people?

It might be said, that the law of the land allowed a jury of twelve men to decide questions of life and death, and why not allow a small constituency to decide on public character? It should be considered that a jury properly chosen is supposed to represent the whole country. The body is purified by a fair challenge, it is bound to try cases by established rules of evidence, and has no interest in the matter on which it is to pronounce. The argument does not at all apply to constituencies, who have an interest in elections; they may be misled by falsehood, and inflamed

by prejudices, without the checks which are wisely provided for the regulation of juries.

I am aware, sir, that a great objection to this measure, is the seeming advantage which it gives the rich man over the poor. It has been said that the moment the bill passes, gentlemen of influence and wealth from Halifax, will attempt to sweep the constituencies of the country, and if they should be defeated, will endeavor to crush their opponents. I may say, in the first place, and I am sorry for it, that we have not got quite as many wealthy men here as we thought we had; not so many rich as thought themselves rich. Those who possess property have enough to do with it at home; have enough to divert their minds from troubling the country by contesting elections. But suppose they were so inclined; the richest men in Halifax tried nearer home to turn out men of moderate means, and were not able. Why were they not? Because our people were too spirited to be dictated to, even by those who hold heavy purses. If such persons should try the country constituencies under the bill, they would soon be taught a lesson, and the only evil they would be able to accomplish, would be to leave a little of their surplus capital in places of the interior, where perhaps it is required. There were no rotten boroughs in the Province; the smallest constituency had one hundred or more freeholders; and in these, or the largest, I defy the richest man to secure his return except by legitimate influences. The only men who could successfully try such places, would be those of talent, whose principles were sustained by the people; who, like yourself, would serve a distant constituency efficiently, or like the Solicitor General, or others who might be selected. By the bill, none would be restricted; the people would receive most efficient privileges; and the representation, not confined to particular towns and districts, would run current as the air that circulates around the Province. I may inquire of those who fear that the bill is to give advantages to the rich, what the present law effects. The rich man now may buy freeholds in any or every part; can the poor man? Has the latter any right of appeal to the whole people?

These, sir, comprehend a few of the arguments on which the friends of the bill are prepared to sustain it. I feel that the question is one upon which every member is called to exercise a deliberate judgment. I feel that the more it is sifted, the more it is understood by the House and the population, the more will they sanction it as an act of sound policy, and one in accordance with British practice. It has been my fortune, sir, to propose some constitutional changes; it has been my fortune, under the good providence of the Almighty, to see those changes working out

peacefully and harmoniously, by means of the good sense of the Legislature and the people. As on this occasion, my motive may be suspected and misrepresented, and my advocacy may be attributed to my particular position as regards the government; I say now, that at no period of my life, in no struggle, no time of trial, did I find my mind more clearly made up respecting the value of a political principle, never more strongly confirmed as to the wisdom of a public measure, than it is at the present moment on the bill before the house. It is an important part of the system which we have been endeavoring to establish, which is now coming to be understood and appreciated; and a Colonist, I trust, will soon feel it to be part and parcel of the system by which himself and his posterity are to be governed. I am aware that it may be said to give to the Executive the right to throw its members on the different counties, and to call on the people to sustain them; and that, therefore, it is a weapon that may be used against the people. I may say, that the members of government are convinced that if ever there ever was a country which could not be ruled by patronage, Nova Scotia is that place. This may appear at a glance, by looking to the few men likely to be unduly influenced by government. The magistrates and judges are independent; the sheriffs, as executive officers, are also free; there is not a county or town where the government could influence or coerce, so as to secure the return of an individual member.

The bill, sir, may be useful to all parties; to the opposition, and the government, and to all who serve the country by giving them the right of a British appeal. As we have, piece by piece, obtained British institutions, so we are safe in adding this bill, and giving a firmer foundation to the system.

I have to apologize, sir, for the time I have occupied; indisposition scarcely allowed me to place the subject in the manner which I feel it ought to be laid before the House. I owe the House many thanks for the courtesy with which it has received my remarks in commending the bill to their favorable consideration, as a measure of great importance, and of very beneficial tendency.

Mr. Dewolf, a member of the Executive Council, being opposed to this measure, resigned his seat, and led up an opposition to it. He was joined by some gentlemen, who entertained apprehensions that it might enable wealthy men from the capital to throw themselves upon country constituencies, and by

others who desired to embarrass the government. After spirited debates, running over several days, the bill was carried — twenty-seven to twenty-three. It was passed by the Council, and became the law of the land, and forms at this moment, one point of contrast between our electoral system and that of the United States, which intelligent Americans cheerfully concede in our favor. Mr. Howe's closing speech on this question may yet be read without weariness, as a fair specimen of his argumentative and bantering style of reply: —

I rise, sir, to claim the privilege generally accorded to the introducer of a measure — that of reviewing the arguments by which it has been opposed. When, I made the usual motion that this bill be referred to a committee of the whole House, I urged in its favor only such reasons as seemed to sanction its general principle, and bear naturally and forcibly on the question raised, without drawing into the scope of my argument matters which had with it no necessary connection. Other gentlemen have not been satisfied with this simple mode of illustration, but have examined every phase of the new system of government, drawn forth discussions on principles generally acknowledged, and have sought to arouse feelings connected with the past which should have been allowed to slumber undisturbed. I supported the bill, sir, first, because it gave the people the same wide range of selection enjoyed by the sovereign in forming the Legislative Council. Secondly, because it was British. Thirdly, because it would be useful under any representative system. Fourthly, because it would elevate the general character of Parliament by calling within these walls more of talent and information. Fifthly, because it would make members more independent in the discharge of general duties, by freeing them from the trammels of local interests and prejudices. Sixthly, because it would put the rich and poor upon one common footing. Seventhly, because its value was illustrated by the example of nearly all the greatest men of the mother-country, many of whom would have been excluded from Parliament in mid career but for its operation. And lastly, because a measure such as this is indispensable to the successful working of the new Colonial Constitution. Opposition to the bill has come from two parties; from some of the friends and from the enemies of the present government. The former oppose it on two grounds. Some desire time to consult their constituents, and in reply I will say frankly to those whose good opinion I respect, and upon whose good faith I know that every reliance can be

placed, that if the introducers of the bill were standing in a different position, they would not have the slightest hesitation in yielding the desired delay. But let me ask our friends to transfer, for a moment, to England, the scenes which are acting here. Suppose a public measure, announced in the Queen's speech, was subsequently introduced by Sir Robert Peel, and that a member of government, who had never protested against it at the Council Board, who had held a place in the ministry for a fortnight after its announcement, had suddenly left the cabinet, and attempted to throw discredit on the colleagues he had deserted, and to lead up an opposition not to that measure only, but to the whole policy of the government, which, for two years before, he had approved. Suppose also that the gentleman who had moved the address in answer to the speech from the throne, in which that measure was propounded, without questioning its utility; who, entrusted by the members of the government with this important duty, had sanctioned and affirmed the general policy they proclaimed — suppose, I say, sir, that such a person had joined the receding member of the cabinet in leading up a sweeping opposition to the policy of the government which the one had supported and the other had shared from the formation of the ministry down even to the moment of condemnation; — suppose an opposition thus formed and led, to start up suddenly in the House of Commons, how would it be met by the friends of Sir Robert Peel? How would it be treated by the steady supporters of the government? Whether they desired delay or not, would they not consider it their first duty to show that they had the strength and the spirit to curb and control such an unnatural opposition? Yes, sir, right or wrong, they would show their strength and union first, and then exercise their rational influence in modifying or restraining the measures of the government they sustained. Our position at the present moment is analagous to that which I have described, and I say to our friends, that had they met that opposition as it deserved, and passed the bill to committee, as they might have done by a triumphant majority, they would have had the game in their own hands, and could have dictated to the government while they held the opposition at bay. They might then have asked for delay, and every member of the government would have acquiesced in the reasonableness of the demand. But the question of delay now yields to the important issue of triumph or defeat. It is merged in the greater question, — shall an opposition, so formed and led, prevail over a government whose general policy an immense majority in this House approve? No man respects more highly than I do the feelings which dictate a proper deference to the opinions of the constituents who are to be the

judges of our public conduct; but gentlemen should bear in mind that we are representatives and not delegates — that we are here not only to consult but to determine, and to exercise our judgment independently and fearlessly, upon every question that may arise, for the good of the whole people, who do not ask from us a slavish reflection of their opinions, but the free expression of our own. The admiral who goes to sea in charge of a fleet has responsibilities to assume. He cannot, when the wind springs up from an unexpected quarter, or an enemy approaches, return to port for orders. A general in the field does not wait for instructions from the government he represents before every battle which involves its character and his own; and a representative in the hall of legislation must, in like manner, assume, every day and every hour, responsibilities which he cannot for the moment put aside, but for which, like the high officers of the army and navy, he may be ultimately called to account. The nobleman at the head of this government often has to assume weighty responsibility, and to do, in Her Majesty's name, acts which Her Majesty may not approve. Every member of the Council, during the long recess, is also bound to act promptly, and at the peril of public character and position, in a thousand cases where he cannot consult you, who are ultimately to be his judges. Why, then, should you shrink from the independent discharge of your duty? Why lend strength to the real enemies, not of the measure, but of the government, by seeking delay? I believe that, if the constituency were consulted, what was said by the honorable gentleman from Amherst of his, would be found to be true of all. Some, he says, were for the bill, some were against it, and some were indifferent to it altogether. Why that indifference? Why did they not see in it all the phantoms which have been conjured up within the last three days? Because the people knew that, of the six members of government required by our Constitution to have seats in this House, at least four would probably sit for places where they resided, and were not much alarmed by the prospect of the other two throwing themselves upon the country for their election. But even if we were to yield the required delay, what advantage would you gain? What constituency can be so well prepared to decide as the members around these benches are, after a protracted debate has drawn forth almost every argument for and against the measure? Another ground of opposition urged against the bill by the friends of the government arises from the apprehension that it will increase the influence of Halifax. When I heard this objection urged by the honorable gentleman from Londonderry, I felt that, even if there was a remote possibility of such result, he was the last person who would have suspected me of any

such design. That honorable gentleman well knows that but a few short years ago, Halifax had not only a monopoly of the Executive but of much legislative power, utterly irrespective of the wishes and the influence of the country. Does not the honorable gentleman remember the time when every member of the Executive Council but one resided in Halifax; when the whole Legislative Council belonged to Halifax also, and did not even permit the country to hear the sound of their voices; and when, from the very nature of the system, tending to a perpetuation and consolidation of power, an immense influence was exercised in the lower branch, which the people possessed no means to control? How strongly does the aspect of affairs at this moment contrast with the past? Now, by the new system, at least four out of the six members of the Council who sit in this House will probably represent country constituencies, to which they must pay due respect. Of the three who sit in the upper House, some will have been raised and trained in, and have strong sympathies with the interior. But the great boon which the country has acquired is the power to mould and influence the Executive at pleasure. The honorable gentleman well knows that as Halifax has but four members and the interior forty-seven, the country and not the town has now the real power, and that this is the result of the changes for which we mutually contended, and which have been wisely introduced. As respects non-resident representatives, residing in Halifax, there are but two in the present House — a smaller number than there has been for a series of years. Of what, then, is the honorable gentleman afraid? He may carry his mind back to the time when the outports were closed, and when Halifax possessed a monopoly of foreign trade, and he may find among those who helped to break down that system, the representatives of Halifax, whom he now accuses of wishing to exalt the metropolis at the expense of the country. No, sir, we have no such design. We believe that this bill is an essential part of the system we have labored to establish, and therefore it is that we stand here to advocate it upon its merits. But may I not ask the honorable gentleman from Londonderry who were the men who opposed the changes by which the country has attained its natural influence — who defended and protected this Halifax monopoly? He will find them in the two individuals by whom, on this occasion, he happens to be led, and who oppose this bill because they see clearly enough that it is a necessary part of the system which they have always opposed. Suppose this bill to pass, and all the evil consequences to flow from it that have been described, could the country ever be placed so low in the scale of influence, by ten degrees, as it was four years ago? No, sir; more than one-half of the Legisla-



tive Council now reside in the country, and if some of the members do not attend to their duties, that is no fault either of the people of Halifax or of the government; and if this bill passes, while every country constituency will have an independent right of selection, a vote of the representative branch can still, at any time, compel the members of the government to throw themselves upon the judgment of the country. Sir, whatever others may have said or may say, I am not one of those who wish to establish here only the domestic part of the British Constitution. I seek it with all the checks and guards which are necessary to its safe and practical working, giving to the people all influence and control, and to the Executive all the facilities which experience has shown to be necessary to the beneficial exercise of executive authority. When new and invaluable principles have been yielded to the Colonies, by the crown — when both the great parties in England have lent us their sanction and assistance to establish a system of self-government, working by representative institutions, shall it be said of us that we are unwilling to receive this great boon in a proper spirit, or that we shrink from the perfection of what has been so well begun? Shall it be said of us that we have contended for the right of condemnation, but have denied to the accused the right to appeal from limited numbers and local restrictions — that we subject public men to responsibility, yet forbid them to throw themselves on the country? The honorable gentleman from the county of Hants has admitted that this bill will be early acted on. He is right; and if he is, there is not the danger in it that gentlemen apprehend. But though it may only apply to one or two cases in each general election, it will be useful in all time to come, to all parties, — to the opposition as well as to the government, — giving to public men greater security and to the people a wide range of selection. It has been suggested that the qualification of non-resident candidates should be raised. To that I have no objection; but gentlemen will perceive that that is a detail to be discussed in committee, and that we are now only called upon to sanction the general principle of the bill. It has been said that strictly local representation is indispensable because local information is required, but by a rule of the other branch, no local bill is allowed to pass which has not been read at the sessions of the county from which it emanates; and, even if this were not the case, as each county will send in one, two, or three resident members, with each non-resident, there never can be any want of local information. The learned Speaker of the House and the learned Solicitor General are non-resident members, but have they not taken much pains to ascertain the wants and wishes of those they represent, and do not their colleagues bring with them all the information

about roads and bridges and other country interests that is necessary to wise and satisfactory legislation? How easy, in the majority of cases, is this local information to be obtained. Truro, Onslow, and Londonderry, for example, form one street; there is scarcely a man in one township that does not know every man in the other, and every road and bridge upon which they travel. Why should not a man living in either of those places, have the right if the people are satisfied, to represent the other? Windsor, and Falmouth, are on opposite sides of a river; not only do the freeholders know each other, but every man knows even the horse which his neighbor rides; and shall it be said that if a man living on one side represents the other there will be any want of local information? Coming to Halifax, what do we find? A man living on the market wharf, with little intelligence and a forty shilling freehold, may offer in the capital; but a person of the highest attainments, and worth £10,000, is excluded if he resides on the opposite side of the harbor. Is that a system which should continue? It has been said that by the corporation act we confine the Aldermen to a property qualification in the different wards. The reason is clear. They are called upon to act as magistrates, and residence is essential to secure proper distribution; but members who come here to legislate will leave magistrates enough to keep the peace behind them.

The honorable member for Guysborough is apprehensive that a bill to enable members to vacate their seats will follow, and that corrupt resignations will be the consequence. Of course, gentlemen will resign if there is good reason for their so doing; but there is no reason to suppose that gentlemen will not have the same desire to resist any improper temptations that they now have to avoid any action which would appear disreputable or would entail disgrace. Suppose members were allowed to resign? Have they not that privilege in England? "The Chiltern Hundreds" are never refused to any member, whether he support the government or belongs to the ranks of opposition. Such a provision is much required here. On accepting the office I hold, I would gladly have gone back to my constituents, but, under our law, nothing vacates a seat but an absence of two years from Legislative duties. A man may absent himself for a year, but the constituency cannot resent it. He may have the strongest motives to retire, and yet has not the privilege. Is this wise? Is it English? I think not; and I believe that such an improvement of our law would be a relief to members and beneficial to the interests of the people. My honorable and learned friend from Sydney [Mr. Henry] seemed to think that the government had departed from a rule they had laid down in regard to the mode in which local appoint-

ments were to be made. One word of explanation on this point. The government never did admit that the recommendation of gentlemen here should in all cases be followed. They could not thus surrender the right of Her Majesty's representative to make all appointments. They are at all times happy to receive the suggestions of gentlemen enjoying the confidence of large constituencies, and place much reliance on the value of their local information. In many cases their recommendations are followed, but when any reason, either of local interest or general policy interferes, the government of course are bound to take the responsibility of independent action. My honorable friend from the county of Sydney [Mr. Forrestall], will not be moved by any thing I may say in favor of this bill if he has not been already convinced by the manly reasoning of his brother. I am sorry, sir, that on this occasion they are not more nearly allied in sentiment. My honorable friend is fond of classic allusion, and I may tell him that I regret they are not more like Damon and Pythias, or Castor and Pollux; or, if he will take a scriptural illustration, united in debate like David and Jonathan, and in their votes "not divided." 'Tis lucky they were not twins, for I fear they would have quarrelled before they were born; but if they were the Siamese twins, I think we should have the best of it, for my learned friend who is with us being the strongest, there would be some chance of getting two votes instead of one. My honorable friend observed that there was nothing in Lord John Russell's dispatch about the bill. The reason is obvious. It probably never entered into that nobleman's head that we had any other than the English system; but if it had, my honorable friend will at once perceive that there were a thousand things necessary to be said and done to carry out the general principles of Lord John Russell which could not be crowded into a short dispatch. My honorable friend referred to Homer for a warning illustration. The true value of the classics is not merely to refine the taste and cultivate a felicity of expression, but to furnish rules of action in trying and difficult situations. Now, I will put it to my honorable friend, if he were in the field of Troy at a moment when hostilities were about to commence, if the Greeks were drawn up on one side and the Trojans on the other, whether he would abandon his old companions in arms for some trifling differences of opinion, and throw himself into the enemy's ranks because he had some scruples as to the mode of conducting the war? He would not do this in the field!—why should he in the Legislature? My honorable friend told us of the wooden horse of Homer. He will pardon me for reminding him of Mazeppa's wild horse, which was one of flesh and blood. My honorable friend has one of the best hearts in the world, and an

excellent judgment, but unfortunately so much imagination, that every now and then his judgment gets mounted on his imagination, and away it flies like Mazeppa and his horse—starting at every object in the path—bounding over the dreary wilds of doubt and apprehension.

It now becomes my duty to approach the arguments of a different class of opponents, those who not only oppose this bill but are the avowed enemies of the government of which I am a member. In dealing with these, in reviewing the extraordinary speeches which have been made here within the last two days, I may be permitted to observe that, for some time, many who wished well to the present government, who respected its character and admired the policy of the nobleman at its head, have had forebodings that the present administration had some supporters who were worse than open enemies: that there were some who cling around it, not to facilitate its progress, but to stay its onward march; some who either hoped that Lord Falkland was not in earnest or did not know what he was about; and others who "laid the flattering unction to their souls" that he might be misled by those who came in the guise of friends more easily than he could be defeated by avowed opposition to his views. Shrewd have been the suspicions, and the course of this debate prove that they were well founded, that there were some who were not unwilling to share the influence and dispense the patronage of the government, while secretly they disliked its principles, and never lost an opportunity to weaken and undermine it. Before turning to these I have a word or two to say to an opponent of a different description. The honorable gentleman from Picton, I must confess, is a different style of man. He has always opposed what he calls "responsible government" steadily and openly. Of him I will say that, if the olden times were to return again in which men met by the hill-side to determine differences of opinion by the sword, there is none with whom I would sooner cross a blade by day, and lie down on the heather beside at night secure from treachery or surprise. And sure I am that if, when our strife was over, we had taken service under the same leader he would have acted fairly throughout the war, and when he quitted the camp, would attempt to cast no stain on the chieftain who led him, nor on the man who had fought by his side. So much for the honorable gentleman's character; now for his arguments. He says that at the opening of this debate I failed to convince him. It would be a matter of surprise indeed, sir, if I had, for I may plead guilty to never having convinced him of any thing in the whole course of our Legislative experience. Nay, if I could even speak that rich and picturesque language which he claims as his mother tongue; if I should even talk to him in Gaelic, my accents would fall on a most unwilling

ear. The honorable gentleman boasts that he has opposed every measure brought down by the present government. I am sorry for it, but I am not without consolation, as almost every one has met with the deliberate approval of this Assembly. The honorable gentleman turns back to the olden time, and is apprehensive that this bill will work some evil to the descendants of worthy old gentlemen who lived twenty years ago. He conjured up before us the shades of the departed, who were contemporaries of my father; men of good hearts and much experience, useful in their day and generation, and every way entitled to respect. But what does this prove? They are gone; their system has gone with them, and you can no more recall it than you can bring them back reanimated from the tomb. The honorable gentleman says that they erected the Province Building. They did sir, and it is a great building, but it might have been a better one; they reared it in all its splendor, and lived in it in great state, like "gentlemen of the olden time." They occupied the flat below, and laughed at and defied to their teeth successive Houses of Assembly. There was no responsible government in those days. The honorable gentleman has boasted of one of their great works; there is another which ought not to have escaped his memory. They elevated the Provincial character by that stupendous and very successful achievement, the Stubenaemie Canal. That, sir, is not the only instance that might be adduced to prove that, with all the virtues of these men, they were liable to mistakes, and could at times make ducks and drakes of the public money. But, sir, we cannot revive the past. We cannot go back as the honorable gentleman wishes; and he might as well attempt to get the men of the present day to wear the costume of the last half century as to revive the system of government adopted in an earlier age. I might turn the honorable gentleman to the ancient worthies of his own country. Fingal and Bruce were great men in their day, and the fame of Sir William Wallace is at least equal to that of his namesake whose memory he venerates; but although I read of these great men and admire them as much as my honorable friend, their mode of administration would not be more inapplicable to modern Scotland, than that of old Mr. Wallace and Mr. Morris would be to Nova Scotia at the present day. New systems grow up with new circumstances, and generate new ideas; and the mother country has, under the principles which we are endeavoring to apply, without losing her veneration for those who lived before they were developed, become the wonder of the world.

The colleague of my honorable friend — I mean the learned member for Pictou — favored the House with some observations last evening; but although my memory is pretty good, I cannot remember any thing

he said, and therefore conclude he did not say any thing that was worth remembering. The honorable member from Guysborough assured us that he was not opposed to the government. I know not why he should be. I take it for granted that the honorable gentleman knew what he was about in times past, and certain I am that during several years he voted for responsible government over and over again, and against Sir Colin Campbell, because he would not put the system we are now administering into operation. Perhaps my learned friend has come to the conclusion that he has done enough in one direction, and now wishes to turn back to the point from whence he started; that having done some good, he may safely do a little evil. Whatever may be the cause, I must confess, of late, he can never quite make up his mind to give the government a vote, although he is always ready to vote against it. He says that this bill was laughed at when first introduced. What then? Many good things have been laughed at before now, and among others the great Guysborough road. When that learned gentleman and I first introduced to the House the proposition to make that noble highway, we were met with sneers from every side. But we persevered, and in a few years, that valuable public improvement will be completed, and stand a permanent proof that those may be mistaken who smile at what they do not understand. The Halifax Incorporation Bill was laughed at immoderately once; but now it is recognized as a good measure by five-sixths of the population. Atlantic steamers were laughed at; yet they cross the Atlantic with the regularity of a coach. Gas was also laughed at; and yet now it excites no surprise, but enables my learned friend to find his way home after dinner, although I cannot throw light enough into this debate to enable him to see his way clearly to vote for the bill. The learned gentleman, I think, lays too much stress upon consulting his constituents. If his views are to prevail, the Governor should be advised to make his speech in the dog days; submit his measures in the autumn; and then members would have ample time for consultation, and be prepared to vote in the winter. The learned gentleman admits that there is no great harm in the bill, but then "he sees something behind the curtain." He is nearly as keen sighted as an old friend of mine, who used frequently to ejaculate, "I see—I see," and whenever he said that, you might be quite sure he saw not an inch beyond his nose. The learned gentleman, who asked for a year's delay, knows pretty well that the British Parliament are constantly called upon to deal promptly with questions of the greatest magnitude. Previous to the meeting of the last Parliament how few really understood the financial plans of Sir Robert Peel. These could not be disclosed till the meeting

of Parliament, because they effected ten thousand different interests; but the minister went down to the House, submitted his statement, brought in bills, and the majority that supported his government carried them triumphantly through. But fancy what would have been his surprise if his friends had said, "There is a great responsibility resting on us; here is something that our constituents do not understand; allow the whole to lie over for a year, and when it shall have been discussed in every part of the kingdom, we will come back and help to carry it out." Such a course as that, sir, would have shattered Sir Robert Peel's government in a week!

The honorable gentleman from Queen's (Mr. J. R. Dewolfé), caught at an expression which fell from one of the advocates of the bill, and argues that if it gives strength to the government, it must take in an equal proportion liberty from the people. But does not the honorable gentleman perceive that the stronger you make your Executive under the present system, the more power you give the people whose high privilege it is to guide and control it. Under the old régime the Governor was a mere puppet—the people possessed no effective control. The officials who could not be displaced by either, held and entailed their offices in spite of both, and monopolized all the power. Under the present system, the people and the Governor have more power—the officials less. The honorable gentleman is mistaken when he asserts that the reformers labored to convince the country that public officers should not sit in the Legislature. The reformers never objected to a limited number of the higher functionaries holding seats in the Legislature, dependent upon public opinion. What they *did* object to was, placing such persons for life in the Legislative Council, independent of all control. The reformers well know, and the supporters of the present government feel now, that having the heads of departments in this House gives the people an influence over them, to be acquired in no other way. Take my own case as an illustration. The worthy old gentleman who preceded me in the excise office, held his place for life. Until the arrival here of the dispatch so often alluded to, the Governor could not operate upon him—a vote of this House could not displace him. But I stand in a very different position. I accepted the office because I believed that I could serve the Government and retain the confidence of the people; but I accepted it with the tenor and spirit of the dispatch before my eyes, and with the conviction, that, as that document would have been no more than waste paper if running counter to the great stream of Colonial feeling—embodying as it does, the sober judgment of British America, it was an instrument which no private

interests should be allowed to violate. My office then, is at the disposal of His Excellency, not only when I misconduct it, but when any reason of state requires that it should be yielded into his hands. But yet I hold it by a nobler tenure than mere Executive caprice, by the confidence and support of this Assembly. While I retain that confidence there is little danger of my being displaced; when I lose it, my office should go with it to enable the government to secure the services of a more worthy and a more highly respected public man. This brief reference will enable the honorable gentleman to understand the difference between the old system and the new. The honorable member for King's, in the course of this debate, has certainly not done to others what under similar circumstances he would have expected should have been done to him. None of that gentleman's late colleagues complained or had a right to complain that he had left the Council, or that he differed with them upon an important measure. Such difference and such separations are to be looked for under the system we are called to administer. Those who cannot concur in the policy of the government, as a matter of course retire, and do their best to make it change what they disapprove. But we have a right to complain that the honorable gentleman held office a fortnight after this measure was announced in the Governor's speech, that he gave us no fair notice, and that, in making his stand against the bill, he ventured upon denunciations of the general policy of those with whom he acted for two years, and dealt in insinuations calculated to damage the character of the nobleman at the head of this government. This may be denied, but suppose a man intimately associated with a family for years, mixing freely at the fireside, and conversant with the character of each of its members. Suppose he afterwards differed with the head of the house upon a particular topic and the intercourse was broken up, and that in describing the cause of the quarrel, he had represented that house as dangerous to the whole neighborhood; fancy him shrugging his shoulders and insinuating that he could disclose something, only that his lips were sealed — that he could ask questions but did not like to draw out disagreeable truths. What would be the natural inference? Why that his friend kept a house of ill fame. It was not because the honorable gentleman left the government, but because he left it after this fashion, that we think we have a right to complain. But, sir, we will not allow the fair fame of a government, which the honorable gentleman will hardly venture to attack, to be insinuated away, and I here openly and in the face of the public, defy him to bring forward any charge, founded in the confidence of Council, that can for a moment justify the inferences and insinuations with which he has endeav-



ored to perplex this debate. The honorable gentleman intimates that this measure is to be followed up by others, each worse than the last, until the liberties of the country would be reduced to a single plank. That was a description of Lord Falkland's government, which if it were true, certainly would justify the honorable gentleman's retirement, but if it be false, overwhelms with dishonor the man who, enjoying that nobleman's confidence, thus pictures him to the country, meditating the most black designs.

The honorable gentleman has said that my opening speech was a signal failure. Perhaps it was, although I am rarely discouraged when I most signally fail to make any impression on him. Let us try if the honorable gentleman's own logic will bear examination. He told us that six of the Executive Council are here already, and that if this bill passes we shall be reinforced by four heads of departments, making in all ten members, bound to act with the government. Now, the honorable gentleman very well knows that as the departments become vacant the members of Council are to have them, and that if any of the old incumbents get seats here they will also be entitled to seats in the Council, so that in either case the number never can rise above six; and yet the honorable gentleman knowingly and wilfully has increased it to ten. Another of his extraordinary statements was, that I had forgotten to tell the House that Hume purchased a seat in Parliament. I certainly did forget this. Hume sat first for Aberdeen. Does the honorable gentleman mean to tell us that that ancient Scottish city was purchased by an individual? Then he sat for Middlesex, and I am sure that the whole county of King's, in addition to all Hume is worth, would make but a moderate bribe for the electors of Middlesex. But then he bought Kilkenny. Kilkenny! — I will believe it when I hear that the honorable gentleman has bought the island of Jamaica. The honorable gentleman is much afraid that a jocose observation of mine will be ill taken by the ladies in the country. There is little danger of that if what I really do say is not, for evil purposes, misrepresented. In saying that the farmers of Falmouth took nearly as much care of their horses as they did of their wives, I only said that which their wives knew to be true, and which I wish I could say of all other parts of the Province. As respects the ladies of Kings, — and handsomer ones there are not in the world, — they will not find fault with me for saying that a Nova Scotian should be left free to take a good wife or a good representative wherever he can find one. But what does the honorable gentleman's reasoning amount to? He would say to the pretty girls of Horton, you must not marry out of the township. You must not look across the mountain at

the beaux of Windsor, nor over the river at the bucks in Cornwallis; but above all things beware of the rich men of Halifax. Now I would say to the girls of Horton, let admirers come from all quarters and pay their homage; you are not bound to marry them unless you like; and to the voters of the township, let candidates do the same, and if you do not like them you can exercise your own judgment and cast them aside.

The honorable gentleman mis-represented what I said of Mr. Lafontaine. That gentleman was not rejected by his countrymen. He was driven by open violence from the hustings of a French county, and my argument was, would you on that account exclude him from appeal to an English or any other constituency. The honorable gentleman represents Mr. Baldwin as an unpopular man; this shows how little he knows of Canada. As has been well said by the member for Yarmouth, his standing may be judged by the fact that five-sixths of the representatives of the united Province sustain his view and support the present government. The honorable gentleman endeavors to frighten the country with threatened invasions from Halifax; but does he not remember how often all the wealth of Windsor, backed by all the wealth and non-residents of Halifax were defeated by the independent yeomanry of that little township, who were for years represented by my old friend Dill, and of late years have sent men of their own stamp to guard their interests on these benches. The honorable gentleman says he would not give a representative to places which had none to send. Suppose the Church and Wesleyan missionary societies acted upon this principle, many places too poor or too ignorant to furnish teachers would be left without the light of the gospel. The honorable gentleman threatens me, that at the next election I shall be opposed to some person from his neighborhood. I can only say in the language of Sir Francis Head, "Let him come if he dare." If he professes the honorable gentleman's principles, the constituency of Halifax will know how to give him a warm reception. I could scarcely help smiling when the honorable gentleman described Lord Falkland as the destroying and himself as the guardian angel of the liberties of the country; and my own impression is, now, that the people of Nova Scotia, from what they know of both parties would just as soon intrust their liberties to the care of His Lordship as to the honorable gentleman for Kings<sup>2</sup>. He standing on the last plank of our freedom to defend it! Why sir, there was a time when we had but one plank, and when the honorable gentleman took his stand upon that and vowed it was enough, and that we should have no more. But the people of Nova Scotia were wiser, and plank after plank was hid of the good ship Responsible Government. Those experienced workmen, Durham,

Russell, Sydenham assisted at the launch, and now, with a good crew, and Captain Falkland on the quarter deck, those who have embarked their all of hope and reputation on board, see with pride her capacity to brave the battle and the breeze. Sir, there may have been those on board who did not approve of the objects of the voyage, and who only entered in the hope of a mutiny offering a chance of putting about ship and wrecking the lives of the passengers and the character of the commander; but the discipline of our ship is like that of the Somers, and those who conspire against her safety must take the consequences. It is true we have lost a haul, but I cannot but fancy that the ship seems lighter already, and that it is a loss which can be easily repaired.

In turning to the speeches delivered by the honorable and learned member from Queen's, I cannot but observe, that it is strange that he should have called himself a supporter of the government for two years, professing to approve of its principles, and that he should not have known what it was he was supporting, or what he approved. It is strange that he should have moved an address at the opening of the session without avowing his intention to oppose the government, not only on this measure but on the whole scope of its general policy. Strange is it, that he should have read Lord John Russell's dispatch, and yet did not, on one of the points which he has raised, know that its authority was decisive, and that he should now oppose this bill, not on its merits, but because the presence here of heads of departments, and their occasional removal, might be consequences to flow from its passage. It is quite as inexplicable that he should now be so fearful of increasing the influence of Halifax, when he steadily opposed all those changes by which her old monopoly of executive and legislative power was struck down. All this is passing strange, and yet I think I understand it. The learned gentleman denies that any analogy can be drawn between the principles which govern a great country like Britain and those which regulate the public affairs of a small Colony like Nova Scotia. I admit there are questions of magnitude which cannot be overlooked, of varied and powerful checks and combinations which must be taken into account, and yet I am prepared to contend that both countries have much in common to which the same principles may be safely applied. The simple rules of architecture by which a cottage is raised, are the same which sustain the magnificent proportions of a temple. The principles by which the smallest Geneva watch is regulated vary but little from those of the clock whose voice is heard above the din of a crowded city. The rules of arithmetic by which £5 are reckoned, will suffice for the computation of the national debt. The laws of navigation by which a shallop is

guided across a narrow sea preserve the stately frigate which circumnavigates the earth; those fluids by which the smallest spring is replenished, swell the expanded basin of Ontario; and, rising from nature up to nature's God, the simple truths of religion which cheer the peasant's humble cot, inspire the most solemn services of the most august cathedral. Why then should not the practice which has grown out of representative institutions in the mother country be equally applicable to the working of representative institutions here?

I have heard of thirteen Colonies, driven into rebellion by the refusal of the same powers which we in British America claim. Those who would not understand or would not yield responsible government, were ultimately compelled to sanction independence. If we turn to Canada, what do we see? The same rights conceded in 1843, that, if acknowledged in 1836, would have saved hundreds of lives and four millions of money. But it is said that in England there are distinct parties in Parliament and in the country. Have we none here? Were not the lines sufficiently definite which divided those who sought the introduction of this system and those who struggled against it? Happily those lines are fading; but have we not now two parties, — parties which will soon become more intelligible and more compact, — those who oppose and those who support the government? To which of these the learned gentleman belongs, he seems reluctant to acknowledge; but I do not hesitate to avow that my lot is cast with those who are <sup>1</sup>stly, but moderately, endeavoring to carry out the principles he views with so much alarm. The silent influence of members of the government here has been referred to; but are there no silent influences operating on them? Does not every member of the government, who shares in the deliberations of this House, catch a portion of its spirit, and feel pressing upon him at every moment deference due to its high powers? Can a man of honor be insensible to its criticism, or estimate lightly the importance of preserving its confidence? But had the Executive no influence under the old system, when the members of government sat in the other end of the building, rejecting your resolutions, throwing out your bills, destroying your revenue, sneering at your privileges, and charging disaffection whenever you made a remonstrance? The honorable gentleman tells us that he has become alarmed by some extraordinary opinions in the press. What have we to do with them? If he reads at all, he certainly must see every day extraordinary opinions in the press. Its pages, just now, certainly exhibit opinions as varied and extraordinary as at any time within my remembrance. But I know not how the government can be held responsible for what is published,

for the newspapers which support the government take the lead in finding fault with every thing it does; and those which praise one half of the Council generally contrive to abuse the other half. If a title that the friends of my colleagues say of me were true, or if I believed what some of my friends say of them, we should certainly not act lone together. But we have disregarded much that was said on all sides; knowing that while the government was conducted in a spirit of fairness and deference to enlightened public opinion, we need not be afraid of the watchful, though ill-directed, comments of the press. But the learned gentleman from Queen's has become suddenly solicitous about the fate of the public officers. On this point it is important that there should be no mis-understanding. Under the old system, the collector of the customs sat in the Executive Council, holding both offices for life, and having the patronage of thirty or forty subordinate places connected with his department. The Secretary held a seat in the Council for life, and he appointed all the Deputy Registrars throughout the Province, and the clerks in his department. The Chief Justice nominated all the sheriffs; the Postmaster General appointed all the Deputy Postmasters and Couriers; the Clerk of the Crown all the country notaries. The Governor had no power of removal, and he could scarcely make an appointment. Everybody had patronage but him; everybody had something to give away, some means of creating influence and rallying a party, but the Governor. He was like the man in the almanac, surrounded by the signs of the zodiac, each exercising an influence upon him without his having the slightest power to control their operations. Thus surrounded, by persons accountable in no way, a Governor could neither discharge himself of his responsibility to the crown or fulfil his obligations to the country. How did the system operate upon this House? The minority here — not the majority — shared the confidence of the government, and enjoyed its patronage. Successful leaders were men to be marked, not to be trusted; and generally when a country member returned to his home, after a fatiguing session, he had the satisfaction to see his bitterest personal or political foes promoted in the next Gazette. That was the precious system which the learned gentleman admires; but against which every British Colonial Assembly entered, again and again, its solemn protest. It fell before Lord Durham's searching investigation which proclaimed it ridiculous, and before Lord John Russell's dispatch, — by which it was finally struck down. To Lord Sydenham was intrusted the task of calling into operation new principles; and, notwithstanding the abuse which has been heaped upon him, a more invaluable friend these Colonies never

had; nor was there ever a statesman within their borders who held in more sovereign contempt the system by which they had been misgoverned. The premier of England, it was hoped, would throw himself in the gap to stay this great Colonial revolution. But how little was known of him by those who expected such a sacrifice at his hands. Sir, when Sir Robert Peel went down to the House of Commons, at the head of a triumphant majority, what was his reply to the speech from the throne? "May it please Your Majesty,—We can consider nothing, until Your Majesty is surrounded by advisers who enjoy the confidence of Parliament and the country." Expect the man who wrote that declaration to protect your little Colonial monopolies! The idea is absurd. Sir Charles Bagot came out to Canada a conservative of high honor and character. He condemned the old system and cast it aside; and Lord Stanley, by the support and confidence given to those who are trying this great experiment, even more than by any written declaration of opinion, condemns it too. Can the learned gentleman from Queen's expect us to return to modes of administration which are not attempted to be defended by any rational man of any party at home, which cannot be defended by our own painful experience? But, it is said, how are these principles to be carried out as respects the heads of departments? Were not intimations given that they would be expected to go upon the hustings? I will endeavor to answer these questions. At one time, it was more than suspected that some of these persons, from dislike to the new principles, were opposing and intriguing against the government by which they were being introduced; that, while receiving its pay, and sharing its influence, they were endeavoring to damage its character and defeat its measures. Lord Falkland sent for some of those persons and said, I and my advisers are disposed to carry on the government in a spirit of generous forbearance, but I cannot permit those who should give us their assistance to embarrass us by opposition; and therefore it may be necessary at the next election, for you, gentlemen, to throw yourselves on the confidence of the country, and place yourselves in positions where your conduct can be liable to no misconception,—where you will be expected to support the government or resign. This was language justified by Lord John Russell's dispatch; justified by the position of public affairs. That dispatch makes the tenure of office dependent on the exigencies of the country. We have no power, even if we had the inclination, to withdraw it. These men hold their offices at this moment under that dispatch. This House may compel the Governor to apply its principle to them; the Governor may call upon them to appeal to the people or resign. But while His Excellency possesses

those high powers, — which we cannot deny, if we would, — which he cannot resign, I think I may appeal to the past for an assurance that no exercise of them will ever take place in a spirit of harshness and oppression. Sir, notwithstanding the misrepresentations which are made from time to time, I am proud to be able to say, that during the two years and a half that Lord Falkland has administered this government, not a single public servant has been dismissed, of any shade of politics; and that, in dispensing the patronage of the country, character, and ability to discharge public duties, have not been overlooked; these having been sought either within this House or beyond it, without a sacrifice of character on the part of the government or of honor on the part of those called into the public service. Persons who talk of the corruption of the present system, should reflect that every judicial officer, from the Chief Justice and the judges, down to the poorest magistrate, is independent of Executive control. In most of our habitations there is a Bible and a history of England, and there is not a schoolboy in the country who would not resist any attempt to subject those who are to administer the law to the influence of the Executive. The judges of probate, about whom much has been said, are equally independent, and have proved it, by voting here against the government, by which they were supposed to be “elbowed.” But should this independence extend to other than judicial affairs? Certainly not. What is the duty of the Executive? To embody and carry out the will of the majority of the people, expressed through their representatives. Public officers are the agents by which alone this can be done. Disobedience, treachery, open or covert opposition, is an offence not only against the government, but against the majority of the people whom it represents. And shall it be said that any individual, paid by the government to aid its operations, shall be permitted to use the very position given him to embarrass or annoy? The learned gentleman from Queen’s tells us that no British people will submit to such a system; but I can show the learned gentleman that British people do submit to it, and that in England the rule is perfectly well understood. When Mr. Huskisson, on one occasion, informed the Duke of Wellington that he must vote against him, his answer was, Mr. Huskisson may do as he pleases, but the President of the Board of Trade must support the government. This is an example for the learned gentleman, on authority he will scarcely venture to dispute; and the persons he seems so solicitous to serve, must have a care how they bring themselves within the rule. This is the system, sir, and these are the rules of administration which we are endeavoring to apply. With respect to this Bill, for the reasons given, our friends will perceive, after

what has occurred, we are bound to press it to a division. What may be done, at any subsequent stage, will be matter of consideration; but we throw ourselves upon the intelligence and firmness of the House. Sir, in the trying times of England, a phrase was used, which stirred the people's hearts in many a doubtful day. Men were invoked by "the good old cause." The good old cause, in England, meant civil and religious liberty, as secured by Magna Charta and the recorded decisions of Parliament. Let not our friend be deceived. This is the good old cause of responsible government, for which we have been struggling for years.

This Bill is a part of a system. Pass it and you make a step in advance; reject it and you begin to retrograde. For my part, if the whole battle is to be gone over again, I, as one, am prepared to take my share of it; but I cannot believe, that, if it does come, the country will ever affirm the views avowed by gentlemen in this debate. I cannot conclude without casting back with utter scorn the imputation attempted to be cast upon His Excellency the Lieutenant Governor. It has been said or insinuated, that a series of measures were in prospect, inimical to the liberties of the people, and this charge comes from a quarter least expected. Sir, in the olden times, the sovereigns of France frequently dined in public; and the honorable gentleman from King's well knows that Lord Falkland might have held his councils in the same manner for the last two years, so little has there transpired in which even a diseased imagination could trace any thing hostile to public liberty. What inducement is there to tempt Lord Falkland to betray the trust of his sovereign? to walk abroad among the people of Nova Scotia, clothed with a garment of lies, for a few years, and bequeath to his successors difficulties with which he had not the courage to deal? No, sir, if the new principles were applicable to Nova Scotia alone, His Lordship's attachment to the country would induce him faithfully to carry them out. But Lord Falkland takes a broader view of his position; he feels that he is trying here a great experiment, and testing principles applicable to all Colonies in all times. He knows, that if this experiment succeeds in British America, Her Majesty will have here, by and by, millions of affectionate hearts, where formerly there was discontent and disaffection; and that, instead of sending her gallant armies to this continent to maintain a miserable system, she may employ them in China and Afghanistan, trusting to her Colonial subjects, in times of danger, to form "a wall of fire" along the frontier, and to hand down, from age to age, allegiance which each succeeding race will have the strongest interests to maintain.

A question which had for some time been agitated in the



press, and in different sections of the country, came, at this session, formally before the Legislature. On the 22d of February, I moved the following resolutions, which were seconded by Mr. Huntington :—

1. *Resolved*, That the policy, heretofore pursued, of chartering and endowing collegiate institutions, of a sectarian or denominational character, is unsound, and ought to be abandoned.

2. *Resolved*, That this policy has already led to the creation of four colleges, each of them drawing largely upon the public resources, and neither of them efficient.

3. *Resolved*, That it appears, by numerous petitions upon the table of the House, that endowments for two other denominational colleges are demanded by large and respectable bodies of Christians, and, if the former policy of the Legislature is to be adhered to, these cannot be refused.

4. *Resolved*, That the fluctuations of religious opinions may, at no distant period, create a necessity for further grants to other bodies, for the support of similar institutions, to which they may be disposed to contribute, and for aid to which, if the system is sustained, they will probably prefer their claims.

5. *Resolved*, That the numerous applications, during the present session, for increased grants for the higher educational institutions already established, clearly show that the annual grant of £114 is altogether insufficient to defray the expense of any institution of a collegiate character, and that they will all require increased support from time to time, from the Provincial funds.

6. *Resolved*, That to continue the present grants to existing colleges, and to endow the two institutions now prayed for, would require at least £2640 per annum, and that this sum added to the £1700 given to the academies in the shire town, would make an amount equal to £4340 devoted to the education of the rich, a number comparatively few, while but £8144 can be afforded for the support of common schools, and the instruction, in the rudimental branches, of the great mass of our Provincial youth.

7. *Resolved*, That assuming twenty as the number to be educated at each college, and thirty at each academy, as the basis of a calculation, but six hundred and thirty boys can, in one year, receive the benefit of the £4340, while the same amount devoted to the support of common schools, would maintain two hundred and sixty-four schools, and prepare seven

thousand nine hundred and twenty children to read the word of God, and conduct the ordinary concerns of life.

8. *Resolved*, That the tendency of maintaining so many colleges, and neglecting the common schools, is to withdraw too many of our youth from the pursuit of independence by honest industry, and to crowd the professions with persons boasting degrees, indicating but little merit, and attracting little respect either at home or abroad.

9. *Resolved*, That the experience of the past too plainly shows that bitter sectarian jealousies are fostered by the present system, by which the great end of all collegiate instruction, the uniting and knitting together the hearts of the people in the love of science and liberal accomplishments, is marred, and strife and discord fostered within the Province.

10. *Resolved*, That while the burthen of maintaining these denominational institutions presses heavily upon such portions of the people as undertake to support them; few of them can afford libraries combining the treasures of the past with the standard productions of modern science and literature; and some of them are deficient in apparatus, absolutely indispensable to the illustration of a respectable course of lectures,

11. *Resolved*, That one good college, free from sectarian control, and open to all denominations, maintained by a common fund, and rallying around it the affections of the whole people, would be adequate to the requirements of a population of three hundred thousand and sufficiently burthensome to the revenue.

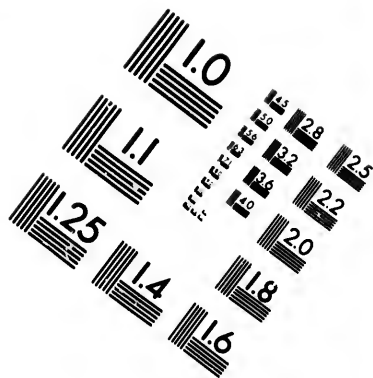
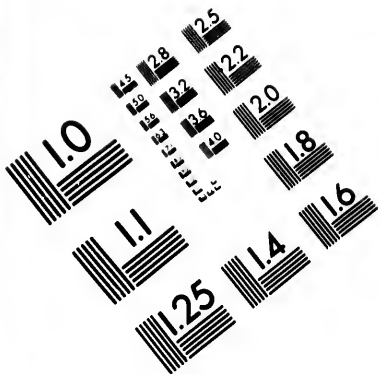
12. *Resolved*, That such an institution would elevate the Provincial character, remove existing difficulties, provide our youth with the blessings of a collegiate education, and attract students to its classes from the surrounding Colonies.

These resolutions were ably supported by Mr. Howe; were carried by a majority of twenty-six to twenty-one, and a committee was appointed to bring in a bill in accordance with them. We give some extracts from the speech delivered on this question. After tracing the rise of different colleges, and showing how each in turn had brought influence to bear upon the Legislature, he said:—

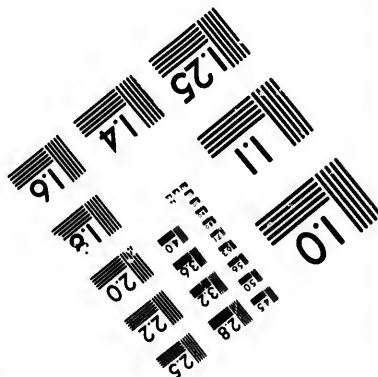
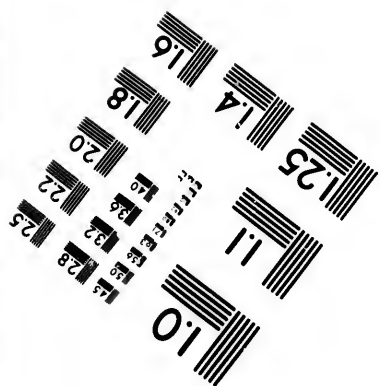
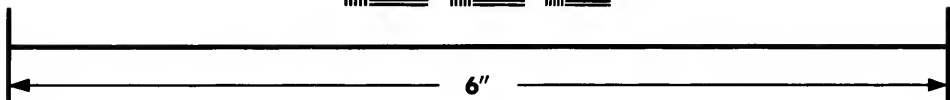
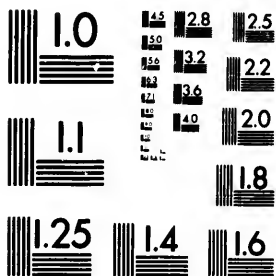
He would now turn to some arguments respecting the question of one or several colleges. Why should Nova Scotia differ so much from all other countries? The population of Austria was twenty-three millions;

number of colleges eight, or one for every two million eight hundred and seventy thousand. The population of Prussia might be stated at thirteen millions; colleges six, making one for two millions and a fraction. Bavaria had three colleges for about six millions. Saxony, one college for about one million four hundred thousand; and in Wurtemberg, one college for one million five hundred thousand. France had one college for every one million two hundred thousand. Great Britain nine universities, population about twenty-seven millions, making one for every three millions. Crossing to Nova Scotia, however, the necessity for high education appeared so great, the leisure and wealth so extensive, that a college seemed requisite for every fifty thousand of the population. Switzerland had a college which made one for every four hundred thousand people, and this was the largest proportion in Europe; but according to that one college would be sufficient for Nova Scotia for several years, — they now had five for a population of two hundred and fifty thousand. That argument he would consider decisive until it were answered. But it had been averred that the Nova Scotia colleges were very efficient, and he had been blamed for calling some of them things, but he was prepared to prove the appropriateness of the term. In the Province it had been intimated that two or three professors only were wanted to make a college efficient. Turning to Oxford, it would be found that Magdalen College had forty fellows, all of whom might be called on to teach. Queen's College, besides professors, had sixteen fellows and two chaplains; University College twelve fellows and seventeen scholarships; All Souls, forty fellows; Bazen Nose, a principal and twenty fellows (and some in this Province seemed to have studied at Bazen Nose; if they did, they knew what a college was). These institutions had great resources, galleries of art, and libraries. The London University had many professors, and the school attached to it had eleven teachers. How could one or two professors be supposed competent to teach all that was requisite, in the face of the experience of all other countries? In the Dublin University, thirty years ago, were about five hundred students, a number of professors, with splendid appurtenances of books and apparatus. In Verona College, at one time, were seventy-two professors, and now it has twenty-six. In Belgium there was something like the university which had been sketched for the Provinces some years ago. A body of examiners composed of fifty-one members, from the various learned institutions, sat to decide on the qualifications of students, before degrees were obtained. The university had a list of professors, which he would not read on account of its length, and the College Royal of Paris had similar ample provision.





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The Royal Library at Paris, to which all collegiate students had access, numbered nine hundred thousand volumes of printed books, eighty thousand manuscripts, and a million of historical papers. These exhibited what might be done when resources were concentrated, and when a frittering away of means was not permitted. What provisions were there in Nova Scotia for early records? Was there any place in which even an old Almanac was preserved for future reference? In the University of Berlin the teachers of law alone filled about half a page, and the list on medicine was of greater length, beside the departments of philosophy, logic, and ethics. There were branches of information of great importance which were not taught in the Province, such as the political and administrative sciences, agriculture, but which were deemed worthy of several professors in old country institutions of learning. And, viewing these, could he express any but a depreciatory opinion of those which had been palmed off as efficient for all the wants of this country? It might be said that the system was good for Europe, but would not suit well at this side of the Atlantic. The United States approached nearer to the Nova Scotia system, but there he computed that there was no more than one college for every two hundred and thirty-three thousand people. In the more respectable of those institutions the students and professors were numerous, and the libraries and apparatus ample. They had been driven to adopt the denominational system, but he hoped that the Province had not gone so far that it could not try back, and establish one respectable college. The House of Assembly had been charged with changing its opinions, for having, in fact, learned by experience; but did not some who abuse them change opinions also? Did they not change even in matters of religion, and become the polemical enemies of those with whom they formerly acted? Opinions had also changed on all the great principles of Colonial government; he did not blame those who changed, and they should extend the same charity to the House on educational subjects. The memorial which had been presented to the House attempted to mystify, by statements that the proposed plan would be more expensive than the existing system. He would examine the statement, and repeat what had been asserted to a contrary effect. There were five sectarian colleges, each endowed with £441, which made £2,220, and the subscription for the whole from the people might be reckoned at £1,500. This year one of them asked £1000 for wings, although the sum was subsequently reduced to £500. If the system were to be continued, £1000 would be wanted. Each of the others might be expected to want wings also, which would make a charge of £5000. If the House felt pressure now,

how would it be if five executive committees were organized and combined. Five thousand pounds was admitted to be the least sum which should be sunk in apparatus and libraries, and that would make £25,000, because instead of having one collection for one institution, one for each would be required. Deducting half of this charge, still £12,500 would remain. That would be a sunk capital of £22,000, the interest on which, with the other charges would be an annual cost to the people of above £5000. This might be said to be exaggerated, but an examination of the past would support his views. Windsor alone, it was said, had cost the Province £21,000. It had produced some scholars and gentlemen, but what was its present aspect, compared with the efficiency and activity that might be expected. The Pieton Academy had cost the Province £8000, and by subscription £3000 more; it now lay a wreck on the face of the country. Taking all those institutions into account, the Province had expended £12,000, and it was asked whether it would go back, or go on with the system. He denied the necessity of sectarian colleges, and expressed a confident opinion that the people would judge correctly on such subjects when the whole merits of the case were before them. When he looked abroad on the works of Providence, he saw no sectarianism in the forest, or in the broad river that sparkled through the meadows; and should we be driven to the conclusion that men could not live together without being divided by that which ought to be a bond of Christian union? He felt called on to make reference to a cry which was attempted to be got up respecting one religious body, because all the collegiate institutions had been placed on a level, as regarded public grants last session. He had been accused of cracking the whip of Catholic ascendancy over a Protestant population. He denied the slander, and would resist the undue ascendancy of the Catholics, or of any other body, to the last extremity. But he would also resist any attempt at stirring up strife against those who were pursuing their course peacefully. He believed that the principles of civil and religious liberty were in the hearts of the people, and that their cultivation was for the good of the Province. What cause existed for the prejudice attempted? The Catholics had one member of their church in the Legislative Council, none in the Executive Council, and but three or four in the Assembly. They had conducted themselves with that modesty and moderation which entitled them to credit. They had less than what might be considered their fair share of political power, and they were content, and supported the government, because they approved of its principles. They asked no ascendancy nor any undue share of patronage. Should not all parties in Nova Scotia live



in peace and good feeling, leaving the discussion of disputed topics to the millions who were interested in other parts of the world. For a long period England was Catholic, and during that time magna charta and trial by jury were grafted on the British Constitution. Looking to the arts of life, painting, sculpture, architecture, he could find excuses enough for those who clung to that church, although it was not his own. Let those who sought to undervalue that body, point to men of higher claims than Fénelon or Sir Thomas More. Where was there a more devoted missionary than Francis Xavier, and, coming to modern times, Father Mathew and his five millions of disciples presented one of the wonders of that church. He said this not from any undue bias or influence,—he would prove to the contrary if it came to the trial,—but he would not be induced to do injustice to a people because they were not of his mind. Others exhibited as much ambition and persecution as Catholics; and if they were to have a pope, he would as soon have one in Rome as at Horton; if persecution was to be tried, it might as well come under solemn pontificals as under a black coat and tights.

This question brought Mr. Howe and the Attorney General into direct antagonism. Mr. Johnston was a Baptist, a governor of Acadia College, a personal friend of the leading men who were anxious to build up that institution. In a personal dispute which had occurred some months before between two of those persons and Mr. Howe, he had volunteered interference, which many of that gentleman's friends had resented as gratuitous and uncalled for. From that period there had been much smouldering ill-feeling and distrust. Mr. Howe had been severely attacked by *The Christian Messenger*, the organ of the Baptist body, and Mr. Johnston as roughly handled in the liberal press, supposed to be more or less influenced and controlled by Mr. Howe. Neither of those gentlemen could, fairly, be held accountable for all that was written and said by their mutual friends, but upon the broad question of one college or six, they could not avoid a direct collision of opinion.

It was more than suspected that, although Mr. Howe had hitherto carried the government through by great skill and boldness, his exertions and his success had only earned for him the jealousy rather than the gratitude of his colleagues. Mr. Johnston had listened in silence to the open denials made in

his presence of the general principles frankly conceded in the lower House. He was the intimate friend of Mr. Dewolf, of whose retirement and opposition to a measure sanctioned by the Cabinet, it was shrewdly suspected that he approved. He had publicly attacked his colleague, and given countenance, in so doing, to a series of virulent and savage assaults. All this was keenly resented at this period by Mr. Howe's friends, and by none of them more deeply than by myself. When the professors of Acadia College, who were Mr. Johnston's bosom friends, took the field as politicians, and wrote and lectured publicly against the government, it was impossible to make any of the liberals believe that they were not doing so with the Attorney General's sanction. During the summer the educational war went on, and the excitement was not abated by rumors of a direct proposition made by Mr. Stewart to Mr. Uniacke, urging him "to get into the boat with Johnston, and throw Howe overboard." It was largely inflamed when the Attorney General ventured, at a meeting of the Baptist Association at Yarmouth, to stigmatize, for their action upon an open question, the conduct of the Parliamentary majority, whereon the government, of which he was a member, rested for support. This conduct called forth a very indignant letter from Mr. Huntington, who happened to be present.

Lord Falkland visited the eastern and western counties during the summer, and was everywhere well received. On his return, Mr. Howe, who had hitherto made no attempt to carry by excitement his peculiar views of education, thought it was his duty, as Mr. Johnston had addressed public bodies upon it in one or two sections of the Province, to do the same. A meeting was called in Halifax, at which the sectarian college system was condemned, a series of strong resolutions being passed, almost without a dissenting voice. We insert Mr. Howe's speech on this occasion, as it conveys a pretty fair expression of his general views upon an important question:—

Instead of moving and seconding each particular resolution, as there was a series of them, it might save time and be more convenient for gentlemen to speak to the whole, and then, if acceptable, pass them as had

been done at some of the meetings in the country, *en bloc*. In looking round the room, said Mr. Howe, I see many "old familiar faces," and naturally ask myself, what brings them here? The answer is, to discuss a great public question, and to sustain the view of that question taken by the representatives of our country. The House of Assembly at its recent session, had, after ample debate, solemnly condemned the policy heretofore pursued of endowing sectarian colleges from the public treasury; and with a view to negative, if possible, that decision, three meetings had been called in the interior—one at Yarmouth, one at Onslow, and one at Bridgetown—by some of the parties interested in one of those institutions. These meetings, although the published proceedings were calculated to make that impression, were not public expressions of the opinions of all sects and parties in the counties where they were held; they were meetings called under the auspices of one denomination, in meeting-houses belonging to that denomination, and were attended chiefly by its members. To meet a system of agitation which others had got up was the object of this meeting. Met it should be, not only here, but if necessary, in every county of the Province, until the system of misrepresentation resorted to, to serve a purpose, was effectually exposed and put down.

It used to be said in old times that there were no agitators in Nova Scotia but the reformers; that this was a quiet country if the people were only let alone. I was anxious that the great party with which I had always acted, having carried in the main the important principles for which they contended, should live down that slander and cultivate friendly feelings with those to whom they had been formerly opposed. They have lived it down, they have held forth the olive to all who, unmindful of the struggles of the past, were disposed to labor honestly with them for the advancement of the country. But, as it appears that we are not to have peace, it is our duty to prepare for war; as it appears that grave dignitaries have taken up our old trade of agitation, it may be as well to let them see that we have not forgotten it; since they are disposed, as in times of old, to patronize the minority of the Assembly, it may be as well for us, as we have ever done, to give to the majority constitutional and cordial support.

How the House of Assembly have been treated at these meetings may be gathered from Mr. Huntington's letter. That gentleman says, "I have been thirteen years in the Assembly, and I do not recollect a scene where any person has been held up to the scorn and indignation of the public with such virulence as the representatives of the people

were at this meeting (at Yarmouth), professedly a religious one." The question for you to decide to-day is, Did the House deserve this treatment, even from those not bound by their stations to respect its character and bow to its decisions.

How stood the question at the last session? Looking back at the past history of the country, what did experience teach? The college at Windsor, founded in 1789, had been in operation fifty-four years. It had been supported by one of the most wealthy of our churches; it draws £1,180 currency per annum from benevolent societies and contributors in England, and yet it had never had but two or three professors and fifteen or twenty students. Taking the amount which King's College now receives from home, and assuming that it has had that income for at least half the time that the seminary has been in operation, and it appears that while £36,000 have been drawn from the mother country to maintain it, £24,000 have been paid from the Provincial treasury. And yet, with all this lavish expenditure the institution, placed on the outskirts of a country village, and combining the resources and attracting the sympathies of but one denomination, has never flourished. Sometimes it has had but ten or twelve students for its professors to teach, and the value of its honors has been graphically described by the present Solicitor General, who carried them off, but who found on presenting his degree in England that it gave no rank and conferred no honor at any institution, naval, military, legal, or classical, and was worth no more beyond the borders of the Province than the parchment upon which it was written; because the college which conferred it was unknown; or, if known, its inefficiency was as notorious as its existence. Assuming that three students graduated at Windsor every year, and that the curriculum lasted five, each student should cost, unless I have made some very absurd calculation, £400 per annum, and £2000 of public and private funds to finish his education. This was the experience which the House had before it with regard to one of these sectarian colleges. Let us turn to another.

The Pieton Academy was founded in 1816, like the college at Windsor, in a small town, which could give but little natural support. It was sustained however by a body as large, as liberal, as zealous as any that is now rallying round any more modern institution. It had its president, its attorney general, its peripatetic agitators, and its newspaper; and yet, with all these resources, after a sickly existence of fifteen or sixteen years, during which time it kept the eastern counties torn by dissensions, it finally became a wreck on the face of the Province, and

had to be abandoned. Its venerable president has gone down to the grave, yet who will say that he has left his superior connected with any of these institutions behind him? Mr. Archibald has now retired from public life, yet no man who recalls his brilliant speeches, studded with Scripture, and compliments to old ministers, will admit that in that line he ever can have an equal. Blanchard has passed away, but will we attempt to compare his vigorous pen with that of any of the modern scribblers in favor of denominational colleges; or place the racy vituperation of *The Pietou Patriot* beside the solemn nonsense of *The Christian Messenger*? All these resources, I repeat, the Pietou college had, and yet it failed because it was sectarian, supported but by one religious body, planted amidst a thin population, and endowed by limited and often precarious grants. It cost its friends £3000 in private subscriptions, and drew about £8000 from the treasury. The cost of each graduate might be given, but as Mr. Young has gone at large into the statistics, I will not weary you with figures.

Dalhousie College, originally intended to be sectarian was ultimately made so. It appears to have been the fate of this institution to have had foisted into its management those who were hostile to its interests; whose names were in its trust, but whose hearts were in other institutions. These, if they did nothing against, took care to do nothing for it; their object was to smother it with indifference. Surrounded by such men, and clothed with a sectarian character, for twenty-three years it stood a monument of folly. Fourteen thousand pounds were expended in its erection, the very interest upon which would swell the cost to £30,000 by this time, and never, till its trust and its chairs were thrown open, and there was a chance of its becoming the nucleus of a valuable Provincial institution, did the friends of liberal education rally round it. It had, till Doctor McCulloch's death, its two professors and sixteen students, but it was and is, like all the others, far from being in such a state as the country now requires.

Acadia College, founded in 1828 as an Academy, has drawn from the treasury £300, and latterly £411 per annum. In thirteen years it has cost the country about £4500, and the people, in the form of subscriptions, perhaps £5500 more. It has two or three professors and twenty or thirty students. Ten thousand pounds have been expended, yet the institution is in debt; and, if its professors did not lecture about the country in the vacation, while some kind friends carry round their hats, and gather miscellaneous collections of gold rings, yarn stockings, and shingles, the thing could not be sustained even upon its present footing.

The St. Mary's seminary grew naturally out of the sectarian system, not that the Catholics wanted a college, or felt that they were able to sustain one; but as they were taxed to maintain other people's hobbies, they thought they might as well have one of their own. It will be kept up, and draw its contribution from the treasury, as long as the system lasts; but the opinion of its principal in favor of one central college, was expressed to the committee last winter, and the opinions of the body may be gathered from the fact that all their representatives in the house voted to abolish the present system.

Now, gentlemen, here was the experience of fifty-four years of sectarian colleges, and the results of these five experiments, before the house, ere it took the step which it was compelled to take, and which, I am well assured, not only this meeting, but the Province at large, will ultimately approve. Now let us count the cost: —

Windsor College — People of England.....	£36,000
People of Nova Scotia.....	21,000
Dalhousie.....	14,000
Pictou Academy.....	11,000
Acadia College.....	10,000
St. Mary's.....	2,000
Total.....	£97,000

Here we have an outlay of £97,000, and if we add £5000 more, for the time wasted by the Legislature in strife and contention about these sectarian colleges, we find that they have already cost upwards of £100,000, while not one of them, at this moment, is deserving the name of college, or can give the education which the youth of the country demand. [A person in the crowd asked how many acres of land that would have cleared.] Mr. Howe said he could not tell, but this he might say, that looking round upon the great agricultural body, whose sympathies had been appealed to in favor of these sectarian institutions; upon those whose toil had beautified the face of his country, and made the wilderness to blossom as the rose; and who had earned, by the sweat of their brows, the larger part of the money thus foolishly expended; looking round upon that large class, he could scarcely find two successful farmers who had graduated at these institutions, although three of them had been planted in rural districts, and one of them had stood in the midst of an agricultural people for fifty-four years.

So much for the past, but what was the present aspect of the question when the House was called upon to deal with it? Were the persons

who had sustained this system and spent this money, satisfied? Some of them were; others were not. The Church party were; they asked only to be let alone. The Catholics were quiet. The friends of Dalhousie, thankful for the bounty of the Legislature, were endeavoring to renovate their institution. But there were still three religious bodies in the field. The Presbyterians of Pictou came forward, and demanded £111 a year, to revive the Pictou Academy, and boldly stated that, while other religious bodies got that sum, they would take no less. The Methodists asked aid for an institution at Sackville, and this I may say for them, that they pressed their claims with moderation, and were satisfied with what they received. Besides these two new parties, there were our old friends, the Baptist Education Committee, who not satisfied with their grant having been raised to £441 the previous year, came forward and demanded £1000 to add to the buildings of Acadia College!

The annual cost of the four institutions already in existence, was £1,720, drawn from the treasury, to say nothing of the sums raised by the people of England and of this Province. Now what were we asked to do, in extension and perpetuation of this sectarian system? Had we continued it, the Presbyterians must have had their £440, and the Methodists could not, their pride would not allow them to, take less; and the Baptists would have got their £1000, so that we were asked to add £1,880 to the grant for colleges this year, making £3,600 instead of £1,720; and to make the permanent charge £2,600, leaving several small sects still unprovided for, and no provision made for the fluctuations of religious opinion. Seven thousand pounds is all that the Legislature can afford to support common schools; all that the twenty-five thousand children of the poor and middle classes, who are educated at them, cost the treasury is about 5s. 7d. each, and yet we were asked to give to sectarian colleges, educating but eighty students, a sum exceeding half the whole common school allowance, and to swell the amount which each of them received from public and private sources to about £45 a piece. Could we do this, and yet hold up our heads, and look the people of Nova Scotia in the face; yet, because we would not do this, grave professors and politicians travel about the country to abuse us.

What did we do? Looking to the past, with its experience of fifty-four years, and its enormous waste of money; looking to the present, with its demand for the creation of two more colleges, and the extension of another, we saw it was necessary to call a halt; to count the cost, to break up the system, because we saw clearly that, by taking one of the institutions which had a partial endowment, we could, for £800 or £1000

establish a respectable university. There were other reasons which influenced the decision of the Legislature besides the mere question of money; we saw that the sectarian system was poisoning social and public life. We remembered that the Picton Academy disputes had wasted the time of the Legislature, and lasted longer than the Trojan war; we saw the professors of another institution reduced to the necessity of becoming itinerant lecturers and political agitators; we saw combinations forming to exhaust the treasury, and menace the independence of the Legislature; we saw that these sectarian colleges, instead of being the abodes of learning, and the depositories of a refining spirit and a rational philosophy, were like feudal castles in the olden time, each the rallying point of a party whose only object was to strengthen their own position, annoy their neighbors, and levy contributions on the public. These were the aspects of the past, the present, and the future; and surveying them calmly, after ample deliberation, we passed that memorable resolution, which I believe will not only find an echo in this meeting, but in the hearts of four-fifths of the people of Nova Scotia.

But it has been said that we committed a breach of faith. A breach of faith! for a Legislature, informed by experience, to abandon a ridiculous system and go back to sound principles! As well might persons who had taken stock in the canal, or built upon its line, complain of a breach of faith because the Legislature, finding that it had wasted twenty or thirty thousand pounds in a premature or impolitic undertaking, refused to grant any more money. The Legislature formerly gave whaling, sealing, and salt bounties, and many persons embarked property in the fisheries in consequence; but whoever doubted the right of the House to discontinue these grants, or complained that, to avoid a breach of faith, it ought to throw the money it had after that which had been already wasted. Every new road that is opened, every old one that is altered, changes some man's prospects or injures some man's property; but do the Legislature commit a breach of faith when they consult the general interest even to the injury of a limited number? The return to specie payments changed the relation of property to an enormous extent, and, for the time, seriously injured many; but was it a breach of faith for the Legislature to break up a wretched currency, and get back to a better system? The incorporation of Halifax, the great changes in the general government of the country, all varied the prospects and calculations of parties interested; but surely there was no breach of faith in these changes, or in the passage of the resolution which has called forth these familiar illustrations of an argument most fallacious and unsound.



But, it is said that the people had petitioned in favor of the system, and there were no petitions against it. Now, let it be observed that all the petitioners in favor of the sectarian institutions were only about eight thousand; not half the population of this city, not a third of the population of this county, less than the population of any county, and not above one thirty-eighth of the inhabitants of the Province. Shall it be said, then, that we, who represented not only that portion of the people who had petitioned, but the other thirty-seven portions besides, had not a right to say, when thoroughly convinced that the system was injurious, that it should have no end?

Another complaint urged against the House of Assembly, and I wish to take them in their order, so far as my memory serves, is, that we refused to hear the agents of one of these colleges by counsel at the bar of the House. We did so. One would suppose, from the outcry raised on this point, that the Assembly can exercise no discretion in granting this privilege; that it is one frequently demanded and enjoyed. How often does the meeting suppose that it has been granted within the last fifteen years? But twice; once when Doctor McCulloch and the present Speaker appeared on opposite sides in one of these sectarian college disputes, and once, when Mr. Crawley, one of the very parties who now complain, was admitted to the bar to plead for his own institution. So that all the great questions have been discussed and decided; all the great interests of the country have been varied or influenced, from time to time, and yet everybody else has been satisfied with free discussion on the floor of the House, but the parties connected with these sectarian colleges. Does the House of Commons grant this privilege whenever demanded? on questions affecting private rights it sometimes does, on great questions of public policy very rarely. It lately refused to hear millions of corn law repealers by counsel at the bar, because it had already decided upon the question. Why did we refuse? Mr. Huntington has stated two of the reasons; the House had already decided, and it was very late in the session. There were other reasons, also. Four persons craved to be heard by counsel at the bar. One of these was a member of the House, who could make himself heard within the bar whenever he pleased; he had spoken frequently on the question, and if there was any thing left unsaid, he might have made a speech every hour of the day. Was it reasonable then, for him, who had been sent there to speak for the people, to ask to have his sentiments conveyed to us through a legal or literary speaking trumpet at the bar? Another of the complainants was a member of the upper House, and I think I may ask if it is usual for the Peers to be asked to

be heard, on a question of public policy, at the bar of the House of Commons? That gentleman could have got up in his place in the Legislative Council, and delivered his sentiments freely, and if he had made a good speech, as he very likely would have done, it is probable that the members of the lower House would have gone up and heard him, or that it would have been given to us in *The Morning Post* for our general edification. I think you will agree with me, therefore, that these two individuals have, on this score, very little cause of complaint. Of the other two, one was a professor who had been writing and lecturing on the subject all winter, and one was the editor of *The Christian Messenger*, who could favor the world, and had favored it, with his opinion on colleges almost every week. Besides, there was the less reason for hearing these persons at the bar, because they had presented a memorial, only a short time before, four columns long, arguing the question in all its bearings. These, then, were good reasons, even if there had been no others; but there was another. No sooner had the House passed the resolution, than one of these very parties had attacked the majority who sustained it, and another had insulted the House, collectively and individually, by declaring that there was not talent or information in it to deal with the question. Under all these circumstances, I state fearlessly, that if the House had permitted these parties to appear at the bar, they would have reduced themselves to the lowest point of degradation.

Besides, there were six parties to the settlement of this question; the Church, the Methodists, the Catholics, the Presbyterians, the Independents, and the Baptists; the latter only asked to be heard at the bar, all the others were satisfied to be heard on the floor of the House through those who participated in their opinions. And here I may as well answer a question which has been asked of Mr. Huntington, "Who are the Independents?" I answer, the friends of a broad and liberal system of collegiate education, free from sectarian influence and control. We are the Independents; and, before this agitation ceases, it will be found that we are a pretty large sect in Nova Scotia, not ashamed of our name, and able to fight for our opinions.

Another charge has been made which requires some notice at my hands. It was asserted at Yarmouth, by grave dignitaries, nay, even, I believe, made the subject of a resolution, that some individual had ridiculed and laughed at the professors of Acadia College "in their absence." As I presume this was meant for me, I may as well plead guilty to the charge, and confess to having kept the House laughing for an hour at these grave professors; I should have taken that liberty, even if they had been on the floor of the House. But is it so great a crime

to laugh at and abuse people, who either have not the power, or, at the moment, the right of reply? I have often gone into a court of justice and seen a lawyer torture a poor wretch in a witness box, whose only offence was, an anxiety to tell the truth; and I have again and again seen him overwhelm some citizen, whom the rules of court forbade to open his mouth, with ridicule, contumely and invective. When I have seen all this, and reflected that it was done for hire, and that the only reason why it was done, was because the party doing it had not been feed on the other side, I have come to the conclusion that to ridicule and abuse people, who deserve it, is not so great a crime. [The Solicitor General laughingly observed, that there was no sectarianism in court; and Mr. Howe replied, in the same tone, that whenever person attacked him, he should take the liberty of doing for fun, what others did for money.] But he was well aware that the respect, the strong attachment, which many in that meeting entertained for him, could only be preserved by his being able to show that he only used those weapons in cases of necessity. The question was, had there not been, on the part of those who complained, not only the first aggression, but most ample provocation? Down to the autumn of 1842, said Mr. Howe, I never spoke or wrote one line in public, attacking any of the professors, and I argued the question of colleges solely on public grounds. In the spring of that year six or seven letters appeared in the authorized organ of the Baptist body, over a signature which one of the professors had used, in which Mr. Young and myself were assailed in a most unchristian and vindictive spirit; our motives impeached, and our public characters blackened with misrepresentation and falsehood, for no other reason than because we had, in the previous winter, spoken and voted independently on the question of colleges. My friend, Mr. Annand, called my attention to these letters, and urged me to reply, but I did not. I told him to wait awhile, that there were more where those came from, and that my time would come by and by. I was right; subsequently I was assailed by two other individuals, upon personal grounds, and then I gave them their deserts; but you will observe that I took no part in any public discussion with any person connected with the Baptist body, for several months after Mr. Young and myself had been traduced in their official organ. Yet these are the people who complain of being laughed at.

But further. In January, when the strongest stems in my family circle were falling around me, when I could not leave home for self-defence, and when a contest with any persons that could be avoided was not only unbecoming, but almost impossible, from the weight of sorrow

What pressed upon me, what did these professors do? Why they assembled a meeting in the back woods of Annapolis county, and there, amidst those who knew no better and to whom their word was law, strove to blacken my character in "my absence" by every description of mean falsehood and misrepresentation, and sent their emissaries to carry their slanders to the head of the government. Besides all this, only a week before I made the speech of which these people now complain, Mr. Crawley had published a letter, aimed at me, full of the gall and bitterness of a malignant and unchristian disposition; then it was that I drew the thong and laid it upon the shoulders of these gentry, and made them understand the difference between a packed audience in the woods, and a deliberative body in the capital, between the Parliament of Nova Scotia and that of Nietaux. I do plead guilty to making the House laugh at them, and if necessary, I'll do it again. Let me not suppose that their being stuck up in professors' chairs, gives them the right to fire their pop-guns at people without retaliation.

But it is said I compared them with truckmen and mechanics. Let me explain. One of these professors had questioned the qualifications of the members of the House of Assembly, freely chosen by the people, to deal with a public question in which he happened to be interested. Was it not competent for me, by a few simple contrasts, to bring him to his senses, and question his qualifications to pronounce such a sweeping opinion? I said I would go down into the Square, and take a man off his market cart, who should teach these professors philosophy; and when I name Mr. Titus Smith, is there a person in this audience who will dispute the fact? I think you will agree that not only could he teach them much of which they are ignorant, and that should be taught in a College, but that he has forgotten more than either of them ever learnt.

I said I would find a shoemaker their equal in mathematics; the sight of a face in the crowd reminds me that I might have added, and a farmer also; and whoever knows Ben Dawson or Adams Archibald knows that I speak the truth. I might have gone further, and challenged either of them to deliver as neat, as copious, and beautiful a course of lectures on chemistry at their college, as Mr. McKinlay gives, every winter, at the Mechanics Institute, for nothing.

Gentlemen, there was one thing said which may have seemed presumptuous,—that I thought, from the temper they exhibited, even I could open the sacred volume, and show that they had misconceived its spirit. I may have been wrong, but yet when I compare these peripatetic, writing, wrangling, grasping professors, either with the venerable men who preceded them in the ministry of their own church, or in the

advent of Christianity, I cannot but come to the conclusion that either one set or the other have mistaken the mode. Take all the Baptist ministers from one end of the Province to the other—the Hardings, the Dimocks, the Tuppers,—take all that have passed away, from Aline to Burton; men who suffered every privation, preaching peace and contentment to a poor and scattered population; and the whole together never created as much strife, exhibited so paltry an ambition, or descended to the mean arts of misrepresentation to such an extent, in all their long and laborious lives, as these two arrogant professors of philosophy and religion have done in the short period of half a dozen years.

Let us suppose that the Apostles, instead of going about preaching the word over the Roman empire, had set themselves to work to build a college, and sought from the Senate an endowment, that they might be stuck up in professors' chairs; suppose that they had been refused, or had not obtained what they thought sufficient, and that straightway they had got up meetings to defame the Senate, and had exhibited the temper and the spirit of these men of modern days, what would have become of Christianity? A school might have arisen, or an academy been founded, but where would the vital spirit of Christianity have fled? But did Peter, and Matthew, and John, do these things? No; but what did they do? They imitated their master; they exhibited to the astonished gaze of the Roman people a philosophy which put to shame that of all the schools, academies and colleges of the day; a love of truth which no selfishness could bend; humility so perfect that the willing heart volunteered its reverence; a charity and self-sacrifice, the law of which was brotherly love. Evidence of all this is to be found in a book which a child might open at any page, and put these clerical agitators to shame.

But it has been said, one college will be more expensive than six. If so, as was well said by one of our friends, why did they not build six? Six log houses could be built for less than this hall cost; and six houses like this could be erected for the price of the Province Building. The value must decrease as the number increases, assuming a limit to the funds. But take either Windsor College, or Dalhousie, which has property and permanent endowments, and it is clear that with a grant of £800 a year from the Legislature, an institution equal to the wants of the whole Province can be maintained. Mr. Young has exhausted the statistics of the question; his calculations and mine may slightly differ, but in the main they lead to the same results. Take Dalhousie College, which has permanent buildings, and £100 a year in rent to keep them in repair.

Invest its funds at six per cent. and you have.....	£600
One hundred students at £8 or eighty at £10 will give.....	800
Endowment.....	800
	£2,200
Professor of Moral Philosophy and Rhetoric.....	£400
“ Greek and Latin.....	300
“ Chemistry and Natural History.....	200
“ Natural Philosophy and Mathematics.....	200
“ History and Political Economy.....	200
“ Modern Languages.....	150
“ Law.....	100
“ Medicine.....	100
“ Library.....	200
“ Museum and Apparatus.....	200
	£2,050

Here we have the whole college supported, with a surplus of £150, the Legislature being called on for but £800 instead of £2,640, or £3,600, when any of the sectarian colleges want wings, and the people not being asked to subscribe one farthing. But suppose the students are not so numerous at first, then a few hundred pounds, raised by the friends of liberal education, would easily make up the deficiency.

These calculations cannot be disputed — they cannot be overturned; and when paraded, as they shall be, before the people of Nova Scotia, will carry conviction in spite of the misrepresentations that have been diffused.

But it is said the different religious bodies want their divinity taught. They should have it. By our plan it will cost each but £100, or at furthest £200, a year; by theirs, if each church is to maintain a college, the expense must be at least £1000 a year, after £5000 has been invested in buildings and property. By our plan each religious body would teach its divinity without being harrassed, as some of them are now, for extravagant contributions; £800 instead of £2,600 would be the moderate grant from the treasury; we should have eight professors instead of two, and peace in place of strife.

But then the vice and immorality of Halifax are such that no boy is safe in coming here for his education! I must say it is strange that those who have lived among, and grown wealthy from the industry of, the citizens of Halifax, should thus paint them to the country. It is unusual for birds to foul their own nests. But I ask those who utter these things to show me, within the bounds of Europe, one collegiate institution of any name, or standing, that is not in the midst of a city more populous than Halifax. If, then, the boys of the whole world are sub-

jected to these temptations, what is there in the character of our youth to warrant the belief that they are more prone to wickedness — more apt to yield to ordinary temptations? If it is meant that twenty thousand people commit more sin than twenty, I admit it. There may be a concentration of vice in all towns, but are not virtues, and restraints, and refining influences, concentrated in the same proportion? I deny that the people of Halifax are worse than their neighbors; and I appeal to you to say whether your children are not as safe now — whether they would not be as safe, drinking at the pure streams of science and philosophy, on the grand parade, as imbibing a sour sectarian spirit on a hill in Horton.

But are there not other reasons which make the capital a desirable site? If a boy is intended for a merchant, he is surrounded by merchants, and warehouses, and ships, and may, while pursuing his studies, acquire a fund of valuable knowledge bearing on his peculiar pursuit. If he is to study law, all the courts are open to him, and all reserved points are argued here before the assembled judges; the pulpits are filled with able divines; libraries, reading-rooms, and institutes, offer constant stores of information. If he cherishes a martial spirit there are military exercises every day; if the navy attracts him, there are men-of-war to inspect; if he has a taste for mechanics, for art, or music, he will see and hear more to cultivate and refine his ear and his taste in Halifax in a month, than any country village can offer in seven years.

It has been said that we want, by erecting a central institution, to destroy all the others, and “wrest the education of their children from the people.” Shame, shame on the men who have thus deliberately slandered the Legislature of their country. From first to last, we have disclaimed any coercive legislation. The Baptists, or any other body, may maintain a dozen colleges if they choose, but they must do it with their own resources. The public funds must be dedicated to public objects, in which all have an interest; and if religious bodies choose to build colleges as they now build churches, the Legislature has neither the right nor the disposition to interfere. The House of Assembly wrest from the people the education of their children! Do not the persons who make this charge know that the House has called into existence and endowed to the full extent of their means, thirty or forty schools in every county, which are independently managed by trustees chosen from the people themselves? Do they not know that all these are to be left, as part of our plan, but extended as our resources increase? Do they not know that an academy has been planted by the Legislature in every county, some of them as good, and some of them even better, than that

of which so much is written and published? That all these are under the control of the leading men of the counties, selected by the Executive without regard to sect or party? All this has been done by the Legislature; while those who have erected a single high school and called it a college, at which some twenty or thirty boys are instructed, think themselves entitled to defame the men who have made this judicious provision for twenty-five thousand. These common schools and academies are part of our system; they are to remain. If the religious bodies choose to keep up their colleges, they will remain also, and then the central institution will give to those who require it a still higher polish and more extended advantages. But we want schoolmasters! Of course we do. And what are seventeen county academies for but to provide them? What do the thirty thousand uneducated children require at our hands? What is the first want, the paramount necessity of their condition? Reading, writing, and arithmetic. These, with geography and the mathematics, are taught in the seventeen county academies, which ought to, and could, supply the country with schoolmasters if there was not a college in existence.

What, then, do we seek? To destroy? no, but to extend, the existing system. In 1840, an additional £1000 was added to the common school grant. What was the consequence? One hundred and forty-one new schools immediately sprang up, and four thousand eight hundred and ninety-seven more children were educated. Will any man pretend, that £1000 thus expended, will not do more good than if given to one of those sectarian colleges? Will any man pretend that, in refusing to add £1,880 to the cost of colleges last winter, when we could not afford to add one farthing to the fund for common schools, we did any thing but our duty, and wisely stemmed the torrent of sectarian feeling to protect the interests of the mass? that we did any thing but stand between the treasury and those who live by and live in colleges, that education might be extended and not destroyed?

But then these sectarian colleges are to do such great things for religion. I believe that in a short time they would banish it from the Province. One of them kept the eastern counties in hot water for sixteen years; and another has produced more strife, division, and bad feeling, than any other bone of contention, religious, social, or political. One thing is clear, that eight hundred common schools and seventeen county academies, are managed with more tranquility, on the independent system, than a single sectarian college. Suppose that five or six different religious bodies owned these, and each was scrambling for its own, what a scene of confusion would the education of the country exhibit.



Apply the same principle which now governs our county schools and academies to higher education, and peace and permanence will be the result. The people must have one college, as they have one supreme court; one Province building; one penitentiary; and if others want more, let them maintain them at their own expense. But, it is said, if a college is not sectarian it must be infidel. Is infidelity taught in our academies and schools? No; and yet not one of them is sectarian. A college would be under strict discipline, established by its governors; clergymen would occupy some of its chairs; moral philosophy, which, to be sound, must be based on Christianity, would be conspicuously taught; and yet the religious men who know all this, raise the cry of infidelity to frighten the farmers in the country.

Having gone, I fear, at too great length, over the main points of this argument, I ask myself, can the persons who have commenced this agitation succeed? I ask myself, what interest can the people of Nova Scotia have in maintaining six colleges, when one will be amply sufficient for the whole population? I ask myself what interest have Cape Breton, Inverness, Richmond, Guysborough, Sydney, Pictou, Colechester — one half of the Province — in maintaining a college at Horton, a place which they rarely visit on business, and seldom for amusement? What interest have the counties on the western shore? The other day, several hundred persons were brought here from Lunenburg in a few hours, for a dollar each. Suppose they had had to go to Horton, what would have been the cost, and when would they have got back? The same may be said of Shelburne and Yarmouth. With Halifax, they have a natural and will soon have a steady steam communication; with Horton they have none, except what denominational pride or feeling may supply. How, then, can those people hope to succeed? In two or three counties they may have a majority; but even in these I do not fear the result, when the question comes to be understood. Understood it shall be. We will give them meeting for meeting, speech for speech; and if it is necessary to carry the war even into Cape Breton, I will not fear to appeal against the views of my honorable friend who represents it, to the constituency, who, upon this question, can never agree with him in opinion.

Having argued the question as one of a purely educational character, I might, if I were disposed, sketch its political aspects. But this is not the place nor this the time. If I am not much mistaken, the period is fast approaching when this duty may be required at my hands; and when it comes, trust me, my voice shall be raised, and my pen employed, as in times of old, until the intrigues and designs, which are now more

than apparent, are thoroughly comprehended by the people of Nova Scotia.

The following draft of an address was then read and passed unanimously by the meeting:—

TO THE HOUSE OF ASSEMBLY.

*The Petition of the undersigned Freeholders and Inhabitants of the County of Halifax,*

HUMBLY SHOWETH, —

That, heretofore, several attempts have been made to found institutions for teaching the higher branches of learning, which, after consuming a vast amount of public and private funds, have either entirely failed, or been attended with little success.

That your petitioners attributed the ruin of one such institution, and the feebleness and inefficiency of others, to the attempt to found them amidst a thin and scattered population, and to maintain them by the resources of some one of the numerous branches of the Christian family into which this Province is divided.

That your petitioners viewed with satisfaction the attempt made by your Honorable Body, last session, to put an end to an impolitic and expensive system, and to lay the foundation of an institution which should be an ornament to the Province, and insure, by the permanence of its character, and the extent of its resources, a liberal education to our youth.

That your petitioners have seen with deep regret the efforts of a few interested parties, to create, in different sections of the country, a prejudice against your Honorable House, for an act which we regard as founded in sound policy, just to the whole body of the people, and imperatively called for at the present time.

That your petitioners regard, with intense interest, the thousands of children, growing up without the common rudiments of education, unable to read the word of God, or to conduct with advantage the ordinary affairs of life; and they deem it their duty to protest against the establishment of a plurality of collegiate establishments for the rich, until the wants of the poor are more extensively supplied.

That your petitioners, while they feel that independent expression of their opinion is due to your Honorable Body, disclaim narrow prejudices against any denomination, or hostility to any particular institution; all they seek is, that the public funds should be wisely husbanded, learning providently cared for, and the independence of the Legislature preserved.

Meetings were immediately after held in Coldchester, Pictou, and Hants, all of which Mr. Howe attended and addressed, and in each of these counties strong opinions were elicited in favor of a Provincial university, and against the further endowment of sectarian colleges. At New Glasgow Mr. Howe was entertained at a public dinner, and an address was presented to him, of which we print an extract: —

Sir, — We embrace the present occasion of your visit to this part of the Province, to testify our esteem and respect to you in your elevated political station in the councils of the country.

We would not, however, be understood as complimenting you on your station alone. It is the recollection of what you have achieved in the cause of liberty and the reform of former abuses, when you stood at one time almost single-handed in the contest, that calls forth this meed of praise. It is the recollection of the bold and fearless but constitutional part you took in those measures of Colonial reform, and in your successful endeavors to assimilate the institutions of this Province to those of the parent state, and procure for us the privileges, as well as the name, of Britons. We are aware, sir, of the difficulties with which you have to contend; that you are thus far necessarily associated with men of opposite sentiments, but we have that confidence both in your integrity and abilities, that we fear not the result. We behold the fostering care of our beloved Queen extended to us, and her ministers, whether Whig or Tory, sending out liberal Governors to all the Colonies, with liberal instructions to govern on liberal principles, according to the wishes of the people.

These meetings evidently alarmed the members of Council remaining in town. But two of them were friendly to Mr. Howe; the others sympathized with Mr. Johnston. An immediate dissolution was insisted upon, and a message was sent to desire Mr. Howe's recall, to discuss it. He had made engagements to attend two meetings on his way home, and lingered to fulfil them, but wrote to say that he would be in town in a day or two.

Before he reached the capital he heard of the dissolution, and at once pronounced it, for Lord Falkland's future success and peace of mind, an unwise and fatal step. He did not disguise this opinion from His Lordship. The constitutional remedy for

the state of things which existed was to have insisted on Mr. Howe and Mr. Johnston preparing an educational measure in which they could agree. If they could not, and would not consent to sink their differences and work in harmony, then either education should have been treated as an open question, or one of the gentlemen, whose irreconcilable differences perplexed the Council, should have been asked to retire. To prematurely dissolve a Parliament that had given no offence, offered no obstruction, and which by overwhelming majorities had sustained the administration; and to do this without a single attempt to reconstruct or strengthen the government, was a blunder worse than a crime. Mr. Howe saw it at a glance. Lord Falkland saw it, perhaps, when it was too late. Looking calmly back upon the past, there can be no doubt that to this one fundamental error may be attributed, not only the four years of perplexity and mortification which His Lordship underwent in this country, but many of the discordant elements by which public men have been since divided and public improvements checked.

Some of Mr. Howe's friends urged him to resign, but he declined. The Queen's representative has a right, said he, to appeal to the country, and although, in this case the time was ill-chosen, I cannot resign merely on the ground that I have been sent back to my constituents.

Weary and sick at heart, he prepared for the elections, doubtful, as well he might be, whether Lord Falkland, who he had served for three years with so much fidelity and success, had acted in good faith, but quite assured that he had done an act of folly, and outraged the feelings of many well-disposed members of the Legislature. Looking at his conduct from either point of view, the future presented its embarrassments. There were other sources of perplexity at the time, not very easily seen through, but which, by the light of our later experience, are now transparent enough. A few leading men among the Irish Catholics were determined to force themselves into positions upon the strength of the Catholic vote for which they were not better qualified than a great many other people, and to which they had no peculiar claims. These pretensions were resisted by

the Protestant liberals, and the Catholics drew apart and refused to take any share in the Halifax elections. The liberals, confident in their own strength, prepared to face the old influences without them. Had the Catholics adhered to their pledge, all would have been well. After a hard struggle, Mr. Stairs's election was secured by a small majority, when a number of Catholics were thrown into the hustings, and, in violation of all political principle and party obligation, nay, in violation of their own declaration of neutrality, made when the contest commenced, a gentleman who had always been hostile to the popular party was returned. This single seat, thus lost and won, as it afterwards turned out, gave Lord Falkland the bare majority of one, which sustained his government through the session of 1844. It is painful to look back at the miserable intrigues which resulted in this dead lock to all progress for several years. But they were not without their instruction. I resigned my seat that a compromise might be effected; but this treachery, and forced concession, were long remembered, and not forgotten when, in 1857, it became imperative upon the liberals to make against Catholic pressure a more determined stand.

Mr. Howe and Mr. Doyle were returned for the county of Halifax without opposition. The speech delivered by the former upon this occasion, is characterized by humorous retort, and successful vindication of his acts and policy up to this period:—

Gentlemen, had this election been contested, many opportunities would have been afforded of addressing you, and making my views and principles understood. As there is to be no contest, we have preferred availing ourselves of the only chance that we shall have, within these walls, rather than in the draft of a doorway and amidst the noise of a crowded street. I must confess, however, that I feel no small degree of diffidence in attempting to speak at all, after the mercantile and legal eloquence with which the hustings have of late resounded. But I must say something. Were I a conservative, speaking to a conservative auditory, it might be sufficient for me to say that I was a free-born Nova Scotian, with a little Irish blood in my veins; was in favor of agriculture, commerce and manufactures; and

this, with a bunch of flowers as big as a turnip stuck in my button-hole, would be sufficient to secure me support. You may expect something more; you have not been accustomed to follow any man blindly; you expect from those you sustain a rational defence of the past, and that they will point with some degree of precision to the paths they intend to tread. I heartily rejoice that I see around me again the faces of those who have, in times gone by, lent strength to many a political struggle, and mirth to many a festive scene. You have ten year's of union and triumph to look back upon; a fortnight's misunderstanding and estrangement to regret. Let the former furnish inducements to confidence and cordiality in future, and the latter be buried in oblivion from this hour. For some reasons, I do not regret our divisions. They have demonstrated the strength rather than the weakness of our party. The Tories ask who are the great Liberal party? The recent struggle has furnished them the answer. One wing of our forces rested on their arms; a second, lying on the east of Halifax harbor, could not interfere; and yet, the other third of our army was able to do battle with the entire Tory brigade, horse, foot, and artillery. They have paraded their forty-two merchants in a handbill, but is it not a fact that with all these, with three banks, two lines of stage coaches, some fifty public officers, half a dozen clergymen, and a steamboat to boot, they were nearly beaten by one-third of the liberal party whom they pretend to despise? This fact has been shown by our divisions; another, equally honorable, has been displayed; that while the Tories were willing to join either section of the Liberal party, neither would have any thing to do with them. But we are divided no longer, the whole force is once more in the field; and, as the man said who spread his butter on his cheese — "bad luck to the woman who first parted them," so I say, bad luck to those who shall ever part you again. Without referring to the cause of this division, I may be allowed to speak of the gentleman by whose generous resignation our differences have been reconciled. The Roman historians tell us that by some convulsion of nature a gulph was opened in the forum which threatened the safety of the city, and which the Augurs proclaimed would never close until the most precious thing in Rome was thrown into it. Marcus Curtius leaped in, declaring that there was nothing more precious than virtue and patriotism, which taught men to sacrifice themselves for their country. My friend, Mr. Annand, has thus leaped into the chasm which divided, and threatened the security of his party. He has done an act which his friends know how to appreciate, and which his constituents to the eastward will readily understand. They may be assured that, although I regret the loss of a

colleague, who next to Mr. Huntington, can the least be spared from the ranks of the party, both I and Mr. Doyle will endeavor to make up, by assiduous devotion to their peculiar interests, the loss they are likely to sustain. In parting with Mr. Annand, however, I may say, that I rejoice that his place is to be filled, not by a political opponent or an untried man, but by an old friend and fellow laborer. Doyle and I commenced life together and have a thousand personal and social ties which neither can readily forget. Many of the gayest and most instructive of our days and nights were passed together, and of these I may say in the language of an Irish orator to an Irish judge—

“We spent them not in sport, or lust or wine,  
But search of deep philosophy,  
Wit, Eloquence and Poesy,  
Arts which I loved, for they, my friend, were thine!”

At a later period we spent four years in the Legislature together, side by side with Huntington and Annand, struggling for those measures which have since been carried, and those principles which have since been obtained. Mr. Doyle was not only the parent of the Quadrennial Bill, but of the act for vacating the seats of members accepting certain offices, besides having his share in all the conflicts of his party from 1836 to 1840. I naturally expected from those who have lately come forward to give opposition to the old members, some rational criticism upon our past conduct, some development of new principles, some fair fault-finding with the policy they condemn, some indications of that which they intended to pursue. But I listened in vain. One gentleman told us that he and his party had not been represented at all, though he did not tell us in what respect, and another told us that he was in favor of commerce, agriculture, manufactures, and the fisheries. Why, we are all in favor of these! Is there a man here who is not? No: but while our opponents can neither tell us what they would do, to benefit commerce, my colleagues and myself can point to the light houses beaming on the coast; breakwaters reared on coves and headlands; mail routes extended, and lines of stages and steamboats encouraged for the security of commerce, and for the safe and rapid transmission of commercial correspondence. These things have been done by the men they oppose; what more would they do if they had the power! Gentlemen, I prize commerce as a noble pursuit, and gladly would I foster in this country the true commercial spirit; that spirit which urged a French merchant to say to a French King, “Let us alone; we seek no aid from royal ordinances and legislative enactments,”—that spirit which has

made the British merchant, in all the eventful periods of our history, the friend and bulwark of civil and religious liberty — that spirit which made the merchants of Italy, not only princes, but the munificent patrons of literature and art. For those who would warp general interests for personal or party objects; who would make wealth the means of corrupting or intimidating the poor; who would dismiss a mariner or refuse to employ a truckman because they exercised their franchise independently; for these I must confess I have no very exalted respect. The gentleman, to whose address I am now referring, told us he was a friend of agriculture. So am I; and I may tell these conservatives that the language I have always held to our Agriculturists, is the very language that Sir Robert Peel holds to the farmers of England — “ Depend upon yourselves; be industrious, frugal, and intelligent; study agricultural chemistry, and rely with a just pride upon the dignity of your occupation and the bounties of Providence.” This is the language which your late representatives held to the farmers; but, so far as we could, without injury to other classes, we gave them the benefit of a moderate protection, increased means of education, and opened new and improved roads. The fisheries we have protected by cruisers round our coast; and to the manufacturers we have extended, wherever the occupations they followed were adapted to the condition of the country, a fair and legitimate protection — a protection in some cases so high as to attract the attention of the Secretary of State. In future, we shall endeavor to take equal care of the interests of our friends, the manufacturers, and whenever the policy of the mother country seems to bear hard upon colonial interests, we shall endeavor to set matters right by explanation and remonstrance. To a gentleman who complained that we had not represented him and his friends, I take leave to say that we have represented all the great interests of the country fairly, honestly, diligently. If they have not considered themselves included, I am sorry for it. That gentleman’s father represented this county for thirty years; but when, during the whole of that period, were the rich more secure in their possessions, or the poor more intelligent, more independent, or better off than they are now? Within the last six years, during all which time these wisecracs have been declaring that we were all going to the dogs, Halifax has grown one-third and Dartmouth has nearly doubled in size. As that gentleman has complained of our stewardship, let me remind him in what condition the county came into our hands. Looking west from Halifax to Hubbard’s Cove, with one or two exceptions, there were neither level roads, magistrates, nor schools. Now, there is a school at Herring Cove, one at Portuguese Cove, one at Ketch Harbor, at the bay there are



several, and others are scattered along the coast, while there are magistrates at equal distances to superintend the road work and keep the peace. Thirty miles of level main road have been made in the western portion of the township within the last six years — as much as that gentleman's father left to us after thirty years administration. Turning to the east; its condition when I first visited it in 1837, was this: for fifty miles there were neither roads, bridges, magistrates, nor schools. Now there are six schools dotting the shore, where formerly there was not one; magistrates have been appointed, and, while the Great Eastern Road has been carried nearly to the bounds of our county, the shore settlements are becoming one after another closely connected by means of roads and bridges. I make the assertion, and I challenge contradiction if it is not true, that there is now in the county of Halifax one hundred miles of level road which did not exist in 1836! Thus have we represented the county of Halifax. The narrow contracted views and antiquated prejudices of some of its inhabitants we may not have represented. The wise men who, in old times, agreed to call a shilling fifteen pence, and a doubloon sixteen dollars — who cut the Shubenacadie Canal, built the breastwork at Sackville, and wasted £30,000 in a legislative collision, may not have been able to seduce us with any such large experiments; but I think you are just as well satisfied if your views have been represented instead of theirs. The men who now complain of us, are the men who for years opposed the corporation, who resisted the introduction of the new Colonial principles, and who vainly sigh over the loss of power they never wisely used. It has been asserted in some of the papers that the liberals have increased the Provincial debt. This I take the liberty to deny. Who contracted the £120,000 of debt which Nova Scotia owes? Not us! We found it in existence when we went into the House of Assembly, and have for six years firmly resisted its further accumulation. We have not paid it off, because our available resources could be better employed in the public improvements of the country. To carry these out, we have occasionally borrowed a few thousands; but with the distinct understanding that the amount was to be repaid. Though we sent in one year £1000 to relieve the sufferers in Canada, and in another gave £3,200 to purchase seed for the poor; in 1842, we expended £34,000 on our roads and bridges, while the highest sum that we could afford for the service in 1836, was £9000! It is said that we carried our elections in 1840 by the use of the Governor's name. This I deny. We beat them at successive elections during Sir Colin Campbell's administration, when they, and not we, had the benefit of the Governor's name to influence votes. In the re-

cent struggle, our opponents made — without authority I am bound to believe — what use they could of the Governor's name, and yet we have three seats out of four, and may have the fourth if the scrutiny proceeds. I have been a good deal amused at one charge brought against myself. It has been said that I have actually been a fortnight absent from my office, while discussing the subject of education in the Eastern counties. A fortnight's absence in me is a great crime in the eyes of people who never said a word when Mr. Morris was absent from his office for six months, and Sir Rupert D. George for two years. But it is said, a person at the head of the excise ought not to be in the Legislature. This is a new discovery. Did not these very people justify my predecessor's holding, for life, not only a seat in the Legislative Council, but in the Executive Council also? Did they complain when Mr. Jeffrey, not only sat in both Councils, but administered the Government of the Province and was collector of Customs at the same time? The Liberals have also been charged with increasing the salaries. This I deny. The salaries that have been raised have been paid out of the casual revenues, always without our consent, and sometimes in spite of our opposition. Wherever we could, we have applied the pruning-knife. In 1837, about £2,500 was lopped from the public expenditure in a single session. In the expenses of the judicature, a material change has been made. Including Judge Wiswell's office, one associate and four inferior court judges have been swept away. The salaries and travel of these are no longer paid.

These amount to.....	£2,400
We pay the additional judge of the supreme court.....	£800
And three pensions of £300.....	900
	— 1,700
Making a present saving of.....	£700

And, when the pensions fall in by the death or promotion of the recipients, the saving will be to the country about £1,600 a year. It has been said that Halifax has become a borough, and that I have nominated all the members. This, like all the other assertions of the Tories, has no shadow of foundation. Mr. Bell was brought forward at a public meeting by an independent nomination, in which men of all parties concurred. Mr. Annauld was named by a body of freeholders in the county, scarcely three of whom I could at that time call by name. Mr. McNab was brought into the House, because being in the government when the new system was introduced, his party did not wish to lose the benefit of his position and influence. When Mr. Stairs was selected, himself and

another gentleman were named by our mutual friends. I pledged myself to support either of them that the party should bring forward, and the choice was made when I was out of town. There are many other tales just as idle that might be laughed at and exposed, but I feel that I have already trespassed largely on your time. In conclusion, gentlemen, permit me to thank you for the independent and vigorous support which you have given me on all occasions, and which has restored to me my seat to-day, almost without an effort. Gentlemen, there was a time when a seat in the Assembly, a position in the Council, a public office, had for me some novelty and attraction. I have grown old enough to regard these, so far as my own feelings or interests are concerned, with comparative indifference. Gladly would I abandon them all, if I could consult my own impulses, and return to my fireside; but I am so bound to you by personal ties; so identified with the interests of my party, and the success of those principles which I have ever maintained, that I feel my destiny is to labor while you repose confidence; that I am not at liberty to withdraw from the harness of public life while you wish me to remain in; that it becomes me not to desert my post. One abiding conviction buoys me up and makes my labor light; I know that, long after I and my friends that stand beside me shall have passed away to the narrow house appointed for us all, our labors will be apparent on the face of the country, and the principles we have developed and maintained, will be cherished in the hearts of the people.

When the elections were over, each party, as is often the case, claimed the majority. Had Lord Falkland raised, before dissolving the House, any distinct issue for the country to decide, his course would have been clear. As matters stood he was more perplexed after the elections than before. Nothing was decided. When Mr. Howe paid his respects to the Governor after his reflection, he expressed his readiness to resign or to form an administration which should conduct affairs satisfactorily, omitting those from whom he had become divided by irreconcilable differences of opinion. Lord Falkland expressed his anxiety to retain if possible all the gentlemen who surrounded him, his determination to take no step till the House met, and his anxious hope that some solution would be found of the difficulties which the aspects of the times presented. That Lord Falkland acted in good faith at this period is scarcely credible. Mr. Howe believed he did, yielded his own wishes,

and consented to remain in the Council, it being understood that the Governor would take no step until the new House had met and given some indication of its opinions. Had Lord Falkland adhered to his expressed determination he might still have formed a strong government. The questions at issue between Mr. Johnston and Mr. Howe would probably have been raised in the Legislature. These would have been fought out and decided, and the real strength of each gentleman being ascertained, either could have been selected to form an administration, or lead the old one which had hitherto so successfully conducted public affairs. In either case His Lordship's path would have been smooth. But in an evil hour he was induced to take a step, which not only hopelessly shattered his administration, but shook the general confidence in his sincerity and candor that had hitherto made him many friends.

We are not writing a political history of North America, but if we were, we might perhaps trace between what was taking place in Canada at this moment and what took place in Nova Scotia immediately after, — a mysterious connection. Lord Metcalf quarrelled with his ministers, and compelled them to resign about the last of November. Mr. Baldwin, the Attorney General for Upper Canada, had been in that Province the same early and unflinching advocate of responsible government that Mr. Howe had been in this. Late in December news reached Nova Scotia that Robert Baldwin and his colleagues had been compelled to resign; that Lord Metcalf was involved in a political controversy or crisis, or that he meditated and was executing a *coup d'état* by which all the popular principles lately conceded were to be reclaimed. Lord Falkland evidently thought so, and he probably thought that by executing a *coup d'état* of his own, and placing himself in antagonism to the leader of responsible government in Nova Scotia, he would attract the notice of his superiors and secure their approbation. Many others have been given, but this is our interpretation of the troubled dreams out of which Lord Falkland wrought, so far as any reputation for Colonial statesmanship is concerned, his own destruction. Before all was over in Canada, the principles, endangered or mystified for the moment, became

so clearly defined and universally recognized that no Governor General has since been brought into collision with his advisers about matters of fact, or the boundaries of authority; and in this Province we attribute, more than to any other cause, the firm establishment of sound constitutional principles to the free discussions provoked by Lord Falkland's attempt to put them down.

On the 21st of December, Mr. Almon, Mr. Johnston's brother-in-law, was appointed to seats in the Executive and Legislative Councils, and Messrs. Howe, Uniacke, and McNab, tendered their resignations. Lord Falkland having required them to give their reasons in writing, they did so. The notes will be found in the second volume.

All the gentlemen retiring, it will be seen, complained of but one act, raised a single issue, and left no doubt as to the reason of their retirement by any ambiguity of language. They therefore avoided many of the grounds of controversy and dispute which perplexed all parties in Canada.

The constitutional course for Lord Falkland to have pursued on the receipt of these notes was, for His Lordship to have called upon Mr. Johnston to fill up the seats vacated, and to go down to the House, and there vindicate what had been done. Lord Falkland was too vain or too impatient to be thus defended. He was induced or permitted to write a letter, in which he raised all sorts of questions; and, without waiting to lay his epistle before the House, published it in the newspapers.

The day after, Mr. Howe wrote a calm and temperate reply. Both letters are given in the proper place.

Answers were also sent in by Messrs. Uniacke and McNab, which, from the importance attached to this period of our Provincial history, we have included in the appendix.

His Lordship, having perused these letters, appeared to have enough of controversy over his own signature; but, when the session opened, on the 8th of February, he was advised to put some absurd paragraphs into his speech, which at once opened the floodgates of controversy. What would be thought, in any part of North America now, of a Governor who undertook to

defend his advisers in the newspapers, or who was to address such stuff as this to Parliament?

For nearly four years, my best energies have been devoted to the advancement of the best interests and happiness of this Province, and being satisfied that a government composed of individuals of one political party only, would be ill suited to its actual condition, I have ever distinctly avowed my reluctance to form such a Council, and my earnest desire and intention to administer the affairs of the Colony with the advice of a Board at which all interests should be represented. This desire and intention I still retain. By the aid of a Council thus constituted, the just claims of all classes may be urged upon the attention of the representative of the sovereign.

Whereas a party government would expose the Lieutenant Governor, who must unavoidably be often ignorant of local relations, to the great danger of being made an instrument of oppression to some portions of the community for the aggrandizement of others, however much his own inclination might lead him, as his interest always *must*, to promote the general welfare without preference or distinction.

Well assured of the love that the people of Nova Scotia bear to the person of our gracious Queen, and of their attachment to the connection which binds them to the mother country, I am convinced that so long as I adhere to the principles from which I have never departed, of firmly resisting any invasion of the royal prerogative, while I use the powers which that prerogative confers, justly and impartially, for the benefit of all Her Majesty's subjects, I shall deserve and secure their approbation and affection, and that both will be made manifest by the cordial and efficient support I shall receive from you as the representatives of their opinions.

To dissolve a friendly House without cause, or distinct issue raised, and to shatter a strong government without absolute necessity, seemed absurd enough; but to lecture the Provinces in letters and speeches after this fashion, was really like giving currency to libels upon our loyalty and common sense.

The debate, provoked by this speech and correspondence, lasted a fortnight. Nothing could exceed the temper and moderation displayed by Mr. Howe. Personally attached to Lord Falkland, believing him misled, regretting his errors, and foreseeing the results, he could not suspect him of treachery or unkindness, and gave him credit for thinking he was right even when

most in the wrong. The members of Council were held strictly accountable for the Governor's speech and letter, and not a word was spoken in debate disrespectful to the Lieutenant Governor. We give Mr. Howe's defence of his conduct at this period :—

Mr. Howe regretted that the course taken by the members of the government, made it imperative upon him to enter into a full explanation of some matters, which, had they refrained from unjust insinuations, and violations of confidence, he should certainly have been the last to introduce into debate. That a member of Council should have thought it within the scope of his privilege, in order to found a charge against his retiring colleagues and their friends, to drag before the committee not only the secret discussions of the Council board, but the private and confidential conversations which passed beneath his own roof, seemed to him a little singular. Such a course was unprecedented in the records of any British Legislature with which he was acquainted; and if the precedent now set was to be followed, there would be an end to those courteous usages, and that mutual confidence, which are the cement and charm of public life. The retiring Councillors and their friends had carefully abstained from any revelations, from any violations of confidence, which would have been unparliamentary; they preferred no charge against their colleagues for any thing which had occurred previous to the appointment which led to their resignations, and they based their opposition on the policy since pursued, and on the documents before the House. It would have been well if their late colleagues had acted with the same discretion; but as they had not, as they had gone into discussions in Council, and bed-chamber conversations, it would now become his duty to lay some facts before the committee, and he doubted not, that before he was done, the members would feel that, as Actæon was devoured by his own hounds, so was the honorable and learned gentleman from Sydney's ease torn to pieces by his own disclosures. Out of their own mouths they shall be condemned.

Far wiser would it have been for these gentlemen, had they at once bowed to what they must have felt to be the general desire of this House before it was in session a single day, and advised the nobleman at the head of the government, to make such changes in his Council as would have inspired confidence and insured tranquility, rather than to come down here to array one-half the House against the other; and, depending on the Governor's name and personal influence, and threats of a dissolu-

tion, and personal charges and insinuations against those who disapprove of their conduct, to secure them a majority of one or two, after a fortnight's debate on the opening speech. Had they done their duty to the Governor, to this House, and to the country, His Excellency would have stood in the position which the representative of Her Majesty ought ever to occupy, and all these strange discussions might have been spared.

The object of the learned member from Sydney clearly was, to endeavor to make the impression on the House, that the Speaker and the leaders of the liberal party in the government, had been engaged in a deep plot against Lord Falkland, and their colleagues, ever since 1842, and that thus the government had become weakened, and finally dismembered. Now, he would be compelled to show, not only that there was no foundation for this charge, but, that if there were suspicions and dissensions, intrigue and agitation, ending in the dissolution of the House, and the dismemberment of the Council, their late colleagues and their friends were alone to blame. In doing this, he asked the committee to bear in mind, that the members of government possessed decided advantages; they could make statements, by authority, which, however much they might vary from the recollection of facts, and of expressions, the House were bound to accept; they might reveal as much or as little as suited their purpose, and no fault would be found; while every word uttered in self-defence, would be tortured by misrepresentation, or regarded as a needless breach of confidence. It was true that he had obtained from His Excellency, since he last addressed the committee, permission to use his own discretion in conducting his defence; but he could not but feel, both as a gentleman and an ex-Councillor, that, as that permission might have been refused, it ought to be used with great delicacy and discretion. From the first, he and his colleagues had desired to narrow the ground of controversy; to raise an intelligible issue, upon which Parliament and the country could decide; and, therefore, whatever other grounds of complaint they might have had, they rested their retirement upon the appointment of Mr. Almon, and so stated in short notes to His Excellency. The first mistake, as he conceived, which his colleagues had committed, was to advise His Excellency to put forth a document, in which the secrets of the Council were revealed, untenable grounds for the appointment assigned, and a charge of wishing to wrest the prerogative, made against them, for no other offence than decorously retiring from the government when they could no longer defend its acts. This letter he should not have referred to, had it not been quoted here by the Attorney General; it was, therefore, before the House, and like the



speech, must be charged, not upon His Excellency, but upon his advisers. The next error was, placing the prerogative in the foreground of the speech, in order that, the letter and speech being taken together, the inference might be drawn that somebody was menacing the prerogative. This mode of attack was unparliamentary and unfair. If Nova Scotians had not the right to retire from a Council, then none of them would be mad enough to go in; and if the Governor, and not his advisers, was to be thrust into the foreground on every occasion as of old, there was then no change of system, and responsible government was a cheat and a delusion. If there were great errors chargeable upon the Council, how much more reprehensible was their conduct in endeavoring to get themselves out of the difficulties in which they had been involved by their own folly, by gross breaches of confidence and unauthorized explanations. It will now become my duty to trouble the House with a narrative, which will, or I am much mistaken, put a very different complexion upon the whole affair to that attempted to be given by Mr. Dodd.

In 1840, Mr. McNab and I went into Lord Falkland's Council; we were then, and for sixteen months after, the sole representatives which the liberals, numbering two-thirds of the House, had at the board. Did our giving our best assistance to the Lieutenant Governor, under such circumstances, show a desire for party government, for conservative exclusion, for a monopoly of power? I think not, and I believe few persons would have risked as much and borne as much as we did, from the jealousy and distrust of our own friends, in order that the government might be aided under trying circumstances, in carrying out a new and beneficial system. The first thing which, in my judgment, weakened the new government, was the conduct of nearly all the public officers, and most of the friends, and relatives, and dependents, of our late colleagues, who, at the elections of 1840, voted and acted against Mr. McNab and myself who were members of the government, and our friends who were pledged to sustain it. The next thing was the indecent conduct of a near relative of the Attorney General's, who, at a public ball given afterwards, was seen to hiss Lord Falkland's health. Those who saw such things, naturally concluded that there could be no good feeling, no real sincerity, in the Council. Previous to the meeting of the House, the absurd cry of "the Premier," was raised by the conservative press, to prejudice my claim to the speakership, some of my colleagues being competitors; this cry had ever since been continued, leading to much misrepresentation and mischief.

The House met in February, 1841, and shortly after the members of government here made their explanations of the new principles and policy

to be pursued. Though the language varied in substance, they all agreed that though the Governor was responsible to the sovereign alone, and *that* responsibility could "devolve on no man," yet that his advisers were responsible to the House for all his acts, and for every exercise of the prerogative, and that, if these were not satisfactory, a vote of the Assembly could compel them to resign or to dissolve the House. This is the essence of the Doddean confession of faith. These have been the true principles of the government, never varied from or disavowed by Lord Falkland, from the moment that his administration was formed. It was to have been expected, then, that our colleagues in the Legislative Council would have held the same language, and fairly avowed the same principles that we did here. But, on the contrary, their statements were so different from ours, in part frittering them away, and in part flatly contradicting them, that from the moment they were made, there was a very general impression of blundering misconception of the new system on the part of our colleagues, or of bad faith, which not only weakened us in the House, but had its effect upon our friends and supporters throughout the country; the one set adopting the principles as explained by us, and the other as mystified and misstated by our colleagues. So strong was the dissatisfaction exhibited in the House, that I found it necessary to refer to the misstatements made in the other end of the building, and reiterate and enforce the views previously given here. [Mr. Howe here quoted from the reports, extracts from the speeches of the Attorney General, Mr. Stewart, and himself.] Mr. Howe said that he would have been justified in quitting the government, or insisting on the dismissal of his colleagues, the moment that those extraordinary speeches were made; and he would have done so, but that he did not wish to produce embarrassment, and because he hoped that the day would come when his views and statements would be authoritatively confirmed. He had got his reward; the day had come, and whatever he might have endured, or risked, or forborne, to bring it about, he had now the satisfaction to see the Attorney General frankly adopt, on the floor of this Assembly, the principles in their fullest extent; and to find that in the new House, fresh from the people, there was not a man bold enough to stand up and deny them.

On the 8th of April Mr. Huntington, who, with several of my friends, had from the first been dissatisfied with the administration, partly from the insufficient representation which the liberals had in it, and partly from the grounds of suspicion which our colleagues and their friends had thus furnished of insincerity and bad faith, moved an address on the civil list question which was tantamount to a vote of censure. The liberals,

at the time, composed two-thirds of the House. Had Mr. McNab and I felt inclined to intrigue against our colleagues, we needed only to have yielded to the earnest solicitations addressed to us by my honorable friend from Yarmouth, and my late honorable friend from Windsor, during that session, who repeatedly urged us to join them, or even to stand aside and let them sweep out of the way the weaker portion of the Council. Did we do this? Did we, as the learned member from Sydney would now wish to insinuate, lend our countenance to such a movement, or disgrace ourselves by such an intrigue? No, sir; my language to my friends at that time was, As I have acted honorably by you while associated with you as a party, so am I bound to act honorably by those with whom I am associated in the government. If you move a vote of censure, I will defend the government as a whole, by its acts and policy, and defeat you if I can. They were defeated by a majority of thirty-three to six, and the session was triumphantly brought to a close. Now, here let me say, as my learned friend has thought proper to give us conversations as evidence of intrigues, that some time after the close of the session, one of my learned colleagues frankly admitted to a colleague now in this House, that he had purposely made a speech in which the principles of government were mystified, because he saw there was to be a change in the ministry in England, and thought they would be withdrawn. What can the committee think of a member of government thus embarrassing his colleagues, and grossly betraying the Lieutenant Governor? Yet these are the gentlemen who now complain of intrigues for dismembering the Council.

Mr. Howe here referred to the state of the press at this period, to show that while he as an editor supported the government and defended his colleagues for sixteen months, — the Recorder, Register, and country newspapers, on the liberal side, doing the same, — The Messenger, Mr. Johnston's organ, which had of late become eminently political, maintained a sulky silence, and the conservative papers, which now supported the government because the liberals were out of it, were teeming with slander and invective. He referred to a series of articles written by him in defence of the government in the spring of 1841, and to a eulogium upon his colleagues printed in the last number he ever published, at the close of that year. Thus it was that he had, by a steady resistance of all importunity from the liberals, by an ardent and zealous support of the government, ultimately brought nearly the whole party to give it cordial support. Mr. Howe showed that the favorite idea of the conservative writers of that day was, that, as the tories had got into power in England, Lord Falkland ought to be removed, the old Council re-

stored, and the liberals turned out. In fact, that our own Legislature ought not to have the smallest influence upon our own government.

Mr. Dodd himself, although of his fair and honorable conduct in the main he had no reason to doubt, certainly had, up to the period to which he referred, committed a blunder which was well calculated, and did, weaken the government and bring it into contempt. In going upon the hustings and pledging himself to a dismemberment of the Province, without the sanction of the Lieutenant Governor, or consultation with his colleagues, he committed an offence compared with which his own unfortunate notice of motion in 1843 sunk into insignificance.

Mr. Howe here referred to the Lieutenant Governor's dismissal of Mr. Binney, and showed that while the conservative friends, relations, and dependants of his colleagues, with but few exceptions, and many of the public officers, both in public meetings and in the societies, openly opposed Lord Falkland, the liberals and the liberal press stood by him to a man. In tracing down his narrative to 1842, Mr. Howe declared that for six months of that year he scarcely wrote a line, except an article or two in defence of the government, while the most savage and violent assaults were made upon Mr. McNab and himself by the tory press of Halifax and Pictou. I come now, sir, said he, to the events which led to the conference in Mr. Dodd's bedroom, of which such an unfair use has been attempted to be made. Let me ask what took us to Mr. Dodd's chamber? On the 10th of February we lost the bankrupt bill; this was the cause of the conference — the reason for the uneasiness, the suspicion and the difficulty of the time. But, sir, was it our intrigues that defeated that bill? Did the liberals only oppose it? No, sir; of the seventeen members who voted with the government on that occasion, but five were conservatives, while ten conservatives voted against us. Of the five who voted for the measure, three were members of Council, so that our colleagues, who at that time held seven seats in Council, while we held but three, only brought us, in addition to their own, two votes to sustain us on an important government question. I remember the astonishment with which I regarded that division; the official and other influences which were supposed to have produced the result; and I remember when Mr. Dodd put the question to me, as to whether, in the event of the government being overwhelmed with a vote of want of confidence, we would go to the country and unitedly oppose those who passed it, that my answer was, that, though I would manfully defend the government down to the last moment, and act honorably by my colleagues, yet that, if we were defeated, so heartily sick was I of the treachery and blundering and unfair conduct of some of them and their

friends, that nothing should induce me, if once honorably out of the administration, to go into it again. What Mr. Young said, I do not remember, but that was what I felt and fairly expressed.

On the 17th of February, being determined to ascertain what the real strength of the opposition was, the resolution of confidence was introduced: it was moved by Mr. Lewis and seconded by Mr. Chipman, and both these gentlemen, it is generally believed, as a reward for the good services they then rendered to the administration, were displaced at the recent elections by the exertions of zealous partisans of two members of the very administration they thus stepped forward to rescue from a most humiliating position. I am now speaking of 1842, a week after the loss of the bankrupt bill, and the conference at Mr. Dodd's, he still being confined to his chamber. My sincerity and that of the speaker then was evinced by boldly propounding a vote of confidence; by making speeches of three hours in defence of it; by inducing twenty-seven liberals to vote for it—the conservatives, driven to take one side or the other, lending us but thirteen. Of the eight members who voted in the minority, but three were of our party. Thus it was, sir, that we at this period sustained the government, and yet Mr. Dodd, who sat in his bedroom all the time, now seeks, at the end of two years, to found a charge against us of infamous and ambitious personal intrigue.

The moment this resolution passed, the government was again in a powerful position. What struck it down and paralyzed it almost immediately after? What so shattered and weakened it, that we were threatened with a repeal of the very vote of confidence which had just passed? Need I remind the Attorney General and Mr. Dodd what it was that produced that crisis, which led to cabinet councils, and the formal and final annunciation of the principles of the government in the confession of faith? Do they forget that some members of government in the Legislative Council had again denied the very existence of that responsibility which we had all here acknowledged, and upon the faith of which our majority here was secured? Do the members of government here forget the events of that period? I remember seeing at Antwerp a curious picture of a boy taking physic, his brother holding his upper jaw, his sister the lower, while his mother thrust down the medicine with a spoon. As an offset to the bedchamber story which my honorable and learned friend from Cape Breton has given us, I think I could relate a scene, in which he and I acted as assistants, and in which the Doddean confession was thrust down two learned and honorable throats by strong compulsion. The picture would be a curious illustration of the past, but I forbear, though the medicine then administered has never seemed to sit

easy on the stomachs of those compelled to take it, and they have rarely let slip the opportunity to eject it again.

Mr. Howe here referred to the series of letters abusing himself and Mr. Young, two members of the government, in the spring of 1812, in *The Messenger*, a paper edited by an officer of the government, as another curious indication of that want of amity and mutual confidence and mutual protection, which was forced upon the public mind by the folly of those who were responsible to the country for all the mischief which had occurred. At these attacks, coming from a source over which it was supposed the Attorney General had some control; written, as they undoubtedly were, by an intimate friend, and aimed at two of his colleagues, who, down to that period, had acted towards him with all sincerity and good faith, the liberal party were naturally indignant. His answer to his friends, who complained of what they regarded as evidence of treachery and hostility, was, "The Attorney General is not answerable for the folly of all his friends; he should not be charged with all that his friends chose to write in the newspapers, or blamed because his colleagues are attacked." Down to this period, nay, for six months after the conversations in Mr. Dodd's bedchamber, I not only felt no hostility and harbored no suspicions, but certainly had never knowingly performed an act, spoken a word, or written a line, which could have a tendency to weaken the government, or lower my colleagues, individually or collectively, in public estimation. In the summer of 1812, I became engaged in a controversy with two individuals about matters purely personal. Into the merits of that controversy it is not necessary for me to go; it is sufficient for me to express the astonishment with which I saw one of my colleagues, the honorable and learned Attorney General, step out into the newspapers, and, without cause, without really knowing any thing of the matter, volunteer a public attack, over his own signature, upon me, who had, for more than two years, under the most trying circumstances, stood between him and the hostile feelings and well-grounded suspicions of my friends. Though highly indignant at this unprovoked attack, and though I expressed what I felt frankly to the Attorney General, for the sake of the government of which we were both members, I naturally passed over the matter as lightly as possible in the public notice which I was compelled to take of it, but endeavored to induce my friends to believe that it sprung from a mistaken sense of duty rather than from any less honorable impulse. My friends, personal and political, took a different view of the matter; they considered this but as the final evidence of the existence of intrigue and hostility which they had long suspected, and another circumstance shortly after gave new force to their

suspicions. [Here Mr. Howe delicately referred to Mr. Stewart's proposition to Mr. Uniacke, to get into the boat with him and Johnston, form a combination of Baptists and Tories, and throw him overboard.] That story had circulated for fifteen months uncontradicted, nor did he believe it could be contradicted, for when he had indignantly remonstrated with Mr. Stewart at the time, though he denied any serious intention, he admitted having used the language attributed to him; and one thing was very certain, the combination of Tories and Baptists was formed, the Attorney General and Mr. Stewart were in possession of the boat, and he, and Mr. Uniacke who refused to be a party to the novel alliance, had been driven out. Thus, then, had he acted towards his colleagues, and in this spirit had they acted towards him. Down to this period, running over two years, the liberal members of the Council had done every thing in their power to shield their colleagues and strengthen the government; they had defended them in the press, and covered them with friendly majorities. Mystification of principle, floods of conservative abuse, secret intrigue, and open attacks, were their reward, until their friends would no longer listen to their remonstrances, and resented a course of conduct which they believed to be most unprecedented and unfair. Down to the close of 1842, the liberal press and liberal party had sustained the government in good faith, but when the Attorney General's letter and Mr. Stewart's intrigue became public, from that moment they suspected a state of feeling in the Council which ultimately produced its natural results.

Mr. Howe here touched lightly upon the memorials sent to the Governor by Mr. Johnston's friends — their attack in *The Messenger*, in the winter of 1843, naturally leading to severe retorts from him while discussing the question of colleges. He traced the progress of public business through the Qualification Bill debates, and Mr. Dewolf's retirement, to show how steadily Mr. McNab, Mr. Uniacke, and himself, whatever causes of complaint they might have had, sustained the government down to the spring of 1843. A very large section of the liberals voted to sustain the government and the Qualification Bill, but yet, towards the close of the session, there was sufficient evidence of the gradual formation of the Baptist and Tory league, which Mr. Stewart had been the first to announce, and to which Mr. Dodd seemed to be lending himself, to rouse the indignation of his friends. A good deal of uneasiness was created by these indications, but the sincerity with which he still acted towards the Lieutenant Governor, and towards all parties concerned, was shown by his anxiety to get Mr. Huntington's support to the government, for which he still continued to hope down to a very late period of the ses-

sion. When that gentleman declined, and when some bills, favorites in the House, had been destroyed by members of government in the Legislative Council, a determination was shown by Mr. Anand, Mr. Huntington, and others, to move against the administration. Again Mr. McNab and himself interposed, remonstrated, and obtained an assurance from the more moderate of the party that they would not sanction the resolutions which had been shown around the House. And thus the business of the session of 1843, after all our difficulties, was drawing to a close. On coming down to the House one morning, after the liberal party had thus been induced to withdraw opposition, Mr. Howe said he heard that a resolution was to be moved by the other side against him; he inquired what its nature was, and who was to move it, but could get no information. Supposing it was something aimed at his office, he prepared a general resolution, which included nothing more than Lord Falkland had over and over again stated his desire to establish; which we had all been struggling towards, and hoped yet to reach, and which would have raised the broad question, of whether heads of departments were or were not to sit in the House. He did not think it necessary to consult his colleagues, because nothing might be moved; he could not give any definite information, for he had none himself, and besides, matters had got into such a strange state, that really it was difficult to tell from what quarter, or from whose hand, the next blow at him might come. When Mr. Marshall rose and gave the notice, his was given, and what did it amount to? It was a notice that he would do something a year hence, if another gentleman did something also, three hundred and sixty-five days being allowed for consultation, and nobody being tied up by the exact words of the resolution; which was immediately returned to his pocket, and might have been buried, or else modified in any way, if distasteful or injudicious. Now, said Mr. Howe, let me take the worst view that can be taken of this act; suppose it hasty, imprudent, or the result of feelings roused and provoked by three years of folly, imprudence, treachery, and most deadly assaults coming from the other side; suppose it an attack upon the government, which it was not, or a reflection upon my colleagues, which it was not, surely it ill became those whose own conduct had provoked it—it ill becomes them now to make a mountain out of this unfortunate notice of motion, the only act upon which they can found an objection from 1840 down to 1843. Mischief was attempted to be made of it; it was represented as likely to set the country in a flame, but, like sundry other notices of motion given during the session, it was soon forgotten, and failed to realize the anticipations of my enemies.



Spring came on, the grass was verdant, the flowers began to open, and the birds to sing, and I felt disposed to forget the feelings and the fatigues of the session. The country was quiet, and the government, if not so strong as it had been, was so far successful, as to give for the next twelve months but little uneasiness. In the midst of all this quiet and fancied security, away went the Attorney General to Yarmouth, then to Onslow, and subsequently to Bridgetown, stirring up strife and agitation wherever he went, abusing the House of Assembly in general, and me in particular; and, on one or two occasions, actually framed a resolution aimed at his unfortunate colleague. This agitation extended over about five months. I took no notice of it [said Mr. Howe] till the Governor had completed his tour, and until late in the autumn; then, having obtained His Excellency's permission, one meeting was held in the capital, and four or five others in the Eastern counties, the Governor frankly admitting that, the Attorney General having commenced the agitation, he had a right to set his views before the Province.

A short time previous to his going to the country a council was held, at which the subject of a civil list was discussed. The Attorney General was then agitating in the West, and the disorganized state of the Council was, out-of-doors and in the newspapers, a general topic of observation. In answer to a question as to whether the Civil List Bill could be carried in the House, he observed that he had his doubts, from the disorganized state of the Council, and from the manner in which a majority of them had been defamed at public meetings, whether the government would be in a position to carry any measure, unless some steps were taken to restore confidence. A dissolution was spoken of as a remedy.

Mr. Ross. From whom did the suggestion of the dissolution first come?

Mr. Howe. That is not material; I have used the permission granted very sparingly, and shall adhere to that course. I opposed the dissolution on the ground that it was not the proper remedy, and would punish the innocent, when we alone were to blame. The conversation became general, and the subject was finally dropped. A day or two after, His Excellency did him the favor to send for him, to show him a communication on the subject of the civil list. The subject was fully discussed, and he left with the understanding that His Excellency would submit as low a scale as might seem to be just; that members of the House would do their best to carry it; and, if modifications were forced by the House, which His Excellency did not feel himself at liberty to accept, a suspending clause should be attached to the bill, and

the subject left for the Colonial Secretary's final adjudication. With this impression, therefore, that the civil list was disposed of, and the Governor's difficulties removed, he left for the country. This, said Mr. Howe, is my impression of what took place, but I am bound to adopt the extract from the dispatch, which His Excellency sent down, as the only statement of what did occur, if His Excellency insists upon it. I am authorized to state only what is sanctioned, and where my explanation may differ from the communication made by the head of the government, the House, in such cases, is bound to take his and not mine.

Mr. Howe said he left town the next day after his final interview. The Attorney General in the interim returned, and at Antigonish he received a letter from Mr. McNab, informing him that the question of a dissolution had been seriously revived. He explained the engagements by which he was surrounded, and said that he had given his opinion strongly in writing, and had no wish, as had been supposed, to favor the impression that he had been consulted.

Down to this period, said Mr. Howe, I had never contemplated the formation of a party government; I had never pressed it upon the Governor. Though the subject had been urged in the newspapers, I had invariably told my friends that neither the liberals nor the conservatives were in a condition to form a strong government of themselves; and, although provoked with the eccentric behavior of the Attorney General, had never contemplated or asked his expulsion from the government. I returned to town on Friday evening. On Saturday, a requisition, signed by Mr. Almon and nearly all my political and personal enemies, came out in The Recorder, calling a public meeting of my constituents at Masons' Hall, to nominate members for the town and county of Halifax. As neither Mr. McNab nor myself had been consulted about this movement, and as we found our colleague the Attorney General in the hall prepared to address this avowedly hostile meeting, it would have been strange indeed, after three years and a half of such conduct as I have described, ending in such an exhibition, had we not gone for some form of government which would have included more unity, confidence, and good faith.

Mr. Uniacke, notwithstanding the disclaimer which appeared in the papers lately, encountered at Sydney opposition clearly traceable to the leaders of the Baptist party, with which Mr. Johnston was identified; opposition which cost him £700, and which was, therefore, calculated to give him annoyance, and arouse disunion; and my belief is, that from the moment it was ascertained that he would not join the league against me his political position was seriously menaced. [Here some conversation arose

between the Attorney General, Mr. Dodd, and Mr. Howe, relative to the Sydney correspondence, from which it appeared that the impression was general among Mr. Uniacke's friends in Cape Breton, that letters had been written against him by those nearly connected with Acadia College.] Here then was evidence of a Baptist and Tory combination, which Mr. Stewart had suggested a year before, and which was found by the general conduct of the elections both in Halifax and elsewhere. Mr. Howe next referred to his interview with the Governor after the close of the elections. As the results were unfavorable to the Attorney General on the college question, the only one that had been fairly before the country; as it was evident that he and Mr. Stewart had not brought back such a majority as would enable them to carry on the government without the liberals, Mr. Howe suggested that if they would retire, a Council could be formed which, if His Excellency presented no insuperable difficulties, should carry on the business of the country with a respectable working majority. When objections were raised he wished to retire and get out of the way. As the Governor objected to this, and his friends thought he ought not to assume that the new House would not support the government as it stood, he finally yielded his own opinion, and conformed to the Governor's wish. The appointment of Mr. Almon followed. The publicity of this, it being known all over the town long before either of the retiring Councillors were consulted, was referred to, not to found a charge against His Excellency, for he was not to blame, but to show that there were gross folly and breach of trust chargeable in some quarter. After due remonstrance, he [Mr. Howe] expressed his wish to retire, Mr. Tab, Mr. Uniacke and himself having made up their minds. He was advised to consult his friends; he did so, and then found that both the Speaker and Mr. Doyle, who had previously advised his adhesion, and neither of whom had ever urged or desired the expulsion of the Attorney General, both gave it as their decided opinion that to remain, after Almon's appointment, would forfeit the confidence of the entire liberal party. For giving this advice, a charge of personal ambition was now sought to be made against the speaker, which he there declared to be without the shadow of foundation. It was not that he had not held "the scales" equally that his conduct was disapproved, but because his masterly statement of the case had lifted the scales off the eyes of members. So far from "lowering the House," as had been said, he had elevated it by his stirring and manly eloquence. It was his duty, as the head of the House, to defend its principles, and assert its powers.

Mr. Howe next stated his objections to Mr. Almon's appointment, — first, because it destroyed the balance of parties — one of which had be-

fore been most unequally represented — and next, because it was unjust to the forty or fifty gentlemen who, in both branches of the Legislature, had sustained the government for the last three years. He denied that “affinity” to any man was a good reason for an important political appointment. He thought if a relative of his had been taken off the Annapolis hustings and thrust into the Council, the Attorney General would have had good ground of complaint. It was in vain for Mr. Dodd now to express anxiety about the Catholics, because, had the three Councillors held on after Almon’s appointment, there would have been no vacancy, and their claims would have been overlooked. Had the intention really been to elevate a Catholic to the board, the seat given by Mr. Johnston to his brother-in-law should have been given to them. The learned member from Sydney was afraid that, under the new system, the whole government of the country would be in the hands of five lawyers, resident in town. If so, some of them would represent country constituencies, and all be responsible to the House; but had he forgotten that, under the old system, eleven out of twelve members of both Councils resided in the town of Halifax? A dissolution had been threatened, but for what? The only reason for the last appeared to be to get Mr. Almon into the Council, another could not be necessary unless the Attorney General had another relative to provide for. The idea that the passage of this amendment would place a mark upon the Governor, or degrade him, was ridiculous. If he thought so, he would vote to throw it in the fire. What interest or what feeling could he have in the matter? He was above our aim. We were complaining to him of his Council, not of him to his sovereign.

The learned gentleman from Sydney, complains that we have changed our names from reformers to liberals, but he forgets that his friends set us the example, by throwing aside the good old name of Tory, and calling themselves Conservatives. He says, the Attorney General and I should have been both dismissed for agitating the country; I admit it; and if we had been, I should not have complained; but it is strange justice to reward him for setting a bad example, and punish me for only following it. Had we both been expelled, our mutual misfortunes might have made us mutual friends, and induced us to give our old friends, who remained, a pleasant time of it by a constitutional opposition.

We are told that if Mr. Almon is fit for the Legislative Council, he is fit for the Executive also; but my learned friend knows well that there is many a peer who would never be thought of for a cabinet minister. If Mr. Almon was selected for his wealth, Mr. Collins has more of it; if for his ability, Mr. Cogswell is his superior; if for his enterprise, Mr.

Cunard has a superior claim; if for public service, Mr. Jeffrey was an older officer. But no, sir, the Governor tells us the true reason in his letter; he was selected to gratify Mr. Johnston, and the House will have to decide if that is a reason with which they ought to be satisfied. Mr. Howe closed his review of Mr. Dodd's speech by describing the effect of this "No Party" cry, which would tend to raise up a class of sneaking, contemptible politicians, like the fence men in the United States; men who wanted the talent or energy to win the confidence of either party, would seek only their own advancement, to the exclusion of able and honest liberals and conservatives, who, each in his own way, might have rendered the State some service.

Mr. Howe, in turning to the speech of the Attorney General, regretted that the lateness of the hour and the length of time he had already occupied, would prevent him from bestowing upon it that attention which the position of the speaker, rather than any thing in the speech itself, might seem to claim at his hands. It was the saying of an eminent legal authority, that "Lady Common Law must lie alone," thereby implying, that to become a good lawyer, the whole mind must be absorbed in the pursuit. Thus it was with the Attorney General; he had laid so long with Lady Common Law, that when he got in beside responsible government, he did not feel much at his ease. One thing, he was glad to hear him say, that he had adopted the confession, as the true rule of administration; he knew that this declaration would be required of him, and must be made the moment he set his foot in this Assembly. That acknowledgement settled the general principles; no man, therefore, would venture to dispute them. The learned Attorney General asks us to wait, and try the government by its measures; but, where are they? The only one they have announced is the Civil List Bill, rather an old affair, and one that would not now be offered if the revenues were productive. Alluding to the denial of the position that the Governor can do no wrong, Mr. Howe maintained, on high Canadian authority, — a pamphlet written by an officer of the government, and published under the sanction of Sir Charles Metcalf, — that he can do no wrong of which the people under his rule can be the judges; they being compelled to hold the Council responsible for all the wrong he does, and he being alone responsible to his sovereign. This responsibility, Mr. Howe admitted now, as he had done formerly. The article referred to, stated he could "devolve it on no man," neither could his Executive Councillors throw upon him, as was sought to be done here, their responsibility to the people, by crying out, "insult to the Governor! prerogative! prerogative!" whenever a vote of censure was moved against them. There was as little consistency in

what had been written about "forcing opinions" upon Lord Falkland; no man had a right to do that; all had the right to reason, remonstrate, retire, and go into opposition. These were the constitutional checks and guards operating all round a Governor, but leaving the prerogative unfettered. The Attorney General complains that we couple parliaments and prerogatives together, like the Siamese twins. We are right; the union and sympathy between them should be intimate and unbroken. Strike away either, and you establish a despotism; let them act and react upon each other, and you have British Constitutional government. The Attorney General admits that the old government of this country was a tyranny. May I not ask who defended it till it fell? He is afraid that a party government would destroy the independence of the House. But does he not remember that the House destroyed the party government which Sir Colin Campbell maintained?

After touching on several of the other points of the Attorney General's speech, Mr. Howe concluded by saying, that as many charges had been preferred against himself and his friends, he had one to bring against the honorable and learned members of the administration. They knew, in a single day after the opening of the session, the temper of the House; they knew that there were not ten men here who approved of Mr. Almon's appointment, or who would desire to support the government without such a reconstruction as was contemplated by the amendment. Why did they not bow with a good grace to the calm judgment of men of all shades of opinion, instead of provoking this protracted and angry discussion, and bringing bedchamber stories here, discreditable to the House and to the government? Why did they not do justice, and restore confidence, and place Lord Falkland in the proud position which, as a nobleman deserving of the respect and confidence of the Legislature, he ought to occupy? He had no wish or desire but to do justice to the liberal party. Motives of personal ambition had been charged upon him; his ambition was akin to that of Fulton, who, while developing the principle of the steam engine, cared little for the command of a steamboat. To me, said Mr. Howe, it is a matter of trifling moment now, who form the administration in this Colony or in any other; all I desire to see, are the principles legitimately worked, and Governors generously sustained, winning confidence by the value of their measures and the wisdom of their appointments, not driven by temper or personal inopportunity to array one-half of the House against the other, and weaken the prerogative by using it unsparingly in defence of acts which public opinion cannot sustain.

The amendment moved by Mr. Huntington, and seconded by Mr. Uniacke, was in these terms:—

Of Your Lordship's administration during the last four years, the people's representatives have hitherto, in the exercise of their constitutional privileges, expressed their approval. The Queen's representative, we humbly conceive, following the example of the august sovereign he represents, should not only resist with firmness any invasion of the prerogative, but wield the high powers committed to him for the good of the whole people residing within his government. For the maintenance of his dignity, and the constitutional exercise of the prerogative, he may always sincerely rely upon the loyalty and intelligence of this House, faithfully reflecting, as we trust it will, "the love the people of Nova Scotia bear to our gracious Queen, and the attachment which binds them to the mother country."

The question of party government is one which this House does not feel itself called upon to raise at the present time. The system of administration graciously conceded by the imperial authorities, subjects the advisers of the Governor to a responsibility to Parliament for the acts and policy of the government, and makes it incumbent upon him so to select them as to preserve the confidence of this Assembly; and we beg to assure Your Excellency, that whenever it shall please Your Excellency to surround yourself with a Council truly representing all the great interests of the country, and enjoying the confidence of this House, you may rely, in the conduct of the administration, upon our "cordial and efficient support."

When the division was called for only twenty-six members out of fifty-one were found to sustain Mr. Johnston, who had the whole patronage of the government to aid him, with Lord Falkland's personal canvas, conducted in any thing but a fair or constitutional manner.

It was impossible for Mr. Howe much longer to take amiable views of Lord Falkland's proceedings, for every day he gave some new provocation. When the fourteen days' debate was over, and the government was shown to be powerless, instead of submitting with a good grace to the necessity for an honorable compromise, Mr. Dodd was sent to the retired Councillors to offer them their seats again, provided they would

subscribe to a paper, thus described by Mr. Howe in his speech of the 13th February, 1845, in which the course of events at this period is accurately traced. We were, said he, "to be guided in certain matters" by those whom we knew were no safe guides. We were "to state our concurrence in matters of importance" very faintly shadowed forth; to give "a direct renunciation of a doctrine" which was utter nonsense; and "a frank recognition of the Governor's right" to select a mixed medley of men of all sides, holding no opinions in common, to sit in His Executive Council."

The proposition was respectfully declined. A few days after Mr. Howe made, through a mutual friend, an offer to waive all personal claims if Lord Falkland would form a strong government and resume his right position. The gentleman found His Lordship in a towering rage, and reported to Mr. Howe that he had declared that there should be between them "war to the knife." Who can wonder that when this pretty speech was repeated to Mr. Howe the revulsion of feeling should have been very painful. If "to be wroth with those we love doth work like madness in the brain," he had a reasonable excuse for at least that amount of divine rage called "virtuous indignation." Down to this moment, I would, said he, "have burnt my house over my children's head to have served or to have saved Lord Falkland." It was hardly to be expected that this feeling should be cherished after His Lordship's declaration of war.

The war soon came. That evening an extract of a dispatch from the Colonial Secretary was published in The Gazette, in which the Governor was informed that he should be sustained in "resisting the pretensions of the retired Councillors." As they had pretended to nothing except to their right to resign, it was evident that this dispatch could never have been written except upon some *ex-parte* or disingenuous representation of what had occurred here. The papers were moved for and refused.

A popular newspaper, hitherto neutral in politics, was purchased by the gift to the proprietor of the Queen's printership, from which Mr. Thompson, an old personal friend of Mr. Howe's, was removed. This paper became Lord Falkland's



organ, and teemed with personalities and abuse. To add to the irritation, a military surgeon, who attended Lord Falkland's family, took the field, and under a *nom de guerre* that soon became generally known, attacked the liberal leaders. The country was daily flooded with defamatory matter, and the hope was evidently indulged, that Mr. Howe and his friends would be broken down, and that Lord Falkland would ride rough-shod over the Constitution so recently won. There was some danger of it, and Mr. Howe saw clearly that, to secure and consolidate what had cost the liberals years of labor, the spirit of the country must be sustained and public opinion guided. He had retired from the editorial management of *The Nova Scotian*, and sold the establishment to Mr. Nugent at the end of 1841. I became the purchaser of it in 1843. In the spring of 1844, Mr. Howe, at the request of the parliamentary leaders of the liberal party, and in compliance with the general sentiment outside, consented to assume the conduct of that paper again, and of *The Morning Chronicle*, which had been recently established. An arrangement was made, by which, while I retained the proprietorship and general management of those papers, Mr. Howe was left free to make what use he pleased of them in defence of the popular cause, and as vehicles for the dissemination of liberal opinions. This arrangement was announced on the 6th of May, 1844, and lasted till April, 1856, when Mr. Howe moved into the country. We often look back upon this period of nearly two years of intimate personal companionship and coöperative labor in a good cause with mingled feelings of pleasure and satisfaction. We were together much of the day and often far into the night. Nothing could exceed the buoyant and cheerful spirit with which Mr. Howe applied himself to the task which he had assumed, of routing Lord Falkland, and his government, horse, foot, and artillery, at the next election. In the darkest hour he never despaired. He played through labors multifarious, and which, to a person of different temperament and training, would have been irksome. His arm-chair became the centre and rallying point of the whole party. Our office was rarely empty; his house, when at home, never. We have

often seen him dashing off an editorial, which was to set the whole Province laughing or thinking, surrounded by a mob of friends planning some movement or preparing for some meeting. We have known him work when he was weary; inspire others with cheerfulness, when his heart was sad; and he thought as little of galloping over two or three counties, and addressing half-a-dozen public meetings, as others would think of a drive round "the Point." Three years behind the scenes, had given him a thorough insight into the workings of executive machinery, and an intimate acquaintance with the capacity and sentiments of those to whom he was opposed. While he had admired, in Lord Falkland, some fine personal traits which he undoubtedly possessed, he had looked keenly through him, and knew his foibles well.

In his opening address, Mr. Howe thus alludes to his reasons for retiring from the press in 1841, and for resuming editorial labors in 1844:—

" We love it, we love it, and who shall dare  
To say that we love not this old arm-chair."

Two years and a half have passed away since we vacated the editorial chair, as we supposed forever. In doing so we were not without some misgivings that the change might not subserve our worldly interests or increase our happiness; but still the step was inevitable, and we bowed to the necessities of our position. Being a member of the administration and Speaker of the House of Assembly, it was impossible that we could continue to conduct a fearless and independent press. We could not animadvert upon the conduct of a single member of the body over whose deliberations we presided, or of the other branch, with which it was our duty to cultivate the most amicable relations. We could not criticise the conduct of members of the government, for it was our duty to assume the responsibility of their acts; we could not complain of a public officer, for the ready answer would be, why charge misconduct which it is your business to curb or prevent. Thus hampered it was impossible that we could continue to wield a bold and impartial pen; accustomed as we had been to plain speaking and independent action we could wield no other. We had too much respect for the press to drag it after us in the train of any administration, however well intentioned, or usefully and honorably employed. The press is the fourth estate; it should be

the public censor not the servile agent of the other three. Hence the separation. It was right, and wise, and inevitable, whatever some of our friends, who did not feel as deeply the necessity for it, may have thought at that time. Our own honor, the success of our principles, the interests of the party with which he had become identified, rendered it impossible for us to abandon the public positions we had won, and we therefore abandoned the editorial chair, the independent discharge of the duties of which was incompatible with the maintenance of those positions. We return to it now, not to gratify any morbid taste for notoriety; not because our interests are served thereby, for other occupations less onerous and more profitable are open before us; but as a soldier returns to his post which he may have left for a time upon other pressing service, but which he cannot, with a due regard to the claims and safety of others, honorably abandon. Had a fair and just compromise been made by the Lieutenant Governor during any one of the dozen opportunities that were presented during the last session, so sick were we of the ceaseless strife, heartless insincerity, and barren rewards of Colonial public life, that we would have cheerfully retired to more tranquil pursuits, and abandoned any claims that we might have been supposed to have either upon the country or the government. But what we would have done cheerfully for the sake of peace we are not disposed to do upon compulsion. Those who, tolerated and protected by the liberal party for three years, have treacherously sought to deprive them of their heritage, to damage character, to crush by fair means and foul, to monopolize power, and who have committed the egregious foolery of supposing that the party which taught them Colonial politics, which whipped them out of one antiquated absurdity after another, would submit to leave the country in their hands, have committed a strange blunder. They might have had peace; let them prepare for war. They refused to share power upon honorable terms; let them have a care that it does not pass out of their hands. They returned "the magnanimity" which they were wont to acknowledge with treachery and intrigue and defamation the most foul; let them be assured that a day of reckoning is at hand. At least, let them be assured of this, that we resume the editorial chair with very different feelings from those with which it was abandoned, and with a full determination to give to the country the benefit of our experience of the real character of the jugglery by which our public affairs have become so disastrously involved. Thank Providence we are once more unfettered and free to call things by their right names, and exhibit men in their true characters, independent of the trammels of honorary or official station, and utterly regardless of those considerations which weigh upon

the free thought and ingenuous expression in the varied phases of public life through which we have lately passed. Henceforth we can commingle with our countrymen as we were wont to do in times of old, and never ask Governors or colleagues what we shall feel, and think, and say. Whatever may have been sacrificed, this is a great point gained, and one that secures, in contrast with the opposite side, much of individual happiness. For three years and a half our individuality was lost, and we sometimes doubted our own identity; we were part of a nine-stringed instrument, which sometimes produced harmony and sometimes discord, but in which there was no clear ringing tone neither modified nor subdued. But now, like the lark, we can rise on our own wing, and pour forth our own strains, rejoicing in a sense of freedom that we have not felt for years. This, thank Providence, is an advantage that the editorial chair has over any of those in which we have sat of late. While one sits in it, however hard the work, they are answerable for nobody's sins or follies, or short-comings, but their own; in dignity it may be somewhat less elevated, but it is second to none in the range of usefulness which lies around it, and in real substantial power; not power to dispense or influence petty patronage, which brings but little gratitude and much responsibility; not power to strut about as one of a dozen, who are estimated by the positions they are in rather than for the virtues that adorn them, but power over men's intellect and their affections; power to influence the daily thought, to touch the hearts, to enter the dwellings of tens of thousands like an old familiar friend, and inform, excite, and guide them; power, not without its legitimate checks—for, when abused, it ceases to be power. Hardly had we taken our seat upon our old acquaintance, when we fancied that ten thousand ties which formerly linked our name and daily labors with the household thoughts and fireside amusements of our countrymen, aye, and countrywomen, were revived as if by magic. We stepped across their thresholds, mingled in their social circles, went with them to the woods to enliven their labors, or to the field to shed a salutary influence over their midday meal. And we had the vanity to believe that we would be everywhere a welcome guest; that the people would say, "Why, here is Howe amongst us again; not Mr. Speaker Howe, nor the Hon. Mr. Howe, but Joe Howe, as he used to be sitting in his editorial chair, and talking to us about politics, and trade, and agriculture; about our own country and other countries; making us laugh a good deal, but think a good deal more even while we were laughing." Such is the reception we anticipate, homely but hearty; and we can assure our countrymen that we fall back among them, conscious that there is no name by which we have

been known of late years among the dignitaries of the land that we prize so highly as the old familiar abbreviation ; and no field of labor more honorable than that which we formerly cultivated with so large a share of approbation, and upon which we are entering again.

“Welcome,” says Charles Lamb to his desk ; “Welcome thou dead wood by which I live.” And we say Welcome thou old chair, in which, and by which we lived in comfort and independence for years, caring for no lordling’s smile or frown, and conscious that our daily bread was not eaten on the frail tenure of any man’s caprice ; but dependent upon our daily labor and the bounty of that good Providence in which we had been taught religiously to trust. Welcome also, all those familiar objects and sights and sounds, in the midst of which we passed our merry boyhood ; surrounded by which our powers ripened and our early triumphs were enjoyed. We fancy that the press feels a thrill of animation pervading its iron ribs ; that the types are dancing in the cases, in anticipation of the cheerful and free thoughts, of which they are to have, as our friend Doyle said of the Cabinet, “the merits of the midwifery.”

We expect no speedy change, no sudden triumph. The present state of things will probably have to get worse before it is much better. From the present House, or rather from the small majority who support the present government, we expect nothing ; we fearlessly rely upon the intelligence and firmness of the people, and we look forward to the next election, when the constituency, having the two sets of men, and their acts and principles fairly before them, will decide which of them is to enjoy their confidence, and guide the administration of their affairs. Until that decision is fairly pronounced it is probable that we shall occupy the editorial chair, and give to our friends, to whose generous and spirited exertions we have been a thousand times indebted, the benefit of our labors in that department, where they seem to think we can be of the most essential service. To rouse, to inform, to organize the two hundred thousand people who compose the liberal party ; to put them in a position to rebuke the sneers of tory attorneys ; to restrain the arbitrary exercise of the prerogative ; to make their voices heard, not only in the Legislative halls, but also in the Councils of their country, with a weight and authority that cannot be misunderstood ; this shall be our task for a time at least ; and we enter upon it with a cheerfulness of spirit, which is the best presage of success.

Those who glance over the files for 1844 and 1845, will find in them every where traces of the activity and fecundity of a vigorous mind, resolutely directed to one object. Mr. Howe’s

pen, ever playful and energetic, was wielded with great effect, and the organized band of scribblers that the Governor had gathered round him, soon began to discover that they were to have no child's play. He pelted them with prose one day and with poetry the next, so that they were puzzled to decide whether he had studied Junius to most advantage or Hanbury Williams.

The government had gathered no strength during the session, and, in humble imitation of Lord Metcalf's fragmentary administration in Canada, the vacant seats in Council had not been filled up. A Civil List Bill, brought down by the government, had been mutilated, and votes which were tantamount to a want of confidence, were only staved off by amendments which were absurd, or by the admission of the right to resign, by formal resolution.

We copy an article, in which Lord Falkland's position, "before and after" his quarrel with the liberals, is contrasted:—

It is impossible to glance, even for a moment, at our Provincial politics, without contrasting the position in which Lord Falkland stands at the present moment, with the high ground which he occupied from 1840 down to the close of 1843. It is equally impossible to shut our eyes to the fact, that, precisely in the degree in which the true principles of responsible government have been departed from, has the personal comfort of His Excellency been jeopardized, and his personal influence impaired. We shall endeavor to make all this apparent, not because the discussion may afford the opportunity of venting feelings of disappointment, but because, if our opinions are well founded, the errors of the past should be clearly indicated, that the people may understand the true bearings of questions upon which they will be called hereafter to pass their judgment, and that a lamp may be held to the feet of future Governors, who may be placed in analogous circumstances.

Lord Falkland arrived here in the summer of 1840, comparatively ignorant, it may be assumed (as all persons trained and educated as he was, must be supposed to be), of the administration of Colonial affairs. The liberals had at that time a decided majority in Parliament; their leaders are said, by their opponents, to have had the chief influence in his Council for the first three years of his administration. Assuming

that this is true, without asserting it as a fact, let us inquire how this power was used, how that influence preserved and strengthened the prerogative, and how far His Excellency's personal dignity and independence were maintained. His Lordship professed to be a liberal in politics, as they were practically developed beneath his eye; he also professed to be a true believer in the applicability of the principles of Executive responsibility to Colonial government. Whatever may since have occurred to bias his mind, or to change his views, we believe that his reliance upon the infinite superiority of the new system over the old, was almost as great and enthusiastic as our own. His government, though nominally a coalition, was a liberal one; the general principles being those of responsible government, as recognized in the North American Colonies; and the rule of patronage being, to bestow all offices falling vacant (former occupants not being disturbed) upon those who either did, or appeared to, cordially support the government; nearly all being given upon the advice of, or in such a way as was supposed would be satisfactory to, his Council.

During all this time, how fared it with the prerogative? It was exercised in harmony with the wishes of the great majority of the people, but yet was ever vigorous and respected. Every government measure submitted, but one (and that not touching the dignity of the crown, or the policy of the administration), was carried; every grant of money asked for was obtained, if not upon the instant, before the close of the session in which it was demanded. A vote of censure was negatived, and a vote of confidence carried, by overwhelming majorities. The Queen's name was a tower of strength; the Colonial office was not besieged by hostile delegations, but was fast acquiring a new character in the eyes of the Colonists; and thus did the liberals of Nova Scotia work out their own principles, in harmonious subordination to the Imperial authorities; thus did they uphold and carry Lord Falkland through, while his government enjoyed the confidence of their leaders, and maintained a liberal character.

How fared it with His Lordship's personal comfort, dignity, and independence? His first act drew upon him the hostility of some of the wealthiest men in the community; and they, their families, connections, and dependents, commenced a course of open opposition, and petty annoyance and intrigue. Did the liberals quail before this? Did they advise Lord Falkland to rush into a personal squabble? to write letters to the old Councillors, accusing them of wanting to wrest the prerogative from him? No; and yet they might safely have preferred such an accusation against gentlemen who refused to withdraw from Her Majesty's

cabinet, when Her Majesty herself requested them to retire; who were, for the time, as much intruders as the boy who climbs into the palace. No such thing was done. What passed in His Excellency's closet no one knew; but his advisers met the friends of the "great dismissed" in society, in the Legislature, and in the press, defended his act, and left him in a position of dignified independence.

How fared it with him, again, when he had involved himself in a mere household squabble, with which his advisers, at the outset, had little or nothing to do? Did they shelter themselves behind him, thrust him into the front of the battle, and prompt him to write letters in the newspapers? No; they made the quarrel their own, fought it out gallantly, and crushed the intrigues to which it gave rise, with the weight of their personal influence. Thus it was, that His Lordship was sustained by the liberals, while they had, or were supposed to have, influence in his Council.

How fared it with him in the interior? In every little village there is a nest of Tories, most of them holding office obtained under the old regime. These people, taking their key note from their patrons in the capital, often presented a front of indifference and contempt, when His Excellency passed through their counties. How did the liberals meet these petty machinations? By enthusiastic and simultaneous gatherings of the independent yeomanry, whom these cliques could not influence, and by demonstrations, hearty, decisive, and gratifying. Lord Falkland passed, in 1842 and 1843, like a conqueror over the country; not because he was a Lord, or a Governor, but because the people of Nova Scotia are attached to liberal principles, and enamoured of fair play, and because they fancied they saw in their sovereign's representative, the embodied spirit of that Constitution for which they had contended, and will ever highly prize.

Thus, for three years, was the prerogative guarded, and the Governor's personal comfort and dignity maintained by the liberals; the occasional divisions in their own ranks, and the miserable blunders of some with whom they were associated, to the contrary notwithstanding. He did no wrong in the eyes of his sovereign, for his sovereign approved of all he did; and, conscious that, as far as possible, the British principle should be maintained, and that, if not incapable of wrong-doing towards the people under his government, no wrong should be charged upon him here. All good and gracious acts were attributed to His Lordship, and the responsibility of all doubtful ones was assumed by somebody else.

Thus stood Lord Falkland, from 1840 down to 1843, entrenched within the natural defences of the Constitution; the prerogative, not



like an Irishman's shillelah at a fair, shaking every five minutes in everybody's face, but like the electric fluid in the cloud, reserved for great occasions, and blasting where it fell. Who, during this period, ever heard of His Lordship being engaged in a newspaper controversy? When was he reduced to the necessity of courting those who had insulted him? of soliciting support to his government as a personal favor? of threatening dissolutions beneath his own roof? of keeping important offices vacant for months, not daring to fill them up? Who ever heard of his waiting a fortnight for an answer to his speech? of his having his salary reduced, and the payment of his arrears postponed? Who then saw votes of want of confidence in the government stayed off by a vote of confidence in the Governor? Had there been, during any portion of this period, any power in the Colony — any combination of able men — to reduce Her Majesty's representative to this extremity, the liberals would not have remained at Lord Falkland's council board one hour. They would have risen, and said: "May it please Your Excellency, — It is evident that our presence here is distasteful to a majority of the people; and though we may, by indecent threats and a degrading use of Your Excellency's personal influence, drag you through a session, putting aside a formal vote by a majority of one or two, it is quite evident that we have not the power to carry out the policy openly avowed by Your Excellency; to fill up vacancies in such a way as to strengthen your government; to carry a single unimpaired measure; or even to secure to you the salary solemnly pledged to you by the Queen. Under these circumstances, to remain beside you, would be to weaken the prerogative; to attract, by our unpopularity, opposition to your government; to lessen the undivided respect which the people should feel for their sovereign's representative; and therefore it is our duty to retire, that Your Lordship may construct a more efficient and popular administration." This would have been the language of the liberals, under such circumstances; and no pressure of religious or political adherents without; no motives of personal ambition; no threats or solicitations from His Excellency himself, would have induced them to retain seats in the Council, when they no longer possessed the power to uphold the dignity of the crown, and carry on efficiently the business of the country. When the glory of Ichabod's house had departed, he would have departed with it.

In May, "The Lord of the Bedchamber," destined to become a classic portion of political literature, appeared. In July, a new negotiation was opened, and letters were written to five or

six of Mr. Howe's friends, offering them seats in Council upon no other condition than that they should consent to come in and leave him out. Had this absurd attempt succeeded, the number of the Executive Council would have been increased to twelve. At a meeting of the opposition, "Mr. Uniacke was empowered to express their decided determination to have nothing to do with any arrangement which contemplated an increase in the number of the Council; to accept any proposition which gave the liberals their due influence in a fair coalition, with the restoration of the three offices which they held in December. If those terms were refused, the party determined to hold their present position, and take their chance at the ensuing elections."

An extra session having been called to consider a proposition growing out of an attempt at that time being made to separate the island of Cape Breton from Nova Scotia, when that business had been dispatched, Mr. Howe moved this resolution:—

*Whereas*, the Executive Council has been, during two entire legislative sessions, imperfect and incomplete; and, whereas, an important legal office has been vacant for six months, to the great detriment of the public service; therefore,

*Resolved*, That the people of Nova Scotia are entitled to have a full Council, responsible to this Assembly, surrounding the Queen's representative, that he may have the benefit of their advice in the exercise of the Royal Prerogative; and, this House deem it their duty to declare, that the Council, as at present constituted, does not enjoy the confidence of this Assembly.

The government met the motion by a prorogation.

Immediately after, Lord Falkland went into the interior, thinking, by his personal presence in the rural districts, to strengthen the hands of his advisers. He was mistaken everywhere; in some of the counties deeply mortified. At Pictou he was received with cold courtesy. There were "no flags flying, no cannon roaring, no cheering, no carriages accompanying him, no line from the wharf." In the West, things looked even worse. On his visiting King's county eight hundred freehold-

ers, with the High Sheriff at their head, presented the following address: —

TO HIS EXCELLENCY THE RIGHT HONORABLE  
LUCIUS BENTICK, VISCOUNT FALKLAND.

*Knight Grand Cross of the Guelphic Order, and Member of Her Majesty's most Honorable Privy Council, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.*

We, Her Majesty's dutiful and loyal subjects, the undersigned magistrates and yeomanry of the county of Kings, beg to welcome Your Excellency once more to the "Garden of Nova Scotia," and to express our unfeigned pleasure at beholding among us your amiable and accomplished lady.

We have, on former occasions, while expressing respect for the Queen's representative, been happy that we could also approve of the policy of his administration; but now we feel it to be a duty, paramount to all others, to assure Your Excellency that we have viewed with sorrow and deep regret the course pursued during the past eight months, by which Your Excellency's administration has been weakened, party spirit promoted, and the real friends of British institutions, and of a liberal and enlightened policy, thrown into opposition.

While we deplore these events, we would respectfully and earnestly pray Your Excellency to listen to the counsels of those who are truly and sincerely interested in the peace and prosperity of the country, and who have earned our confidence and gratitude by an arduous and effectual struggle in defence of our dearest rights, and especially for being instrumental in introducing and securing to us those Constitutional privileges recently conceded to us by the parent state, and now universally recognized as the only true basis of Colonial government.

Should this independent expression of our opinion tend to convince Your Excellency of the real state of feeling in the rural districts, we shall rejoice to see Your Excellency, ere long, again surrounded by those who really possess the confidence of the great mass of the people.

Kings' County, August 19, 1844.

In the county of Hants the people spoke out with equal plainness. The following address, signed with one thousand and sixty names, was presented at Windsor: —

TO HIS EXCELLENCY THE RIGHT HONORABLE  
LUCIUS BENTICK, VISCOUNT FALKLAND,

*Knight Grand Cross of the Guelphic Order, and Member of Her Majesty's Most Honorable Privy Council, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY, — We, Her Majesty's dutiful and loyal subjects, the freeholders and inhabitants of Hants county, who have, for many years, deemed the most enthusiastic loyalty to comport with steady adherence to British Constitutional principles, beg leave to approach Your Excellency, and welcome you to Windsor.

We have viewed with deep interest the events of the last four years; we have coöperated with Your Excellency in working out a system which is calculated to bind this Colony to the parent State for an indefinite period of time. We have hailed with delight and confidence the sentiments expressed by Sir Robert Peel, and Lord Stanley, in the recent debate in Parliament — sentiments which, if acted upon in good faith, are calculated to foster, on this side of the Atlantic, feelings which shall rear "a wall of fire" around the prerogatives of the crown, and secure for ages the unity of the British empire.

But we feel it our duty, at the present time, to state, in all sincerity, to Your Lordship, that this country can never be peaceful, contented, or happy, while those who have been the subtle and intriguing enemies of responsible government, and popular rights, exclusively surround Your Excellency; and those who have been, for years, recognized as the leaders and guides of this people, are opposed to your administration.

We pray Your Excellency to pause, — to remember that we would gladly see you return to meet your sovereign triumphant and successful, while many who surround you are inveterate enemies of the system which we will maintain to our latest hour, and which you can only gather laurels by administering in all its integrity. We respectfully inform Your Excellency that our representatives have deceived both you and us, and we pray that Your Excellency will, by an early dissolution, give us an opportunity of showing our attachment to those, who, though excluded from your Councils, and apparently from your confidence, possess our unbounded attachment and esteem.

A small party in Truro having made an attempt to misrepresent the opinions of the people of Colechester, a deputation

was sent forward who presented this address to Lord Falkland in the capital, signed by one thousand five hundred people :—

TO HIS EXCELLENCY THE RIGHT HONORABLE  
LUCIUS BENTICK, VISCOUNT FALKLAND,

*Knight Grand Cross of the Guelphic Order, and Member of Her Majesty's most Honorable Privy Council, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,— We, Her Majesty's dutiful and loyal subjects, magistrates and yeomanry of the county of Colchester, deem it of the utmost importance that, in the present position of affairs, Your Excellency should be accurately informed of the state of public opinion in the rural districts.

We have viewed with much concern the attempt made to construe the congratulatory address, presented to Your Excellency during your recent visit to Colchester, into an approval of the policy of your government, and we are apprehensive that should Your Lordship take that view of it, you may be led into error.

While we owe to Your Excellency the respect due to Her Majesty's representative, and would gladly bear testimony to your high personal character, we regard it as a duty which we owe to our sovereign, to Your Excellency, and to the Province, to state firmly but respectfully, that the policy of the administration for many months has been, in the deliberate judgment of a large majority of the constituency of this county, injurious to the best interests of Nova Scotia.

We therefore pray Your Excellency either to surround yourself with those who enjoy the confidence of the country, or, if any doubt exists, to give the people, by an early dissolution, the opportunity of expressing in the usual constitutional manner, the sentiments which we believe are almost universally entertained.

This deputation was entertained by the Halifax liberals at Masons' Hall, and new spirit was infused into the friends of responsible government in the capital, by finding how well the questions at issue were understood in the interior.

Lord Falkland's answers to these addresses were poor affairs. In phraseology involved, pompous, and inelegant; grossly inaccurate in statement, and displaying no command of temper.

They cannot be read now, by anybody in North America, without roars of laughter. Some of the more salient points of them were admirably hit off by Mr. Howe in a speech made at a public dinner given to him at Amherst.

Mr. Howe's opinions upon Canadian affairs, and also the real state of matters in this Province, having been misrepresented in Canada, in the spring of this year, he addressed a letter to the late Inspector General. It is impossible to read this letter now without perceiving how clearly he discriminated the points of controversy in both Provinces, and with what frankness, mastery of the subject, and thorough independence, he gave to the Canadians the benefit of his experience and knowledge of general principles.

In June, an interesting debate on Colonial affairs occurred in the House of Commons, in the course of which Lord Stanley knocked the ground from under Lord Falkland's feet by a sentence. "He," Lord Stanley, "would not enter into the question as to whether a responsible government, by which must be meant a party government, was not the most likely to be conducive to the happiness of the people of Canada. He would not ask which was most likely to enlist in the public service, men of talent, honor, integrity and station; that principle had been fully and frankly conceded on the part of the Government here and in Canada."

Yet in Nova Scotia Lord Falkland was contending that party government was tyranny, and that we must be content with administrations made up of all parties, of men who neither liked each other, lived together, or agreed about public measures.

In the autumn of this year, Mr. Howe attended public meetings at Wilnot, Windsor, Newport, Maitland, and at the Nine Mile River; at Parrsborough, Macan, Amherst, Wallace, Musquodoboit, and other places, everywhere explaining and enforcing the principles of responsible government, laughing at the supporters of the administration wherever he met them, and carrying conviction of the value, and perfect applicability to Colonial life and business, of the new system, into the hearts of his countrymen in all directions. To ride forty or fifty miles

on horseback, address three meetings in a day, and attend a public dinner, or a country ball or party in the evening, were then feats of such common occurrence, that his friends thought little of them. Before the year ended, it was apparent to every keen observer that the government had lost all hold on the confidence and affections of the people. That Lord Falkland might still flounder on with his majority of one or two, was possible, but that he must either quit the country, or take the liberals back into the Council with their "pretensions" considerably enlarged, he could scarcely disguise from himself.

But few of the speeches delivered by Mr. Howe in these rural excursions were ever reported or written out. He always spoke extemporaneously, and what he said was rarely preserved in any connected form; but his burning words stirred the hearts and sunk into the memories of thousands, and were repeated by the yeomanry at their firesides, in their fields, and in their workshops. We give a few specimens of these off-hand addresses.

His health having been drank at a public dinner, given to him by the people of Cumberland, he thus expressed himself:—

Mr. Chairman,—I should indeed be overpowered with the welcome I have received in this noble county, and by the spontaneous expressions of feeling called forth by the toast and sentiments just given from the Chair, if I was quite certain that the majorities who have sustained me, and the gentlemen who grace this festive scene, really knew what they were about; if I was entirely satisfied that there was not some strange delusion—some grave mistake. There was a time when the yeomanry of Nova Scotia had some credit for shrewd common sense; for consistent adherence to political principles; for sagacious reflective familiarity with their own affairs. But all this it appears has passed away. A few weeks ago eight hundred of the gentry and farmers of King's county, roused by a foolish attempt to misrepresent their opinions, rose in their majesty and respectfully informed the Lieutenant Governor that he was misled by evil advisers, and that they disapproved of the policy of his government. His Excellency regretted that they were so ignorant of his benevolent intentions; that they did not understand his policy; that they had been misguided and deceived. A week after his own explanation of his views and feelings had been laid before the country, one

thousand and seventy of the yeomanry of Hants county came forward to tell him that it was not satisfactory; that the opinions of the rural districts had reached him through perverted media, and that they could have no confidence in his administration whilst it was composed of the intriguing enemies of responsible government. Instead of receiving this respectful admonition with the courtesy which the weight, numbers, and good intentions of the parties challenged, His Excellency was advised to say that the signatures had been surreptitiously obtained; that the people did not know what they were signing; that some of them thought it was a complimentary address, and others that it was a petition about a schoolhouse. Again, when fifteen hundred of the yeomen of Colechester, with twenty-three magistrates at their head, presented their humble but constitutional remonstrance, what was the reply? That His Excellency had been misrepresented in the "remote" districts of the Province; that the press had deceived them; that they were under a delusion and did not know what they were about. Having it on such high authority that the people of Hants, and Kings, and Colechester, are so ignorant, are such dunderheads, how can I dismiss from my mind the suspicion that the people of Cumberland, who are still more "remote" from the great centre of intelligence and civilization, are under the same delusion; that you who surround this board, all intelligent and energetic as you appear are overclouded with error, and require to be "lectured" by the Governor.

But, sir, if you are quite certain that there is no mistake, that this is really not a meeting to build a schoolhouse or assess the township, let me return my sincere thanks for the high honor you have done me this night, and for the ardent and enthusiastic welcome everywhere received. It has been said that prophets receive no honor in their own country, but I am happy that the rule does not always apply to politicians; for, beyond the boundaries of my own country I have no hopes, and no ambition, and the applause of all the world beside would be to me as nothing if the approbation and affectionate attachment and confidence of my own countrymen were not mine. These I believe I have, and, strong in that faith, I can afford to smile at the malignity of the foes whom a consistent public walk has overwhelmed with envy or disappointment; and at the impotent attempt of one, at whose hands I deserved better things, to crush me by the magic of a name that others have illustrated, and the weight of an authority which I devoted the prime of my manhood to strengthen and adorn. Whatever may be said of me, Mr. Chairman, this I may say of myself, That born in an humble sphere I have endeavored to extend it; heir to no name, I have endeavored to earn one in the paths of



useful and honorable labor; and, far removed from the smile of my sovereign, I have striven to deserve it, by devoted service while in office; and, while in opposition, by constitutional attempts to preserve her prerogative untarnished, by rendering its free exercise compatible with the security and happiness of her people.

But, sir, we have had enough of politics during the last few days, and I would gladly escape from their heavy atmosphere to breathe the purer air, and abandon myself to the higher exhilaration of this festive and delightful scene. Though the intelligence and personal independence of Nova Scotians may be undervalued in high places, I see before me and around me many who fitly represent those for whom I have toiled, and whose confidence I hope ever to deserve. In this county, as elsewhere, I perceive that the Tory party are chiefly made up of a few of the very rich, operating upon the fears, or the interests, or the ignorance of the poor. The liberal party here, as elsewhere, embraces the sturdy independence and agricultural wealth of the country. It is often said by our opponents that they own Nova Scotia, and that the liberals are almost intruders upon the soil, and unfit to interfere in public affairs. But is this arrogant boast founded in fact? In the whole island of Cape Breton scarcely one hundred Tories can be found, and those chiefly cluster around the villages, and live by the professions or the offices which the people are taxed to support. Who cultivate and own the soil of Cape Breton? Who own the vessels? who catch the fish? who carry on the trade? The liberals, and the only member from the island who supports the present government is compelled to acknowledge that his constituents differ with him in opinion. Turning to Guysborough we find that the man who came in at the head of the poll is a liberal, and that the farmers of St. Mary's, who did not vote for him before, have come forward to tender him their independent support because of his opposition to the present government. The county of Sydney, which contains the finest upland in the Province, is all our own; there are not a dozen Tories in it. And in Pictou we have the vast majority of those who read and speak English, including a large proportion of the most skilful and extensive proprietors; the most enterprising ship owners and wealthy merchants. Do the fifteen hundred good men and true in Colchester own no property? Yes, in that county, as in Kings and Hants, those who are with us own a vast proportion of the broad acres—the real estate; the sure foundation of independent feeling and liberal sentiment. The traders, and attorneys, and officials, or a majority of them, may be against us, but the sturdy yeomanry, the real aristocracy, are with us. The same may be said of Digby, Yarmouth, and Shel-

burne, where but one Tory has been able to find a seat; and yet, in the face of these acknowledged facts, we are told that the liberals have no stake in Nova Scotia, and that the preponderance of wealth, moral feeling, and intelligence, are on the other side. Why, even in the capital, with all their boasted resources, what is the true state of the case? The Tories have some very wealthy men, a good many that have accumulated property, but what then? Within the last twenty years, slowly and steadily, industrious and intelligent men, professing liberal opinions, have raised themselves to independence and many of them to affluence. The Tories have more wealth in few hands; ours is spread over the mass, and is scarcely less in amount than theirs; while in productive power, in general industry and frugality, we possess elements which, in a very short time will make all the boasted hoards of the Tories kick the beam. Can the government of this country go on, and a body like this be excluded from all influence when they own three-fourths of the territory and pay three-fourths of the taxes? It may, for a time, but trust me, those who are now trying the experiment will find themselves mistaken; they may cling to office with a miserable majority of two or three, obtained by petty intrigues and a Governor's personal influence, but the time is coming when the strength of parties will be fairly tried, and when the liberals of Nova Scotia will make their voices heard, and cause their rights to be respected.

With such resources we can afford to look calmly on at the present state of things, and patiently bide our time. Can any man doubt what must be the result of the present struggle? We might have doubted in the spring of 1840, for then our horizon was more densely clouded. But what did we see then? A Governor taught to disregard the voice of the people, and involved in a series of blunders, passing away from our shores, while those who had, by their incapacity, lowered his reputation, turned to worship the rising sun; to abandon his policy; to condemn his errors, and lay the blame on his own obstinacy. A similar spectacle awaits us. Is there a man who in 1811 did not see and acknowledge the anomalies and errors of Sir Colin Campbell's administration from 1836 to 1840? Will there be a man in 1846 who will not look back and sneer at the blunders committed by Lord Falkland in 1844? History is said to be "philosophy teaching by examples;" the lessons she will borrow from the history of the last twelve months must be a warning to Colonial Governors and politicians in all time to come. Let us run over the prominent points upon which the parties have, during that time, been brought into conflict.

Will any Colonial Governor hereafter dissolve a friendly House, with

a majority of forty to eight, obtained without any sacrifice of his personal dignity, to secure another, in which he can scarcely get his address answered, after a fortnight's debate, by a majority of one? Trust me, this great stroke of policy will never be repeated.

Think you that a stranger to legislation and to public life will ever again be elevated to both Councils, over the heads of all the prominent men in the Legislature, who have been returned by constituencies, and established claims to regard by their patriotism and experience? Think you that such an appointment will ever be justified by the flimsy excuse, that the recipient of the honor is another man's relation?

Will any Governor of Nova Scotia, in all time to come, ever be advised to lecture three gentlemen in the newspapers, who retire from his Council, and accuse them of wresting his prerogative from him, because they will not defend what is wrong? This administrative absurdity is already too transparent; our powers of face are not sufficient to enable us to wait till the Governor's back is turned to laugh this poor violation of the proprieties off the stage.

Again, take the question of party government, which Lord Stanley says, and all men feel, is the natural fruit of responsible government. Who will come down and deny to the people of Nova Scotia this portion of their birthright in future? The answer is plain. The very discussion which the Governor's impolitic denunciation has produced, has settled the question; it is already decided. The liberals will have party government, or ample justice; and the Tories can form no other. Lord Falkland has done more to advance the development of this principle, by his impolitic attempt to retard it, than all the agitators in Nova Scotia could have done in ten times the number of years. Our right to this possession has been established by the attempt of the stewards to destroy our title deeds.

But the crowning absurdity of the whole, is that designed for my especial benefit. The sovereign in England dare not point to an Englishman, and declare that that man shall not be elevated to the cabinet. If advised to commit so flagrant a violation of private rights, and of the Constitution, all England would rise *en masse* and bear the individual thus assailed into the government, with a triumphant majority to sustain him. Lord Falkland has done that which the Constitution gives him no right to do; which the free spirit of this country will resist; which no one of his supporters can justify before the constituencies he represents, when the consequences involved in this un-English proscription come to be clearly explained. And clearly explained they shall be. This is not a question between His Lordship and me; it is one to be settled

between those who sanction it and the people of Nova Scotia; and I will take care that its bearings are understood in every town and village in the Province. For myself, I care not; but I will resist this invasion of the rights of Nova Scotians with all the little energy and ability which God has given me. I may be smitten down, but a moral and an example shall spring out of the conflict which will forever settle the question. If I can be proscribed to-day, for defending myself and my friends in the newspapers, another Nova Scotian may be rejected to-morrow because the Governor likes not the color of his hair. If unjust accusation, unjustifiable abuse, and ultimate proscription, are to follow those who retire from a Governor's Council, because they cannot defend his policy, who will retire? Who will run the hazard? No other man in our day, and responsible government will be a cheat and a delusion. Every Nova Scotian will hold his public position, not by honorable service to his country; not by the treasured experience of a useful life; not by public confidence, and the "well understood wishes of the people," — but by the frail tenure of a single stranger's caprice, or the unbridled impulses of any Governor, who does not understand, or has the enterprise to violate, the plainest principles of the British Constitution. I may be struck down by this bolt to-day, but if so, who shall guard Huntington, or Uniacke, or Young, to-morrow? William the Fourth could forget the withering sarcasm of Brougham, and the fact is remembered to his honor. Lord Falkland may not forget the bold self-defence of a man, whose feelings he and his paid minions had outraged; but while he seeks for weapons to destroy me beyond the pale, I take my stand within the boundaries of the Constitution, and have an abiding faith in the intelligence of the people, and in the justice of my sovereign.

While he shakes his lightnings o'er my head,  
I smile, to think I have no master  
Save his own.

George the Second liked not the great Earl Chatham, and he was deprived of his military commission, and twice, previous to 1757, he was driven from office. But the people of England loved, confided in, and sustained him. He was borne on their suffrages, at the head of a triumphant majority, into the counsels of his sovereign, against his will, at a time when disgrace rested on our arms, when the finances were disordered, and when the petty intrigues of German minions sealed the fate of inferior politicians. In four short years, the energies of one indomitable spirit, of one capacious mind, — proscribed at court, but honored by

the nation, — elevated the British name to the highest point of influence, and covered our annals with glory. The fleets and armies of England triumphed wherever they appeared; commerce flourished; great principles were evolved; and Queen Victoria owes the sovereignty of the spot on which we stand, and of all her North American possessions, to a minister disliked at court, but enshrined in the hearts of the people. Far be it from me to aspire to a corresponding position in Nova Scotia; to a destiny so conspicuous even on a stage so humble. If I resemble this great man at all, it is only in the folly of opponents whose blunders have provoked the illustration. But, pardon me, Mr. Chairman, I did not intend to have stayed the wine cup so long, or to have trespassed upon your patience with these topics. I ought, perhaps, to have given vent to feelings of a different kind, evoked by the beautiful scenes over which I have passed of late, and the friendly attentions I have received. I came to Cumberland almost a stranger; some portions of it I have not seen for ten, others not for fifteen years; but I shall go home with a lively sense of its great natural and industrial resources, and often, amidst the toils and trials of public life, shall turn back to the happy firesides where I have marked the social virtues of the people of Cumberland; and refresh my spirit with the remembrance of this festive scene, where I have found myself, however the distinction may have been undeserved, a welcome and an honored guest.

At a meeting in Hants he said:—

God, in his infinite Providence, scatters over every country the intellect required to develop its resources, administer its affairs, and secure to its inhabitants that measure of happiness which they are fitted to enjoy. But God is no respecter of persons; the blessings he bestows are common blessings, in which all have an interest, and in the enjoyment of which the humblest of his creatures may be permitted the most largely to participate. The river, which sparkles along the vale, stops not to inquire whether the fields it refreshes or the hearts it gladdens belong to the rich or to the poor. The flower sheds as sweet a perfume in the widow's scanty garden as in the marble-railed parterre. So is it with that sacred fire which men call genius — that quickening principle, that animates and governs human society. A castle may frown upon a cliff, overlooking half a county; the lord of that vast domain may revel in every luxury which can pamper the senses or stimulate to a wide range of intellectual activity; the armed retainers may tread the massive wall, or make the court-yard a mimic school of war; the wise and

the brilliant may stroll 'neath old ancestral trees, or enliven the festal hall with the flashes of wit and the hoarded treasures of experience; a long line of sages and warriors, looking down from the walls of that stately pile, may lure to elevated thought and high achievement — and yet the children born within that castle, thus furnished and endowed, may scarcely possess enough of intellect to fold sheep upon the hills. But far down in the valley, beneath the shadow of that castle, the peasant's cot may offer to its inmates a scant return for unremitting toil; and yet from the loins of that poor peasant may spring the youth, whose ardent soul, fired by divine inspiration, may point to noblest aims and achieve the highest triumphs. Art may to him seem instinct; senators may hang delighted upon his accents, or armies read the presage of victory in his eye. The Constitution of England wisely adapts itself to the arrangements of Providence; it draws, from the humblest as from the highest ranks of life, the talent which the nation produces, and enlists it in the service of the state. Public departments are regarded as public trusts, to which all may aspire, and with the honors, and influence, and emoluments of which a wise sovereign and a grateful people may stimulate to exertion, and invest patriotic enterprise with a national character, and crown it with a national reward. The "stately halls" of England send forth to the public arenas the most aspiring and energetic spirits they produce; but, when there, the scions of aristocracy must wrestle with the talent reared in her "cottage homes," disciplined in her workshops; rising, it may be, from the lowest form of the charity school, or the darkest recesses of the mine. From such a Constitution as this

"— Our country's grandeur springs,  
That makes her loved at home, revered abroad."

Canning's mother was an actress; Pitt was a cornet of Hussars; Brougham commenced life in a Scotch garret; Sydenham in the counting-house; Peel's father was a cotton-spinner. The biographical history of our country is rich in such names, and furnishes on every page its animating commentary on the free spirit of our Constitution. Had public departments descended from father to son, as they did here until recently; had they been held for life, as our opponents desire now, would it have been so rich? would these glorious illustrations have been so numerous? Under the one system public spirit would have died, under the other it would have languished. Make public offices hereditary, and the intellect which should be found in the service of the government, is at once arrayed against it; give men life tenures, and one

generation must pass away before the ambitious have any thing to aspire to, or a nation any thing to bestow.

An event occurred in New Brunswick about the commencement of this year which gave an impulse to the cause of responsible government in that Province as unexpected as it was gratifying to us on this side of the bay. The leading men of all parties having been drawn into the Executive Council, and there being nothing particularly to complain of in the administration of affairs, there was no desire, as perhaps there was no immediate necessity, for any practical exhibition of the power which the people possessed under the new Constitution that had been evidently conferred by Lord John Russell's dispatches, and which Sir John Harvey had recognized and announced in his circular memorandum. We were not unfrequently taunted with the quiescent condition of New Brunswick, and the apparent indisposition of the people of that Province, while enjoying the blessing of good government, to waste their time with political theories and disputes as we did in Nova Scotia. "I am alone responsible, and my Council are responsible to me," was Lord Falkland's leading idea, and it was assumed that all the public men in New Brunswick conceded to Sir William Colebrooke the plenary powers which His Lordship claimed. Sir William evidently thought so, for the Provincial secretaryship becoming vacant, he bestowed that office upon his son-in-law, Mr. Alfred Reade, a gentleman who had only been a few months in the Province, who was a stranger to its people, and who had never represented a constituency or earned promotion by any public service. This absurd appointment of a transient person, over the heads of all the members of both Houses of Parliament, was made, as it afterwards appeared, and reported to the Colonial office, without the members of the Executive Council being consulted. Four of the most popular and influential of them resigned, and refused to defend it, and in that hour responsible government grew into almost universal favor, and was recognized as the "cheap defence" of the Province against all such extravagances in the time to come. Mr. Wilmot, in his letter of remonstrance, addressed to Sir William

Colebrooke, boldly asserted the principles for which the reformers of Nova Scotia had battled so ardently and so long:—

In the first place, I consider it justly due to the people of this Province, that all the offices of honor and emolument in the gift of the administrator of the government should be bestowed upon inhabitants of the Province who have made this country their home, and in the cases of the principal offices those persons should be preferred who have claims for public services rendered to the Province, and who can command the respect and confidence of the country. With these views, which I hope I will ever retain, I must necessarily disapprove of the appointment in question, as I can only look upon Mr. Reade as a comparative stranger and a transient person, while at the same time I am of opinion that he has no claim whatever on the ground of public services rendered to this Province.

It would be vain for the parents of our youth to make every exertion in order to qualify their sons for the higher offices of the Province, if the avenues to honorable and profitable employment are to be thus closed against them; and I therefore cannot but view the appointment under consideration as an act of great injustice to the people of this country, and I can safely assure Your Excellency, that it will be thus considered throughout the length and breadth of the Province.

Your Excellency is well aware that ever since I have had the honor of having a seat in the Council, I have approved of, and advocated those principles of Colonial government which are now in full operation in Canada; which have been distinctly enunciated by the present government in the House of Commons; and which require the administration to be conducted by heads of departments responsible to the Legislature, and holding their offices contingently upon the approbation and confidence of the country, as expressed through the representatives of the people.

Still entertaining a strong attachment to those principles from a clear conviction of their constitutionality, and from a conscientious belief in their safe and practical adaptation to a British Colony enjoying the privilege of a representative form of government, I can see no sufficient reason for withholding their salutary influence from the loyal and intelligent people of this Province; and considering it more advisable that a gradual advancement should be made by the government itself towards those principles, as opportunities may offer, than that a concession in gross should hereafter be made to the urgent demands of the country, I am of opinion that the Provincial Secretary should now be brought into



the executive government, and should hold a seat in one of the Houses of the Legislature — the tenure of his office being contingent upon the successful administration of government; and, therefore, as the appointment in question has been made irrespective of any of these considerations, I am bound to give it my opposition.

Mr. Charles Simonds and three other gentlemen retained office, defended the appointment, and Mr. Simonds denounced responsible government, as inapplicable to Colonial life and administration. Two parties were thus formed, and the issue was fairly raised. Before the close of the session the appointment of Mr. Reade was cancelled; the Colonial Secretary's disapproval of it having been formally communicated to Sir William.

Our legislative session was opened on the first of February. It was one of the most stormy that we ever remember. In his speech from the throne Lord Falkland said: "I shall take an early opportunity of acquainting you with the efforts I have made to justify *the confidence you expressed in me* by your resolution of the 12th of April last."

Who ever thinks, now, of expressing confidence in the Queen's representative? What Governor, in British America, would put such an unconstitutional paragraph in his speech?

On the 7th of February, the papers connected with the negotiations of the previous year were laid before the House. They will be found in the appendix.\* These included, the letter addressed by Lord Falkland to Mr. Dodd on the 24th of February, with his answer, but did not include the answer of the retired Councillors, which will be found in Mr. Howe's speech of the 13th February, 1845.

In July a circular had been addressed by the Provincial Secretary to Messrs. Uniacke, McNab, Huntington, George Brennan, and B. Smith, in which they were invited to accept of seats in Council, and informed that His Lordship found it impossible for him to include Mr. Howe in the proposed arrangement. With these papers a dispatch was also laid on the table, which we give at large, as without it it would be impossible to understand the speeches that are to follow:—

\* Appendix. — Letters, &c.,

GOVERNMENT HOUSE, HALIFAX, }  
2d August, 1844. }

MY LORD, — In my private letter of the 2d ultimo, I announced to you my intention shortly to make another effort to induce the leaders of the opposition in the Assembly of Nova Scotia (with the exception of Mr. Joseph Howe), to lend their aid to the Provincial administration.

In endeavoring to carry out this design, I availed myself of the permission kindly accorded to me by Your Lordship, to augment the number of the Executive Council to twelve in case of necessity; and I offered seats at the board to Messrs. McNab, Huntington, J. B. Uniacke, and two Catholic gentlemen, Messrs. Tobin and Brennan, thus placing *five seats*, and the office of Solicitor General, at the disposal of those who style themselves the liberal party, and the sixth I offered to Mr. Benjamin Smith, an old and much respected member of the House. I included Mr. Smith, not only because he is well qualified to perform the duties of an Executive Councillor, but in order to sustain the principle which I have always asserted, that no party is entitled to numerical representation at the Council board in exact proportion to its force in the Assembly. My offer was declined by Messrs. Huntington and McNab, but it was intimated to me through Mr. Dodd, a member of the government, that the opposition were ready for the exclusion of Mr. Joseph Howe, if I would consent to the formation of a Council of nine, provided it could be effected; and that if I would permit the Attorney General to hold a conference with Mr. J. B. Uniacke (who with Messrs. Brennan and Tobin had as yet given no definite answer to my overture), to endeavor to arrange the details, those who had refused the terms proffered in the first instance would be willing to reconsider their resolution.

I acceded to this proposition, and the Attorney General informed Mr. Uniacke that I had done so, when the latter gentleman, after further communication with his friends, stated that a portion of them withdrew the confidence that had been accorded to him, and objected to support the government if Mr. Howe were shut out from the Council table. Messrs. Uniacke, Brennan and Tobin, — the latter gentleman in a personal interview, — then gave their refusals, as did Mr. Smith, who behaved in the handsomest manner, and rejected the seat solely from a fear of involving the government in embarrassment were he to become a member of it at this particular juncture; Mr. Uniacke doing the same, because he felt that if he accepted it alone he could bring me no efficient support, but must abandon his party, and, by acting independently, divest himself of all political influence in the Assembly. The reasons assigned by the other gentlemen to whom my proposition was addressed,

will be found in their letters, copies of which, as well as those of Messrs. Uniacke and Smith, I herewith transmit. Mr. Tobin verbally informed me that he could not accept office unless in conjunction with his friends, and the negotiation was finally broken off, because I felt it impossible to coöperate with one of the leaders of the elective branch of the Legislature.

I have reason to *know* that a great proportion of the opposition look on the demand that I *shall* receive Mr. Howe as unreasonable, but are unwilling to separate themselves from those with whom they had lately acted; and I have the satisfaction of being able to state that it has become evident, within the last fortnight, that the government has acquired additional firmness and stability in the Assembly, while the opposition has manifestly lost in those respects, and having no acknowledged leader in the House (where, I believe, as well as in the country, Mr. Howe's influence is greatly diminished), exhibit a want of concert and determinate action.

In the country, also, the government is, I think, gradually gaining strength, and the spirit of party fast declining among the more moderate and well thinking of that portion of the people who have sided with the opposition; and having redeemed my promise to endeavor to effect a coalition by every honorable means in my power, I have every reason for believing that by continuing to conduct the government on principles of fairness and moderation, I shall, if I remain in the Province, be able to administer the public affairs successfully during the next session, though with not a large majority.

I have already acquainted Your Lordship with my determination with respect to Mr. Howe, and the reasons that have led to it. His conduct has rendered it impossible for me to offer him a seat at any board at which I preside, because the mere fact of his being restored to his former position, after having publicly and grossly insulted the Queen's representative, and restored, moreover, by the very officer so outraged, would, in my belief, degrade the office I hold in the estimation of the community, and make Mr. Joseph Howe, *de facto*, Governor of Nova Scotia. I am aware, that as a mere matter of political expediency, this *may* be viewed in a different light; that it *may* be thought I can consistently with the dignity of my position, recall Mr. Howe to the Council board; that my doing so would neither lower myself *now*, nor the office I fill hereafter, in the public estimation; that Mr. Howe's readmission to the government would not be recognized as a legitimate mode of opposition; the personal insults which he has, in his capacity of a journalist, heaped on the representative of his Queen; in short, that I ought, for the sake

of forming a strong government, to yield the point, or that even if I am right as regards my individual position, it would, under all the circumstances, be desirable that I should retire from my post and make way for some one to whom Mr. Howe would not be obnoxious.

Should Your Lordship, after reading what I have written, deem such a step likely to promote public tranquility; and should you not participate in the persuasion with which I am deeply imbued, — that it would in all probability have an opposite tendency, and that even were it to be attended with a momentary appearance of harmony, that appearance would not only be purchased at the sacrifice of the dignity and respectability of the *future* Lieutenant Governor, but prove in itself delusive; I need not entreat you to allow no considerations having reference to myself alone, to induce you to defer naming my successor; for I shall in such case feel that my opinion ought not to influence, and will not influence Your Lordship, when opposed to your own convictions. If, however, Your Lordship should think I have acted as became me under the difficulties in which I have been placed, and that my retirement at this period would not be likely to contribute to the tranquillity of the Province, because it might give a temporary triumph to those principles against which I have thought it my duty to contend, and would certainly mortify and irritate the large and influential classes by whom I am supported, and thus increase discord, I venture to hope that you will give me the advantage of an expression of that opinion.

It is from no sense of weakness either in Parliament or in the country, that I am induced to address Your Lordship on this occasion; but as a junction of parties, for many reasons so desirable, has been prevented by considerations involving so much of a personal nature, and reduce the question to a mere contest between myself and a political leader in the Province which I govern, I feel it right that you should have an opportunity of pronouncing a judgment on the course I have pursued under circumstances so painful, and of counteracting without delay the evil consequences which may result from my conduct if I have fallen into error.

I have, &c.,

(Signed)

FALKLAND.

Mr. Howe had not heard all the papers, sent down by the Lieutenant Governor, read, but he had heard enough to enable him to judge of their general tenor, and to satisfy him that the course taken by Lord Falkland would never be imitated by any Colonial Governor, certainly not by any wise one. To expose to the general eye the confidential negotiations

for the formation of government was most unusual, but to misrepresent the nature of those negotiations, for the purpose of wounding personal feelings, or misleading the Colonial Secretary, was a violation, not only of duty, but of all the decencies of official life. The dispatch from Lord Falkland to Lord Stanley, a main assertion in which the gentleman beside him had here publicly disproved, clearly indicated the nature of other dispatches which the Government had declined to communicate, and of those "private" letters, by which, no doubt, the Colonial office had been equally misled. As my name, said Mr. Howe, has been handled so freely in those documents, though unwilling to anticipate, I must trouble the House with a few words of explanation. So far from ever having pressed my claims to distinction upon the party with which I act,—upon this House, or on Her Majesty's government,—I repeatedly declined seats in Council, before accepting one. When that was offered, I would willingly have stepped aside that others might have been provided for. Having gone in, I labored for three years to strengthen the government of which I was a member; for many weeks after we were compelled to retire, but one feeling actuated Mr. Uniacke, Mr. McNab and myself; we cared not for our personal claims, or seats, or offices, we had but one thought only, that of the interests of the country, and of how we should rescue the Lieutenant Governor from the difficulties by which we already saw, he was and would be surrounded. Before the House met, and shortly after Mr. Dodd came to town, Mr. McNab offered to yield his seat, provided one gentleman would retire from the opposite side, leaving the conservatives five seats, and the opposition but four. This was refused. A satisfactory arrangement on something like this basis might have been had, when our seats were tendered in February. It was again declined. Actuated by generous and kindly feelings, which prompted me to save the Lieutenant Governor, at every sacrifice, I subsequently sought to do an act which the liberal party might or might not have approved, to bring about a compromise at the sacrifice of my own claims to office and honor; but while my friends and I were laboring with but one single object, very different feelings were at work on the other side; and all our moderation was attributed to weakness, all our efforts were turned against us in a spirit of detraction or intrigue. When this impression was confirmed by evidence I could not doubt; when an extract from a dispatch conveying an imputation which the House by a unanimous vote subsequently wiped away, appeared in The Gazette; when personal insults were offered by the Lieutenant Governor to myself and other members of the liberal party; when slander and defamation, intended to break down our public characters, and lam-

poons aimed at our personal feelings, had been published for months by a paid officer of Lord Falkland's government, I should have been less or more than a man if I did not resent such a return for all our past conduct, for all our recent solicitude. The gentlemen who sit around me know, that when I returned to the press in May, I had no personal interest or feeling in the matter, but did so at their desire, and for their protection; that their position might be defended, their arguments fairly stated, slanders refuted, and the lampoons which had been heaped upon them thrown back upon the enemy. This duty I have performed with the little ability wherewith Providence has blessed me; and if, in the discharge of it, offence has been given, those who gave the provocation, who rejected all fair terms, who aroused personal feelings, and created personal quarrels, have themselves to blame. That my friends and colleagues ever consented to sacrifice or abandon me, for thus defending them, may be believed at the Colonial office, on the assertion of an officer bound by every honorable consideration to tell the truth; but it has been flatly denied here, and will not be believed by ten men who know those gentlemen from one end of the Province to the other. This, and other misstatements, may have made an impression at the Colonial office for the moment, but I have no fears of forfeiting Lord Stanley's good opinion, when all the facts are put before him, and before I am many years older, he shall, if God spares my life, have the means of judging fairly between Lord Falkland and Joseph Howe.

On the 12th of February, attention was turned to the state of the Province, and of the administration, by Mr. Uniacke, who moved, at the close of an eloquent speech, these resolutions, which were seconded by Mr. Huntington:—

1. *Resolved*, That in the opinion of this House it was impossible for the gentlemen who retired from the Executive Council in December, 1843, to have retained their places without forfeiting the confidence of their friends in the Assembly, and of a large and influential body throughout the country, without whose support they could have given no real strength to the government.

2. *Resolved*, That when, on the 24th of February, those gentlemen were invited to resume their seats, the terms offered, and the stipulations demanded, justified the rejection of the proposal.

3. *Resolved*, That the propositions made to several gentlemen, to enter the Executive Council in July last, were quite as objectionable as those before made, and therefore their rejection was equally justified.

4. *Resolved*, That the communication by His Excellency the Lieutenant Governor to this House, of the correspondence and dispatches relating to the offer of certain seats in the Executive Council, appears at variance with sound policy, unless with the assent of the parties interested therein; and, if established as a precedent, will tend to destroy the confidence indispensable to any future negotiation for the formation of a government in this Province.

5. *Resolved*, That the statement in the foregoing dispatch of an agreement by the opposition in the House to the exclusion of Mr. Howe from the Executive Council, is founded on misapprehension of the facts, although that gentleman had generously offered to waive his claim, to facilitate a satisfactory arrangement, providing corresponding concessions were made on the part of the government; and the impression conveyed by the language and tenor of the dispatch, both as to the personal influence of Mr. Howe, and the position and views of the opposition in this Province, tends to mislead the Colonial Secretary and Her Majesty's government.

6. *Resolved*, That the principles recognized by the Imperial authorities for the constitutional administration of the government of British North America, place the representative of a sovereign above the strife of party, and contemplate, on his part, in the management of their affairs, the absence of all personal predilection or hostility in relation to public men; and this House cannot but express their deep regret that His Excellency the Lieutenant Governor should have been advised to pursue, on the present occasion, a course tending to embarrass their deliberations, by questions purely of a personal nature, arising from a contest avowedly between His Excellency and a popular leader.

7. *Resolved*, That this House desires to see the Lieutenant Governor surrounded by a full Council, possessing the confidence of the people and of each other, who can command a parliamentary majority, and thus be prepared to introduce practical measures to advance the general interests of the country.

A debate followed, which extended over thirteen days, and was one of the most extraordinary that we ever remember to have heard. The course taken by Lord Falkland in proscribing Mr. Howe, mixing up his name with negotiations to which he was not a party, and communicating to Parliament a dispatch in which that gentleman was stigmatized, and his influence entirely misrepresented, rendered the whole discussion

personal and irregular, to a degree which has rarely been imitated since His Lordship left the Province.

Two speeches were delivered by Mr. Howe, in the course of this debate. The skill and ability displayed in them will not be questioned. Those who would try them by the severe standard of English parliamentary speaking, should remember the peculiar circumstances in which he was placed, and how completely all the securities and guards of public life had been broken down. The Attorney General having, in a speech of three hours, defended the government and assailed the opposition, Mr. Howe said:—

Mr. Chairman,—After the elaborate and extraordinary speech, delivered yesterday by the Attorney General, the committee will expect from me a prompt and full reply; and I rise to discharge that duty, which I owe to myself, to this House, and to the country. Before the members can deal with the principles embodied in the resolutions upon the table, the mass of personal matters thrown before them by the Lieutenant Governor, and his chief adviser, must be swept out of the way. In addressing myself to these, in the first place, the committee will bear in mind, that while my assailants have had months to prepare the accusation, I have had but a single night to arrange the defence.

When, a few days ago, I found myself denounced and proscribed, in the documents sent down by the Lieutenant Governor, I felt like a traveller overtaken by a storm; and who, with the thunder rolling above his head, the lightning flashing in his eye, finding the earth trembling beneath his feet, pauses to reflect why the gods should be angry with him. For a moment he is staggered; but, looking into his own breast, where all is peace and sunshine, he views the storm with indifference, conscious that, however foul the vapors that surround him, the rattling of the elements will but purify the air, and insure health and safety when their fury is exhausted. When the Attorney General rose here yesterday and, with all the malignity of a personal foe; all the practised wiles of an experienced advocate, and all the influence of the government, sought to overwhelm me, I would have doubted the security of my position, but that I remembered, that when the Jewish lawyer Tertullus, with the same insidious art, and the same pure intentions, accused the Apostle before Felix, Paul put him to shame, by a simple narrative, remarkable only for its truth; that Othello, when accused by an intemperate and enraged man, before the Venetian Senate of “spells and mighty magic,”



told, even in that august presence, his own "round, unvarnished tale," and turned his accuser out of court. It is thus that I shall endeavor, sir, to meet and to discomfit my assailants. They have all the advantages which preparation, patronage, and authority, give them. I have only the answer of a good conscience, and the humble abilities wherewith Providence has endowed me — but I confidently rely on the goodness of my cause, and on the irresistible power of truth.

Sir, a person less familiar than I am with the past history of this Province, finding himself formally denounced by the Lieutenant Governor, would probably sink under what might appear, at first, the startling novelty of the accusation: but, relying upon the integrity and consistency of my past conduct, I am also reminded that this is an old stale trick, often resorted to in former times, by men of small minds, whose monopoly of power could only be preserved, by fomenting personal quarrels between their Queen's representative and some prominent individual, respected by the Legislature, and confided in by the people. This was the favorite game of a small party in Halifax, when Sir John Wentworth was brought into contact with Mr. Tonge; when Mr. Robie was brought into collision with Lord Dalhousie. We smile at these things now, but cannot forget them. His Lordship sleeps in an honored grave in his native country, and Mr. Robie has long presided over the Legislative Council; it may be to countenance, if he cannot approve, of the same petty policy which he had to encounter in early life. Again, sir, in the time of Sir Peregrine Maitland, Mr. Archibald, the present Master of the Rolls, stood in the way of certain parties; personal slights and accusations became again the order of the day, and that gentleman, then and now enjoying the highest reputation for professional and political talents, had to make two voyages to England, to counteract at home the criminatory accusations sent from this country. The men, sir, who have advised Lord Falkland to proscribe and to denounce me, are the same men, who, in Sir Colin Campbell's time, sent home charges of republicanism and disaffection against my friend, the member for Yarmouth (Mr. Huntington), than whom there is not in this Province a person more generally respected by the people. It is true, that none of these persons were connected with the press, and therefore, there may have been some difference in the mode of procedure; but the spirit, the animus, was the same; and my countrymen, turning back to the past, will be more disposed to laugh this stale trick off the stage, than to despair of the fortunes of an old friend.

The feature which mainly distinguishes the policy of the opposition in Nova Scotia, from that of the gentlemen who now surround His Excel-

lency, is this: we hold that the Queen's representative, responsible to the Colonial Secretary for the due maintenance of the prerogative, for our obedience to Imperial laws, and for the good government of the country, should yet be held so far above the strife and conflict of party, as to seek only the general good, regardless of likes and dislikes, of personal enmities or predilections. Thus holding a high position, with the balance of parties in his hand, a just and wise Governor would be powerful for all good purposes, and would find Nova Scotians but too happy to rally round and to aid him, when appealed to, against factions on either side. Our opponents, on the other hand, charging upon us an exaggerated application of the principle that the Governor can do no wrong, which we deny, are never so happy as when they can prove him capable of wrong doing, by involving him in personal conflicts with which he has nothing to do, and driving him into the meshes of their own party, by a course of insult, or proscription of those who, by no constitutional weapon, could they overpower.

The distinction was never more happily or unhappily illustrated, than by the question raised in these dispatches, and by the style of oratory by which we were yesterday entertained. When I look at the nature of the charges exhibited, and at the mass of rubbish through which I am compelled to wade, in order to meet them, I cannot but forget for the moment all sense of injury, and lament that my Sovereign's representative has been brought here before the assembled Parliament, to accuse an individual of writing in the newspapers, and to peril his public character on the point of a pasquinade, or the severity of a lampoon. Sir, though this may be an old Colonial ruse, I search in vain for any parallel in the history of the mother country. When I turn from the sorry spectacle which the representative of my sovereign is made to exhibit in this arena, with his Attorney General, instead of bringing us a good measure, coming down with an indictment against a joke; to the position which he occupied, when, only fifteen months ago, the humble individual now assailed, shared his confidence and stood by his side, I cannot but mourn over the folly of his advisers. Then he was the honored Governor of all Nova Scotia: opposition, if strong enough for watchfulness, was powerless to obstruct; and no man, or body of men, trammelled his freedom of action, or could extract the humiliating confession that he could not fill up his Council, or carry out the policy to which he was pledged. Who then heard of public offices left vacant for many months; two sessions passed without a single measure; seats in Council going begging for a year; propositions to go back to the old Council of twelve, to buy up the leaders of the opposition, and grave dispatches and speeches founded

upon a pasquinade? Sir, when I look back upon the past, and address myself to the labors of this day, in self-defence, I would gladly blot out this disgraceful page from our Provincial history.

I confess I know not how to meet this singular attack with becoming gravity. Horne Tooke commences one of his letters with "Tragedy, Comedy, and Farce; Wilkes, Foote, and Junius, all on one poor parson, are fearful odds." And surely I may say, a Governor, an Attorney General, and all their adherents, upon one poor printer, are fearful odds; but as Tooke was a match for his foes, I hope I will be able to give a good account of mine. I trust I shall be able to show that I bore with exemplary patience much undeserved provocation; that while I was for months only intent on serving and extricating Lord Falkland from his embarrassments, a very different spirit was active on the other side; and that when, for the defence of my principles, and my friends, I took up my pen on the 6th of May, it was not till the officers of his government, and his intimate associates, had showered lampoons and libels on me for more than four months. If I can prove all this; may more, if I can prove that each several passage of which Lord Falkland complains, subsequent to the 6th of May, was called forth by some gross slander, or irritating squib, published at the time in a paper owned and edited by the Queen's printer, then, whatever may be the judgment of this Assembly, where power and patronage may secure a small majority, I know what must be the ultimate decision of my countrymen, and of Her Majesty's government.

After serving Lord Falkland faithfully for three years and a half, during all which time his administration was successful, and supported by powerful majorities in this House, my friends and myself retired simply because we could not defend what we believed to be an impolitic, and knew would be an unpopular, appointment to the Executive Council. We had no theoretical disputes about general principles; no personal complaint to charge upon His Lordship. We parted as gentlemen should part. We, disposed to remember only what had been pleasant in our intercourse; and His Lordship assuring us "that he would take care that our motives were not misrepresented." This was in December. Hardly had we retired, when His Lordship addressed a letter to us, and published it in the newspapers, in which he more than insinuated that we, who had served him faithfully, retired courteously, on a single fact, had forced party government on him, when we had all consented to remain in a coalition; and had attempted to wrest the prerogative out of his hands, when we had ever admitted and defended his firm and independent exercise. Nothing could be more unjust than those two implied

accusations; nothing could have been more impolitic than their publication. His Lordship himself thus sounded the key note of defamation, and others were not slow to swell the strain. Every old Tory merchant or official, with one foot in the grave, was suddenly galvanized by this shock from the Executive-battery; every aspirant to office, whose claims a just government might have overlooked, nibbed his pen, and dashed into the press; and His Lordship's own personal attendants and dependents were the first to aim deadly blows at the characters of men, as loyal, and as observant of the just boundaries of the Constitution, as any scion of his line.

I defy the Attorney General to put his hand upon an article, written by me against Lord Falkland, earlier than the 6th of May. But who gave ample provocation four months before? As early as the 28th of December, a person who had long been a sort of upper servant about government house, commenced the war in a New York paper, under the signature of "Scrutator." This person, well known as a friend and confidant of the Governor, has often given the people of New York the benefit of State secrets that ought to have been known only to the Governor and his sworn Councillors, before they were revealed in the Province which they most concerned. Let us take up the December letter, evidently written for circulation in Canada, that it might meet the Governor-General's eye, and filled with misrepresentation of our conduct and positions. As a specimen of the historical accuracy of this household scribbler, let me take one or two passages. On the arrival of Lord Falkland he says, "Negotiations were opened with Mr. Howe, and other leading reformers, and with the heads of the conservative party; and at length, by the exercise of commendable forbearance, and by mutual concessions, a Provincial administration was formed of the leading gentlemen of both parties in about equal numbers." The drift of all this is to show that great skill was displayed by His Lordship, in forming the Council which carried him through from 1840 to 1843, when it was formed for him by Lord Sydenham; and, as far as I was concerned, he brought out the Queen's command in his pocket to place me in the Council. So far from the numbers being about equal, "Scrutator" suppresses the fact, that the liberals, though forming a majority in the House, never had more than three seats in Council out of ten, from the time they entered, till they were driven forth by a reckless attempt to increase and perpetuate the disproportion. Again, the Governor's physician, wishing to throw the blame of all the differences between members of Council upon me, attributes to me a series of letters, under the signature of "A. Constitutional," and states that, in one of these, a reference

was made to the debt due for publishing *The Christian Messenger*, which was the origin of all the troubles. There is not one word of truth in this; no such reference occurs in those letters; and whatever appears in them, Lord Falkland and his agents should be the last to complain. But I turn now to a passage so meanly false, yet so defamatory, that, coming from such a quarter, it would, under all the circumstances, have justified prompt and unsparring retaliation. After referring to the sale of *The Nova Scotian* by me, and to the pecuniary interest which I still had in the establishment, "Scrutator" says:—

"It appears that *The Nova Scotian* lost much by this change, and its character and circulation fell off when the public missed the clever articles which were wont to fill its columns. Under these circumstances the *ex-dévant* editor bethought him—I think in an evil hour—of trying to restore its prosperity, and to hit hard his political enemies at the same time, by infusing some of the former spirit and pungency into the pages of the journal; and, sooth to say, no measured portion of bitterness also. This was done by the insertion of a series of letters, under the signature of 'A Constitutionalist,' which, although never acknowledged by Mr. Howe, left no doubt of their authorship in the minds of those acquainted with his style."

The committee will observe that here is the Governor's peculiar scribe—the man who, in June, sends to New York revelations of State policy, only given to me on the 1<sup>st</sup> July—charging upon me the authorship of those letters; attributing their preparation to mean, mercenary motives; and to me the crime of having destroyed a government in an attempt to renovate a declining newspaper. Sir, I bore this foul and most ungrateful accusation for months, before I wrote one line in retaliation. I have borne it twelve months, while Lord Falkland and his agents have been defaming me here and in England. I must now, however, avail myself of the usual Parliamentary permission, and show to the House what was the real origin of "A Constitutionalist's Letters." Whether I did or did not write them, is beside the question. When "Scrutator" and his friends throw aside their disguises, it will be time enough to confess my sins. But what was the origin of those letters? From 1810, when Lord Falkland arrived in this country, to the summer of 1812, the exclusively loyal people, who are now his very particular friends, had attacked himself, his family, and his administration. His lady was coarsely assailed; he was accused of sending his servants to a concert to insult the society of Halifax; and his secretary was taunted with robbing a pawnbroker's shop to replenish his wardrobe. I regret that I have not the worst of these papers at hand. An extract or two

will serve as specimens of the whole. Lord Falkland is described "as a Whig deputy of Lord John Russell, whom a conservative Colonial minister is most unaccountably permitting to endanger the very existence of the affection of the conservatives of Nova Scotia to the government of the Queen." "The most respectable portion of the society of this Colony are required by a Whig Governor to submit to every species of annoyance and degradation." "Surely, Sir Robert Peel and Lord Stanley cannot think it wise to allow a Whig Governor to destroy the peace, and ultimately stifle the loyalty of this once happy Colony." This was written by the no-party men, of a coalition, in which the liberals had but a faint representation. His Lordship is styled "a Whig taskmaster," and those who boast of the addresses he received last summer, will find great comfort in the following passage: "As to the addresses to Lord Falkland, they must be viewed as a mere matter of moonshine, since there are lunatics and responsables enough in every village to get up an address to Old Scratch himself." A correspondent in the same paper says: "Such conduct on the part of Her Majesty's representative has ceased to excite surprise here, as it is quite notorious that His Lordship has determined to blot the sword of truth and the scales of justice from the esentcheon of his government, and to be guided solely by party feeling and prejudice." Thus wrote the party now in power, of the man they are sustaining in a vain attempt to crush an enemy for a political lampoon. This was the style of remonstrance against an administration, that, sustained by a liberal majority, had but three liberals in the Council. But, hear what was said of the Count de Barruel, the Governor's secretary, a gentleman of classical attainments, polished manners, and guarded circumspection:—

"I have seen *the* Count since his return from his tour to the *West*. You would not know him if he goes your way by my former description of his habiliments. His late visit to the clothes shop has changed his outward man altogether entirely, as Pat says; but you will still recognize him by the swagger which I endeavored to describe on a former occasion."

All these passages are from a single paper. I could pile up as many, breathing the same spirit, and evincing the same delicacy, as would weigh down a fifty-six. Thus it was that the loyal men, who are my denouncers, spoke of a nobleman around whose brow the royal halo was as plainly distinguished in 1842 as it is in 1845. So fierce and incessant had been this storm of invective for twenty months prior to the preparation of the "Constitutionalist's Letters," that the conservatives boasted that the government was written down; and Lord Falkland deemed it proper to call the attention of the Council to the state of the

opposition press, and to urge that some of the members should enter the arena, and defend him and themselves. On one or two occasions he called upon the honorable and learned Speaker, then the youngest member of the Council, to take up his pen and defend the government. The Speaker, I believe, declined; but out of the feeling displayed by the Lieutenant Governor arose the letters of "A Constitutionalist," which were written, not for the mercenary and mean motive attributed, but to abate the nuisance of which His Lordship complained. How must I have felt, then, shortly after the retirements from the Council, to find myself openly charged with the composition of those letters, by a hanger-on about government house, and mean, mercenary motives attributed to the writer? Sir, if feelings have been aroused, and arrows pointed, those from the government quiver, sent with deadly aim, were first discharged. "Scrutator," in this very letter, attributes all the difficulties to my "ambition." I "could bear no rival near the throne," yet I went to the aid of the throne under most trying circumstances, and faithfully discharged my duty until driven forth by manifest injustice. One truth "Scrutator" tells: "Between the families of the Councillors and His Lordship's, a cordial friendship had subsisted," but he forgets to tell how that was severed by rudeness, which no gentlemen can defend.

The Attorney General complained the other day that the Halifax newspapers commented on the negotiations of July. Why should they not, when the whole policy of the government was disclosed by Lord Falkland's friend on the 24th of June? But, sir, I have wasted time enough with this scribbler, having shown that he commenced the war with violating confidence, telling gross falsehoods, preferring mean charges, and misrepresenting my public conduct. They began the system of which they now complain — one which, if serious notice is to be taken in grave dispatches, will ultimately result in trying a government, not by a good measure, but by a good article — not by the wisdom of its appointments, but by the pungency of a jest. As "Scrutator" sometimes says a good word of me, I will not dismiss him without bearing testimony to his merits. In an ancient city, where a funeral oration was regarded as a decent ceremony on the burial of the dead, a body lay for a while above ground, because nobody could remember any good of the deceased. At last the barber was got to bear testimony "that he had a very easy beard to shave." Of "Scrutator" I may say, that I believe, whatever his demerits may be, he is a very good fisherman; but I have one piece of advice to temper the praise, — let him hereafter attend to his professional duties, and not be so fond of fishing in troubled waters.

In passing along, I may notice that, although it is now said that I

stand in the way of a fair adjustment, in *The Christian Messenger*, the Attorney General's organ, it was proclaimed, just after the retirements, "that the breach was irreparable." It was not so then; it is so now, but those who thus prophesied, have done their best to verify the prediction.

I have said that Lord Falkland's own letter, insinuating that we had attempted to force party government, and wrest the prerogative from him, was a breach of his own pledge to us when we retired — that it sounded the key-note of defamation. I have shown how instantaneously one of his suite followed up that authoritative assault upon our characters, by gross perversions of fact, and the ascription of unworthy motives; that the Attorney General's organ did the same. You will bear in mind that all this took place in December and January, "the retaliation," of which, I am accused, not having commenced till the following May. I have referred to the effect which Lord Falkland's insinuations had upon our enemies in the capital. Every man whose path I had crossed in a life of public labor; every man who envied the talents and independence of my learned friend from Cape Breton, or felt rebuked by the unobtrusive virtues of my honorable friend for Halifax, caught up the cry thus raised at government house, and saw, with true Tory instinct, that His Lordship had furnished excellent materials for a row. We all know what followed. They dared not call a public meeting, but they got up a private one at the hotel, and a jolly time they had of it, glorifying each other, and passing addresses and resolutions. At this meeting appeared almost all the old enemies of the new system of Colonial government; all those who had secretly and openly opposed Lord Falkland's administration while there was a single liberal in it; who hated the coalition, because it was not a "party government," and who raised the cry of no-party, that their own might once more monopolize power. For what purpose these people met, or what set them on, we need not stop to inquire. In their address, they refer to the "firmness and determination displayed by the Governor General, in maintaining the royal prerogative from recent attacks made on it by a party in the Canadas, whose objects appear calculated to produce present evil, and the ultimate dismemberment of that valuable portion of the empire." "We have long," say they, "watched with deep anxiety, the movements of a party, who, under the specious pretext of increasing the privileges of the people, have endeavored to undermine the royal authority." They compliment the Lieutenant Governor on his determination to "preserve Her Majesty's subjects from the evils of a 'party government,' and hope the day will



be distant, when they will see the prerogatives of the crown usurped by designing men." Here were Lord Falkland's own insinuations, caught up and embodied in grave addresses, coupled with a bold aspersion of our loyalty, signed by members of his Executive Council, and sent forward with great complacency in January; yet these very men now profess to be horrified, because in May, I took up my pen to guard reputations thus wantonly assailed. Why, sir, had I owed nothing to myself, to my children, I should have been indeed a craven, to have permitted such calumnies to attach to my honorable friend, Mr. McNab, — than whom the realm of England does not contain a man more devotedly attached to British institutions; or to my friend Mr. Uniacke, whose ten years' services to his sovereign, as a steady supporter of her government in this Assembly, surely merited from her representative a different return. Sir, when I look back at the wise sayings of the sages who met at the hotel, and contrast them with the acts of the administration, I cannot but smile: they denounced "a party government," but have had one ever since. They were so careful of the prerogatives of the crown! yet have brought their sovereign's representative before Parliament and the country, whining over a lampoon, and making war upon a joke.

Let me now direct the attention of the committee to another foul stream of defamation, turned by the government upon the heads of the ex-councillors, months before one of those articles was written, for which I am to be proscribed. On the 3rd of February, the person who a few months after was rewarded by Lord Falkland with the office of Queen's Printer, and who has for twelve months slandered and defamed the liberals, published an article, the object of which was to propagate the belief that there was an extensive conspiracy organized in British America. I will trouble the committee with a single extract: —

"As a sincere friend of the people, — a friend of practical things, — I would enquire what is the use of transmitting rebellious information to peaceable citizens? or of keeping a political party in the Council denounced by the Governors; denounced in popular meetings of loyal subjects; denounced by that portion of faithful writers, a party of rebels against the prerogative of the crown? There are, doubtless, a number of rebel scribblers in these Provinces, working subtly hand-in-hand, with a phalanx of republican loafers in the States, in order to prepare the separation of these Provinces from the mother country. Lafontaine, and his partners in rebellion here and there, are undoubtedly men without honor or shame, who are trying to fish in muddy waters public situations, and sinecures for themselves, their relatives, friends, and so forth; for in the midst of seditious movements, the worst of mortals can

increase in power and rise up to honor. That is the way the *printer* Franklin made himself *a big rascal* among his fellow rebel companions."

On the 8th of February, the very day on which the House met, and three months before I resumed my connection with the press, or published an article of which the Attorney General complains, Lord Falkland's friend and printer gave to the world a defamatory lampoon, purporting to be a letter from Mr. Papineau, the Canadian exile, to Mr. Howe, in which, assuming the former to be a rebel, he addresses the latter after this fashion: "Our former political intimacy, the similarity of our principles, and identity of our objects, &c." Yet the men who wrote these libels, are to be held guiltless, and I am to be proscribed for not sitting quietly under accusations of treason, and kissing the hand that directed the line of fire, and paid for the missiles that rattled round my head. It was nothing to accuse me of treason, but it was a crime for me to declare that no one knew better than Lord Falkland that the charge was false; it is a trifle to damn a Nova Scotian's character, but an unpardonable offence to hint that a nobleman wears a shirt.

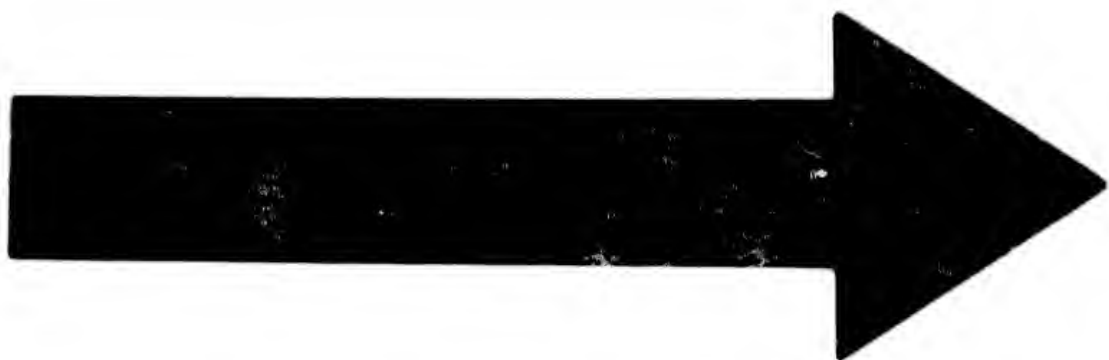
The learned Attorney General, with his characteristic fairness, has passed over all these provocations, and has reasoned as though the liberals had commenced an unhallowed war upon Her Majesty's representative. Surely, surely, the learned and pious crown officer, who professes to be horror-stricken at my "coarse ribaldry," and "breaches of decency and good manners," cannot have forgotten the bundle of lampoons, that issued from the government press from February to April, under the signature of "Punch," and which I hold in my hand. "Coarse ribaldry," "breaches of decency and good manners," and reckless falsehoods, are the staple of these productions, showered by Lord Falkland's official servant upon the heads of the very men who had served and sustained him honorably for upwards of three years, and who retired from the royal closet with the assurance "that they should not be misrepresented." But then, the Attorney General finds it convenient to forget the four months' defamation by which it was hoped we might be overwhelmed; he can chuckle over lampoons and pasquinades, when they appear in the government press; indecency is a virtue, when it raises a laugh at an enemy's expense; and a falsehood is no longer a falsehood, when it makes in favor of his own side. [Mr. Howe here referred to the papers, and read gross personal attacks on Mr. Uniacke, Mr. Doyle, Mr. McLellan, Mr. Benjamin, and Mr. Power, the "ribaldry" being "coarse" enough, and the wit scarcely atoning for the malevolent vulgarity. We omit the passages, that our report may be kept within ordinary limits.] After reviewing these papers, Mr. Howe said that he

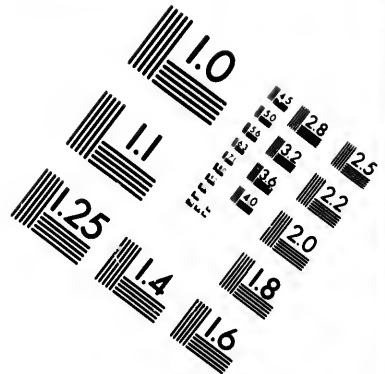
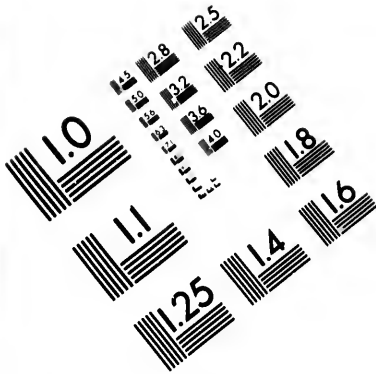
really felt for the nobleman at the head of the government, who, having been induced to countenance, and patronize, and pay for this miserable trash, aimed at old and faithful councillors, whose only crime was that they had conducted his government triumphantly for three years, had been brought down to Parliament to prefer grave charges against an individual who had thrown a few paper pellets in return.

This system of executive defamation, said Mr. Howe, continued for four months, and the liberals treated it with indifference. From December till May, the fire was incessant, when, on the 6th of that month, I resumed my old editorial chair, and opened fire upon the enemy. All that I have read to the House, appeared in the government press prior to that date; but something more had appeared. The learned Attorney General, who now complains of the press garbling public documents, who professes such anxiety to give the public full information, cannot have forgotten the few lines extracted from a dispatch, and published by Lord Falkland in *The Royal Gazette*, on the 29th of February, two months before I wrote a line with which he here finds fault. Sir, we never complained of Lord Stanley referring to "pretensions," that we never advanced, and which this House afterwards negatived by unanimous vote. His Lordship formed his opinion on the *ex-parte* case sent from this country, and he was bound to believe and sustain his own officer; to give him every fair chance to recover his position. But we had a right to complain, that a defamatory dispatch was written to Lord Stanley, refused to Parliament, His Lordship's answer also withheld, and three lines extracted from it and published in the newspapers, conveying a censure we had never deserved, and accusing us of "pretensions," which, if Lord Stanley had had the whole case before him, he would have seen we had never advanced. For more than two months, Messrs. Uniacke, McNab, and myself, had cherished the most friendly feelings towards Lord Falkland; had treated him with the courteous observance due to his high station; had attributed to others, and not to him, the slanders which assailed us. Before the House met, Mr. McNab had offered to withdraw his claims, to rescue His Lordship from difficulties. Down to the very day on which this stab was given by his own hand, I had but one thought, how I could avert the evil I saw clouding the horizon, and rescue, by any personal sacrifice, the man whose temperament and whose advisers I knew too well, not to anticipate the mischief which we have now to contemplate with so much vain regret. The moment that extract appeared, I felt as a man might feel, on finding a friend's knife between his ribs, on whose welfare he was meditating, and for whose security he was prepared to suffer much; the

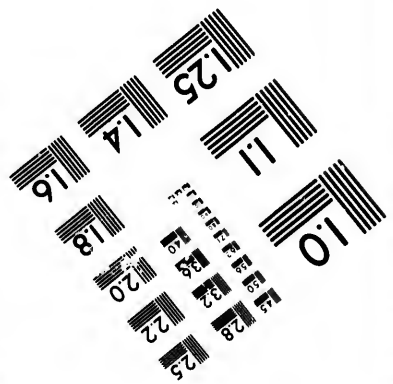
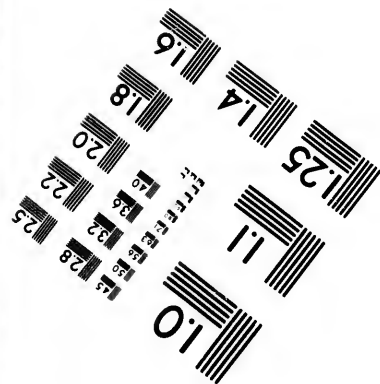
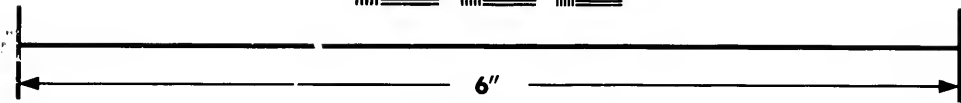
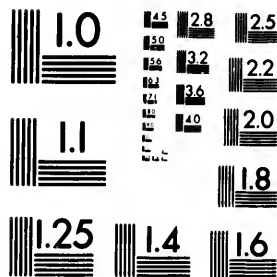
old ties were severed by that stroke; and those who advised it did more mischief to the nobleman they misled, than their lives, devoted to his service, could repair. It was followed up by another — by a personal insult, which no gentleman ought to offer, and which no gentleman very patiently receives. From this period, my feelings towards Lord Falkland were changed; but though I expressed them once or twice in the Assembly, it was not till one or two months later — during all which time the system of newspaper defamation continued — that I resumed my connection with the press, and published some of the articles which have been drawn into this debate.

In approaching the charges which the Attorney General has brought before this committee, I am constrained to say, that if he does not draw up his criminal with more care than he does his political indictments, there must be strange blundering in our courts. Will it be believed that the first three passages he read, and upon which he favored us with an hour's declamation, appeared in *The Nova Scotian* on the 29th of April, when my connection with that paper only commenced on the 6th of May. [Mr. Howe here referred to and read the passages having reference to Lord Falkland's "political facetiæ," his "attempting to bow everybody to his will, and being constrained to bow to the will of others," his "appointment of Mr. Dewolfé to the excise," &c.] The Parsees, said Mr. Howe, were constrained to attach their names to the arrows they shot; and I, during my public life, have generally done the same, though at every step I have had to meet cowardly assailants, shooting from every variety of cover. If I am to be charged, without proof, with writing what I do not acknowledge, I may gather from the press which supports him a goodly array of paragraphs to attribute to the Attorney General. But, passing over the paper in April, let me come to the poetry of the 20th of May, to "The Lord of the Bedchamber," which I am free to acknowledge appeared in *The Nova Scotian* after I resumed the editorial chair. The committee will remember that, before this pasquinade was published, I and my friends had been ridiculed and defamed in the government organs for nearly five months; that we had stood this fire with infinite forbearance and composure; that the dispatch had been published; that the Speaker of this House had been debarred the usual official courtesies due to his rank, and never, for half a century, omitted. After all this had been done, and no pains spared to make the quarrel personal, is it strange that we should have determined to retaliate; to show our opponents the blunder they had committed by forcing the Queen's representative into the political arena; to let them see there was some wit and humor on the opposite side; and that if they monopo-





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lized political power, they were not to have a monopoly of the elegant manufacture of political pasquinade. The Lord of the Bedchamber describes the perplexities and conflicting feelings of the Governor and his advisers during the fourteen days' debate on the address in the winter session. If the writer has gone too far, let gentlemen bear in mind the extent of the provocation. Let it not be said that Lord Falkland and his advisers were not answerable for what appeared in *The Morning Post*; that paper was edited and owned by the printer of *The Gazette*. The government had the command and the direction of both. If a person kept a brothel and a boarding-house under the same roof, and if the former was a nuisance to the neighborhood, could those who frequented, and patronized, and encouraged the proprietor, plead that they were only accountable for what was done in a single suite of apartments? I think not; and, acting on this principle, I have claimed my right to hold the Lieutenant Governor personally responsible for all the defamation published by the organ of his government — by his paid official servant. I may have been right or wrong, but I fearlessly avow the fact. Mr. Howe here referred to and read the poem\* complained of by the At-

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\* THE LORD OF THE BEDCHAMBER.

FYTTÉ THE FIRST.

The Lord of the Bedchamber sat in his shirt  
 (And D——ly the pliant was there),  
 And his feelings appeared to be very much hurt,  
 And his brow overclouded with care.

It was plain, from the flush that o'ermantled his cheek,  
 And the fluster and haste of his stride,  
 That, drown'd and bewildered, his brain had grown weak,  
 From the blood pump'd aloft by his pride.

"No answer! The scoundrels, how dare they delay!  
 Do they think that a man who's a Peer  
 Can thus be kept feverish, day after day,  
 In the hope that their Speaker 'll appear.

"The Goths! Has not J——, 'my leader,' so cute,  
 Stood up in his place, and declared  
 That, whenever it happens my humor to suit,  
 To do justice to all I'm prepared?

"How dare they delay, when a Peer of the Realm,  
 And a Lord of the Bedchamber, too,  
 To govern them all has been placed at the helm,  
 And to order them just what to do.



torney General. He kept the House laughing for ten minutes with ludicrous commentaries. The Attorney General had bitterly complained of the opening line:—

“The Lord of the Bedchamber sat in his shirt.”

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“Go D——dy; go D——dy, and tell them from me,  
That like Oliver Crom. I'll come down,  
My orderly sergeant mace-bearer shall be,  
And kick them all out of the town.”

Then D——dy the pliant looked puzzled and grim,  
As he made a salaam with his head,  
But ventured to hint that it might not, for him,  
Be quite safe to repeat what was said.

“They've got some odd notions, the obstinate crew,  
That we are their servants — and they  
A sergeant have got, and a stout fellow, too,  
Who their orders will strictly obey.

“Besides, though the leader and I have averred,  
That justice they soon shall receive,  
'Tis rather unlucky that never a word  
That we say will the fellows believe.

“Their satire and arguments freely they pour;  
In their numbers and talents they glory;  
And your bedchamber title they'll care for no more  
Than they did for my bedchamber story.”

Then the Lord of the Bedchamber stamped and he swore,  
'Till D——dy look'd pale as a sheet,  
And was quietly edging away to the door,  
In the hopes to effect his retreat.

“How now,” cries his Lordship, “deserted by you,  
I hope you do n't mean ‘to retire;’  
Sit down, sir, and tell me at once what to do,  
For my blood and my brain are on fire.”

Then D——dy, bewildered, shrank back to his chair,  
And protested he'd fight till he died;  
But he looked like a beautiful cast of Despair,  
With the Angel of Wrath by his side.

“Suppose,” and his voice half recovered its tone,  
“You ask them to dinner,” he cried,  
“And when you can get them aloof and alone,  
Let threats and persuasions be tried.

Mr. Howe said that it was the first time he had suspected that to hint that noblemen wore shirts, was a grave offence, to be prosecuted, in the high court of Parliament by an Attorney General. Had the author said that the Lord of the Bedchamber had no shirt, or that it stuck through his pantaloons, there might have been good ground of complaint. There was a little poem of Hood's, that began thus:—

“With fingers weary and worn,  
 With eyelids heavy and red,  
 A woman sat in unwomanly rags,  
 Plying her needle and thread.  
 Stitch! stitch! stitch!  
 In poverty, hunger and dirt,  
 And still, with a voice of dolorous pitch,  
 She sang ‘the song of the Shirt.’”

The author of these lines has recently been pensioned, and I have no doubt, whenever our “Song of the Shirt” is brought to the notice of Her Gracious Majesty, which it must be, now that it has become an important state paper, she will be equally mindful of the merits of the author.

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“If you swear you'll dissolve, you may frighten a few,  
 You may wheedle and coax a few more,  
 If the old ones look knowing, stick close to the new,  
 And we yet opposition may floor.

“For a month I have labored divisions to sow,  
 And S—y has lied like a Turk,  
 And M—r has feasted, and J— you know  
 Is nearly knocked up with hard work.

“But still, in close column, they stand and they fight,  
 And the country is getting on fire,  
 And the county of Hants sent a squadron last night,  
 To ask W— at once to retire.”

“I'll do it, my D—dy — I'll do it this night,  
 ‘Party Government’ still I eschew,  
 But if a few parties will set you all right,  
 I'll give them, and you may come too.”

The Romans of old, when to battle they press'd,  
 Consulted the entrails, 'tis said,  
 And arguments, if to the stomach addressed,  
 May do more than when aimed at the head.

JUDY.

I come now to the paper of the 10th of June, and mean to fulfil the pledge with which I set out, by showing that every article in *The Nova Scotian*, to which the Attorney General takes exception, was called for by an insidious defamatory publication, put forth by the official servant of the government. This, which I confess I wrote, is an answer to a long one, in the Executive organ of the 30th of May. That is coarse and brutal throughout; it accuses me of wishing to be "at the head of a tyrannical and oppressive government." It reiterates the monstrous falsehood—a thousand times repeated—that I demanded leave of the Lieutenant Governor "to let me form a party government," when I never proposed to him to form any Council, either before or after the elections, in which the conservatives were not to have had four or five seats. As a specimen of the high compliments paid to the opposition, it is only necessary to say that they are styled "a band of brigands." Was it to be expected, then, that I should put the buttons on the foils, in defending my friends and myself from such an assault? Out of five columns of calm and good humored argument, the Attorney General has selected a single passage; and that, taken in connection with the line of reasoning I have pursued, and the article to which it was an answer, carries with it its own justification:—

"We shall now only say a word or two as to the 'personal attacks' which we are accused of making 'on Her Majesty's representative,' and on this subject we shall speak out plainly and distinctly. When a Governor descends so far as to publicly accuse men who have served him faithfully, of attempting to 'wrest the prerogative,' because they differ in opinion with him, and retire from his Council; when he accuses them of 'pretensions,' when they counsel him fearlessly, as they are sworn to do when he refuses to the Speaker of the Assembly the official courtesies which are his due, because that officer acts independently in the discharge of his public duty; and seeks to curb, by a boyish pettishness of resentment, all freedom of action and sentiment in politics, he places himself upon a much lower level than the liberals of Nova Scotia think a Governor should always occupy. For our part we have no hesitation in saying, that he no longer represents, but that he misrepresents our sovereign; and, so far as we are personally concerned, we would not allow the proudest duke that ever stood behind a throne to play such antics in Nova Scotia, without letting him feel that there was at least one person in the Province a little prouder than himself, and quite conscious that—

'The rank is but the guinea stamp—

A man 's a man for a' that.'

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“As to the statement that His Lordship had written himself down, the opinion is very current, among those who have examined the letters, speeches, and state papers, which have been issued from the Executive during the last year; but it is well known that we hold his advisers responsible for these, and that when we speak of the Governor, in those political essays, we but refer to and criticise the acts of his Executive Council. If they knew their duty, they would apply to themselves every attack, every joke, every sarcasm, without thrusting the Queen’s representative into the front of the battle, to receive the shots, and return the fire.”

Let me now direct your attention to the paper of the 15th July, and ask again what drew forth the article which it contains? The answer is — another gross libel on the retired Councillors, in the government organ. Sir Charles Metcalf had written to Lord Stanley: —

“I am required to give myself up entirely to the Council; to submit absolutely to their dictation; to have no judgment of my own; to bestow the patronage of the government exclusively on their partisans; to proscribe their opponents; and to make some public and unequivocal declaration of my adhesion to these conditions, involving the complete nullification of Her Majesty’s government.”

Lord Falkland’s official scribe, commenting on this passage, had said:

“This is what Lord Falkland is required to do by his opponents; the enemies of justice to all parties, and to constitutional freedom. Is this disputed?”

What was my answer? The passage garbled and complained of by the Attorney General. The committee will pardon me for quoting the whole: —

“So, then, Lord Falkland has been required by Uniacke, Howe, and McNab to submit absolutely to their dictation; to have no judgment of his own; to bestow the patronage of the government exclusively on their partisans; to proscribe their opponents, and to make some public and unequivocal declaration of his adhesion to these conditions, involving a complete nullification of Her Majesty’s government.”

“Surely, surely, Lord Falkland cannot wonder that these gentlemen, and their friends, are not very measured in their expressions, when his paid official servant, the mouth-piece of his government, puts forth such barefaced lies as these. The epithet may be strong, but it is the right one to use in such a case. In the name of the ex-Councillors, on the house-tops, before Lord Falkland’s face; aye, in the presence of the Queen herself; wherever and whenever this charge is brought against James McNab, James B. Uniacke, and Joseph Howe, to our dying day

we will pronounce it a base, black falsehood, without a shadow of foundation; yes, and add, that no man knows better that it is so, than the nobleman who thus instructs or permits his underling to defame men, whom the plain unvarnished truth could not injure."

Was this language too strong? What was the charge? Treason, disloyalty, utter prostration of the royal authority, and "base black falsehood," was the only term to apply to such a slander.

Let me quote the proof that it was so, which the Attorney General conveniently forgot to give:—

"Now what are the facts? We speak of our own personal share in this charge, and of our own experience. Will the public believe that in three years and a half but one appointment was made by our advice to which Lord Falkland evinced the slightest repugnance, and that that was the reappointment of an old servant? Will they believe that in every other, for reasons deemed satisfactory to 'his own judgment,' he gave a cheerful and full concurrence, and that these amounted to hundreds?"

"Will the country believe that in every act of administration, throughout the whole period that those gentlemen thus defamed were members of Lord Falkland's Council, a most respectful deference was paid to His Lordship's feelings and opinions; that in no one instance was any thing pressed upon him to which he entertained a decided and strong objection?"

I come now to another of those satirical poems,\* which the Attorney General declares is "so indecent" that it cannot be read; and really, if it were not for wasting your time, Mr. Chairman, with such trifles, I would read the whole of it, and let the committee judge of the text and the commentator. It is a letter in humorous verse, supposed to be written by Lord Falkland to Lord Stanley. It appeared in *The Nova Scotian* on the 20th of November; but the committee will bear in mind that it was provoked by two letters of the same description, published at my expense by the official printer just ten days before. It commences—

"My Lord, by this mail, which I have not detained,

A few lines marked 'private,' to write I'm constrained."

This was only a fair hit at the government for the detention of all the correspondence of the lower Provinces, because the Governor's advisers were too careless, or too stupid to write in time an official letter to the officer in charge of the steamer. We have asked for the correspondence on this subject; it has been refused. When it is necessary to denounce

\* See Appendix.

a lampoon, or deprive Her Majesty's lieges of the innocent privilege of laughing, we have grave dispatches in abundance; when thousands of letters and hundreds of thousands of pounds, in orders for insurance and bills of exchange, are detained here a fortnight by gross ignorance or dereliction of duty, information is denied. But to proceed with the poetry:—

“ In my public dispatch, my position, en beam,  
Is set off to the greatest advantage, you know;  
When you read it, you'll think I have nothing to bore me,  
But am driving Blue Noses, like poultry, before me.  
I am sorry to own, but the fact must be stated,  
The game is all up, and I'm fairly cheek-mated.  
The Poacher in Chaucery with goose in his breeches,  
Was betrayed by the neck peeping through the loose stitches;  
And I must acknowledge, unfortunate sinner,  
As my griefs are enlarging, my breeches get thinner;  
And I feel, if I do not soon make a clean breast,  
That, from what you observe, you will guess at the rest.”

I fear that this allusion to His Excellency's breeches is regarded by the government with as much alarm as the former reference to the startling fact of his wearing a shirt.

“ But while talking of geese, it is said, in some ruction,  
That Rome, by their cackling, was saved from destruction;—  
The luck of the Roman runs not in my line,  
For I am destroyed by the cackling of mine.”

When this was written, lightly as I estimated the discretion of Lord Falkland's advisers, I did not think they were such geese as to come cackling to the Assembly over such eggs as these. There are other passages, perhaps a little broad, but surely not half so bad as dozens that are to be found in Shakspeare, Swift, Sterne, Pindar, or in Hanbury Williams's political pasquinades, all of which, I doubt not, are to be found on the Attorney General's book-shelves. If this squib is to be condemned, let Judge Slick, whose volumes abound in broad humor, preside at the trial, and I doubt if the crown officers can obtain a verdict.

Mr. Howe next read and reviewed the article of the 2d of December, which he proved was, like all the others, called forth by a violent and scurrilous attack on himself and on the Speaker of the Assembly.

I have now gone through all the articles on which this solemn Executive proscription is founded, and I may say at the end of this review, as I said at the beginning, that I mourn over the spectacle which the Governor of my country presents; coming down to Parliament with a case, at which Lord Stanley and every clerk in Downing Street would laugh, if the pleadings on both sides were before them. Nova Scotians

were wont to occupy high ground for steady loyalty; for firm adherence to principle; for acute circumspection in the management of their affairs. But I doubt if this solemn impeachment of a political newspaper, this war upon the satiric muse, will elevate us much either at home or abroad. Before passing from these topics, in justice to myself, I must make one or two observations. That I know what is due to my sovereign's representative when the dignity of his high station is adequately sustained; when political warfare is conducted within the boundaries of the Constitution; when personal feelings are not outraged and public principle is not sought to be crushed by Executive defamation, the members of this committee, and the people of this Province, know right well. From 1836 to 1840, at the head of a majority in this Assembly, and with a press at my command, I conducted an opposition to Sir Colin Campbell's administration, and never wrote a line, or uttered a syllable, personally offensive to that gallant old soldier. Why? Because he treated the members of the opposition like gentlemen, and because, by the men who sustained him under the leadership of my learned friend from Cape Breton, and those who differed with them on principle, all the courteous observances of chivalrous warfare were maintained; we saluted each other as the first volley was fired, and drank at the same stream when the battle was over. For the more barbarous style of warfare which has come lately into vogue, the opposition are not to blame; they but follow the mode set by His Lordship's advisers. I regret the change, for I well remember, when standing in the crowd at Lord Falkland's first levee, Sir Colin Campbell thus addressed me: "Mr. Howe, there is my hand, we fought it out bravely, for each thought he was right; you treated me like a gentleman, and I cherish no unkind feeling." Such are the terms upon which British Governors and British colonists should part; it will be always so, when those who represent the sovereign respect themselves, and respect the feelings and the rights of others.

But it is said I praised Lord Falkland in 1812. I did; he had then done nothing undeserving of commendation. — I spoke as I felt. I speak now as I feel, with two years of added experience; and after, misled by bad advisers, he has committed innumerable blunders. If I praised him in 1812, the Attorney General's friend hissed him; surely there is as much inconsistency in the one case as in the other. Members of Council lauded my magnanimity in 1812, who are now parties to this miserable proscription. The papers that sustain His Lordship in 1815 teemed with scurrilous invective in 1842. What has produced the change? Am I the only inconsistent party of the whole? Neither are inconsistent; His Lordship has forfeited the confidence of his old friends by the very

policy which has delighted his old enemies. Circumstances develope character often very rapidly. Saul was the same Saul after he had launched his javelin at David that he was before. A trifle had touched his vanity and aroused his pride. Yet David could hardly be expected to feel or speak of him as he felt and spoke before his life was menaced. The Moor is the same man in the fifth that he is in the first act of the play; but his whole character has been changed; the wily Iago has poured a leprous distilment into his ear, has so practiced on his noble nature that he rants like a maniac, and destroys the wife of his bosom in his rage. A man may have praised a fine horse that he would hardly know again when driven frantic and blown by a nettle tied to his tail. Sir, I have always done Lord Falkland justice; I will do him justice now, though he has taken the sovereign's name in vain and prostituted her authority to crush me. He knows me well; I know him perhaps better than he does himself. He has many high qualities of head and heart; but, as a noble poet said of his relative, a "host of passions;" and by playing upon and inflaming these, the men who surround him, have, in one short year, led him from blunder to blunder until the spectacle of degradation is completed by this personal squabble, exciting the compassion even of the individual he would destroy.

Though the reference to the new appointment to the excise office appeared in the paper with which I had no connection, the Attorney General has thought proper to attribute it to me, and boasts that he will justify the appointment by its fruits. Sir, I neither complain of the appointment, nor doubt that the duties have been properly discharged; but if the Attorney General wishes to discuss the past or present management of the office, when the papers are printed and on the table, I am ready to meet him; and I think it will then appear, that if the tree has yielded fruit abundantly, my honorable friend from Yarmouth, the Speaker, and others, who dug around the roots, and applied the manure, are entitled to a share of the praise.

Sir, I have now got out of the newspapers brought here by the Attorney General, and turn to the dispatches and documents laid on the table of the House by command of His Excellency, the Lieutenant Governor. Though some of these, in accuracy and dignity of style, are below the ordinary level of newspaper compositions, yet they wear the form of public documents, with which alone, and not with squibs and lampoons, a legislator should deal. The letter of the 24th of February, handed to the retired Councillors by Mr. Dodd, has been read to the House, and is a singular composition. Lord Falkland is made to say, that his "sole object is to do equal justice to all parties," yet the leaders of the liberal



party were driven out by an act of gross injustice; and in this letter, written after the whole influence of the government could only secure a bare majority of one, the terms offered would have placed them in a powerless and contemptible minority at the Council board. We might have gone back, after accepting the terms and conditions of the letter; but if we had, our characters would have been wrecked, and we would have had as much influence as three red herrings. His Excellency is also induced to assume great credit for taking "the initiative step," in this negotiation. Why, who should have taken it? who could have taken it but His Excellency? Suppose an English statesman were to take the "initiative step," and thrusting himself into the royal closet, desire leave to form a cabinet. Would he not be kicked out? Suppose we, having retired, had gone up before any negotiations had been opened with us, and offered a programme of a Council, what would His Lordship have said? Sir, the "initiative step," in forming a Government, must be taken by the sovereign or her representative; and to boast of taking it, is about as wise as it would be for a gentleman in asking a lady's hand, to desire her to behold the highest proof of his affection in the fact of his "taking the initiative step."

Then we are told that His Excellency is apprehensive that the public good will be sacrificed "at the shrine of party conflict." When Mr. Almon was appointed, it was to prevent the introduction of "party government," and to "allay party feeling." It has, as we warned His Excellency, established party government and exasperated parties, without being approved even by those who have been induced to sanction it by the pressure of executive influence. I know not how British institutions are to be worked in this or any other country, without party feelings and attachments; and surely, the nobleman at the head of the government should regard these necessary evils with indulgence, seeing that he belongs to a party that convulsed all England to carry a public measure, and gave Bristol for two days into the hands of a lawless mob. But if we examine this story of "justice to all parties" a little closer, throwing all Lord Falkland's projects for the formation of a government together, what do we find? That the old Tory party would have had twenty seats in Council, and the tried friends of the new system twelve; that in no one proposition were the liberals to have had justice. Look to the appointments throughout the year; every office of emolument given to their own party; five magistrates commissioned in this county, four of them on the same side. But mark the stipulations demanded of us: the Attorney General, who set the example of agitation in 1843, required us to promise that we would not agitate the country; all our

measures were to be "postponed till those emanating from the Executive" were disposed of. Why, sir, we have waited two entire sessions, and not a single measure has been produced. Others would, then, have been indefinitely postponed. But we were to be "guided in certain matters" by those whom we knew were no safe guides; we were "to state our concurrence on matters of importance" very faintly shadowed forth; to give "a direct renunciation of a doctrine" which was utter nonsense, and a "frank recognition of the Governor's right" to select a mixed medley of men from all sides, holding no opinions in common, to sit in his Executive Council. Truly, if we had accepted seats on such terms, we should have earned the contempt and execration of every man in Nova Scotia. These stipulations either meant something, or they meant nothing; if they meant nothing, they should not have been made; if they meant any thing, it was the abject and mean surrender of every valuable principle that we had contended for all our lives. But, it is said, we might have affirmed or denied them. We did deny them; but we feared that the object was, — if we affirmed them, to entrap; and if we denied them, to misrepresent us. What occurred? This very letter was sent to the Colonial Secretary, and published to the world as evidence of our heterodox opinions; our plain frank answer being studiously withheld. We were in the situation of gentlemen invited to a dinner, but required to pledge ourselves that we would neither pick our teeth with the forks, nor spit on the drawing-room fender. The offensive language of the invitation precluded the possibility of its acceptance. We respectfully declined; but where is our answer? We wrote one; where is it? Why was it not sent to the Colonial Secretary? For the best of all possible reasons, — because, if it had been, it would have been no longer possible to misrepresent the moderation and constitutionality of our opinions. [Mr. Dodd here explained, that he was only empowered by Lord Falkland to require a simple "yes" or "no."] I did not so understand it when the letter was delivered; I did understand that the learned gentleman had no authority to enter into a general negotiation, to propose or to accept other terms. The best proof that we did not consider ourselves debarred from giving the reasons of our refusal is, that a letter was drafted, copied, and handed to that gentleman. It is said it was not shown to Lord Falkland. Why? The committee will guess the reasons when they hear the letter. Mr. Howe then produced and read the following letter: —

*Halifax, 27th February, 1844.*

SIR, — We have maturely weighed the proposition made to us in the letter from the Lieutenant Governor, put into our hands yesterday, and

our deliberate judgment is that we ought not, under present circumstances, to join the existing Council upon the terms proposed; and that if we did, instead of permanence and tranquility being the result, we should but expose ourselves to a loss of confidence and influence in the House and in the country, without bringing any real strength to the government. It is not necessary for us to state at large the grounds upon which this opinion has been formed, as we are reluctant to seem to trench, in the slightest degree, upon the independent exercise of the prerogative. We have not only no desire "to sacrifice the general good at the shrine of party conflict," but may add, that it would give us great pleasure to be able, with consistency and honor, to give His Excellency the Lieutenant Governor our best assistance in the conduct of the administration, provided such change were made as would obviate the appearance of a party triumph, wounding to our feelings, and distasteful to those whose feelings and interests we represent.

With regard to the general principles of government applicable to these Colonies, it is only necessary for us to state, that we have always adhered to those flowing naturally from the important dispatches communicated to the public, sanctioned by the Governor-General of Canada, always frankly avowed by Lord Falkland since 1810, and, in 1812, embodied, with his consent, in the written statement communicated by yourself to the Assembly. "Numerical representation," at the Council, has never been insisted upon by us; but we hold that if a coalition is to be formed, both parties to it ought to be satisfied, and that any administration, to be useful and efficient, should possess so much of public confidence, and cordial and generous support, as will lead to the harmonious conduct of public affairs.

We trust we need not enlarge on these topics, as we have frequently discussed them with you, and are not aware that there exists between us any serious difference of opinion.

We have the honor to be, sir, your obedient servants,

JAMES B. UNIACKE,  
JAMES McNAB,  
JOSEPH HOWE.

If that letter had gone to the Colonial Secretary, we could not have been accused throughout the year of wishing to "wrest the prerogative," "the independent exercise" of which we fully recognized. We could not have been charged with forcing "party government," when we had declared ourselves only desirous to "obviate the appearance of party triumph." That letter would have furnished our justification to all the

world, and the House and the country will require to know why it has slept for a year in the Solicitor General's pocket. [Mr. Howe also, at Mr. Dodd's request, referred to and read a note from that gentleman, dated 28th February, giving, as a reason for not presenting the letter to the Governor, that he considered the negotiation closed.] There were two passages in the original draft of the letter, said Mr. Howe, which were struck out of the copy handed to the learned Solicitor General, because we did not care, in such a negotiation, to multiply words, or accumulate debateable matter. As they convey our opinions upon two points touched in the letter from Lord Falkland, more copiously than I can express them, with the permission of the committee I shall read them:—

“Agitation of the country upon any topic not involving the character or measures of the government, we deprecate. Two of us have never been parties to any such movements, and the third was reluctantly compelled (with His Excellency's permission) to follow, upon the question of education, a vicious example, set for four or five months, by a prominent member of the present Executive Council.

“That a Colonial Governor stands, in all respects, in the same relation to the Assembly that the sovereign does to the House of Commons, we believe is not held to be sound doctrine by any party in our Assembly, that he “can do no wrong,” in the comprehensive sense applied to the sovereign, we have never heard advanced. Acts of Parliament, dispatches, and instructions, must bind all Governors, independent of Provincial legislation, and the responsibility to his sovereign, which a Governor can devolve on no man, includes the possibility of wrong-doing, of which he from whom his authority is derived, only can judge. The doctrine, as stated in the recent debates, we understood to be this: that the members of Council are bound to defend the Governor's acts, and, in Parliament, and elsewhere, ought to be charged with whatever is wrong in the conduct of the administration, in order that the representative of Majesty may be at all times placed in the most exalted and gracious aspect before the people over whom he presides.”

Here, then, is our view of the doctrine of Executive responsibility. It coincides with the opinions of all the leading Canadian statesmen, on all sides of politics; and, at the time it was written, we had in our possession a pamphlet, prepared by Sir Charles Metcalf's government, in which it was stated with clearness and precision—a pamphlet said to have been sent to England with his entire approbation. I put it to the committee, then, if, under all the circumstances, we did not act with firmness and discretion, holding stoutly to our own rational opinions,

based upon sound principles and the best authority, and declining to swallow those of our opponents, which, from the exposition given of them, no human being could understand.

I come now to a circumstance, which I should never have mentioned, but for the very extraordinary course which Lord Falkland has been advised to pursue. I entered his government in 1840, under difficulties which few public men would have encountered, with no other object than to assist in working out new principles, which I believed lay at the foundation of good government, here, and the permanence of British dominion on the American continent. I served him two years without any office of emolument, or any pecuniary advantage. An office fell vacant; he offered and I accepted it. He subsequently committed errors which I could not defend. I resigned my office, and retired from the government. All this gave rise to no feelings of resentment on my part; it was the natural operation of the system to which my public life is pledged. Whatever may be thought or said by my enemies, it is not in my nature to have confidence and kindly intercourse with any man, without feeling an interest in his welfare. From what I know of Lord Falkland's peculiar temperament; from what I know of those who surrounded him; from what I saw in the papers, and in the letter of the 24th of February, I was quite satisfied that, unless some vigorous step was taken to prevent it, he would be brought into violent collision with the whole liberal party; and that, from that moment, the character and efficiency of his administration would be at an end. Down to the close of the negotiation with Mr. Dodd, and for some days after, though I could not sacrifice public principle, I would have burnt my house over my children's heads to have saved or to have served Lord Falkland. The nature of my feelings was well known to my political and personal friends. On the morning of the 29th of February, some days after the communication was made through Mr. Dodd, I met a personal friend of Lord Falkland's and my own, in Dutch Town. We discussed the state of affairs, and expressed similar opinions, as to the perplexed aspect which they presented. I had meditated on a mode of extricating the Governor, by a sacrifice purely personal, which I then resolved on. My friend consented to carry a note, which was to be burnt if the proposition was rejected — to be returned if His Lordship declined to entertain it. The note which I hold in my hand, was written and sent that forenoon. The pledge of secrecy required, and which was essential to the success of the measure, was refused, and the note returned; whether for His Lordship's advantage, or the peace of the Province, the committee will judge by its contents: —

MY LORD,—The small majority which supports your government, and the strength of the opposition, make it desirable, for the peace of the country, that there should be such an arrangement between the contending parties as will give the requisite support to the administration, and at the same time be satisfactory to the country. This could not be done on the basis proposed in Your Lordship's letter, for various reasons. I think it may be accomplished, if two individuals, one on each side, to whom strong exceptions are taken by the adverse parties, were to waive their claims, for the sake of peace, and then the difficulties would be over.

As Your Lordship is aware of the delicacy necessary in making these suggestions, and as I have yet no assurance that others would concur, I have taken this mode of ascertaining, whether, in the event of my yielding any claims I may be supposed to have, to some other liberal less objectionable, Your Lordship would be disposed to consult the feelings of the opposition, by a corresponding removal of an individual on the other side.

I trust Your Lordship will do me no injustice, by supposing that I have any interest in this matter; as, in the event of such an arrangement being made, I have other views, which would preclude me from accepting office in a government, of which I was not a member.

I have the honor to be, My Lord,

Your Lordship's obedient servant,

February 29.

JOSEPH HOWE.

This was the temper and spirit in which I acted, with one single object, down to the 29th of February. The "pretensions" dispatch appeared in *The Gazette* that evening. The note was read to Mr. Dodd the next morning; but, after that ill-judged publication in *The Gazette*, the whole feeling of the liberal party was changed. With these plain facts before them, this committee will judge whether I have deserved, at the Lieutenant Governor's hands, the treatment I have received; whether the charges of selfishness and ambition, showered upon me by the government scribes, require any other answer.

Let me turn your attention. Mr. Chairman, to the subsequent negotiation in July. The responsibility of rejecting the overtures made, rests not upon me. I do not complain that, in this case, the notes which passed are published; although I must confess that, in my judgment, the mode will be found strangely inconvenient, if it is to be followed here-

after. At home, negotiations for the formation or strengthening of a government, are conducted by the sovereign in the royal closet, or through some distinguished person, in the most confidential manner. The main facts involved in those negotiations are disclosed to Parliament, if there exists a paramount necessity; but the communications which pass, and which often include much curious matter, are rarely given to the world. If they were to be, in all cases, the confidence so essential to the security and independent action of the crown, would be destroyed. A Governor, whose advisers have ordinary tact and discretion, will conduct his negotiations in such a way that, if his difficulties are not removed, his embarrassments will not be increased. What was done in this case? Five notes were written to five different gentlemen, offering seats in Council, in which the name of a person was mentioned, and marked with disapprobation, who sought no favor from the Governor, and whose common rights of citizenship were violated by this gratuitous attack upon him. Those who advised this course had their own peculiar objects. To proscribe an opponent, they thought, was to crush him; to break down the bridge behind Lord Falkland, was to prevent the possibility of his escape. When His Lordship put his name to these absurd letters, failure was stamped upon the whole negotiation; a crime was imputed which had been confirmed by no tribunal; the crown was made to accuse a subject without stating the grounds of the accusation. A political party was asked to countenance; to be parties to this strange impeachment; to come into the government, and aid their old enemies to plant their feet on the neck of an old friend. What followed? I speak not now of the conversations which occurred between the Attorney General and my friend Mr. Uniacke; of these I know nothing; but I am talking of what passed when the liberal party met to consider the proposition. With one voice they rejected it, without my interference. The whole aim, and scope, and object of this dispatch, is negatived by the combined action of the entire party. The negotiation was at an end; it had failed; and Lord Falkland was still more deeply committed, without being relieved from his difficulties. What, again, was the conduct of the man he delights to denounce and proscribe? whose grasping ambition is the theme of his household scribbles? who he proclaims to Lord Stanley has no influence, and yet will be *de-facto* Governor, if he admits him to his Council? Finding this clumsy intrigue unanimously resisted by the liberals, I thought only of the peace of the country. I then stated, that though I cared nothing for the public proscription of myself; the precedent was dangerous, and ought not to be sanctioned. That if it was withdrawn, and power given to the Attorney

General and Mr. Uniacke, to form a Council of nine or ten from the two parties, that my claims should not stand in the way of any fair and honorable arrangement. From the treatment I had received from Lord Falkland, I had much to forget before I could enter his government, but that I would support it, either in or out, if my friends were satisfied. On this basis, Mr. Uniacke was empowered to negotiate; and, whatever may have passed between him and others, I am quite satisfied that he acted honorably up to the spirit of his instructions. Finding that the proscription was to be adhered to, and that the liberal party would not proceed a step till it was withdrawn, he communicated the fact, and abandoned the negotiation. These are the facts, as far as they came to my knowledge, and the committee and the country can now judge whether "the opposition were ready to agree to the exclusion of Mr. Joseph Howe." Mr. Howe was willing, as usual, to agree to his own exclusion, but Lord Falkland's sage Councillors thought more of revenge, than of his honor or the peace of the country.

Mr. Chairman, I fear not the judgment of the Colonial Secretary, nor of the country, when my conduct throughout this trying year, is fairly stated. The time has come when I must do myself justice. An honest fame is as dear to me as Lord Falkland's title is to him. His name may be written in Burke's Peerage; mine has no record, but on the hills and valleys of the country which God has given us for an inheritance, and must live, if it lives at all, in the hearts of those who tread them. Their confidence and respect must be the reward of their public servants. But if these noble Provinces are to be preserved, those who represent the sovereign must act with courtesy, and dignity, and truth, to those who represent the people. Who will go into a Governor's Council, if the moment he retires, he is to have his loyalty impeached; to be stabbed by secret dispatches; to have his family insulted; his motives misrepresented, and his character reviled? What Nova Scotian will be safe? What Colonist can defend himself from such a system, if a Governor can denounce those he happens to dislike, and get up personal quarrels with individuals it may be convenient to destroy? But, sir, the gross misrepresentation of my conduct and position, in the dispatch of the 2nd of August, is nothing to the dishonor it heaps upon the liberal party. It paints them as ready to sacrifice me for defending them; as without leaders, principles, or union. Now, sir, is this true? Was it true in August? And if, without a shadow of foundation, should it have been palmed off on the Colonial Secretary, under the sanction of the Governor's name? We are told that the government "had acquired additional firmness and stability, within a fortnight." If so, how did it



happen, that, in the summer session, but one question was raised? and upon that one, after a debate in which their leaders took the most prominent part, the views of the opposition were adopted?

But they have no "acknowledged leader." Have they not? Then let there be no mistake about that point hereafter, for the opposition "acknowledge" the honorable and learned member for Cape Breton as their leader. Whether there is a want of "concert" and "determinate action" this division will show. But "Mr. Howe's influence is greatly diminished!" Perhaps so; but was this proved by the addresses presented to his Excellency, or by the eight or nine public meetings subsequently held? I think not; and if there is still any doubt, when the spring opens I shall have no objections to take my rod and go angling with "Scrutator," east or west, and divide with the government the suffrages of any county we may visit, if I do not beat them in them all. Sir, the only "influence" I have ever sought, or now possess, is the influence arising out of principles steadily and consistently adhered to. If the liberal party had meditated or done what is charged upon them in this dispatch, the dishonor would have rested upon them, and not upon me. But a cartload of dispatches would not make me believe it, or induce me to harbor a suspicion that my learned friend from Cape Breton acted unfairly in the negotiation into which he was drawn. That gentleman and I started from different points in life, with different friends, and adverse opinions; we contended in this arena till we understood each other, and until the true principles of Colonial government were developed by our collisions. In 1840 we embraced them in all sincerity; for three years we worked harmoniously in the same government, retired for the same cause, and although I know and appreciate the difficulties and the arts by which my learned friend has been surrounded, I must have better evidence than the testimony of our opponents, whose object is to sow dissension, before I suspect him of dishonor. To him and to all with whom I have been associated, I am much indebted for the manly firmness they have displayed.

I feel, sir, that I have trespassed too long on the time of this committee, and thank them for the attention with which I have been heard. Let me say in conclusion, that, as throughout my life I have valued office and honors lightly, so, at this moment, there is nothing of personal interest that would induce me to oppose the government for an hour. I have contended — I am now contending, for principles, for a system, which I believe, if worked out with discretion and good faith, will bind these Colonies to the parent state for a century to come. It is because these principles have been violated, because their old enemies are in

power, that I am in opposition. It is by a departure from principle, and an attempt to proscribe a British subject, that I have been driven to this defence. The principles involved here are illustrated by the history of our race. Had Charles the First not acted on likes and dislikes; had he not yielded his confidence to supple favorites, and proscribed the men acceptable to the nation, Lord Falkland's ancestor might have died a minister of state instead of on the field of battle, and the monarch might have saved his head. What was the principle settled in 1688? It was this,—that no man should thereafter be proscribed for opinions, or crushed by court intrigue; that every British subject should be eligible to office who possessed the confidence of the nation. If the sovereign were to-morrow to announce that she would not have a particular statesman in her Cabinet, the people of England would, with one voice, address her thus: "Please Your Majesty, we care not for the man, but there is a principle involved in this proscription which lies at the foundation of our freedom." It is thus I feel. I care not for myself; but let the people of Nova Scotia show less firmness and intelligence, and there will always be somebody to hate, or to proscribe; the sovereign's representative will never be free from personal squabbles, and constitutional government will be at an end. Sir, I deny not to Lord Falkland the right to govern this country, so long as a majority, however small, sustains his administration. I question not his right to use every constitutional means to form a Council without me, or any other man whom he believes ought not to be included. But I deny his right publicly to denounce a British subject, within or beyond the limits of his government. I question the policy of splitting Councils by injustice; propounding principles and demanding stipulations which nobody can understand; employing government scribes to defame public men, and then proscribing them for manly self-defence. I question the policy also of conducting public business with slender majorities. We have the authority of Lord Melbourne, confirmed by Sir Robert Peel, that a weak government is a bad government. A contrary opinion has been expressed here, founded on the belief, that from a weak government any man may get what he desires. The same may be said of a weak woman; but surely the strength of virtue and of principle is to be preferred—strength to do what is right, to resist what is wrong. In conclusion, allow me to say, that whatever may be the decision of this committee, where I stand opposed by the whole influence of government, I believe that I have met every charge by a triumphant answer; that those who have forced this defence upon me, and not I, will live to find their conduct universally condemned. For my part, I feel as a man

may feel across whose path a noble tree has fallen; though, in its descent, his garments may have been soiled, and his life endangered, he turns to gaze with regret on the pride of the forest, fallen from its high estate, its roots lacerated and torn, its stately branches crushed, and its foliage fluttering on every passing breeze.

Ten days of animated discussion followed the delivery of this speech, and into which all sorts of topics, relevant and irrelevant, were drawn. Mr. Howe was not spared. Every member and supporter of the administration had a fling at him, and a stranger, who wandered into the lobby might have supposed that he was a maniac, who had attempted to cut Lord Falkland's throat, instead of a well-disposed person, as is now universally admitted, who was teaching His Lordship the first principles of administration—the science of Colonial government. On the eleventh day of the debate, Mr. Howe took the floor, and for some hours made the House merry at the expense of the Government and its supporters:—

Mr. Chairman, — There is a good story told of an Irishman, who was put in the pillory for saying that the city authorities were no better than they should be. He bore the infliction with exemplary patience, and severe enough it was; for every silly fellow who expected an invitation to the Mayor's feast; every servile creature, who aspired to a civic office, strove to win favor, by pelting him with conspicuous activity. When the hour expired, and a goodly array of missiles had accumulated upon the stage, the culprit, taking off his hat, and bowing politely to the crowd, said, "Now, gentlemen, it is my turn;" and, commencing with his worship, pelted the crowd with great dexterity and effect. The Irish, who always relish humor, were so pleased with the joke, that they carried the man home on their shoulders. I have no expectation that my fate will be quite so triumphant, but no gentleman will question my right to follow the example. I have sat for ten days in this political pillory; missiles of every calibre have hurled around my head; they have accumulated in great abundance, and if my turn has come, those by whom they were showered have no right to complain. As first in dignity, if not in accuracy of aim, perhaps I ought to commence with the learned and honorable crown officers; but there is an old Warwickshire tradition, that Guy, before he grappled with the dun cow, tried his hand upon her calves; and perhaps it would be as well, before touching the

learned Attorney General, that I should dispose of the strange progeny his political system has warmed into existence. The eagle, before he lifts his eye to the meridian, learns to gaze with steadiness on the lesser lights by which he is surrounded; and, as "Jove's satellites are less than Jove," so are the learned leader's disciples inferior to their master.

I confess that I am a little at a loss with which to begin; but, following the order in which they have spoken, the first favor is due to my honorable friend from the county of Pictou (Mr. Holmes). That gentleman and I have long been opposed in this Assembly; we never agreed but once or twice, when I was in the government; and then, I fear, I owed his support to his habitual reverence for the powers that be. But I confess that I received it with strange misgivings; finding myself seated beside him, once or twice, in the edge of the evening, I half fancied I must be wrong, for during a very long experience I had rarely known him right. He told me there was "nothing in my speech;" I will not pay so poor a compliment to his own, but may say it was very like a page of Ossian, smacking of "the times of old," but having nearly as much bearing on the practical business of life. To my honorable friend's manliness and courtesy, I am willing to bear testimony; but his reverence for the past makes him a very poor judge or expounder of the new principles: like Old Mortality, he delights in haunting ancient places, and refreshing broken tomb-stones; while the stream of life goes by, and the flowers bloom unheeded at his feet. He fears that we dislike "the ungenial soil of opposition," but, we stand upon it still, regardless of the example he set us in 1842, when we found him, despite the admonitions of his friends, abandoning the "ungenial soil," and coming over to the richer mould of the administration. He proclaims that the liberals are chargeable with the public debt. This I deny. The whole public debt was created in those good old times on which he loves to linger, by the very party with which he has ever been connected. Has the honorable gentleman forgotten, that, in those halcyon days, £30,000 was lost in a single year, by a contest about fourpence a gallon upon brandy; that £30,000 more was wasted upon the Shubenacadie Canal, and no man called to account? From 1837, when the liberals acquired the ascendancy in the House, down to the present hour, not a pound has been added to the permanent burthens of the country; while the expenditure, on all fitting occasions, has been carefully reduced. The principle which we avowed eight years ago is the principle which guides us now. We shrink not from anticipating revenue for important public improvements, but contract no debt that is not to be paid off within two or three years. It would have been well if those who are so lauded by my honorable friend, had been governed by as wise a rule.

My honorable friend found fault with me for my reference to David, and told me that that great and good man "raised not his hand against the Lord's anointed." Neither have I. I have not killed Lord Falkland, but I have shown him, as David did Saul, the folly and negligence of his advisers. When the drowsy guards left the master they should have protected, at his mercy, in the cave of Engedi, David cut off the skirt of his garment, to show the imbecility of the statesmen and warriors by whom he was surrounded. Again, when his crown officers slept in the trench, David removed the pitcher and spear from the King's side, to prove their incapacity. These innocent contrasts between the vigilance of the man he had injured, and the parasites who inflamed his passions, had the desired effect; for we find Saul exclaiming, — and who knows but that His Lordship may follow his example, — "return, my son David; behold I have played the fool, and have erred exceedingly."

The honorable gentleman reminded the opposition that Lord John Russell supports good measures when Sir Robert Peel brings them down. We would do the same, if any were brought. But our complaint is, that His Excellency conducts the government of this country with half a Council, who, in two sessions, have introduced no measures at all. But did my honorable friend ever hear of Sir Robert Peel complaining that he could not conduct the government on his own principles, because the Whigs would not help him? did he ever offer them seats in the cabinet to sacrifice a leader, and then denounce him, and abuse them, when the sage proposition was refused? We are told that my friend, Mr. Uniacke, was not the leader in the last House. He was; if he bore his honors with less ostentation than his successor, he was the acknowledged leader of the government from 1840 to 1843; and that rank was cheerfully yielded by his colleagues. My honorable friend tells us, that my popularity has declined. Perhaps so; but he forgets to add, that if it has, I lost it by supporting Lord Falkland's measures, and Lord Falkland's government; by sharing the unpopularity of those with whom I was associated, and who have made so ungrateful a return. But is this House the test of any man's popularity now? We all know it was returned before Mr. Almon's appointment, before the retirements, before the proscription. The people of Nova Scotia have had no opportunity of pronouncing a judgment upon these acts of folly; when they have, we shall see whose popularity and influence have declined. The honorable gentleman gave us a lecture on decency, but if he turns to my comparison again, he will find nothing which the most fastidious taste would reject. His namesake was condemned by the fanatics of Edinburgh, for writing the play of Douglas; the critics have perished, but the drama

still lives. I am surprised that the honorable member reads no lectures to his learned friends, who are greater transgressors than I; and that he should have forgotten that *The Pictou Observer*, the organ of his own party, was remarkable for disgusting obscenity. I must now part with my honorable friend, whose joke at Mr. Uniacke's expense might have been spared, had the member for Pictou remembered that the reflection conveyed on the piety and sincerity of the Presbyterians of that fine county, was most undeserved; although the wags do say, that, in his own person, by a similar stroke of policy, the Antiburghers lost a member, and the Kirk secured a deacon.

Let me now turn to an opponent of a different style of mind; one with less originality but higher "pretensions." That I should have lived to be charged with "vapid declamation" by the honorable and learned member for Hants [Mr. Wilkins] was most unlooked for. I had nerved myself for every thing else, but that quite overcame me. He, whom I have seen day after day clear those benches, until you, Mr. Chairman, sat like a solitary victim; he, whom the venerable President of the Legislative Council assured that he was not the only sufferer, when he complained of fatigue after a long oration; he, whom I heard thus accosted by one of his own constituents at the nine mile river: "Are ye never gawn to be done, sir, and let the ither man gie us a screed?" Has it been my misfortune to outherd Herod? to appear tedious to the ears of him who wearies everybody else? That gentleman and I met on several occasions last Summer, and although the argument may have been all on his side, the freeholders were generally on mine. He published his speeches subsequently, and I was strongly tempted to issue a new edition of them with this title; "Speeches of L. M. Wilkins, Esq., which did not convince the people." Vapid declamation! Oh, no, sir, I cannot admit the learned gentleman to be a judge even of the article in which he deals. It has been said that language was given us to conceal our thoughts; if so, there has been sinful profusion in the case of the learned gentleman, who has one living language and two or three dead ones; yet so very few thoughts to conceal. He said that I gave the House specimens of tragedy, comedy, and farce. I regret that he has given us neither. The only character to which he aspires is that of the fine gentleman in the Vaudeville; but even that he dresses with too much pretension, and plays with little ease. His form wants the rounded symmetry; his features the dignified repose; his mind the playful energy which are essential to the character. He is too "fussy." He might pass for a scholar but for his pedantry, and for a fine gentleman but for his pretensions. The learned gentleman

appears to have leaned over the Castalian Spring, not to slake his thirst, or arrange his robe to set off the harmonies of nature, but to fall in love, as Narcissus did, with his own image, and die with admiration of himself. The learned gentleman favored us with a lecture on good breeding, the gist being summed up at the end, where he declared that any man was a gentleman who took off his hat to him. One thing which he said certainly did astonish me: "I will not extend my hand to, or sit at the festive board with the man who lampoons a Governor." Here is a social proscription with a vengeance! How shall any man exist who has to cut his mutton without the light of the learned gentleman's countenance, and from whom his gloved fingers are withdrawn. But is the learned gentleman consistent in his reverence for authority—with his virtuous hatred of those who write lampoons? This committee, this community, know who was the reputed editor of *The Pictou Observer*, and they will judge by a very few passages whether that gentleman's own near relative has not committed the unpardonable offence. [Here Mr. Howe read a variety of extracts from *The Pictou Observer*, a paper said to have been edited by Mr. Wilkins's brother, in which Lord Falkland was accused of degrading his office by uncovering his head and holding the Prince de Joinville's stirrup while he mounted his horse; of going in plain clothes to a ball on the Queen's birthday, and having a foreigner for secretary who might purloin official correspondence; of endeavoring to concentrate all the power of government and legislation in his own hands, &c. He also read scurrilous extracts reflecting on the House, the Legislative Council and the Colonial Secretary.] Now, Mr. Chairman, will it be believed that the learned member from Hants has maintained a brotherly intercourse with the person who openly countenanced, if he did not write these, and dozens of other attacks upon the Lieutenant Governor? But, sir, there is another passage in which it is said Lord Falkland "has not only the bend sinister on his esentcheon, but on his heart." Little skill in heraldry is required to understand the malignant indelicacy of that allusion; and what shall we think of the man who would introduce the slanderer, not to his own board, but into the bosom of the Lieutenant Governor's family, after such an outrage? This was submitted to because the learned member's vote could not be done without. I leave him and his party to reconcile these facts with their vehement regard for the honor and feelings of the Lieutenant Governor. The people of Nova Scotia will probably come to the conclusion that jokes and lampoons are very innocent things when they come from the right side and the right family.

All this has been forgiven and forgotten; but I am to be remembered

even when a new Governor arrives. Though he may "not know Joseph," he is to be told of his misdeeds, though Martin's are to be "cast discreetly in the shade." The learned gentleman tells me that I closed the door upon myself; but what are the facts? That my friends and myself walked out of the door because we did not like the doings within the premises; when immediately a cry of burglary was raised. "Is not the Governor to be the judge of his own honor?" the learned gentleman asks. Were we not to be the judges of ours when false and defamatory charges were raised against us? were we to shrink from necessary self-defence? It is said that President Polk would not admit a man to his cabinet who had laughed at him; but what does this prove? The superiority of British to American institutions, making, as they do, the will of the nation superior to that even of the chief magistrate. The learned gentleman favored us with the ease of a gullant colonel, known to us all; but I intend to show that it was a most unfortunate illustration. His was an offence against majesty; against a lady and a sovereign, unprovoked, gratuitous, gross. But even that has been forgiven and forgotten in the same reign; the officer is at the head of his regiment again, and Her Majesty has one soldier the more, and one sullen and discontented subject the less. But what was said of the informer? What does Sam Slick say of him:—

"Tho' I was born in Connecticut, I have travelled all over the thirteen united universal worlds of ourn, and am a citizen at large. No, I have no prejudicc. Now, men that carry such tittle-tattle; no, I won't say men nother, for they ain't men, that's a fact; they don't desurve the name. They are jist spaniel puppies, that fetch and carry, and they ought to be treated like puppies; they should have their tails cut and ears cropt, so that they might have their right livery.

"Oh, how it has lowered the English in the eyes of foreigners! How sneakin' it makes 'em look! They seem for all the world like scared dogs; and a dog, when he sneaks off with his head down, his tail atween his legs, and his back so mean it won't bristle, is a caution to sinners. Lord, I wish I was Queen!

"But without joking, though, if I was Queen, the first time any of my ministers came to me to report what the spies had said, I'd jist up and say, 'It's a cussed onenglish, onmanly, niggerly business, is this of pumpin', and spyin', and tattlin'. I don't like it a bit; I'll neither have art nor part in it; I wash my hands clear of it. It will jist break the spirit of my people. So, minister, look here; the next report that is brought me of a spy, I'll whip his tongue out and whop your ear off, or my name ain't Queen. So jist mind what I say; first spy pokes his



nose into your office, chop it off and clap it over Temple Bar, where they puts the heads of traitors, and write these words over, with your own fist, that they may know the handwritin', and not mistake the meanin', '*This is the Nose of a Spy.*'"

Let us treat *our* Nova Scotian spies and informers after the same fashion, and this is the last time that the formation of a Government will be perplexed by questions of personal feeling.

But, *sir*, suppose that, on the very morning after the story had been carried to Her Majesty, this gentleman had stood at the head of a majority of the House of Commons, however deeply wounded the sovereign might have felt, she could not have refused to that officer her *political* confidence. Such is the noble Constitution of England; fostering public spirit, and giving free play to the expression of sentiment; and the instance the learned gentleman has selected, only proves that he has the A B C of the Constitution yet to learn. The sovereign, we are informed by the same speaker, is the fountain of honor, and cannot insult an individual. If this be true, then must it follow, that the sovereign cannot receive, or notice, or revenge an insult. He says, he disapproves of sending down confidential correspondence, but that this is a "great crisis." If so, what produced it? Six gentlemen seize the ship of state, and throw half the crew overboard. After trying their seamanship for a time, and getting among the breakers, they call over the side to know if their old messmates will not get on board and help them; but require a pledge that they will not break open the spirit chest, or cut away the mainmast. The men in the water consider this adding insult to injury, and decline. The weather gets worse, and the mutineers more frightened, and they propose to let one fellow drown, and take in all the rest. This touches the honor of the tars, and they reply, "we will sink or swim together." Then there is a dreadful outcry on board the ship; "a crisis" is proclaimed; all sorts of trash is written in the log, and sent by way of complaint to the owners.

The member for Hants tells us, it is "the nature of his temperament to be excited." I should complain less if he had the power of exciting other people. The House decided, says he, "emphatically" that Mr. Almon's appointment was judicious; but as they only decided by a majority of one, even if the emphasis was in the right place, it was not very impressive. But we on this side, hold that there was a decided false quantity in the sentence, and prefer appealing to the grammarians in the seventeen counties of Nova Scotia, who, fortunately, have the power to correct our errors. I must confess that nothing surprised me more than the learned member's lecture on indelicacy of expression; he, *sir*, who has every line

of Ovid at his finger-ends ; he who I have seen gloating over the gross obscenities of *The Pictou Observer*. His practice, even in that speech, was strangely at variance with his principles ; though Angelica was first introduced in the "cold abstract," gradually she began to glow beneath the heat of his imagination, until, like Pygmalion's statue, she sunk into his arms in all the freshness of health and passion. She had not been long there, however, before he began to give her a bad character, and declare that he could not tell whether she was a harlot or an honest woman. I will not undertake to decide, but think that responsible government, or Angelica, — for that seems to be the fancy name, — will be very apt to be judged by the company she keeps. Before passing from this topic, I may as well caution the learned gentleman not to set himself up for a moralist until he reforms a little ; and when he preaches sermons on delicacy, to be a little more choice of language, or we shall have to apply the lines to him which Juvenal aims at Creticus : —

"Nor, vain Metellus, shall  
From Rome's Tribunal thy harangues prevail  
'Gainst Harlotry, while thou art clad so thin,  
That through thy cobweb robe we see thy skin  
As thou declaims't."

The learned gentleman, with a solemn invocation to Nemesis, asked me if I quailed before the "air drawn daggers," the whirlwind, or the "false fire" by which I was surrounded? He shall be my judge. Three times I met him in his own county last summer ; he knows which of us shrunk from the encounter, or won the victory. He has seen me here for the last ten days ; he sees me now. Do I quail? No, sir, I take my stand upon the Constitution of my country, and all the powers of darkness cannot disturb my mind. But, oh ! sir, I should like to see him in my position, with an arm-full of dispatches heaped upon his head ; with a Governor and all his patronage to sap and mine him ; with two crown officers and half a dozen lawyers in his front, and tag-rag and bobtail, in his rear ; perhaps he might comport himself with more dignity than I do, but I confess I have my doubts. The reference to my pilgrimage to Downing Street, came with an ill grace from him. When I went to Downing Street, some years ago, I went as a private gentleman, at my own cost and charges. My Colonial character was my only introduction, and I received more courtesy and kindness than I deserved. When that gentleman went on his pilgrimage, — as my learned colleague wittily reminded him, — the Province paid for his staff and scallop shell ; £500 sterling was drawn out of the revenue of this country to

furnish his scrip ; and his errand was hostile to the public interests, and to the wishes of the people. The learned gentleman cavils at my imagery, and tells us that Lord Falkland stands like an English oak, verdant and vigorous. I will adopt the figure, and admit that he stood so once ; but I fear that the insidious ivy, the parasite plant, and other creeping things, have so wound their tendrils around him, that though there is the outward semblance of a tree, the core is decayed, and the fountains of life withdrawn. But, Mr. Chairman, I have lingered long enough with the learned member from Hants. In closing, I may as well give him a line or two of plain English, in return for all his Latin. They were addressed by a great poet to a great king, but always come into my head when the learned gentleman draws towards the close of one of his "vapid declamations," and I long to exclaim—

"At length, proud Prince, ambitious Lewis, cease  
To plague mankind."

In turning to the almost incomprehensible harangue of the honorable member from Colchester [Mr. Ross], I would just beg to remind him, that though allowed, all summer, to circulate over his county pamphlets and printed slips, filled with egotism and misrepresentation, he must not expect to take such liberties here, without instant castigation and exposure. Though I cannot always follow him into the back roads of Londonderry or Earl Town, when I have him here, where there is no equivocation and no escape, I will not allow him to deal in absurd charges and gross misstatements of fact. That gentleman commenced his speech with the declaration, that the government, while I was in it, attempted to force the Sheriffs Bill on the country. He knows there is not a word of truth in this statement ; that the Sheriffs Bill was not a government measure, and that members of government voted independently in both branches of the Legislature. But surely that gentleman ought to be the last person to oppose an alteration in the mode of selecting sheriffs. He has been, for the last seven years, at war with those in his own county, sometimes petitioning the House to change the law ; sometimes petitioning the Chief Justice to remove the officer ; and once, I believe, he actually collared the sheriff within the purlicus of the court. [Mr. Ross. No.] Then the sheriff had to collar him, which is sufficient for my argument. He fears that by giving the power of appointment to the Executive, we should have political sheriffs. But what have we now ? What had we under the old system, when almost every sheriff was a Tory, and thirteen or fourteen belonged to a particular church ? The honorable gentleman tells us that the Attorney General deserves a mon-

ument for opposing the bill. Much as we differ in politics, I have no desire to have the learned crown officer qualify for such an honor; but should he depart this life, I have no objections to the monument, nor to an epitaph by the honorable member from Colchester, provided he tell the truth. Of course it would run in this fashion:—

Here lies the man who split Lord Falkland's Council by the appointment of his brother-in-law.

Here lies the man who denounced party government, that he might form one; and, professing justice to all parties, gave every office to his own.

The true character of the honorable gentleman from Colchester's mind was shown by the petition which he brought here the other day. It was signed by eighty names, and his object was, to make this House believe that all those people had been deceived into signing an address to the Governor, and were sorry for what they had done. When the facts came to be explained by the honorable member for Londonderry, it turned out that only five or six, of the eighty, had signed the address at all. The honorable gentleman accuses the opposition of "obstructing public business," but he knows that, both in the winter and summer sessions, the public business was chiefly done by the opposition. I tell that gentleman, that during eight years that I have sat in this Assembly, whether the liberals were in the government or in the opposition, they have invariably dispatched the public business, and regarded the interests of the country. I confess I could not but smile when "the member for Colchester" produced a letter of mine to the freeholders of Londonderry, the other day, and complained so loudly of the misrepresentations of the press—he, sir, who floods the country with trash which either proves his ignorance, or the grovelling malignity of his disposition. Why did I write that letter, of which the gentleman complains? Simply because he had written this pamphlet [Mr. Howe produced it], in which, among other honorable instances of his veracity, was the assertion, that the liberals had added £3000 a year to the expenses of the civil list. This House know that there is not a word of truth in this statement; they may not know that the last election for Colchester was carried under a cloud of doubt and prejudice, created by such reckless and discreditable assertions as these. The same system is still continued. During the last summer the honorable gentleman published and circulated six letters, which he did me the honor to address to me. I never read them till the other day. In point of style and argument they are beneath contempt. They are only remarkable for gross misstatements of fact, and for ridiculous self-commendation. I hold one of them in

my hand, in which, after reciting a number of wonderful feats, that nobody ever heard of the gentleman performing or thought very much of if he did, he asks, Who did all these things? and answers, "the member for Colechester." One would really suppose, to read this letter, that the member for Colechester was a greater man than Cæsar, and spent one half the year in performing singular exploits, and the other half in writing his own commentaries. I allowed these letters to circulate for nine months without taking any notice of them, because I knew that I should by and by have the author here, before this House, before the whole country, when a plain statement of facts would put him to shame, and show to his constituents the real character of "the member for Colechester." In one of these letters he stated that I fobbed £1,050 for fifteen months' service as Collector of Excise, when he knows that, deducting the salaries of clerks, and expenses of office, I received but £746 for nearly sixteen months, to say nothing of a month spent in preparing accounts after I left the office, leaving me a trifle over £500 a year for the whole time spent in the public service. His statement, on this point, then, is without the shadow of foundation. But contrast my charges with those of my predecessors in office, of whom nothing is said because they belonged to the honorable gentleman's own party. I charged £1,050 for sixteen months; they charged £1,002 for eight months, yet the member for Colechester never complains of them to his constituents. Again, the honorable member accused me of underpaying the first clerk, and giving him but £125 for fifteen months; but he knows that I raised that gentleman's salary when I entered the office, giving him one-fourth more than he had received from Mr. Binney; that I paid £166, and not £125, or £40 more than he would have received if I had never accepted the appointment. These are specimens of the honorable member's style of misrepresentation. I defy him to disprove a word I have said, or to escape from the disgrace of such conduct. He has endeavored to swell my emoluments by charging me with interest on the monies which lay in my chest. His calculations on this point are equally inaccurate; but I may say this, I might by law have accumulated much larger sums than ever lay in the chest; that I never held an amount equal to half the sum for which I had given good bonds to the government; and that the rule which the honorable gentleman is so anxious to apply to me, was never applied to any other officer in Nova Scotia. When it is, I have no desire to escape from its operation. There is another gross misstatement in this letter, where the honorable gentleman complains of some report in *The Nova Scotian*, or *Morning Chronicle*, and adds that Mr. Anmand was paid for publishing the debates. He

knows, or ought to have known, that that gentleman never received a farthing for printing the debates, or touched a sixpence of the public money. I make these few references to show the character of these letters, and to caution Mr. Ross hereafter to make no statements to the people of Colchester which he cannot defend in this Assembly.

Mr. Howe here referred to Mr. Ross's address to the freeholders in 1841, and read the following passage :—

“Mr. Howe's exertions to reform and assimilate our institutions to those of Great Britain, deserve not only the approbation, but also the sturdy support, of all who wish prosperity to the Colonies. It is his misfortune, however, that the democatrical points of our Constitution, which are the safe-guards of our liberties, and which *he* wields for that purpose, are, by some who are found in his ranks, seized upon for the purpose of banishing every trace of monarchy from our institutions.

“The only responsibility which, as a Colony, we can expect to introduce, is to make the heads of departments, paid by the Colony, amenable to the House of Assembly, by holding a seat in the Executive Council, *ex officio*.”

That was the honorable gentleman's opinion of me at a time when he hoped to get a seat in this House under the cover of my name ; such were his opinions of responsible government, and heads of departments, before the Baptist quarrel had divided, to some extent, the liberals of Colchester. It is for him to explain, how it happens that he is here to-day, a party to a contemptible proscription of the man he lauded in 1841 ; how he now opposes the very system which he then pledged himself to carry out ? The honorable gentleman reminded me, the other day, that I had spent four or five days in Colchester, this summer, and wondered I had not called a public meeting and “toed the mark,” as he phrased it. I engaged, on my way to Cumberland, to attend two meetings in Hants ; I intended to have crossed the bay from Londonderry, but was disappointed. At Truro I received letters, and found I had two days to spare. I spent them delightfully at Truro, among old friends, and pleasant scenery, without once thinking of the honorable gentleman. I had the Attorney General, Mr. Stewart and Mr. Wilkins, upon my hands about that time, and really, could not descend to “the member for Colchester.” There was a sportsman in the east, who once fired at a goose simultaneously with an Indian. He bagged the bird. The Indian looked at him, and said, “you from Truro, ain't you ?” “No,” said the man, “I am from Pietou.” The Indian shook his head, and replied, “Pietou man never shoot a dead goose.” Now, the honorable gentleman

will pardon me, but when the address was sent to Lord Falkland, signed by fifteen hundred of the yeomanry of Colchester, I considered him politically slain, and I had no desire to "shoot a dead goose."

In turning to the remarks of the honorable and learned member from the town of Halifax [Mr. A. M. Uniacke], I may observe that circumstances, which neither of us could control, have made us colleagues. It is for the interest of our constituents that we should treat each other with frank courtesy; and I will say, once for all, to the honorable gentleman, that if he can say no good of me he might as well let me alone. He says he understood in July, that I was willing to retire. If so, I put it to him, as a man of honor, if that ought not to have been stated to Lord Stanley? and if the impression should have been made that I was the difficulty and the obstruction? The learned gentleman charged upon me an irreverent contrast of myself with the Savior; but if he had referred to the passage, — and he ought to have made the reference, or not have made the charge, — he would have seen that I but contrasted the sacred precept with the sentiments of the Attorney General. But sir, even on this point I am prepared to meet the learned member, and show him that the organ of the government he supports did the very thing, which, without a shadow of foundation, he charges upon me. [Here Mr. Howe read an extract from *The Morning Post*, in which an irreverent contrast was made between the Savior and the Attorney General.] My learned colleague also read us a lecture on charity, without which, he said, "all else was as sounding brass and tinkling cymbals." I may deserve the censure, but this I will say, that when I am entrusted with the dispensation of public charity, I do not give two bushels to my friends and one to my foes. He made a reference to my letter to Mr. Hincks, and I am glad of it, because it gives me an opportunity of refuting a charge made, during the summer session, by the leader of the government. I had not the letter by me at the time, but shall now read the passage, and defy either gentleman to point out an error if they can, despite the Attorney General's impassioned appeal to the "fifty witnesses" — now that I have the letter in my hand, I know that he can neither justify his animation nor his argument. [Mr. Howe read the extract referred to, and defended its correctness.] With respect to the member of Council to whom he probably alluded, in reference to the constitutionalist's letters, if that gentleman says he was not present, I will take his word, but, at this moment, my impressions are different. Mr. Howe then exhibited a list of the county magistracy, by which it appeared that in 1810, there was not a liberal magistrate within the township of Halifax, and but three or four in the whole county; that now the conservatives had one-half,

although they were a minority of the population; four or five of the recent appointments being from one side, it is plain that we were getting back to the old system of exclusion and injustice; and one of those appointments was a disgrace to the government and to the county. He handed the list to Mr. Uniacke, that the statement might be tested. He concluded his reference to that gentleman's speech, by showing that while he now contended that the Governor could not sit in Council with a person who had offended him, he had himself, in 1842, gone with a committee to invite Lord and Lady Falkland to a public ball, when the Mayor, who was to do the honors, had just been dismissed from the Governor's staff, for some personal affront.

The learned member for Lunenburg [Mr. Owen], next claims attention. He is not, perhaps, the wisest or the worst of Lord Falkland's band of doughty warriors, but is quite a curiosity in his way. He talks of "agitation polluting the country," but did he ever think of that when his friend the Attorney General went agitating? Oh, no; agitation was a medicine then, it is a poison now; it was right to drug the patient to death, but it is not right to shake him to counteract the effects of the dose. I caution the gentleman to have a care that the "pollution" does not extend to his own county. Hitherto, the hardy Germans of Lunenburg have been placed in opposition to liberal opinions. Circumstances have done this, and not, as I believe, the firm convictions of the mass of the people. The Germans, everywhere, are lovers of freedom, manliness, and fair play; and I have no doubt, when the freeholders of Lunenburg come to understand the line of conduct that learned member has pursued, that they will teach him a useful lesson. Surely he is a strange representative either of their brains or their bodies. When, the other day, swelling with the greatness of his theme, he talked to us of the leaves of pine trees, of Niagara, and Indians, and of every thing else that had nothing to do with the subject, he reminded me of a miniature balloon that I once saw gradually filling with gas at the Cremorne Gardens; and as the learned gentleman reached the highest point of inflation, I really feared he would have gone up through the ceiling, and been lost to the world forever. His imagery is not, I regret to say, always true to nature; and sometimes, when he fancies he is most sublime, his audience perceive that he is most ridiculous. Where he discovered the "leaves" of "pine trees" I know not; but I do know what he set me thinking of when he introduced the falls of Niagara upon the scene: of the little tailor who, when he stood beside them,

"— only made this note,  
'Oh, what a place to sponge a coat!'"



He told us that we "were not bound to weigh every word in Lord Falkland's dispatch." But ought not every word to have been weighed before it was sent? A Governor who conceals the whole truth; who draws strong conclusions from premises which exist only in his imagination; who unfaithfully represents to his sovereign the state of the Province entrusted to his care, surely commits a greater offence than he who scribbles a pasquinade. It amused me much to hear the learned member for Lunenburg criticising the press, and complaining of lampoons. Why, it is shrewdly suspected that he edits one of the Halifax papers during the session; and I can scarcely open one in which I do not find something that Mr. Owen said, or some correction of what he meant to say, very pompously introduced. And as to lampoons, the gentleman actually had the good taste to show me one of his own composition, in the Speaker's room last winter, that I might read my fate in manuscript before I was annihilated in print. So far from taking the matter as gravely as my Lord Falkland does, I only smiled, not at his wit, but at his want of it; and I do assure him, that if I had been forming a Council, and he had been otherwise suitable, instead of adding pungency to his satire by a silly proscription, I would have taken the sting out of his lampoons by offering him a seat.

The learned gentleman told us that I was never "guilty of the sin of forbearance." Sir, he little knows how often I forbear. As Burns has it, he may "ken what's done, but seldom what's resisted." He rarely rises here to make a speech full of unintelligible nothings, but what my forbearance saves him a lashing; and for every pasquinade let off in the faces of his party the liberals have a dozen in reserve. "The Lord of the Bedchamber" is complained of; but we gave them only the first part of it; I hold in my hand the second fytt, which is much more racy than the first, and the whole poem might, but for our "forbearance," have extended to the length of the *Lady of the Lake*. But, sir, we take no delight in flagellating our enemies. If I take the lash in hand, it is generally with the indifference of a drummer, who but executes, upon some incorrigible offender, the sentence of a court martial. "But," says the honorable gentleman, "this is not the day for the member for Halifax; his dream of power is gone." Well, it may be so; this may be "the day of small things" for me—the day of the triumph of small minds. This may be the day when the live donkeys are to rear their heels against the lion they fancy politically dead. Let them have a care that he does not come to life. "Dream of power"! Sir, how poor an interpreter the learned gentleman is of my dreams; how little he understands what I call power. Power! to sit at a round table and make

magistrates and commissioners of schools — power! to be followed and fawned upon by such holiday insects as the learned member for Lunenburg, who would change into gad flies with a change of wind. Power, sir! I would have that gentleman know that I have power over him at this moment, — the power which intellect gives over imbecility, and from which he cannot escape; and that I do not hold political power by the frail tenure of a disingenuous dispatch, but by the unpurchaseable faith of an intelligent and free people.

The honorable gentleman has favored us with his views of responsible government, and rung the changes upon the figure in the Toronto speech. The lovely Angelica will soon resemble the woman in Scripture, who was married seven times, until it was difficult to tell who had the fairest claim. She has passed from the hands of the Speaker, and the learned members from Hants and Kings, but I fear her charms are fading, as I find her under the protection of the learned member for Lunenburg. He tells us she has been the cause of all our troubles. I fear if she keeps company much longer with the Tories, she will not only suffer in reputation, but produce a mongrel progeny. The learned member will pardon me for reminding him that Helen was the cause of no trouble till the false Trojan stole her from her friends, and from her natural guardian. It was the rape, the outrage, that roused the States of Greece, levelled the walls, and destroyed the warriors of Ilium. Let the Tories, who have stolen our Angelica, and so degraded her that they cannot themselves decide whether she is a wanton or an honest woman, be assured that we will never lay down our arms till the fate of Toryism resembles that of Troy. The learned member assures us that “the Governor has used all his industry to get some gentlemen out of our ranks.” Who doubts the fact? Who does not appreciate the motive? But where are the proofs of his success? where the evidence that his skill has been equal to his industry? where the proofs that his own account of his labors is not a tissue of misrepresentation from beginning to end? But, sir, I have wasted too much time with this learned trifler; with one lesson more I must pass him off the stage. He complains that the farmers and blacksmiths discuss political questions, and pronounce opinions upon responsible government. Why should they not? Why should the men who live by labor give up the country they beautify and improve, to the sole management of those who live by law? Why should the farmers and mechanics of Lunenburg, who have enriched the county by their industry, hand over their right to thought and action on their highest earthly interests, to the gentlemen who live by the sweat of their brows? If the learned member means that the

spread of political information has relaxed the industry, or injured the morals of the people, I deny the fact. There is less of dissipation, less of brutality and vice in Nova Scotia than there was ten years ago; the habits of the population have improved just in proportion as their political privileges have expanded. If the learned gentleman means that farmers and mechanics ought not to interfere in politics, because their intellects are more obtuse than his own, I tell him that I will take a dozen young men from the forges in Halifax, who, with a sledge hammer in one hand and a hot horse-shoe in the other, shall deliver a better speech on responsible government than he can make after a month's preparation.

In approaching the speech of the honorable member from Guysboro' [Mr. Marshall], I may remark, that as he prefaced it with an assurance that he did not desire to be personal, as he promptly answered that he did not refer to me, while using strong language and making general charges, I shall endeavor to pursue a similar course, and deal only with his arguments. The honorable gentleman complains of over-expenditures in 1842; but, after all, they were over-expenditures on roads and bridges, on the best service of the country. If any wrong was done, he should remember it was done under the administration of Lord Falkland; and that those who now surround him, and receive the honorable gentleman's support, formed a majority in the administration. The honorable gentleman has referred to a case of defalcation, but knows that that occurred under the administration of Sir Colin Campbell; and that when it was brought to the notice of the government and the House in 1842, every proper step was taken, while acting with fair consideration to the party, to secure the public interests. The debt will, I trust, be ultimately paid; but, if it is not, the gentleman will bear in mind that it was chiefly contracted before responsible government was introduced. The honorable gentleman also complains of the costly system by which colleges have sprung up. I acknowledge the force of the argument, but he ought to acknowledge that, while I have long since repented of any share I had in that system, the Attorney General and his peculiar friends still cling to it with singular tenacity. The member from Guysboro' said, that if the Governor knew of the letters which have been referred to in this discussion, he was entitled to no confidence. On that subject my written statement stands uncontradicted before the House and before the country; it has not been, and cannot be denied. The honorable gentleman ought to remember, when he undertakes to censure public writers, that I first incurred the penalty of his dislike by striking out the most violent passages of a series of letters which he was ad-

dressing to one of the Provincial judges. He says that his opposition to the new system arises from a fear that it will bring improper men into this Assembly. But it has been in operation four years; we have had a general election since then, and, apart from political bias, let him look around these benches, and see if he can discover any thing to warrant his apprehension; if he can select a man who, if not the fittest, is not a fitting representative of the intelligence, experience, and integrity of the district in which he resides. One observation which the honorable gentleman made was perfectly just: this is not so much a question between the Lieutenant Governor and myself as between me and his executive advisers. He would not have taken such an unconstitutional course if they had not advised it. They could not pursue it if not sustained by a majority of this House. This House cannot sustain it when the country come to pronounce their opinion. The amendment may pass, but every one who votes for it must render his account to a constituency who know that the whole proceeding is as un-English as it is dangerous to public liberty and manly independence. For my part, I shall hold myself at liberty to take it in my hand into any part of the Province, and call upon those who voted for it to defend it, if they can, before the body of the people.

The honorable gentleman tells us that one tyrant is better than half a dozen. Let us work out responsible government fairly, and then we need have neither; without it, we shall sometimes have one, and sometimes a plurality of despots. The honorable gentleman complained that the offices of Speaker and collector of excise were held together; but he will remember that the Speakership was resigned the moment the House met. The honorable gentleman fears that heads of departments will be dangerous things if they have control over the deputies in the country. Where can be the danger, if this House has control over them? Besides, the honorable gentleman knows, that a member of the government he supports, has just defeated a bill which went to make the deputy registrars, in the country, independent of his authority. To be consistent, then, the honorable member should protest against an act which goes to perpetuate the very system he dislikes. He reminds us that heads of departments were formerly in the Legislature, and that the liberals complained. He forgets to add the reason; because they then held, for life, seats in the Executive and Legislative Councils, independent of popular control. The honorable member for Guysboro' also talks of a decline in popularity; it may be so, and yet I should not much fear to mount the hustings with him in the county he represents, and prove to him that he is mistaken. He thinks that all the difficulties have

arisen from our attempting to get the members of Council out ; but it seems to me that they have arisen from their wanting to get the opposition in, without ever having offered fair and honorable terms. As respects my position with Lord Falkland, it is very simple. Since I left his Council, I have neither asked nor desired to return. I stand as independent of him as he does of me. He has done his best to injure me, but fortunately had not the power. If he was in my place, and I in his, he would find that true nobility is shown in breasting the storms of life ; not in stretching authority until it falls into contempt. I ask nothing, want nothing, of His Lordship ; but to be let alone. When my rights are invaded by him or his minions, let them look to it ; the consequences be upon their own heads. When the honorable gentleman complained that the new system acted injuriously on the character of the Legislative Council, he was well answered by my honorable and learned colleague [Mr. Doyle], who showed him that there were now eight members from the rural districts, and under the old system but one. There was one observation, which, as it was an insult to the constituency I represent, I cannot pass so lightly as a mere taunt addressed to myself. The honorable gentleman spoke of a "nest of demagogues in this town." [Mr. Marshall rose and explained, that he had not used, or did not remember to have used, the expression.]

Mr. Howe passed on to the speech of Mr. Dewolfé. He had listened to that gentleman's defence of the old system, which always reminds me, said Mr. Howe, of Sam Slick's father's account of the Battle of Bunker Hill. Modern times have produced nothing like it, and no men can be compared to the worthies with whom the narrators were associated. The honorable gentleman was a member of the old government, and he dwells on its excellencies with a lingering faith that is very amusing. One thing struck me as singular in his oration : "The gentleman from Pietou, said he, wishes to go back to the old system, but I do not." What, sir, is there a difference of opinion ? a division in the ranks of the administration ? Are those who write dispatches, and gloat over a "want of concert" in the opposition, doubting whether they should advance or retire ? divided between the old system and the new ? The honorable member from King's says that all would have gone on well, but I was "too preeipitate." But he knows that all was going on well, when he retired, and led up an opposition to the government. But now he is all right ; he is snug in the excise office ; the new system has borne good fruit, and "he does not want to go back." The honorable gentleman thinks I should have retired peacefully, as he did. But he ought to remember that he had hardly withdrawn, when he shrugged his

shoulders, rolled up the whites of his eyes, regretted that his lips were sealed, and more than hinted that Lord Falkland and his late colleagues were meditating the destruction of public liberty. The honorable gentleman tells us that he asked for the excise office; no doubt he had a right to ask, but he might have waited, as his predecessor did, till it was freely offered. He paints, in gloomy style, the social evils which politics have produced in the interior; but I think there is a little of the coloring of a diseased imagination. I spent a few days in the county of King's last summer, and saw nothing of the inhospitality and temper which its representative describes. All ranks and shades of politics mingled freely in festive and business intercourse; and as to hospitality, the only risk I ran, was of being killed with kindness, — snuffed with poultry and apple-pies. Politics, religion, the diversities of human opinion and human employment, must create parties in every country, in every village, every street; but I doubt if the old Dyke Wars, and the old laws of Horton Corner, did not produce as many hard thoughts, and as many battles, as ever responsible government stirred up in the beautiful county of King's. I heard a little boy, on bidding mine welcome to the county, regret that "they differed in politics;" but they were playing marbles in five minutes; and some of the bright-eyed girls at the ball, when an ugly fellow asked them to dance, paused to inquire of a friend whether he supported the government or the opposition; but if the gentleman happened to be good looking, there were no questions asked. The honorable member doubts if I have "justified myself to my own conscience;" thank Providence, he is not its keeper. He reminds me that the Governor treated me with frank confidence while in his Council, and that there was much done that met my approval. I tell him that every act of the government met my approval until the dissolution, and that I returned the confidence reposed in me by frank, devoted, and respectful service, down to the moment when I became convinced that His Lordship had forgotten old ties, and declared "war to the knife." Then, I must confess, that having, like my neighbors, a little of the old Adam, I thought it time to stand on the defensive. The honorable member says I was wrong to give up the excise office, and thinks there are many conservative members who would gladly have seen me retain it. I doubt it not. I have some personal friends on the other side who would cheerfully promote my interest; there are others who would have rejoiced had I retained office, in violation of the principles maintained by the opposition; but, sir, had I clung to office, I should have given the lie to my whole public life, and sold my children's birthright for a mess of pottage. We are informed, that while in the government

nine-tenths of the patronage was dispensed by me. As so much has been said about violations of confidence, I call upon the honorable gentleman to show by what authority he makes that sweeping disclosure? [Mr. Dewolfe explained that the fact was stated in Lord Falkland's published letter.] That, sir, is what I complain of; that His Lordship, in violation of all confidence, in order to make a case against us, opened to the public the secrets of his Council board; and now his friends cavil because a little more has been told, which their folly has extorted from us in self-defence. But assuming that the honorable gentleman speaks the truth, my justification for remaining in Council from 1840 to 1843 is complete. How stands the case with the honorable gentleman and his friends? Should they have held their places? Should they not have done as I did, when, in December, I found that the boot was to be put upon the other leg? The honorable collector thinks that business would be better done, if government could take good men to fill the offices, without reference to parties in the Legislature. But where would be the check? Where was it in the olden time, when the departments were handed down from father to son, and striplings, who had seen no service, were promoted over the heads of those who had for years done the public business, and enjoyed the confidence of the country? He tells us that no two persons describe responsible government alike, and that nobody can tell who is its father. Did he ever see two peas, or two leaves alike? or two faces that did not differ in expression? Can we expect more verisimilitude or accuracy in definitions, by minds trained to view questions in different lights, and to express their thoughts in language fruitful in terms and illustrations? It is said to be a wise child that knows its own father. Responsible government may be claimed by different parents, but it is a vigorous and promising child, with the old British lineaments, and with British blood in its veins, and the liberals of North America will guard it till it grows to man's estate.

The honorable gentleman made the other day the singular assertion that Lord Falkland's government was weak because I was in it. Yet it was supported, at almost every trying crisis, by four-fifths of the people's representatives. I am out now—is it stronger? Does it deserve the name of a government, with its seats in Council vacant, and its parliamentary majority of three? He says I asked him in 1843 why he was so quiet? I did jocosely; because he deserted the government, and being defeated in one encounter, all his opposition, like Bob Acres' courage, suddenly oozed out of the palms of his hands. He had afforded us some amusement, and I thought might furnish a little more. There was one observation the honorable gentleman made that he might have

spared, because it was based upon a degrading view of human nature, which those whom industry or accident have provided for, are too apt to take: offices should only be given, said he, to those whose means are ample. But are intelligence, activity, and integrity, confined to this class alone? No, sir; there is as much virtue to be found beneath the peasant's humble roof as in the rich man's luxurious mansion; there are hundreds of poor men in this country, fit for any office, to whom the wealth of worlds would offer a vain temptation to do wrong; there are men of moderate means in this town, who are trusted every year with duties more delicate, and sums much larger, than are confided to any officer of the Provincial government. I grant that, under the new system, individuals may be put to inconvenience; but few will arrive at office, without some means of living when they retire; and a dozen occupations present themselves, in a new country, at every period of life, to the man of frugal and industrious habits. But society would be shaken to its centre if the honorable gentleman's doctrine were true; government would become an odious oligarchy, if honors and offices were to be reserved only for the rich. Virtue and knowledge would cease to be distinctions, if those who possessed them were to be discounted by the State which should call them into its service.

With the temper and style of argument of the learned member from Queen's [Mr. Fairbanks], I find no fault. He thinks all is right because the principle of responsible government is still in operation; but he forgets that all the acts of an administration may be hostile to the existence of a principle, and yet opposition be strong enough to preserve it. He says that I could not, as a gentleman, have sat beside Lord Falkland after what had occurred. His Lordship and I are the best judges of that; but what has this House and the public to do with it? Can such a question be constitutionally submitted to Parliament? I have never sought to reënter his Council. By what right, then, has my name been dragged into ministerial notes, and banded about in grave dispatches? Besides, if the principles are here, as in England, why should they not bear fruit? Did the honorable gentleman ever hear of a Minister going on, at home, for fifteen months, with half a Cabinet? Did he ever hear of an Attorney General going down to the House of Commons with a pile of newspapers under his arm, to account for the want of a Ministry? or of two sessions without a single measure? But, we are told, there has been some departmental improvements. Perhaps so; from the very moment I entered office, every Tory became a departmental reformer, although, for half a century before, the whole system was perfect. The learned gentleman strangely mistakes when he sup-



poses that Lord Sydenham did not recognize the power of the Colonial Assemblies to act constitutionally upon the Councils, by withdrawing their confidence. This power was distinctly recognized in all the discussions of the period; it was the foundation of the whole system; to the active operation of it Lord Sydenham mainly looked for peace and improvement in British America. He desired, and this was the only source of his solicitude, that these great powers should be used with temper and discretion. It is an insult to Lord Sydenham's memory, to suppose that he shrunk from the application to these noble Provinces of the principles we now enjoy. He saw, in 1840, as clearly as I did, that they could not be preserved without them.

The member for Queen's has referred to the newspaper controversies, and thinks, that though attacked, I should have forbore. But why? why should I always bear and forbear, when nobody on the other side sets the example? — why should I overflow with the milk of human kindness, when, among the Tories, gall and bitterness are running from every pore? In the Baptist dispute, I was traduced for months before I took up my pen; in 1842, I did not write a line for half a year, but the very forbearing politicians over the way pelted me royally all the time. In 1844, as I have already shown, Lord Falkland and his friends drew a few humorous squibs upon their own heads by a course of most outrageous folly. The learned gentleman says that his blood boiled at attacks upon his family, in the "Constitutionalist's" letters. But the learned gentleman should remember, that hardly had the first of those letters appeared, in which there was a general allusion to a wharf with several establishments on it, when his friends rushed into the newspapers, attributed an anonymous letter to me, and put their own names to a couple of columns of course defamation. If my blood did not boil under such circumstances, there would be very little of it in my body. That gentleman well knows, sir, that I deserved no such outrage from any member of his family. His late brother, whose talents and indomitable industry I admired, ever received justice at my hands, and often the tribute of my admiration; but I should have been a saint, which I am not, to have patiently endured the outbreak to which I have referred. And so it has been, Mr. Chairman, through life; I have rarely been the aggressor in any personal controversy; I have spared dozens who richly deserved punishment, whose feelings I might have wounded, and have only selected an offender here and there, to serve as an example to the rest. With respect to the "Constitutionalist's" letters, about which so much has been said, let me, without speculating upon the authorship, show to this House the circumstances which, in my deliberate judgment,

justified their publication. I do not seek, like others, to shrink in 1845 from the responsibility of what I approved, and took the benefit of, in 1842. We find, in the opening number of the series, the reasons for the preparation of those letters given. Referring to the writers in the conservative press, the "Constitutionalist" says:—

"They have spared neither sex nor age; from the Governor and his amiable lady, and the members of their household, down to the humblest individual in the constitutional ranks, none have escaped. For the last eighteen months a system of organized and unprincipled defamation, aimed at the destruction of the public and private characters of every man that the people of Nova Scotia esteem, has been carried on."

To abate the nuisance he declares to be his object, and adds:—

"I will not do this work by halves. The names of the Governor and his lady; his secretary and his aid; of Mr. Robie, Mr. Johnston, Mr. Stewart, Mr. McNab, Mr. Uniacke, Mr. Dodd, Mr. Dewolfe, Mr. Howe, Mr. Young, Mr. Bell, Mr. Stairs, Mr. Annand, Mr. Lewis, Mr. Henry, Messrs. Chipman, Mr. Whidden, Mr. Wightman; nay, of every man at all conspicuous, either as a member of the present government or as a steady and consistent supporter of its measures, and of the new Colonial system, has been paraded week after week in the newspapers, coupled with every vile charge and foul insinuation which could undermine their public characters, or wound the feelings of their political and personal friends."

Such was the state of the conservative press in the summer of 1842; such had been its state for eighteen months. I had retired from *The Nova Scotian*, which was very moderately conducted by Mr. Thompson, and the government was at that time defenceless. Under these circumstances, and when not only every member of the administration, but every inmate of Lord Falkland's family, had been coarsely assailed, the "Constitutionalist" stepped into the arena, not to gratify or wound personal feelings, but to defend the Governor and the government, and to put an end to a barbarous style of warfare by a little wholesome retaliation. I do not mean to say, I never have said, that every member of the Council approved of every line in those letters. Where they touched personal friends, some of them might have wished perhaps that passages had been expunged; but that the letters were written for the defence, and with the countenance of the government, and that the author was thanked in Council for the good service he had rendered, can never be denied.

The honorable and learned member for King's [Mr. Hall] comes next in order. He contrasted me with Franklin, but I fear that all resem-

blance ends with our early occupations. The philosopher drew down fire from heaven with perfect safety ; I cannot fly my paper kites in the higher regions here without Executive vengeance descending with awful rumblings. My learned friend told me that I should have copied the example of Junius. I wish I could copy his style ; but Junius attacked his sovereign and the ministers, and shrunk from the responsibility of his own acts. What I have done was done openly, and in the face of day, and although I have run some risk, I am sure that my learned friend will acknowledge that, to use the language of the author he has referred to, "the rays of royal indignation" which Lord Falkland has contrived to concentrate, "have illumined the object they could not consume." He tells us that he would rather lay the blame of all the difficulties on me than on the Governor. Who doubts it? But suppose I was Governor, and had all the patronage, and rank, and power, and His Lordship stood here as I do, where would he lay the blame then? The learned gentleman told us that Queen Elizabeth established a printing press, but he forgot to add that she made a different use of it from that to which those are applied so recently purchased by Lord Falkland. The virgin Queen issued her Gazettes to inspire and unite a free people to resist the foreign invader ; she did not use them to slander Cecil, Howard, or Raleigh, and drive them in disgust from her side. His other historical references were almost as happy, for if the royal family came to the throne in consequence of something published in a Dutch newspaper, surely the sovereign and all her representatives should be very tolerant of the errors of the press. The long extract from Erskine I did not quite comprehend, but if there is any thing tending to purify the newspapers, it had better be sent to the editor of The Gazette. The member for King's acknowledged with more frankness than discretion, "That he had not the same horror of responsible government that some on his side had." Mr. Dewolfe tells us he wants to go on, but Mr. Holmes wants to go back ; and his colleague assures us that he likes responsible government well enough, but that some of his friends are horrified at it. Yet this is the party who, with no common principle, and a majority of three, aspire to rule this country. The learned gentleman, however, touched Angelica, not with a respectful homage of a sincere admirer, but with the freedom of a *roué* whose imagination had been overheated by the classics.

Some of this criticisms were scarcely decent. But he informed us that he had recently become a convert to party government. He has embraced our doctrine, but shows his love for it, not by joining, but by attempting to burn our church. But, he says, "Let us work it out

quietly." What would he have said if some of the boys at college had seized upon the "commons," and insisted upon eating all the pudding, and having all the gravy; and when the rest claimed their rights, had whispered through the key hole, "Don't make a noise; we agree with you in sentiment, but we are 'working it out quietly.'" The learned gentleman favored us with one piece of information which he said had been kept till that moment a profound secret. He was sent here to oppose me; but was he to oppose me whether I was right or wrong? If so, he will pardon me for saying that no enlightened constituency would give such instructions, and no honorable man would accept a seat upon such terms.

I believe I have now answered, playfully where I might, gravely where there was a necessity for it, every argument of the nine gentlemen who have spoken in favor of the government. The speeches of the two crown officers must yet be dealt with; and if, in noticing the bearing and sentiments of the learned Solicitor General, I assume a sterner tone, this committee, who have both seen and heard him, will understand the reason. Sir, during one of the worst of the Irish administrations, Castlereagh, who was secretary, and was afraid of losing a measure, said to his supporters, "Let us go down to the House and bully them." The anecdote is related by Sir Jonah Barrington; if it has not been recently read at the castle here, no member of this committee can doubt that it has left a strong impression on the mind of the Solicitor General, and that a kindred spirit has prompted the coarse outbreaks and breaches of decorum in which he has indulged. Sir, I have been eight years in the Assembly; during all that time I was never called to order, and never gave offence to the humblest member of this House without an explanation being given; making amends if I had misunderstood him, or acted from hasty impulse. The learned Solicitor General has thought proper to pursue a different course. On a former day, coupling a statement made here with a notice of my speech, which I had not seen, he declared he would join issue with me, and pronounce the statement a falsehood. I rose to explain. The Solicitor General, in breach of the courteous usage of this House, called to order, and when I sat down, exclaimed, "He would meet me there or elsewhere." For the moment this unmanly threat disturbed my self-possession, and I retorted in the same style. To prevent mistakes I reduced the remarks complained of to writing, and as there was no falsehood, and yet nothing reflecting on the Solicitor General, I had a right to expect that he would have acted as any other member would have done under similar circumstances. But, sir, the discovery of truth was not the object; the intrigues, the

proscriptions, the Attorney General's grave declamation having failed, the Solicitor General hoped, by brutality and insult to force a personal quarrel, involving very little risk, that he might get rid of an opponent upon whom all his paltry arts had been exhausted in vain. His language to my honorable and learned friend, Mr. Uniacke, was equally coarse. He accused that gentleman of "gross treachery and deceit." Mr. Chairman, I sat in the House with the learned Solicitor General from 1836 to 1840. During all that time I was in opposition to the government of which he was a member. Debates ran high, but why did he never attempt to take such liberties with me? Because he was not quite sure that he could do so with impunity. Why does he do it now? Strangers may not know; but the House, this community, know right well; and no man better than that learned gentleman himself. Yes, sir, he knew that he might indulge his coarse swagger with very little hazard; he knew that though I might not refuse to meet him "elsewhere," he would be as safe as if in his bed; that though I might not fear to present my bosom to his weapon, I should fear to shed his blood. But, sir, let him not suppose that he, or any other man, can sustain himself in this House, or in this country by such conduct. Public men are to be judged by their acts and by their arguments; and despite his bullying, whenever it suits me I will drag the Solicitor General before this House, and hold him up to the scorn and contempt of the people of Nova Scotia.

Look at the position in which he stands now, and contrast it with that which he occupied last January. By a little firmness, integrity, and discretion, he might have saved Lord Falkland's honor, and preserved his power and influence in this House, and in the country. He might, before feelings were inflamed, and parties forced into conflict, have earned the respect and confidence of all. How stands it with Lord Falkland now? Powerless for good or evil. How stands it with the gentleman himself? After fifteen months of intrigue, disclosures, and contemptible expedients, he finishes by bringing the Governor and the government into this newspaper war, and furnishes no better defence than a few rude and intemperate expressions. But verily he has had his reward. An old and faithful servant has been dismissed from the preventive service; Mr. Dodd's brother rejoices in his place; another relative is judge of probate in Richmond; he himself is Solicitor General; and the only Liberal appointed to any thing in Halifax, happens to be brother to a gentleman at Sydney, without whose influence the learned Solicitor General's seat would not be very secure. But, sir, though he has taken good care of himself and his friends, his statesmanship would do no credit to a tyro in politics. He has led the Governor on from blunder

to blunder, till his reputation has been tarnished, and his government has sunk into contempt. I have but one parting observation to make to the Solicitor General. He said the other day "that he had not served an apprenticeship to deception." If he meant that taunt for me, I will tell him that I served an apprenticeship to a much more reputable calling. Where he completed his education I neither know nor care; but I am surrounded by the friends of my youth; by those who, in mature years, have been by my side in the trying scenes of life. I enjoy their confidence and esteem. I have grasped at no friend's office, I stand in no friend's shoes.

The last on my list is the honorable and learned Attorney General; and really, if it were not that I might appear wanting in courtesy, as the evening is far advanced, and the committee sufficiently weary, I would not tax gentlemen's patience with a single comment on a speech, remarkable only for clearing the benches, and setting the supporters of government asleep. Making allowance for those little ebullitions of temper, the peculiar infirmity of the learned leader's mind, the general tone was moderate enough; but, during the delivery, I could not but contrast the vain glorious boastings of the Attorney General, in the barn at Bridgetown, where his political opponents were not, with the sorry figure he cuts where they are. On that occasion, because I had gone to Cumberland to meet a better speaker, he crowed lustily over my absence. This debate, so far as I am concerned, has, I think, taught him a little modesty and discretion. Then my learned friend from Pietou was sneered at—he spoke such broad Scotch, and so unintelligibly, that nobody could understand him. But, sir, he has spoken plain English here, and his manly, argumentative, and excellent speech, is still unanswered by the Attorney General. Contrast the speeches Lord Falkland's leader has delivered here with those of the learned Speaker. The former remind me of those sinuous and melancholy streams which issue from some of our bogs, shallow but dark, with poisonous plants upon the margin, and mud and dead roots below. The Speaker's eloquence is like a crystal rill, whose waters sparkle as they flow, while the pebbles of truth are seen distinctly at the bottom. But perhaps the learned crown officer's want of argument, and power to command a popular assembly, were never so finely illustrated as by my honorable friend from Yarmouth, who, in twenty minutes, the other evening, tore to pieces the sophistries which that gentleman had woven in a speech of four hours. My honorable friend reminded me of a stately moose, who, in his morning walk, dashes down the flimsy web which a spider has been all night weaving. In one qualification the learned leader beats us all hollow,—in the soporific

power of his oratory. I counted six persons in the House, the other day, lulled into forgetfulness by his drowsy periods; one more, and he would have been surrounded by the seven sleepers; and oh! tell it not in Gath, his ardent admirer, the learned member for Lunenburg, among them.

Sir, the Attorney General labored for an hour to show that, previous to Lord Sydenham's visit to Nova Scotia, I had published some theory of government widely different from that which was introduced under his auspices; that the system, as contemplated by Lord Sydenham, and avowed by Lord Falkland, was not the same which now obtains here and in Canada. He made the same statement at Bridgetown. But what has he proved, there or here? Nothing, absolutely nothing. I need not dwell on this topic, as it was fully discussed in the letters to Major Chipman, which I hold in my hand, and to which any gentleman may refer who takes an interest in the question. By a chain of evidence, which the Attorney General has not answered and cannot answer, the fallacy of his reasoning is shown, and the constitutionality and consistency of my principles, from 1837 to 1845, vindicated and maintained. Sir, I do not deny that the doctrines advocated in the pamphlet addressed to Lord John Russell in 1839, were neither clearly apprehended, nor much in favor at the Colonial office, at that period. I do not deny that the enemies of responsible government here hoped to find Lord Sydenham as timid or as credulous, but when we came to read the pamphlet together, and discuss the principles, there was scarcely any difference of opinion between us. I gave up one point of detail, which has frequently been explained; he yielded more than the liberals had ever demanded. But, sir, how stands the case with the honorable Attorney General? He taunted us the other day with "bending to the blast." But who bent, who bowed, who prostrated himself in 1840, and allowed the new principles, which he dare no longer resist, to pass over him into the government, and to form the rule of administration? The friends he had acted with were dismissed from Council; the old system he had defended, was annihilated; the opposition was triumphant, yet he clung to office, and feigned to adopt what he has ever since done his best to destroy.

Suppose that I had advocated the abolition of the slave trade, or the passage of the Reform Bill, and the Attorney General had resisted it. Suppose that my principles were sanctioned by the sovereign, and a ministry formed to carry them out. Surely, if he "bent to the blast," and took office in that ministry, he ought to be the last to reproach me with incon-

sistency, when he gave up every thing; even though I modified or abandoned some few points of detail. But, sir, I have a graver charge to make against the learned Attorney General. I charge him with violating his duty to the dead; with attributing to Lord Sydenham a political system, which would prove him a trickster and not a statesman; with not comprehending, or not intending to give to these Colonies, responsible government, in the rational sense of the phrase, as now understood on both sides of the Atlantic. I charge him with having, to save his position, sanctioned the working of that system by heads of departments. In the exposition of the Governor General's policy, to which the Attorney General and the learned member from Queen's have so frequently referred, it was broadly stated that Lord Sydenham contemplated "an Executive Council, composed of heads of departments, and leading members of both branches of the Legislature, possessed of political influence, and of nobody else, except in extreme cases." The Attorney General thought this all right when Lord Sydenham was here; it is all wrong now that he is in his grave. Heads of departments were indispensable to responsible government in 1810; in 1815 they are pregnant with evil, and dangerous to the liberties of the country.

The Attorney General complains that party government was not so fully developed last year as it has been in these debates. But who is to blame for that? The people of Nova Scotia knew little and cared less about party government till Lord Falkland put a denunciation of it into his speech, to bolster up an absurd appointment. A Tory party government was at once established; now all that we intend, when we change the majority, is to follow the example set by the other side. The learned leader complains that we do not develop all our views at once? But why should we? Why retard public business with theoretical discussions? "Sufficient for the day is the evil thereof." But while he complains that we do not go fast enough, the honorable member for King's thinks we are "too precipitate." But, sir, let me strip these gentlemen's argument, drawn from the expense of heads of departments, of all its terrors. Let me show to the country that not only would there be no additional cost, but, that if heads of departments held seats in the Legislature, greater efficiency, and a considerable saving would be the results. We desire to see an Executive Council of nine, composed of the Provincial Secretary, the Attorney General, the Solicitor General, the Treasurer, the collector of Colonial duties, the Surveyor General, and three gentlemen of influence, eligible for those offices as they become vacant. Now, what would these cost? Five



members are soon disposed of — the Attorney and Solicitor General are here already; the three gentlemen without offices would cost nothing. Let us see what the other four cost now:—

The Secretary's office, including the registration, costs yearly about	£2,600 0
The Treasury, including the Savings' Bank, Provincial notes, &c.	1,000 0
The Cape Breton Land Department,.....	750 0
The Nova Scotia Land Department,.....	937 10
The Excise, including gauger and permanent waiters, about.....	1,200 0
	£6,487 10

So that the good people of Nova Scotia, who were frightened all last summer with this bugbear of heads of departments, pay now this large sum of money, to maintain the only four of those that the liberals seek to introduce into the Legislature. So far from any expense being required, if one of the surveyors were pensioned, and the whole service combined under one efficient head, we should reduce our expenditure, and ultimately save £750 in that service alone. The secretary would not sit in this House a single year before a saving would be forced in that department. Think you if that officer had been here last winter the registrar's bill would have been destroyed?

But the Attorney General fears that the officers would not be so competent. Where is the proof of that? Is he less competent because he is here? No, sir. Is he better paid? His salary has been reduced one-third since he took his seat on these benches. How has the system operated on the excise office? For forty years an old gentleman conducted it, and when he died all the Tories in town declared the system perfect, and wished the office given to his son. It was given to me. From that moment we heard of nothing but defects in the system, extravagant remuneration, and a necessity for increased responsibility. I retired. Two sets of commissioners and the honorable gentleman from King's follow; and now we are told that there have been great improvements. If so, to what are we indebted for the change? To responsible government; to having the officers here. The Tories watched me well. The liberals, depend on it, will look pretty sharply after my successor, and thus the public are better served. Apply the same practice to other departments and the result will be the same. We are told of the hardships; but why should an individual or two stand in the way? In Canada, Mr. Daly, the Provincial secretary, has had to mount the hustings, and why not? The Attorney General fears that collectors would do injustice to political opponents. I do not think so-

I never knew friend or foe in my office, and if there was any difference made, the opposite party certainly had the advantage.

The Attorney General tries to frighten the country with the apprehension that we are going to create a pension list! Why, sir, there are only four or five pensioners in Nova Scotia, — three retired judges, and two municipal officers, — and all belonging to the opposite party, who received their pensions with his consent. The Tories, so far, have got all the pensions, as well as all the offices in Nova Scotia. If, to make the system complete it is necessary to pension anybody now in office, enough can be saved from the amounts at present paid; those who take and retire from office hereafter will be entitled to no pensions. Another bugbear is the initiation of money votes, which means nothing more than making the Executive Council examine all claims upon the treasury, and take the responsibility of recommending or rejecting them. It gives them some trouble but no more power. A government which has a Parliamentary majority may pass or resist any money vote now; what more could they do if the mode was changed? Suppose they declined to recommend a grant for a necessary service, any member could move and carry it as he does now, and as Mr. Merritt moved and carried a grant for the St. Lawrence canal against the wishes of Lord Sydenham's government.

But, says the Attorney General, it is folly to imitate the mother country because she is so large and Nova Scotia is so small. If this is an argument at all it might be urged against the introduction of the sciences, or of the common law, as well as against the introduction of British modes of government. There may be more weavers in Glasgow than there are people in Halifax, but is that any reason why we should not have a loom? Judge Stewart's remark would be worth something if we had ever sought to put the giant's armor on a child; to crush Nova Scotia beneath the cumbrous weight of European establishments. This Province has passed from the infant state; we seek to clothe her in a dress suited to her age; the Attorney General to retain the bib and tucker she has outgrown. I must confess that I was amused with the learned leader's apprehensions that responsible government would create an oligarchy. An oligarchy! Why, we had one of the most odious kind under the old system. Who defended and upheld it from 1836 to 1840? The Attorney General and his friends. Who destroyed it? The liberals. He is the last person that should bring such a charge against us. Under responsible government no oligarchy can grow up, because the people's representatives will have the power to break down any combination hostile to their interests.

The Attorney General ridiculed the measures proposed by Lord Falkland's government from 1840 to 1843, and said that the fiscal improvements of the present administration were worth them all. This may have been in good taste; it may have been just to His Lordship and to the learned gentleman's colleagues. He was a party to all the foolery he described; to all the measures condemned. But, sir, I join issue with him here, and tell him that the act for incorporating Halifax alone, swept away more corruption, and did more good, than all his measures, past, present, and to come. I tell him that the policy with respect to the coal mines, upon which he plumes himself, was recommended, adopted, and carried out by the former administration; and that a greater saving would have been effected by the registrar's bill, which the present government have "burked," than by all their departmental improvements put together. But we are told that we seek to concentrate power in Halifax. This from the learned leader who upheld a system by which every member of both Councils, but one, resided in the capital, and not one represented a constituency in the country. Under our system half the Legislative Councillors will be drawn from the interior, and more than one half the Executive Council must return every four years to test the confidence of the people.

But the Attorney General sees danger ahead. Sir, he is always seeing danger; always playing the alarmist. He saw danger ahead when the old system was overturned; when he made his speech at Mason Hall, to prevent the introduction of the new. Referring to the Toronto dinner, he tells us that there is truth in wine; if so, I wish from my heart that the Attorney General would drink a little more of it. He says that the acceptance of the compliment was an outrage upon Nova Scotia. I tell him that the tender of it, by any body of our fellow colonists, was an honor to the country. Far distant be the day when a Nova Scotian shall shrink from mingling in festive scenes with his fellow subjects, and proclaiming to all the world the principles he professes. The Speaker threw his weight into neither scale, he but defined the just boundaries of our Colonial Constitution. But suppose he had done more; suppose he had played the part of a "hot partisan," who would have been to blame? Those who counselled and encouraged the treatment he had received, and which was at once an insult to this House and to the Province at large.

The Attorney General tells us that all the members of Council were willing to retire in July. Why was the fact not communicated? Why did no one retire in January, when Mr. McNab offered to waive his claims for the sake of peace? Why not in February, when one retire-

ment would have satisfied the opposition? Why not at the close of the session, before a shaft was aimed at Lord Falkland? He says that the note sent to Lord Falkland was not opened, and ought not to have been brought here; but, sir, his Lordship was told that it contained "the elements of peace," and the course pursued towards myself rendered it indispensable to my full and complete justification. The Attorney General misunderstood the Speaker when he supposed that he or any member of the opposition knew of its contents. He says that the Governor has not descended into the arena, that I am the aggressor, and the cause of all the difficulty. But, sir, I came here and took my seat as an independent member of this Assembly. The Governor took unconstitutional liberties with my name in his notes and dispatches, and sent his crown officers here to justify that folly by a solemn impeachment. The learned leader thinks the Governor ought not to have been assailed. Had his advisers acted upon our principles, and placed him in a position of dignified elevation, he never would have been. Calumnies might have been showered upon the opposition from an independent party press, but had not slanders been conveyed in speeches from the throne, in dispatches to the Secretary of State, and by Lord Falkland's physician and official printer, he would have been untouched by a single pasquinade. We are told that Pitt and Halifax and Temple never wrote against the sovereign; who knows what they wrote? But were they ever publicly denounced and slandered by the sovereign? Let Lord Falkland and his advisers hereafter pursue a wiser course, and while we attack their measures, not a line or an expression will reflect on the head of the government. One word as to the charge that, in explaining the origin of the "Constitutionalist's Letters," I have made "unauthorized disclosures." I deny the fact, and claim to have had full permission to state any thing necessary to the defence of my public conduct, while a member of the government. When I retired I demanded, and obtained in writing, the usual permission to defend myself. This I supposed would be sufficient, but, in consequence of the revelations made by members of Government, I requested and obtained a verbal permission, the only limit to which was my own discretion. When therefore the rupture in the government was traced by the Governor's physician to those letters, their authorship ascribed to me, and mean and unworthy motives attributed, who will deny my right to show that they were written for the defence of the government, with the express sanction of the nobleman at its head. But, sir, had I even transgressed the limits, who had set the example? Did not the Governor, in his letter, violate the confidence of Council, and tell the public who advised this, and who the other appointment? Did

he not tell what had been said about the civil list, and what had been said about party government? Who made "unauthorized disclosures" when Mr. Almon's appointment was told all over the town before we were even consulted? When Mr. Dodd made his bedchamber revelations — when one party knew of the dissolution long before the proclamation appeared in the Gazette? When all this was done, there was very little left to reveal. I grant it would have been very convenient had just as much been told as suited the administration, and had the material facts been concealed upon which rested the defence. But they extorted the truth, — they have got it, and let them not complain. They loaded their Executive blunderbuss to the muzzle, and would have made me the victim; they have missed their aim, and been knocked over by the recoil, but the fault is none of mine. The extent to which I have used my discretion will be judged of by the House and by the country. My statement stands uncontradicted, and I have no fear, if necessary, that it will not be fully confirmed.

Mr. Chairman, I must apologize to you for the time which has been occupied, and express my thanks to the committee for the patience and attention with which I have been heard. From the number of speakers, and the very nature of a general reply, I would have found it difficult, even if I had possessed the power of condensation, which the Attorney General tells us he does not, to have compressed my thoughts into a narrower compass. I feel, however, that enough has been said, to place the government, whatever may be their majority here, before the people of Nova Scotia in no enviable light. We are told of a judge who once pointed his stick at a prisoner, exclaiming, "There is a great scamp at the end of my stick." The audience were convulsed with laughter when the man, bowing politely to the court, inquired, "At which end, my Lord?" The Attorney General, having pointed Lord Falkland's baton at me, and called upon his Lordship to inform the country that there was a violent, ambitious, and impracticable man at the end of it, he must not be surprised if the shrewd people of Nova Scotia, with great good humor, ask — "At which end, my Lord?" The situation in which the learned gentleman has got the government is very like that to which the elephant of the melodrama was reduced at Drury Lane. In the midst of Timour the Tartar, or some other gorgeous performance, a dreadful noise proceeded from the bowels of the pasteboard elephant, which was soon knocked to pieces, and two men tumbled upon the stage. When the merriment had subsided, it appeared that the "break up" had been caused by the ambition and envy of the man whose duty it was to move the hind legs of the elephant. In a fit of jealousy and spleen, he

swore he would play "afterparts" no longer, and stuck his teeth into the haunches of the man who did the foreparts — got a kick for his pains, and the destruction of the fabric followed as matter of course. Lord Falkland's Council was split in the same way; the machine had worked beautifully for three years and a half, but the learned Attorney General thought he was too near the tail — he would play "afterparts" no longer. For more than a year his ambition has been gratified; he has thrust himself into the foreparts, and got his brother-in-law in behind, but unfortunately for the manager, and the audience, there is very little animation in the elephant, and sometimes it will scarcely move at all.

In the course of this debate, frequent references were made to the "Constitutionalist's Letters," and those who were content to take the benefit of them when they appeared, were anxious not only to throw upon Mr. Howe the entire responsibility of their composition, but to shake the government which they defended clear of all participation in their origin. Several altercations and explanations occurred upon this subject, and Mr. Howe at last reduced to writing, and read in his place, this statement, which many have no doubt forgotten, but which ought to be preserved, as the paternity and style of those rather celebrated missives, are yet occasionally canvassed: —

Mr. Howe said that, as in the hurry of the session he had no time to write in newspapers, or even to read them, he did not wish to be charged with any statements of what he had said which at all varied from the facts, he had therefore written out what he did say in reference to the "Constitutionalist's Letters." As nearly as he could remember, it was this: —

That the abuse poured from the conservative press, for many months, upon Lord Falkland, his household, and his administration, led His Lordship to call the attention of his Council to the state of the press, and to urge that some of the members should enter the arena and defend him and themselves.

That, upon one or two occasions, he called upon the honorable and learned Speaker, then the youngest member of Council, to take up his pen and defend the government.

The Speaker, Mr. Howe believed, declined; but that out of the feeling displayed by the Lieutenant Governor arose the letters of "A Constitutionalist," which were not written for the mercenary and mean

motives attributed, but to abate the nuisance of which His Lordship complained.

I now, said Mr. Howe, add that Lord Falkland expressed his approval of those letters as they appeared, and, before the assembled Council, thanked the author, whoever he was, in the warmest manner, for his services, all the members appearing to share the feeling, and not one of them taking exception to the letters.

Whether Mr. Dodd was, or was not present, I do not remember. As the letters appeared in the summer, it is very probable he was at home. The statement now made, is substantially correct, and having made it, I shall defend it before all the world.

The Speaker, Mr. Young, subsequently obtained special permission to report his recollections, but declined, giving as a reason, that "the statement which had been made by Mr. Howe, and reduced to writing, remained uncontradicted."

The debate was brought to a close on the thirteenth day, Mr. Uniacke's resolutions being rejected or amended by a majority of three. This negatived the statement made to Lord Stanley, that the opposition was becoming weak; while the other statement, that they were willing to consent to the sacrifice of Mr. Howe, was flatly contradicted by every gentleman of that party who spoke in debate.

It was evident that the administration, with all the patronage of government at their disposal for fifteen months, were but little stronger, and it was quite as apparent that they were, every day, losing ground in the country.

At the close of the session, Mr. Howe moved his family into the interior, where they spent two years upon the head waters of the Musquodoboit. "They were," we have often heard him say, "two of the happiest years of my life. I had been, for a long time, overworking my brains and underworking my body. Here I worked my body and rested my brains. We rose at daylight, breakfasted at seven, dined at twelve, took tea at six, and then assembled in the library, where we read four or five hours almost every evening. I learned to plough, to mow, to reap, to cradle. I knew how to chop and pitch hay before. Constant exercise in the open air made me as hard as iron. My head was clear and my spirits buoyant. My girls learned

to do every thing that the daughters of our peasants learn, and got a knowledge of books which, amidst the endless frivolities and gossiping of city life, they never could have acquired. My boys got an insight into what goes on in the interior of their own country, which should be of service to them all their lives. I read *The Edinburgh Review* from the commencement, and all the poets over again; wrote a good deal, and yet spent the best part of every fine day in the fields or in the woods. My children were all around me, and in health; and, although I had cares enough, as God knows, and you know, I shall never, perhaps, be so happy again."

Between haying and harvest he found time for some excursions to the westward. In July, he was invited to attend a public meeting and to accept a public dinner at Digby, where he spoke for three hours, and where his only living sister, whom he dearly loves, heard him for the first time. There were meetings and dinners at Lawrence Town, Falmouth, Windsor, Brookfield, Liverpool, Lock's Island, Barrington, and a monster picnic in Cornwallis, where about fifteen hundred persons of both sexes assembled, under the greenwood trees, to welcome the regenerator of Colonial institutions. The following address was presented:—

MR. JOSEPH HOWE: *Sir*,—It is with feelings of no ordinary joy and gratification, that we welcome you to our fertile county. No language at our command can adequately convey to you the unfeigned satisfaction and heartfelt gratitude with which we have ever witnessed the untiring zeal and perseverance you have displayed, in supporting our best interests during the whole tenor of your political career.

Time would fail us to enumerate even the more prominent scenes in which you have stood forth the friend and champion of the people, and triumphantly fought their battles, both with your pen and in the legislative arena, and by which you have won their lasting confidence and affection. But we feel it a duty incumbent on us to mark with peculiar applause and approbation, that noble and disinterested act by which you and your associates cast off the shackles of office, and came forth the staunch and unfettered guardians of the people's rights.

For this, as well as for the successful exertion of a whole life-time spent in promoting the glorious cause of British Colonial freedom, in the



name and on behalf of the reformers of King's county, we beg to tender you our best thanks and confidence, and our sincere and earnest wishes for your future usefulness and prosperity.

King's county, July 17, 1845.

Mr. Howe spoke for four hours to this great audience. From the only report that we can find of the day's proceedings, we take a short extract:—

Mr. Howe's health followed. How it was drauk, it becomes us not to say, but it will be many a year before he forgets the brilliant and enthusiastic scene which surrounded him when he rose to reply. He may, indeed, be pardoned if, at that moment, he forgot that the three members for King's county, who backed Lord Falkland's proscription, ever had existence. The venerable forms and hoary locks of age surrounded him on every side, the upturned faces of these patriarchs beaming with a blessing; the vigorous forms of "a bold peasantry—their country's pride," were there, telling how they had borne, and were still able to bear, the heat and burden of the day, social and political; and the graceful forms and sunny looks of youth were there, giving hope and promise of a rising and new generation, imbued with their parents' principles, and emulous of their virtues. He might have been excused had he exclaimed—

"Go ask you despot, whether  
His servile bands  
Can bring such hands  
And hearts as these together."

After a few brief allusions to public affairs, Mr. Howe asked a bumper for

"The Ladies of King's County."

In the early part of the day, referring to their presence, their beauty, and to the chastening and hallowed influence they shed even over scenes of political excitement, he remarked, that sculptors and painters of old stole from many forms their lines of beauty, and from many faces their harmonies of feature, and sweetness of expression; but, from the groups around him, individual forms and single faces might be selected, to which nothing could be added, without marring a work, that, if faithfully copied, would stamp divinity upon the marble, or immortality on the canvas. He reverted again to this pleasant theme. He had seen other countries, and admired their wonders of nature and of art. Germany had her

Drackenfels, and Scotland her mountains; France her vineyards; England her busy marts, and Ireland her depth of verdure, — each and all had some peculiar charm, some native characteristic, that Nova Scotians must be contented to admire, and satisfied to want; but when he came to contemplate that first best gift of God to man, he could place the girls of his own wild country beside those of any portion of the globe, and thank Providence that those who were to lie in our bosoms and beautify our homes, were their equals in personal loveliness, in tact, and virtue. He would not undertake to decide the question whether King's county was, or was not, the garden of Nova Scotia, but he had never seen a garden graced with so many exquisite flowers.

The greatest triumph of the year, however, was the impression made by Mr. Howe, contrary to everybody's expectation, upon the county of Lunenburg. This county, originally settled by Germans, and peopled by their descendants, had hitherto sustained every government. Its inhabitants, a fine race, but attached to the traditions of their fathers, were assumed to be impervious to political speculation. Mr. Howe went among them, and addressed about one thousand of them in their shire town in the open air. "I half expected," we have heard him say, "that they would have broken my head. They carried me home on their shoulders." Other meetings followed at Chester, Mahone Bay, and Lahave, and when the elections came round three of Lord Falkland's supporters were unseated and three of Mr. Howe's friends returned. No reports of the speeches delivered in this county remain, but we have heard those who were present at these meetings express their astonishment at the perfect mastery which Mr. Howe so suddenly acquired over the German mind. The only scrap that I can find reported is this:—

I have been told, said Mr. Howe, that it was useless to come here; that the Germans loved not free discussion; that they could not understand me; that they were deeply prejudiced; and that they venerated Tories as some of the heathen nations reverence the ape. Can this be true? Have you the hands to toil, and the frames to endure, yet not the intellects to understand the true interests of our common country? Does the old German blood lose its generous and ennobling qualities when it circulates through a Nova Scotian's veins? Have you the industry, the

frugality, the honesty of fatherland, yet lack its love of light, its patriotic ardor, its aspirations after knowledge, its devotion to rational liberty? Forbid it, heaven! The German an enemy to free discussion! That would be strange indeed. Who, when the world was shrouded in darkness — when knowledge was confined to the student's cell, and free discussion was a crime, first invented the printing press? A German. Where is that precious relic of human ingenuity and intelligence still preserved? In a German city, beneath the shadow of the noble hills of the vine-clad and abounding Rhine. The Germans Tories — the subservient tools of bad men in power! It may be so; and yet I read in history, that when Europe groaned beneath the feudal system — when each mail-clad Baron built his castle on the rock, and harassed the peasant, and levied contributions on the merchant, it was to German energy, and courage, and intellect, that Europe owed its freedom. Then it was that the free cities of Germany formed that noble league, combining all who lived by labor against those who lived by rapine, and battering about their oppressors' ears the strong-holds of Toryism, whose ruins survive but to decorate the scenes they no longer overawe.

In approaching the subject of responsible government, Mr. Howe traced the evils which afflicted the three kingdoms before its introduction in 1688. But it may be said, what interest has the German in this question? If that were possible, even more than the common children of the soil, sprung from other sources. Let it never be forgotten that with the German dynasty came responsible government into England; that, under the House of Hanover, it has flourished ever since; and that Queen Victoria, an English Queen, sprung from a German stock, rules by the very principles we have assembled here to assert. If, then, you were all Germans, as your forefathers were in 1758, you could not be enemies to free discussion: you could not be Tories; you could not be foes to responsible government; but you are Nova Scotians; you are my countrymen, bound to love, to cherish, and to guard, the land which Providence has given you as a home for yourselves and an inheritance for your children, and it is a foul slander to assert that, in the struggle for her dearest interests, you will be found behind the rest of her population.

Towards the close of the season a mass meeting was held in the capital, at which a series of spirited resolutions, applicable to the then position of public affairs, were passed. Among them we find the following:—

*Resolved*, That the unwearied efforts made by Mr. Joseph Howe to arouse his countrymen to the importance of the present crisis, and to communicate to distant and scattered constituencies, sound information, demand from us the expression of our steady confidence and approbation; while the unconstitutional proscription of that gentleman, by the advice of the inveterate enemies of good government, and rational Colonial advancement, but gives him a higher title to our cordial and united support.

Mr. Howe acknowledged the compliment paid to him in the resolution, and alluding to the proscription, said that he would like to be proscribed again, as his enemies had been condemned by twenty-two public meetings, and he had been complimented with eleven public dinners. He wondered in what part of Nova Scotia His Lordship's Councillors could carry a majority, or where His Lordship could get a public dinner. His Lordship had the government, and was welcome to it; the ex-Councillors had the hearts of the people, by far the most honorable heritage, and the fairest possession.

Early in December, Lord Metcalf arrived here, *en route* for England, to die; Earl Cathcart, commander of the forces, being left to administer the government. With the departure of Lord Metcalf the struggle in Canada for administration by a cabinet, formed, and led, consulted and responsible, as in England, ended. We had to struggle a little longer, but everybody could now see sunlight through the clouds.

From time immemorial a levee had been held by the Queen's representative on New Year's Day. The ceremonial was omitted in 1846, and the circumstance was assumed to indicate that the real state of public opinion had at last penetrated into Government House.

The session opened on the 10th of January. In England, Sir Robert Peel resigned about the end of the month, and the Whigs came in again under Lord John Russell. Lord John subsequently retired, but replaced Sir Robert again in July.

Hoping that responsible government might be thereby strangled, and the difficulties of the liberals — should they ever come into power — be increased, the object of Lord Falkland appeared to be to withdraw from the control of Parliament such offices as fell vacant, and which might be converted into departmental offices and held by members of administration

on the tenure of public confidence. On the defalcation of the late Treasurer, His Excellency appointed Mr. Fairbanks to that office, promising it for life, though it had been especially named in Lord John Russell's dispatch, as one of those which should be held by a parliamentary tenure; and when, as was afterwards discovered, the salary being voted annually, no patent such as Mr. Fairbanks was induced to rely on was worth a sixpence. A bill, introduced by Mr. Marshall, for disqualifying certain officers from sitting in Parliament, was designed to carry out the same policy, and was, after a sharp debate, carried during this session. In attempting to pay over to certain public officers £7,800, claimed as arrears of salary, the government was signally defeated, and the consideration of the subject postponed.

We give some extracts from a speech, delivered by Mr. Howe, on Marshall's bill, in reply to Mr. Wilkins, which illustrate the compactness and energy of his style:—

The learned member told us that the Constitution of Nova Scotia was the work of a Colonial Secretary. I deny the fact. Our Constitution was worked out on the floor of this House, by the conflict of Colonial opinion; by the energy and sagacity of Nova Scotians themselves, aided by a combination of circumstances in the other Colonies. Lord Glenelg never yielded one concession till it was asked by this Assembly; Lord John Russell wrote no dispatches, not based on our Constitutional demands; and Lord Sydenham worked out the new system by and with the aid of the leading minds in this Assembly. Nor can a Colonial Secretary destroy our Constitution; it will be guarded, expanded, and preserved, by successive generations of intelligent men, in spite of the unnatural attempts of such persons as the learned member for Hants. That gentleman tells us that all important appointments have been given by the present government to representatives of the people. Let us remind him of the three late appointments made to the Legislative Council; not one ever represented a constituency in Nova Scotia, though one had borne a high office in the municipality of Halifax. He tells us that the Governor is "nowhere." I do not understand his meaning, but may say that if he were anywhere else but in Nova Scotia, few would be very sorry. The learned gentleman deploras the selfish ambition, and absence of moderation, in his opponents; but we can scarcely compare them, in these respects, with the supporters of

the present government. Have they not grasped at every office that has fallen vacant, and divided them among themselves? Do they not seek to withdraw the recipients from this House, that they may hold those offices for life unchecked by popular control? Were not three silk gowns given to three lawyers in the western section of the Province, the claims of seniors being slighted, and the eastern counties being left without counsel for the crown? The learned gentleman exhibited some selfishness and but little moderation in claiming his share of the spoils. He tells us that Lord Metcalf and we are opposed. I deny the fact. Are we pressing for any thing more than that nobleman acknowledged in Canada? Did he not govern by a parliamentary majority, working through heads of departments? Did not Lord Sydenham and Sir Charles Bagot do the same? I do not believe, that at this moment there is a man in Canada, of any political party, who would make so servile and abject a speech as that to which we have listened to-day.

The learned member is very anxious about the interests of the minority at the next election, and asked what would become of them? Why, what becomes of us? We have never excited his sympathies, awakened his solicitude. Here we are, a body of independent gentlemen; bound together by public ties; resisting the blandishments of power; rejecting the sweets of office; taking our stand upon public principles; supporting good measures, and opposing bad ones; and honorably discharging our duties to our sovereign, to each other, and to our country. We have asked for nothing—got nothing. Let those who charge us with ambition and selfishness copy our example, and follow in our footsteps, if they are left in a minority. If they copy us, they will secure public confidence; if we copy them, we are certain to lose it. But, sir, should parties change sides, our difficulties will not arise from any selfishness or want of moderation in our own ranks; they will not proceed from the manly and disinterested conservatives, who will go into opposition. Our difficulty will be to deal with such “loose fish” as the learned member, who will support any government; ask patronage and take it from any administration; and who swim into any pool which happens to be full. How can we resist the claims of conservative gentlemen, who go into distant counties with old newspapers in their hands, applauding our acts, and swearing by our opinions? The opposition may have committed errors and have had their faults; but a more manly, public spirited, united, and disinterested body of men, were never exhibited by the legislative conflicts of any country. What right has the learned member to upbraid such men? Has he evinced any repugnance to take office? Had the Governor to chase him over the marshes of

Hants, and to tie his legs, before the silk gown could be forced over his shoulders? Or did the learned member, the moment he saw it fluttering in the breeze, leap into its folds, with an eagerness that only evinced how ready he was for an office more lucrative and honorable? I will tell the learned member how a minority should be protected; first, by the justice of the party in power; and next, by the force of public opinion. A party may form the government, but once formed, it should discharge the sovereign's obligations to the whole country. By justice, it will widen its base; injustice will narrow it; and if unjust, public opinion will arm the minority with strength to overturn it. Let the learned member take comfort, then; he will not be without his remedies. The learned member reproaches me with saying Lord Stanley was shelved. I said that the reasons given in England for his removal, by the press of all parties, was the mismanagement of Colonial affairs. Whether this be true or not, it cannot be disputed that three Colonial Secretaries, avowing and acting on the principles of the member for Hants, would separate North America from the British crown, and no power on earth could avert the dissolution of ties, that would no longer be worth preserving. If he were a patriotic and loyal Nova Scotian, he would seek to elevate his countrymen, not to depress them; to bind them to England by kindred sympathies, not by sneaking servility, and abject fear. Lord Sydenham declared, had he been a Colonist, — so rotten and defective was the old system which the learned gentleman admires, — that he would not have fought to maintain it. Let us have a Constitution that we can fight for; and then the generous ties that bind us to our fatherland can never be rent asunder.

The learned gentleman never wearies of denouncing the idea that the "leading minds" of North America are to govern these noble possessions, by the constitutional forms, and in the same wise and loyal spirit of mutual forbearance, by which the dignity of the throne is upheld, and the liberties of the people are preserved by the "leading minds" at home. His idea of a perfect Colonial government, is a Governor to whom all knees shall bow, all interests give place, all forms yield, and to whom, however wanting in temper or deficient in intellect, the wise and patriotic natives of the country shall tender no advice and offer no resistance. Carry out his theory, and these Colonies are lost. But, sir, has his theory ever been reduced to practice here. Look back for forty years, and show me a Governor that two or three clever men did not rule. Sir John Wentworth, Sir Peregrine Maitland, Sir James Kempt, Sir Colin Campbell, were all either governed or largely controlled by the adroit and able men by whom they were surrounded; by the leading minds of the

day. So it must ever be, because the strong minds that nature produces generally stay at home, while the weaker ones, that can be spared in England, the gleanings of the peerage or the army, are often sent to govern, and must succumb to a range of intellect beyond the elevation of their own. Who governs Nova Scotia at this moment? The learned member will tell us — Lord Falkland. I tell him — the Attorney General opposite, to as large an extent, with as absolute an influence, as Sir Robert Peel, in England; aye, and with a tenure of power more secure, because every constitutional avenue of refuge has been closed.

The learned gentleman informs us that respect for Governors is wearing away in Nova Scotia. I deny the fact. The office is still held in high respect by the people; if the individual who fills it has forfeited their esteem, it is much to be deplored, though on this topic I have no wish to dwell. The experience of the past two years has shown all parties the folly of introducing the Governor's name into our discussions; it ought not to be brought here, because it should never be used to influence debate, and if so used will ever lead to criticism and retort. The learned gentleman has raked up an old newspaper, and charged me with having changed some opinions expressed in 1835. Suppose I had, sir, what then? I am ten years older now than I was in 1835, and I hope a little wiser, and if my increased experience had shown some opinion to be unsound, some theory to be impracticable, I would come forward like a man (as Lord John Russell did the other day) and announce my recently formed, it might be, but my deliberate conviction. But let us see what were those strange opinions which I expressed ten years ago? "That no Governor in North America can hope to govern by patronage alone." I say so still, and if proof were wanting of the soundness of the maxim, it would be found in the weakness of Lord Falkland's government at this moment, and in the fact, that, with all the patronage of the Province in his hand, for the last two years, he has not been able to seduce one man from the ranks of the opposition. I am next charged with asserting "that a Governor should have no partisans." I say so still. A Colonial Governor should have constitutional advisers, and be free to select them from any party, and to dismiss them when he pleases, but he should have neither enemies nor partisans. He should preserve a courteous demeanor to men of all parties, and have personal quarrels with none; because he knows not the moment when the honor of the crown and the interests of the Province may require him to call to his aid those who have been the most active in opposition. When Sir Robert Peel's cabinet was recently broken up, to whom did the Queen send a confidential message? To Lord John Russell, the leader of the opposi-



tion — the man who had opposed the government for years. Her Majesty had neither partisans nor enemies. Lord Falkland could not do this, for he has both; he has quarrelled with one party and must rule by the other, or throw up the reins and retire. What I said in 1835, then, has been confirmed and not weakened by our Provincial experience. But I said that a Governor should be "just to all." I say so still. Justice to all should be the rule of every administration. This was the principle upon which we acted when I was in the government. Whenever it was violated, as perhaps it was in one or two instances, from a want of local information, the reaction was injurious, and it will be found that the present administration has sealed its fate by a policy which cannot fail to bring down retributive justice.

The learned gentleman tells us that "the sagacity and intelligence of our Governors are the best security for our liberties." If these were our only securities, I should pity my countrymen, and deplore the fate of their children; but I would advise them to rely upon their own sagacity and intelligence, as Providence may sometimes send them rulers with very little of either. On what do we rely at this moment? On the Governor — No! but on the control which our own sagacity and intelligence give us over the learned gentlemen opposite, who are bound to sit here and defend every exercise of the prerogative. Suppose the most able men in the empire were selected, they must come here ignorant of a thousand things without a knowledge of which there could be no good government. The member for King's is a shrewd and clear-headed man, but suppose he was called, at a day's notice, to govern a Province in India, of the language, the geography, the statistics, the prejudices, of which, he was entirely ignorant. What sort of Governor would he make? Nay, take the learned member from Hauts himself, and send him as Lord Provost to Glasgow. Let a herald go before him and proclaim that a "distinguished" lawyer, six feet high, deeply read in classic lore, had come over from North America to govern the city, and that the best security for the interests and liberties of the people would be found in "his sagacity and intelligence." I think I see the Glasgow Baillies shaking their heads, and coming to the conclusion, that, though he might be a very fine fellow, as he must be ignorant of ten thousand things that a Lord Provost should know, it might be as well to rely a little on their own "sagacity and intelligence." Now, sir, I rely upon my own countrymen for the good government of Nova Scotia, and, without undervaluing the rulers who may be sent, I may safely prophesy that they will generally find here more intellect and information than they bring.

The member from Hants made the singular assertion that the present government had advocated a moderate scale of salaries; but he knows that they demanded £1,680 per annum more than we would give them, and that the saving of that sum must be placed to the credit of the opposition. The learned gentleman has again turned to Lord Sydenham's private letters, to search for something at variance with his public acts and principles. Sir, I have ever protested against the course which our Colonial Tories have pursued towards the memory of Lord Sydenham, in seeking to convict him of double dealing and insincerity, by which he would appear a charlatan and not a statesman. Who denies that Lord Sydenham may have written that he had put down the cry for responsible government "in its inadmissible sense"? Who would blame him if he did? But can it be shown that Lord Sydenham did not sanction responsible government "in the sense in which we understand it"? That he did not work it by heads of departments? Lord John Russell, we are told, is against us, but do not his dispatches recognize the system, and was he not in office till Lord Sydenham died? But, we are told that Lord Metcalfe condemns us. In hazarding the assertion I make, perhaps some of my own friends may differ with me; but, from a pretty extensive reading of Colonial newspapers and documents, I have come to the conclusion, that Lord Metcalfe, though he may have needlessly mistrusted and quarrelled with his advisers, has, since that quarrel, put forth, either under his own hand, or from the mouths of his constitutional advisers, more authoritative and explicit avowals of sound principles of Colonial government than all his predecessors put together. The learned member considers the Canadian government but as "an experiment." Aye, sir, and he might have added, that it is an experiment that never would have been tried if such sages as he could have interposed. It is an experiment for the success of which he should pray duly night and morn, for if it fails, then indeed all is lost. But, sir, that experiment will not fail, either in Canada or here; and God forbid it should, even though it may prevent the learned member from sporting his figure in Congress, or discharging the onerous duties of President of the United States. No, sir, British representative government, fairly and legitimately worked in North America, will perpetuate our connection with Great Britain. Deprive us of that, and establish the petty despotism that the learned gentleman prefers, and fleets and armies would be sent and railroads constructed in vain.

The learned member was certainly not very consistent, when, after he had attacked Lord Durham, who was dead, and the Speaker, who was nailed to the chair, he reproached me with triumphing over a nobleman

who was merely out of office. Now, if I had attacked Lord Stanley, the organ of the government sets me the example of assailing Lord John Russell, because he is out of office. But I said nothing of the late Secretary except a general reference to the causes assigned by the British press. I never blamed Lord Stanley for the "pretensions" dispatch; mis-informed by *ex-parte* statements, carefully concealed, any man might have written it. But surely His Lordship, whether in or out of office, can never be quoted as authority against heads of departments. What said he in the great Canadian debate:—

"He understood by 'responsible government' that the administration of Canada was to be carried on by the heads of departments, enjoying the confidence of the people of Canada, responsible to the Legislature of Canada, responsible for the exercise of their functions in those departments; and more, that the Governor, in propounding and introducing with his sanction legislative measures to the Parliament of Canada, was to be guided by the advice of those whom he has called to his Councils, and was to introduce measures upon their advice, they taking the responsibility of conducting their measures through Parliament."

But I was told that I could not stand five minutes under the lash of the great Imperial gladiator. I have seen the arena, and I have seen the men, and far be from me the vanity to compare with their chief in temper of weapon or strength of arm; but this I will say, that, if the cause were good, I would rather be cut down, and fall with my face upturned to the foe, than fly before him, as I have seen a leagued craven do more than once in the fertile county of Hauts. Sir, I respect Colonial Secretaries and members of Parliament, but I abhor that spirit of tuft-hunting toadyism, which leads some persons to seek for infallible wisdom under a coronet, and to undervalue every thing in our own country, and to worship what comes from abroad.

In the matter of Lords, as of other things, we have learned in Nova Scotia, that sometimes "distance lends enchantment to the view;" and that figures which overawe by their magnitude and proportions, seen through the haze of the broad Atlantic, on a nearer approach are reduced to their proper dimensions. In the mother country rank is respected, and the artificial distinctions of society are preserved, but there are commoners who have outshone the peerage, and taken a more enduring hold of the people's affections. What Scotchman would not exchange for Wallace, Knox, and Burns, the whole peerage of his country? What Irishman that does not prize Grattan, Curran, Burke, O'Connell, above all who were or are their superiors in rank, but their inferiors in genius? I turn to the sister kingdom, from which my stock

springs, and am not ashamed to acknowledge that I am heart and soul a Saxon; but give me Hampden, Shakspeare, Milton, Pitt, and Fox, and I will give you as many Lords as would stand between this and Freshwater Bridge. The learned gentleman always reminds me of the old Jacobite cavalier, who told his son to bow to the crown if he saw it on a bramble. My reverence for the crown is founded on the constitutional privileges and high powers with which it is invested; my veneration for my sovereign is evoked by her virtues. In England the people look up to the peerage, as the basement and shaft of the pillar may be said to look up to the capital, with a consciousness of strength which tempers admiration for the ornaments they sustain.

But, sir, I was surprised to hear the learned gentleman claiming for one nobleman all deference and respect, while trampling upon the memory of another. Lord Durham, he tells us, "was no statesman." May we not ask him, as the Yankee asked Sam Slick, "Who made you a judge?" For really we have never seen any exhibitions of statesmanship that would entitle the learned member for Hants to set himself up for an authority. He compared me to an owl: in his own county the learned gentleman goes by the soubriquet of "the stately bird;" but of this I am sure, that wherever the government carcass is, there will he be found. When he assailed Lord Durham, he reminded me of the clown in Hamlet knocking about Yorick's bones — or of that long-eared quadruped, who is said to have kicked a lion when he was dead. Lord Durham no statesman! Why, sir, there is one single conception of that great man's mind — the railroad from Halifax to Quebec — with which North America rings at this very hour, which has called up visions before the eyes of the learned Attorney General, and which, once realized, will supply to these Colonies the vertebrae by which their strength and proportions will be preserved. Sir, such sages as the learned member from Hants may affect to sneer at men like Durham and Sydenham, because they are dead, and have nothing to bestow; but let him remember that

"They never die who fall in a good cause,"

and let him be assured that successive generations of North Americans will bend over the tombs of these noblemen with veneration and respect; and that from the spots where they repose will come an emanation of light, and sweet savor of liberty, cheering to the eye and grateful to the sense, long after the principles they propounded have laid the foundations of rational freedom broad and deep within the noble Provinces which their statesmanship saved to the British crown. The learned member tells

us "we are not ripe for this system;" but I believe that he would rather see Nova Scotians rotten than ripe. [Mr. Howe here discussed the right of consultation, the independence of the Governor, the unrestrained action of Imperial departments, and the security for Imperial interests, provided by the new system, and ever respected by the opposition. He showed that the self-government claimed here was perfectly compatible with the perpetuity of the connection.] The learned gentleman tells us self-government will terminate our allegiance; I tell him it will preserve it. Cato required his wife to suckle the children of his servants, that they might become more attached to the family; and I say, let us suck liberty, that we may love England. Though my ornithological researches may not have been so extensive as those of the learned gentleman, I have read of an eagle that, stealing flesh from the Altar of Sacrifice, carried with it a live coal that destroyed its own nest. The Tories of North America may seek to carry away the old forms of government from the shrines where they have been devoted for the purification of the people, but let them beware that successful sacrilege draws not down the anger of the gods, and dooms them to political destruction.

On the 21st of February, the unseemly personal warfare which Lord Falkland had provoked, and carried on for two years, in open violation of the decorum and the securities of public life, reached a climax.

The project of uniting the British North American Provinces by a railroad from Halifax to Quebec, was first announced in Lord Durham's report. The policy and practicability of this enterprise had been discussed in all the provinces for several years. Meetings had been held and committees formed to promote it. Mr. George R. Young took a deep interest in the subject, and, being in England in 1845, had associated himself with certain persons who were, or professed to be, ready to form companies to open not only the intercolonial road, but the road to Windsor also. Prospectuses were published which led to a good deal of discussion. Mr. Young, and his brother the Speaker, were rather conspicuous members of the opposition. They had been appointed solicitors to the English company, and their conduct, and that of the promoters of the scheme, had been severely handled in the organ of the Provincial govern-

ment. Of this nobody complained; nor would any body have complained had any member of the administration, in his place in Parliament, attacked the Messrs. Young, or the persons with whom their names had been associated. But, to the astonishment of everybody, a dispatch, with Lord Falkland's name attached to it, was brought down and read before the Speaker's face, in which his own name and that of his brother were repeatedly mentioned, and in which they were held up to condemnation as the associates of "reckless" and "insolvent" men.

The Speaker's feelings on hearing such a dispatch, read in his hearing, before the House over which he presided, may be imagined; but he was in the chair, and for the moment powerless. His brother was apparently stunned by the blow, and everybody else seemed bewildered by the extraordinary spectacle which the House presented.

Mr. Howe saw at once that if a Governor, subject to none of the ordinary restraints of publication, could weave into dispatches the names of gentlemen whom he did not like, coupled with injurious imputations and insults, and then send these papers down to be read to the Legislature and published over the Province, any man's feelings might be outraged, and any man's character hopelessly stained. There was no remedy, legal, parliamentary, or personal, for such a state of things. It had never been imagined, and had of course not been provided for. He had, hitherto, evinced great good humor, although spirit and independence enough, in fighting his own battles. But here his friends were assailed. The Governor had smitten the Speaker (with whom he was bound by all our usages to be upon terms of respectful courtesy), in his chair, before the whole House. There was no such case to be found in Hatsell, or on our journals. Mr. Howe saw at a glance that Lord Falkland was pursuing a course that must degrade the Legislature, and lead to personal collisions. He determined to check him, and did it so brusquely that his warmest friends were for the moment startled, and thought he had gone too far. The best proof, however, of the correctness of his judgment, is to be found in the fact, that no such liberty has ever been taken by a Governor with any gentleman's character; or, at all events, no such dis-

patch has ever been since brought down. The few words delivered on this occasion, have so often been misreported that they should be preserved:—

Mr. Howe said that he should but ill discharge his duty to the House or to the country, if he did not, on the instant, enter his protest against the infamous system pursued (a system of which he could speak more freely, now that the case was not his own), by which the names of respectable Colonists were libelled in dispatches, sent to the Colonial office, to be afterwards published here, and by which any brand or stigma might be placed upon them without their having any means of redress. If that system was continued, some Colonist would, by and by, or he was much mistaken, hire a black fellow to horsewhip a Lieutenant Governor.

Great excitement was created by this speech. Questions of order were raised, but nobody had taken down the words. A vote of censure was passed by the government majority, and Mr. Howe addressed a letter\* in justification of himself to his constituents. It is impossible to read this letter without appreciating the dexterity and courage with which, at this period, he faced a hostile majority, for the establishment of principles which no man now, in any of the Provinces, pretends to question.

The impression made by this dispatch on the Speaker's own mind, may be gathered from the opening passage of a letter which he about this time addressed to the freeholders of Inverness:—

It would be difficult to express the indignation this dispatch excited in my bosom, when it was first read,—a feeling which was participated in by my political opponents as well as friends; for I am satisfied that with the exception of a very few of the extreme supporters of the government, the impression in the Assembly is common to all parties, that this mode of assault on public men, by or through a Lieutenant Governor, while it is new in Colonial history, is unfair and oppressive to the subject, and places the Queen's representative in a position alike unconstitutional and dangerous.

Besides the letter to his constituents, Mr. Howe found it ne-

\* See second volume.

cessary, in self defence, to address two letters to Lord Falkland in the course of this spring. They are characteristic of the man and of the period, and will be found in the second volume.

Mr. Archibald died in January. On the 4th of April Mr. Stewart was appointed Master of the Rolls, and Mr. Wilkins accepted the vacant seat in the Cabinet. But Lord Falkland's troubled reign was drawing to a close. In May it was currently reported that his stay would be short. No levee was held on the Queen's birthday. On the 1st of August he left the Province, and his valuable services were transferred to Bombay. Sir John Harvey arrived on the 11th, and his presence, without exactly overcoming the political horizon "like a summer cloud," diffused a general feeling of serenity, and confidence in a return to good manners, to which the Province for some years had been a stranger. Everybody felt that even if Sir John did not do just what was desired, he would conduct himself like a gentleman, and soften the asperities of public life by a genial and courteous spirit. Society began to reorganize from the moment that Lord Falkland departed, and public men began to lose faith in the violent personal animosities which his troubled rule had engendered.

In the course of the autumn an offer of a coalition was made to the opposition, which was to have included Mr. Howe; but it came too late. The liberals were too confident of the ground they had won to be tempted by those who now had only hollow friendship and a frail tenure of power to offer. Anticipating the results of the elections, come when they might, they were determined to bide their time. Mr. Howe made a tour to the eastward before the winter came, being complimented with public dinners at Guysborough, Antigonish, and Merrigomish, and addressing to the yeomanry at these and other places spirit-stirring arguments upon the state of public affairs.

Lord Elgin was about this time gazetted as Governor General of Canada.

In the autumn of 1846, Mr. Howe addressed two letters to Lord John Russell, which were published first in pamphlet form, and afterwards reprinted in the leading newspapers of British



America. They were universally read at the time, and we think that they will be read now with even greater interest, for every day's experience proves the sagacity and shrewdness with which the true sources of weakness in this great empire were indicated, and the genial spirit of patriotic boldness with which simple remedies were sought to be applied.

In 1839 Mr. Howe had written his letters to Lord John Russell on responsible government. In 1846 he justifies the adoption of that system by the fruits of seven years experience. In the seven previous years there had been "annual bills of indictment" sent from the different Provinces in the form of addresses to the crown. Delegations to England with budgets of Colonial grievances, and two armed insurrections in the Canadas, costing four millions sterling. Since the adoption of "the new and improved principles of internal administration" there had been neither addresses, delegations, insurrections, or expense to the imperial treasury. "Grievances have been removed by the circumambient pressure of responsibility upon the executive heads of departments and officers of government, or where it was inconvenient to remove them, the storms occasioned by their continuance have burst over the heads of those whose folly orupidity evoked them — their far-off murmurs only being heard amidst the unwonted tranquility of Downing street."

So far all was well; and it will be seen that Mr. Howe's main object, in his first letter, was to reassure Lord John Russell, and satisfy him that the new Constitution had worked successfully and ought not to be disturbed.

But these seven years of experience, as well as many previous years of personal observation and thoughtful study of Colonial history at all periods and in all parts of the empire, had taught Mr. Howe that good Governors were indispensable to the safe working of any system. To insure a supply of good ones he recommends that they shall be drawn from the whole empire, not from the population of two small islands, and that those who misgovern British Provinces shall be punished, or at least shall not be promoted. It is impossible to read parts of this first letter without smiling at the delicate irony which runs

through general illustrations, and to which his own personal conflicts tempt us, even now, to give a personal application. There was no administrative reform society, no Bengal insurrection, in 1846. Yet, mark the boldness with which Mr. Howe denounced the errors of our past administrations, and demanded that in future more discrimination and wisdom should be displayed.

When we read of the impunity which Roman pro-consuls purchased in the capital for mal-administration in the Provinces, we cease to wonder at the disorders they provoked; or that the local humors, suffered without attention to irritate the extremities, by a geometric scale of retribution, in which the velocity of the approach was regulated by the square of the iniquity, paralyzed and corrupted the heart. The ingenuous youth of England, who pore over their classics at Eton and at Oxford, should be taught to feel that the errors which ruined Rome, Great Britain has determined to avoid; that the point upon which she is peculiarly sensitive, jealous, and slow to forgive, is the misgovernment of one of her Provinces, however feeble or remote. The very opposite belief is fostered by the facts which our Colonial experience has accumulated. Many Governors have ruled these North American Provinces since the revolutionary war, and the aggregate of their virtues and capacities, the result of their labors, was vividly described in Lord Durham's report. Some able and excellent men we certainly have had; but not a few, who were strangely deficient in those qualities which command respect, communicate energy, and secure the affections of a free people. There have been gradations of merit as of rank; but from the individuals who had scarcely genius sufficient to write a simple dispatch, to the foremost file of able and enterprising statesmen, one common destiny has awaited them all — impunity, patronage, promotion. With the exception of Sir George Prevost (a most amiable man, but one who, in exciting times, committed some military mistakes), not one was ever censured or disgraced. Further promotion may have been declined by some, from increasing years and infirmities; or may have been denied to others, who wanted a patron; but I cannot discover that the grossest incapacity, the most palpable blunders, or the execration and ridicule of a whole misgoverned Province, ever insured executive censure at home, or presented a barrier to further promotion. The evils and the injuries which flowed from such a system North America has endured; but, in her name, my Lord, I think I may be pardoned for desiring that it shall have an end. You try, by court martial, the officer who runs his ship upon a rock.

Byng was shot for a deficiency of courage or of conduct; and a gallant regiment but recently trembled for its well-earned honors because it was supposed to have wavered for an instant on the field of carnage. Surely my Lord, it is not too much to ask for some such security against misgovernment; for jealous watchfulness and patient investigation, where there have been violations of principle, or deviations from constitutional usage; and if with tenderness for human frailty, we seek no higher punishment, at least there should be a bar to further promotion. A few examples would produce a salutary effect, create a higher standard of enterprise and ability, and infuse universal confidence in their Imperial rulers among our transatlantic population.

In his second letter, Mr Howe entered upon a field of more extent, and of a higher elevation, than any which he had previously essayed to tread. Hitherto his mind had been directed, almost entirely, and with an intensity of application that excluded other topics, to the internal administration of Colonial government. All that he had contended for as indispensable, within the limited range of each separate Province, had been either secured and consolidated, or was so perfectly within reach, that he could afford to look abroad over the whole empire, and see in what condition were those mutual relations of each Colony with every other, and of the whole with the United Kingdom, upon which depend their thorough organization, cohesion and power, in all time to come.

It is impossible to read this second letter now, without respect for the patriotism and foresight with which, long before the Crimean expedition and the Indian insurrections, the utter absence of all real coöperation, in peace and war, between the central states and distant provinces of the empire, was foreshadowed. It is difficult to do justice to the sagacity of the statesman, who, in 1846, traced our weakness as an empire to defects in our organization, which every day's experience renders more apparent. "The time is fast approaching," said Mr. Howe in 1846, "or I am much mistaken, when Englishmen will consider it as disgraceful to sell a commission in the army as they would to sell a seat upon the bench; when merit, and not interest, will be the rule in both services, and when, having ceased to eat dear bread for the benefit of a few, they will not

vote heavy army and navy estimates, without the great body of the people are freely admitted to an equal participation in the patronage and promotion maintained by their expenditure."

Let it not be forgotten that, in 1846, Mr. Howe suggested that Colonial regiments should be raised, and that the want of them in 1855, and again in 1857, was painfully apparent. After showing how the Highlanders of Scotland were attached to England by the policy of Chatham, he thus counsels the prime minister:—

Now, my Lord, try some such experiment in North America. Raise two or three regiments; train Colonists to command them; let it be understood that, in those corps, merit only leads to promotion; and give them, in name, or dress, or banner, something to mark the Province whence they come. Try a frigate or two on the same principle; call one of them *The Nova Scotia*; man her with the hardy fishermen who line our sea coast, and hoist the *Mayflower* beneath the Union Jack when she goes into action. Those regiments may flinch in the hour of trial, but no man who reads this letter, from Fundy to Michigan, will believe it; that ship may sink, but there is not a Nova Scotian who would not rather go down in her, than have her flag disgraced. From the heads of those regiments, and the quarter decks of those ships, the fiery spirits of North America would pass, if they were worthy, into the higher grades of both services. They would be to us what the Academy of West Point is to the youth of republican America,—schools of instruction and discipline; and then we should be prepared, not to envy our neighbors, but to meet them on the frontier, or on the coast, when the meteor flag of England was unfurled.

These and other kindred topics will be found, from this period, touched incidentally, or treated more at large, either in Mr. Howe's correspondence with Earl Grey, in his speech at Southampton in 1851, his speech to the Legislature in 1854, or in his correspondence with Mr. Hincks in the following year. We give the letters to Lord John Russell entire in the second volume.

These letters were highly praised in various quarters, although upon the practicability or policy of representation in the Imperial Parliament, there were, and still are, great differences of opinion. Among the notices of them that appeared,

we extract one, which is as honorable to the gentleman by whom it was penned as it was gratifying to him of whom it was written. Dr. Bartlett, of 'The New York Albion,' had usually sympathized with the old compact parties, and had consequently distrusted the prudence of Mr. Howe's general views. The second letter won from him an expression of entire approbation. Of the plan developed in it he says: "As a great measure, or great experiment, we prefer it infinitely to a general union or confederation of the Provinces, now so much agitated; and mainly because Mr. Howe's plan, taken as a whole, would have a tendency to amalgamate the Colonies with England, to transfuse the blood of the young with that of the old, and to make both one corporate and uniform body, resplendent with strength, beauty, and perfection."

If he were writing these letters now, with what exultation could Mr. Howe point to the eleven years of experience of responsible government which we have gathered since 1846. In all that time, though we have had the public mind agitated by party conflicts in all the North American Provinces, no question has arisen to disturb the harmony which it is so essential to preserve in our relations with the mother country. However tried and tested by human passion, folly, ambition, or ignorance, the new Constitutions have proved equal to the strain; and a Colonial statesman, who cannot acquire or retain the position to which he thinks he is entitled in his own Province, never dreams of setting it in a flame of disaffection, that his eggs may be roasted. Even the outbreak at Montreal arose out of a purely Colonial question—the appropriation, by its own Legislature, of the monies of Canada, and with which the mother country had really nothing to do.

The session of 1847 opened on the 21st of January. Lord Elgin arrived in Halifax, on his way to Canada, on the 25th. An amusing incident grew out of the Governor General's visit, *en passant*. The Solicitor General moved a complimentary address in the lower House. Mr. Howe rose, and approving of the suggestion, as quite in accordance with the usual practice, and imposing an agreeable duty, from the high character of the Earl of Elgin, and the success he had achieved elsewhere,

approved of an address on another ground; because, as the Earl was nearly connected with the family of the late Earl of Durham, it would give to the House an opportunity of paying to his memory the tribute of respect and admiration which that lamented nobleman had earned by his imperishable report. The administration were excessively embarrassed by this suggestion. One after another, the members and supporters of government rose and protested against any allusion to Lord Durham; and one after another, the members of opposition declared that a compliment to His Lordship's memory, clear and unequivocal, should be an essential element of any address presented on such an occasion. "When," said Mr. Howe, "You address the Queen, you always allude to Her Majesty's father, who *lived* in Nova Scotia. Why not allude to Lady Elgin's father, who *saved* North America?"

The government at last gave way, and Lord Durham's services were recognized in a passage of the address, which was prettily acknowledged in the reply:—

"Your kind allusion, gentlemen of the Assembly, to my connection, by marriage, with the family of the late Earl of Durham, has deeply affected me. That his memory should be held in grateful remembrance by you is a further inducement for me to labor zealously in your service, and will prove an encouragement, under any difficulties or trials which I may encounter in the discharge of my duty."

Early in the session, a series of documents were asked for and brought down, connected with the abortive attempt made in the autumn to form a coalition. Others were asked for, and not being furnished, were read by members of the opposition in their places. These documents are voluminous. We have not room for them, either in the body of this work or in the appendix. Those who think them worth a reference, will find them on the Journals. What the gentlemen, who had been driven into opposition and proscribed for three years, thought of the overtures made to them, will be gathered from the paper below, in which Mr. Howe's condensed style, and perhaps some bitterness of feeling, natural under the circumstances, will be readily traced:—

*Halifax, December 17, 1846.*

MAY IT PLEASE YOUR EXCELLENCY,— We have given to the papers, handed to the Speaker and Mr. Howe, on Monday last, the grave consideration to which any communications, coming through or from the head of the government, are entitled; and we now proceed to discuss their contents with the frankness which seems to be expected of us, and in the confident belief that Your Excellency desires candor and distinctness from all the parties who have been called, by their public positions, to take part in this inquiry.

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

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

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

In discussing questions of this nature, English precedents are our safest guide. If the Cabinet at home is weak, and a more extended basis is desirable, the leader of the government does not wait to be reminded of his duty by the sovereign, but suggests promptly the *modus operandi* by which a change should be effected; if new appointments are required,

he proposes the names of those who are willing to serve with him ; if offices are to be vacated, he "takes the initiative," and places them at the sovereign's disposal. If he delays or neglects this duty till formally called upon, he then obeys the commands which his own inertness has rendered imperative ; and if he is unable or unwilling to comply, tenders his resignation. He does not travel out of the official note, in which the commands of his sovereign are conveyed, to attribute to her expressions and opinions that it does not contain ; which either were or were not dropped in the royal closet, but which Her Majesty has not conceived it politic or wise to throw out as materials for controversy among any portion of her subjects. It is to be regretted that this time-honored practice has not been adhered to by Your Excellency's advisers. They have waited three months without discovering their weakness, or informing Your Excellency that the Council was defective in numbers and strength. When their attention is called to the fact, they profess adherence to a principle which for three years they have violated in practice ; give Your Excellency the name of one gentleman who is ready to retire, but of none who are willing to go in ; attribute expressions, and seek to extract opinions, which might embarrass rather than facilitate the arrangements they profess to desire, by involving Your Excellency in the unhappy controversies of the past ; and, in obedience to Your Excellency's command, that "a fair distribution of official patronage should constitute the basis of the proposed coalition," argue in favor of a life tenure of office, and place the Solicitor Generalship alone in your hands, wherewith to satisfy the claims of the opposition, and convince us "of the sincerity of their professions."

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

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



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

Because, except under peculiar circumstances, coalitions rarely work well. If the members act in good faith, they ultimately form one party, while another as surely arises to oppose them, with whom, if the principle is to be carried out, another coalition must be formed. The experience of the mother country is not favorable to such combinations; and the coalition in which several of the present Council served, was continually weakened by their conduct, and ultimately shattered by the appointment of the gentleman who now professes his willingness to resign.

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

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

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

While the members of opposition have labored for years to obtain a

surrender of the casual and territorial revenues, on fair and equitable terms, the members of Council have endeavored to obstruct them, by public action in the Legislature, and representations to Her Majesty's government.

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

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

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

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

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

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

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

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

In conclusion, we beg to assure Your Excellency that we rejoice to find, in the extract from Lord Grey's dispatch, the true position which a

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

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

We have the honor to remain Your Excellency's

Most obedient and very humble servants,

JOSEPH HOWE,

LAW. O'C. DOYLE,

JAMES McNAB,

GEORGE R. YOUNG.

On the 28th of January, an elaborate reply to this paper had been sent in by the Council; Mr. Wilkins, who was absent, embodying his peculiar views in a separate letter to the Governor. These documents, which had not been seen by the leaders of the opposition, until they were laid on the table of the House, created much feeling, and led to animated debates; but all parties felt that further controversy was a waste of time, as the final appeal to the country, which could not be delayed beyond the approaching summer, must decide the points at issue.

The Simultaneous Polling Bill was introduced by the Attorney General during this session, acknowledged by the opposition as an improvement on our electoral system, and passed without much debate.

A measure introduced by Mr. Howe, for the consolidation of the crown land departments, was more stoutly opposed. The political discussions of the session turned chiefly on this bill. It touched the interests of persons nearly connected with prominent members of the government, and it was assumed to be intended to smooth the way for the complete introduction of the departmental system. The bill was fought through both Houses, but did not finally receive the royal assent, until the following year, when Mr. Howe was in a position to bring the influence of the Executive government to bear upon the deliberations of Downing Street.

On introducing this measure, its nature, and the necessity for it, were thus explained:—

His objects were to combine the offices, lessen the expense, and make whoever presided over them a member of the administration for the time being, and a responsible head of a department. Against the introduction of the system generally, it had been urged that offices must be created, but here were two already in existence; then, it was said, expense must be incurred, but here there is annually a larger sum spent than, under the change contemplated, would be required. We should save money, not increase our outlay, by passing the resolution. Last year, it was said excise officers should not be introduced, because they were excluded in England and in Canada. The same objections could not be urged now. The commissionership of woods and forests was, in England, a ministerial office, the occupant of which changed with the administration. In Canada, the commissioner of crown lands was a member of the Executive Council.

Taking the sales in Nova Scotia proper, from 1827 to 1838, inclusive, making a period of twelve years, we had sold one hundred and twenty-four thousand eight hundred and sixty-three acres of crown lands. The people had paid for, and on account of, these lands, £9,800 4s. Of this sum, the whole had been swallowed up by the department, except £1,834 13s. 1 $\frac{3}{4}$ d. This latter sum, then, was all that had been paid into the treasury. But while we had received this small amount on the one hand, we had paid out with the other, £187 10s. as salary to the Surveyor General, who was the same officer; so that in the twelve years, we got £1,854 and paid £2,250. Add the difference, £396, to £9,800 4s., and while the country paid, in twelve years, £10,199, not one sixpence of revenue was derived from the sale of one hundred and

twenty-four thousand eight hundred and sixty-three acres of the crown estate.

Looking to Cape Breton, during the same period, or rather from 1832 to 1838, the period of seven years, embraced by the abstract, we find that £4,175 3s. 9d. was received for land. The whole of this sum was consumed by the department, except a balance of £386 2s. 6d., but even this small amount had not been paid in, as the officer claimed the right to retain £500 in his hands. During this period, £125 a year had been paid to a Surveyor General, so that the whole proceeds of the Cape Breton lands, in these seven years, had been swallowed up, and £875 'esides.

Taking Nova Scotia proper for the period from 1839 to 1846, inclusive, in those eight years ninety-five thousand four hundred and fifty-nine acres of land had been sold. Of the £10,791 12s. 7d., returned as the net proceeds, £5,480 had been paid in; but then we paid out £1,500 to the Surveyor General, while the country had paid for surveying, printing, contingent and incidental expenses, £3,635 besides. The result of our twenty years' experience, then, in Nova Scotia proper, comes to this: We have sold two hundred and twenty thousand three hundred and twenty-two acres of land.

This has cost the people. . . . .	£23,691	17	7
We have paid the Surveyor General in that " . . . . .	3,750	0	2
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	£27,441	17	9

Of this vast sum, we have received but £6,791, 17s. 3d. From these facts, it was clear that, manage the lands as we might, we could not make them, as a source of revenue, less productive than they had been.

A measure was introduced by the Attorney General during this session, known as "the Fraudulent Conveyance Bill." It was sharply attacked by the opposition on the ground that it was intended to secure to the government the means to perplex and intimidate voters at the approaching elections. In the course of the debate upon it, the Attorney General described some resolutions introduced by Mr. G. R. Young, as "the last kite of the session." Mr. Howe's retort was ready and keen. "There are," said he, "two kinds of kites; there is the innocent toy which amuses us in boyhood, and which, in the hands of a philosopher, may call down light from heaven. There is the

foul bird which settles upon an object but to sully or destroy. Our learned friend's kite resembled the former; the latter was represented by the Attorney General's bill."

The session closed about the end of March, and all parties began to prepare for the elections. Mr. Howe returned to his home, to rest and recruit, and prepare for the work which yet lay before him. The season of repose was short. The members and supporters of the government took the field early, and in due form, or rather with an organization and lavish expenditure never equalled in any former contest. They selected four gentlemen of respectability and influence to oppose the members for the city and county of Halifax. Careful selections were made in other counties. They raised a large fund and paid it into the bank, avowedly for electioneering purposes, and they hired a schooner and freighted her with goods and liquors for distribution among the electors around the shore. They covered the country with slips and placards, in which every species of political distortion and unfairness was interwoven with piquant and virulent personal abuse. Reams of these missives were scattered all over the Province. If permitted to circulate uncontradicted and unexplained, who could calculate the result? Mr. Howe returned to town early in May, and at once published a card denouncing this system of mean detraction, and challenging those conducting it to meet him in any ward of the city, or in any settlement in the county, pledging himself to expose before the people the baseness of their conduct and the unfounded nature of their charges. The challenge was not accepted. It was then determined to hold a series of meetings in the most important sections of the county of Halifax. The first came off at Preston. There must have been at least twenty of them, and at all, the burthen of explanation or of debate fell upon Mr. Howe. We attended many of these meetings, and have often heard him make, if not better speeches than any ever made in the legislative halls, many that we would gladly, if we could, recall. There was often great fun, particularly where there was opposition. No preparation was made. The scenery, the associations, the pursuits and peculiar habits of thought of the district in which he spoke, supplied

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materials for declamation and illustration; and whether he addressed the colored people of Preston, the fishermen of Sambro, or the farmers of Musquodoboit, he appeared to be perfectly at home.

Having prepared his own county for the triumphant return of the four old members, Mr. Howe's next care was to see that the other counties were correctly informed and properly organized. On the 4th of May he addressed a letter "To the Freeholders of Nova Scotia."\*

Between the date of this letter and the 5th of August, when the elections came off, Mr. Howe's exertions, mental and bodily, were very great. He rode through twelve of the principal counties of the Province, attended upwards of sixty public meetings, and was entertained at about fifteen public dinners. When we remember that these sixty meetings came off in ninety days, that they were often addressed for two or three hours, sometimes in the open air; that when opposition arose, two or three speeches, in reply or explanation, had to be made; that able and ingenious speakers had to be encountered, as at Amherst, where the contest with the late Master of the Rolls lasted two days — as in the county of Hants, where the present Judge Wilkins had to be battled with from Windsor to Maitland — that besides speaking so frequently in public, Mr. Howe had to travel, and talk all the time to the thousands of people who flocked about him, and whom it was indispensable to organize, we may assuredly wonder at the strength of the intellectual and physical resources which could stand this wear and tear.

But few of these speeches were reported; perhaps not many of them were worth reporting. There must have been a general sameness of argument running through them all. But we have heard a friend, who accompanied Mr. Howe in many of those journeys, declare that he was often astonished at hearing the same topics treated so variously; and that he often listened to two or three speeches in the same day, the substratum of argument being the same in all, but the jokes and illustrations so

\* See second volume.



fresh and original, as the localities changed, that he often enjoyed the last effort the most.

The general election came off on the 5th of August. A strong majority of liberals was returned. The administration was defeated in the metropolitan and many of the more populous and important counties. Lord Falkland's proscription was scattered to the winds, and his advisers were powerless for good or evil. The results of the contest are thus summed up in *The Nova Scotian* of the 16th of August:—

But merely counting the numbers returned gives a very inadequate idea of the state of public opinion. The liberals have carried *twelve* counties, the Tories but *five*. Every county but one is ours, from Cape North to Cumberland, embracing one-half the territory and population of the Province, while to the westward we have four of the finest, with the metropolitan city and county in the centre. In Halifax, where the wealth and resources of the official and Tory party are concentrated and most active, our candidates have been elected by triumphant majorities. It will be very gratifying to Lord Falkland to learn, that in the capital of the Province, where he could collect but a few hundred signatures to an address, Mr. Howe, whom he vainly endeavored to crush, polled fifteen hundred votes. It will give him nearly as much pleasure to see Mr. McNab at the head of the township poll; to learn that Mr. Uniacke was elected without opposition, and that the Speaker has beaten the Solicitor General's "brother-in-law" by the slight majority of eight hundred and twelve.

In another respect this victory is most decisive. The liberal party have lost two speakers, and one or two other gentlemen, whose steadiness and integrity made them valuable members; but Mr. Johnston, with one or two exceptions, has lost every speaker he had. Marshall, Power, Holmes, Ross, Smith, Wilkins, Creighton, Owen, are all swept from his side, and he has scarcely got one man in their stead capable of sustaining a debate. The most prominently offensive assailants and maligners of the opposition have been stricken down, with scarcely an exception. Two of the Queen's Counsel, and a member of the government, are among the missing. Fraser and Hall have escaped; but it will be recollected that they demeaned themselves, on several occasions, with more moderation and fairness than the rest of the party, and that they had both voted against the parish bill.

Mr. Howe had lived for two years on the river Musquodo-

boit. His welcome home after all his labors was thus sketched in *The Sun* newspaper at the time:—

Mr. Howe reached the Red Bridge, about twenty miles from his home, early on the afternoon of Wednesday. Here he was met by a great number of the inhabitants of the Middle Settlement, in wagons and on horseback, who escorted him, with banners flying, and every demonstration of affection and respect, some miles on his road. When the cavalcade reached the rising ground near the Episcopal Church, a still larger body was discovered awaiting its approach. This included the leading men of the Upper Settlement, and the flower of its youth, who had come a distance of fourteen miles to welcome their representative. A wagon, with a raised seat, handsomely festooned with flowers, and drawn by six horses, was in waiting for him. Having taken his place in it, a line of horsemen and carriages, extending for nearly half a mile, was formed, and moved forward in good order, a banner with the inscription, "*Welcome Howe — The Victory is Yours,*" fluttering above his head. As the cavalcade passed along, flags and handkerchiefs were waved by the women from the houses on the road, and these demonstrations were answered by cheers. About three o'clock the procession halted in front of Kaulback's Inn, where dinner had been prepared. The following addresses were then presented; the first being read by Mr. Alexander Stephen, and the second by Col. Kent:—

MR. JOSEPH HOWE: *Sir*,—We, the undersigned, on behalf of the reformers of the electoral district of Middle Musquodoboit, congratulate you on your reelection as one of the representatives of the county in the House of Assembly, in the face of an opposition backed by all the influence of those in power, and the use of means that we cannot but deem unfair and unjust. The large majority by which this has been effected is the best answer that could be given as to the belief of the people in the charges so perseveringly and unsparingly made against you.

While we are highly gratified with your personal success, that feeling is much increased by the triumph of principles based upon our birth-right as the descendants of Britons. Your unflinching advocacy of those principles, notwithstanding the allurements of power, place, and profit, when in possession or tendered for your acceptance, has placed you in your present high position.

We feel that your political life must be viewed as a proof that your perseverance in the right cause is sure, eventually, to meet its reward, and be duly appreciated by the people.

It is with confidence that we anticipate that the working out of the principles upon which you have been placed in the Assembly, will result in the promotion of the best interests of the country.

We pray that you may be long spared to us, and to your country and with best wishes for yourself and Mrs. Howe, and all the family, we are, &c.

ADAMS ARCHIBALD, *Chairman.*

ALEXANDER STEPHEN, *Secretary.*

Middle Musquodoboit, 18th August, 1817.

*To Hon. Joseph Howe, M. P. P.:—*

We, the magistrates and other inhabitants of the Upper Settlement of Musquodoboit, beg leave cordially to welcome you on your return amongst us, and sincerely congratulate you on the glorious triumph that you and your principles have achieved. Being fully sensible of your valuable services for a period of years, and the fidelity with which you have ever justified the confidence reposed in you, we hail with pleasure your reelection. Although we have lately given you the highest proof of our esteem, we should consider ourselves wanting in gratitude did we permit this opportunity to pass without expressing our unbounded confidence in the inflexible integrity which has marked your life, as well as your indefatigable exertions for the improvement and prosperity of this our native Colony. We rejoice that the principles for which we have so long and perseveringly contended, are becoming appreciated as they deserve, which is manifest from the result of the late election; and we hope the day is at hand when, under the benign guidance of a constitutional government, we shall enjoy all the privileges of British subjects. In conclusion, we beg that you would convey to Mrs. Howe, and all the members of your family, our best wishes for their happiness and prosperity, and we wish you a long life to enjoy your well-earned popularity.

Signed by James Kent and Angus McInnis, Esquires, &c., &c.

Mr. Howe replied to these addresses, briefly and extemporaneously. Our readers can imagine what he would say on such an occasion. He referred to the period when the yeomanry of the east took him, a stranger, and an untried man, and confided their interests to his care; to the kindly relations which had since grown up, and now subsisted between them; to the steadiness of their political confidence, and the warmth of their reception. Three cheers for the Queen, and three for the liberal majority, were given, and the company sat down to dinner. About six o'clock the carriages were ready, the horsemen mounted, and

the party drove off towards the head of the river, flags, handkerchiefs, and every outward sign of rejoicing, greeting them on the way. It was dark before Mr. Howe reached his home, but his approach was told by the clear notes of the key bugle, and the merry cheers, which could be heard for miles down the valley he was ascending. At his door he was met by his family, and the gushing forth of full hearts was not to be restrained by the presence of spectators whose hearts were also full. After spending an hour or two in innocent mirth and mutual congratulations, the company retired, to seek those tranquil homes in the bosoms of which unostentatious piety and sound political principles flourish side by side.

Rest was sweet after all the excitement Mr. Howe had gone through. "For a month," we have heard him say, "I did nothing but play with the children, and read old books to my girls. I then went into the woods and called moose with the old hunters, camping out night after night, listening to their stories, calming my thoughts with the perfect stillness of the forest, and forgetting the bitterness of conflict amidst the beauties of nature."

While these things were going on in Nova Scotia, the good cause was making progress in New Brunswick. Sir William Colebrooke's Council had contained the leading men of both parties. Some of the most spirited and able had been driven out by the appointment of his son-in-law to the Provincial Secretaryship. That appointment having been disallowed, a new combination was formed, by which political power was retained by the old compact party, Wilmot, Fisher, and Ritchey, the real leaders of the liberals of New Brunswick, being excluded. Those gentlemen were not slow to follow the example of the retired Councillors in this Province. They ceased to talk the unmeaning nonsense about the evils of party spirit, which had been fashionable a year before under the coalition. They threw themselves boldly upon the country, accepted and avowed the principles of responsible government in all their integrity, and New Brunswick, for the first time, presented the pleasing spectacle of a regularly organized administration and opposition, contending for the prizes which both acknowledged could only be retained or secured by the confidence and approbation of the people.

In Canada matters had advanced a step or two. Lord Elgin, having filled up the fragmentary administration bequeathed to him by Lord Metcalfe, opened the session on the 2d of June. His Lordship announced two very important concessions made by the Imperial to the Provincial governments, — the control of the post office department, and the repeal of differential duties. The latter subject had been announced to our Legislature at the previous session, and measures chiefly matured by Messrs. Huntington and Young, had been passed in accordance with the new policy, which all parties regarded as a boon.

The session lasted till the 28th of July, the ministry being without moral influence, and supported by a majority of three. Baldwin and Lafontaine were biding their time, and all parties felt that a dissolution or a reconstruction was the only remedy.

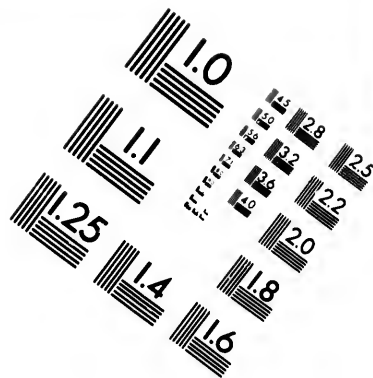
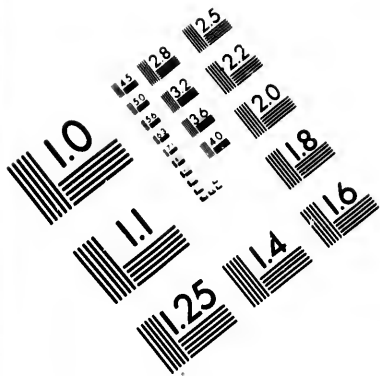
In Nova Scotia, the ministers, fairly beaten at the elections, did not bow to the decision of the country with a good grace. They never had had a working majority, in any fair parliamentary sense of the phrase. But it was quite apparent that, after the 5th of August, they were in a hopeless minority. In justice to the Lieutenant Governor and to the country, to say nothing of the legitimate claims of the gentlemen who had beaten them, they should have at once retired. They did not, however, but, pretending to doubt, and endeavoring to miscalculate, the real state of the returns, clung to office until February.

This tenacity of official life was not, as will be readily supposed, much admired by the triumphant opposition. They pelted them with good-humored severity, and, if compelled to wait for the direct application of the parliamentary notice to quit, determined to have some amusement in the meantime. Under various headings, some of the keenest political satires which marked the whole four years' controversy appeared at this period in the opposition press. We have only room for one:—

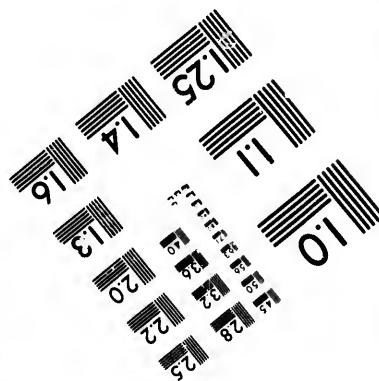
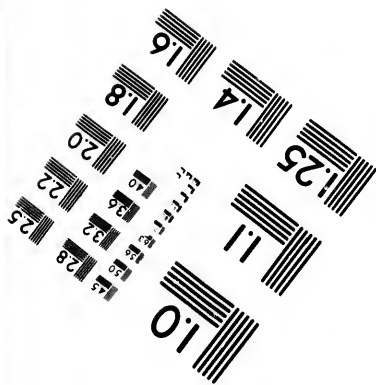
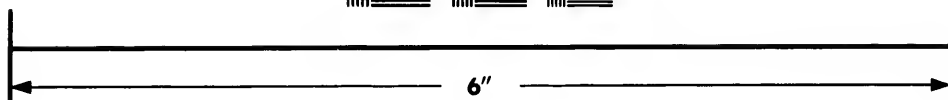
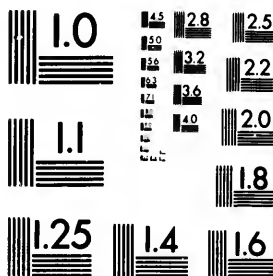
"Lo! the poor Indian whose untutored mind  
Sees God in clouds, and hears him in the wind."

We presume that, during his stay in Canada, Mr. Johnston will visit Niagara Falls; and, if he does, we hope somebody will tell him a story,





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



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Sciences  
Corporation**

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which, among the other traditions of that region, he certainly ought to hear. An aged Indian undertook to paddle his canoe across the stream above the Horse Shoe Fall. Miscalculating the strength of the current, or the vigor of his arm, he was drawn into the rapid, and found that his life was in danger. He struck out with all the energy of a warrior manfully struggling with his fate. Every iron muscle was tasked to the highest point by a will calm and resolute, but bent on self-preservation, as the great duty of the hour; every sleight on which long experience had taught him to rely was tried, but tried in vain. Like a bird, drawn by some powerful fascination into the jaws of a serpent, conscious of its fate, yet powerless to control it, each moment diminished his distance from that majestic emerald wave, which exhibits "the torrent's smoothness ere it dash below," and in whose wild waste of waters he was to die. While there was a chance, a hope of life, the noble savage struggled on; but the rush of the stream was momentarily becoming more rapid, the roar of the cataract sounding more distinctly in his ear. He raised himself with dignity, swept the horizon with his eye, and saw at a glance that every landmark he had hoped to reach was far above him. In that moment the native dignity and fine training of the Indian won for him, even in the very jaws of death, an immortality as fadeless as the verdure of the wave that swept his body to destruction. His spirit haunts the cataract, and will continue to haunt it for centuries. Traition will ever preserve, in fine contrast with the sublimity of nature, a trait of the moral sublime, which our Tory Attorney General knows not how to imitate. Convinced that his fate was inevitable, the savage threw his paddle down, folded his arms with dignity, raised his death-song, and glided into "the spirit land" with the courage of an Indian "brave," and the calmness of a Christian gentleman.

We hope somebody will tell Mr. Johnston this story; his own imagination will supply the contrast. But — but — but what? A Creole is not an Indian; that is all.

On the 22d of January, 1848, the new House met. The first question which tested the strength of parties, was the election of the Speaker. Mr. Howe proposed Mr. William Young. The Attorney General opposed the nomination in a very bitter speech, and was followed by several of the more prominent supporters of the government, who objected to Mr. Young on the ground that he was a violent political partisan. They were answered by Mr. Howe and Mr. Huntington, and on a division

the government was beaten by a majority of six, and Mr. Young was conducted to the chair.

In his opening speech, Sir John Harvey announced the receipt of a dispatch from Earl Grey, explanatory of His Lordship's views of the principles of Colonial government as applicable, in some important particulars, to this Province. This dispatch, it afterwards turned out, was dated on the 31st of March, was received here in April, and was never promulgated until long after the elections; although it settled many of the points of controversy on which those contests turned.

When the speech had been read, and the draft of an answer submitted on the 24th of June, Mr. James B. Uniacke moved the following amendment:—

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

The debate lasted until the 26th, when the House divided, and the first successful vote of want of confidence—the first vote that practically illustrated the whole power of the Commons to turn out an administration and establish the opposition in their places—was passed, by a majority of twenty-eight to twenty-one. The address, as amended, was taken up on the following day. The day after, the members of the Executive Council resigned. Mr. Uniacke was immediately sent for, and, no longer hampered with written instructions, or commanded to exact pledges, after Lord Falkland's clumsy mode, was empowered to form a Cabinet, and submit their names, in accordance with the practice at home. This was done, and on the 2d of February the new Cabinet was announced. It included the

Honorables James B. Uniacke, Michael Tobin, Hugh Bell, Joseph Howe, James McNab, Herbert Huntington, Wm. F. DesBarres, Lawrence O'C. Doyle, and George R. Young.

We take from this debate one speech made by Mr. Howe:—

    Laboring under the remains of a severe cold, he had hoped that this debate might close without his being called to take any part in it. He rose to express his sentiments now with extreme reluctance, for it was not in his nature to strike a fallen foe; and, after having been condemned by the country, he had hoped that the gentlemen opposite would have folded their robes around them and submitted with dignity. The last fight of faction was as unnecessary as it would be unavailing. Had the members of the administration submitted gracefully we might at least have said of them that "Nothing in office became them like the leaving of it;" we might then have suppressed the feelings excited by our conflicts, and been touched with emotion at the fortitude and resignation of those we had overcome. What is it, sir, that gives its charms to the noble statue of the dying Gladiator? the inimitable skill with which the sculptor has depicted a brave man, having done his devoir chivalrously, conscious of his death wound, sinking to the earth which his blood honors, without a spasm or a groan. But, if the soul, shaken with coward fear, convulsed the limbs and distorted the features, we should turn from the marble with disgust, and take no interest in the escape of a spirit so grovelling and debased. I have at times partaken of the noble pastime of our country, and hunted the wild moose through the forest glades. While the bay of the dogs rang through the woodland, and the animal, dashing aside the branches with his antlers, had a chance of escape, there was animation, excitement, and pleasure in the chase. But when the fatal bullet had brought him down, and he sunk with the steady fortitude which is not uncommon, I have almost shrunk from the reproof of his earnest and expressive eye, and have wished the lead back in the tube again. My feelings were very different if he sunk below the dignity of his race; if he kicked and struggled in his last hour, as the gentlemen opposite are doing here, why, of course, there was nothing for it but to knock him on the head.

    I am sure I would rather put aside the task to which I am compelled by the learned crown officers. Are we not all sick and tired of the old stories which the Attorney General has labored to revive? Have they not been discussed till they can be invested with no feature of novelty by the most fertile imagination? The learned Attorney General has gone over, point by point, the speeches of my honorable friend from Yarmouth

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Mr. Howe:—

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and my learned friend from Pieton. He has labored to escape from the force of the arguments he provoked. He has attempted to answer my honorable friend, but has he effaced from one man's memory the impression made by his speech? One sentence delivered by my honorable friend with solemn earnestness ought to be remembered by those who go into the new government, as it will never be forgotten by the learned crown officers. I vote for the amendment, said Mr. Huntington, because "I have hope from the gentlemen who form the opposition; from you I have no hope." That sentiment, founded on a ten year's experience of the two parties, animates Nova Scotia at this instant. The people of Nova Scotia have weighed the Attorney General and his friends in the balance, and found them wanting; from them they have no hope, and has the Attorney General said any thing here to show that their confidence should be revived? He complained of the temper which the learned member for Pieton displayed, but had not my learned friend provocation enough, in the temper shown by the two crown officers on the first day of the session? The fierce and uncalculated attacks on one near and dear to him were well calculated to create a little animation; and as to the mode of retaliation, — why my learned friend may have seen some of his constituents in Pieton dislodging a bear from a hollow tree, by making a fire under it; and his only hope of getting the gentleman opposite out, is by making office too hot for him.

The learned Attorney General thought proper to ridicule our constitutional knowledge. Is he a qualified judge? Think you, if he were to set himself up as a professor of constitutional lore, that his classes would be very numerously attended, or that the rising generation would be largely benefitted by his labors? He complains that we have not foreshadowed our future policy. I must tell him again, as I have told him before, that "sufficient for the day is the evil thereof." Let us deal with the matters in hand, and when the proper times arrives, we will favor him with some flashes of illumination. The Attorney General claims to be judged by English precedents, and denies that he has ever violated them. But did he not hold office for a year, under Sir Colin Campbell, with a majority of two-thirds of the representative branch against him? Where will he find English precedent for that? When, in 1840, the liberals came back with a majority, did not the Attorney General enter the government with them, adopt their principles, and, afterwards, when it suited his purpose, sneer at the administration, of which he was a member? Did he ever hear of any English statesman who thus demeaned himself? The Attorney General protracts this debate, because he wishes to convince the new members, whose opinions he conceives are

not yet formed. If so, how came it that all their names were paraded, with reprobation, in the press which supports that gentleman, and that all his friends, lay and clerical, did their best to prevent them getting here at all? Was not the whole conservative ticket published in the official organ? The majority who are here, beat the Attorney General's best men at the hustings. Is it to be supposed that they did not know what they were about? that the people did not know? The learned gentleman flatters himself that the new members are here to be instructed. I tell him that they are here because the people knew them to be sufficiently well informed. But, we are told that we have put a rope around their necks. Oh, sir, has the Attorney General forgotten the pliant majority which he led here for the last four years, many of whom would have voted that black was white, and that two and two did not make four? He complained that my learned friend from Pictou wanted to stop his mouth; but has he forgotten his own feats in that line? To stop one lawyer's mouth, even if it could be done, would not be so bad as muzzling the whole fourth estate, which the learned crown officer attempted once. Has he forgotten the attempt made to stop all discussion on the vexed question of the Registrar's Bill, when his own colleague moved to shut the public and the reporters out of the lobby, and put an end to all discussion? Far be it from me to wish to deny to the crown officers opportunity for full defence; but when we have made two speeches each, there will be one hundred and two of them, and surely that ought to be discussion enough. Where, in England, do we hear of all the lords and members of Parliament being passed over, when cabinet ministers are required? I defy him to quote me the precedent — to show me the example. English precedents! Sir, did we ever hear of the sovereign writing and publishing an attack on persons who had left her Cabinet? Where have we seen, at home, letters, written to gentlemen inviting them to come into the administration, made the vehicles for conveying a reflection upon third parties, not included in the negotiations? When did we hear of England being governed by a fragment of a cabinet for three or four years? The Attorney General can quote no English precedent, but he gives us the opinion of some traveling Canadian, with whose name we are not favored. English precedent! Show me the English minister who ever published to the world the humiliating evidence of his impotence, that he had made, in four years, three overtures to his political opponents, which had been rejected, and tendered thirteen seats in the cabinet, which had been refused?

The Attorney General asks how we can tell what are the contents of dispatches which we have not seen. The question is pertinent, but I judge

by what I have seen, of what has been concealed. Are not our journals encumbered by a heterogeneous mass of diplomatic absurdities, accumulated under the present administration? The Governor's name, it is said, has been introduced into this debate. If so, I regret it, and would have checked it had I been here. Nor ought the contents of dispatches, not formally laid before the House by His Excellency, to be drawn into discussion. I have not seen the dispatch, and have no right to see it. There was one that I should have liked to have seen—that secret and insidious representation, upon which the ex-Councillors were charged with “pretensions,” because they exercised the common right of Britons, without indelicacy and without offence. Why should we speculate on unpublished dispatches? Have we not, on our journals, that celebrated state paper, which informed the Colonial minister that the liberals were dismissed; that they had no leaders; that Mr. Howe's influence was gone? If disposed to waste time, and laugh at the gentlemen opposite, I might turn to that vaunting document, and contrast its unfounded statements with the humiliating position which the authors occupy on the treasury bench. As respects the dispatch referred to in His Excellency's speech, have the gentlemen any objection to give me the date? [Here there was some bantering and rummaging of the Attorney General's notes, but the date was not given.] This I may say, sir, that if that dispatch bears date last spring, if it explained to the people of this country the views of the Colonial Secretary on responsible government, and the departmental system, the men who concealed it, and went to the hustings mystifying and vituperating that system, neither acted fairly to Her Majesty's government nor to Her Majesty's subjects. [The Solicitor General laughingly said they had no objection to go to the country on it now.] Nor I either, continued Mr. Howe. There will be lots of snow-balls for our constituents to pelt each other with. The Attorney General is a theologian, but I fear that he has not followed the Scripture injunction, “not to make his flight in the winter.” He has let the autumn months go by, and retires in foul weather.

The Attorney General sneeringly referred to Mr. Doyle's remark, that Lord Glenelg's dispatch was our Magna Charta. But does he not know that the English people had a Magna Charta centuries before they enjoyed responsible government? I really thought my old pamphlet had been worn out by the learned Attorney General; it has ever been a stumbling block and rock of offence to him, and I was seriously considering the propriety of writing another for his especial benefit. Two things strike me with some surprise, sir, whenever I turn to that pamphlet,—I am astonished that a production, so inferior as a piece of com-

position, should have attracted so much attention; and I am equally surprised, that, writing upon a subject so difficult as the mixed character of Imperial and Provincial institutions, the principles and views propounded, taken as a whole, were so sound as they have been proved to be by the test of subsequent experience. The Attorney General says, that in 1839, I was in advance of Lord Durham. He is mistaken. Lord Durham and I perfectly agreed, but I am willing to acknowledge that both might have been somewhat in advance of the views entertained in England. But the Attorney General tells us that he was for advancing gradually, — yes, sir, so gradually, that we were to have freedom by infinitesimal doses, and responsible government “by degrees,” by which it is said “lawyers get to heaven.” I must confess, I marvel at the Attorney General going over these old grounds, as though the gentlemen who sit here for the first time were a parcel of schoolboys, to be trained; or fresh hands just shipped, and who required to be touched up with a rhetorical rope’s end, to learn them their duty. He asks us where have the administration violated the new principles? and I answer, everywhere. We asked for the departmental system of England: they refused to bring the secretary into the Legislature, they withdrew the treasurer, they legislated the collector of excise out, and they refused to permit us to legislate the commissioner of crown lands in. In the free use and abuse of the Governor’s name, they violated principle, and accumulated difficulties; and in holding their places from August to January, after the country to which they appealed had declared against them. I will not anticipate the contents of Earl Grey’s dispatch, but I shrewdly suspect that, if the elections had gone against us, the people of Nova Scotia would never have seen it. If that was not the policy, the gentleman opposite would have planted the public officers to be affected by it, on the hustings, and have given them a chance of maintaining their positions.

Allusions have been made to the bench, and to the discussions which arose here last year. I know little or nothing of our courts from personal observation, for I rarely go into them; but I do wish that our judges would so demean themselves as to be not only blameless, but unsuspected. And I wish also, sir, that when reflections are cast, here or elsewhere, gentlemen would prefer some definite charge, or state some fact, to enable us to decide fairly whether or not blame can attach to the bench. With reference to the representations, said to have been made with a view to a new appointment, I know nothing of them; constitutionally I can know nothing. As a member of opposition, I am to judge the government by its *acts*, and have nothing to do with its *intentions*. But this I may say, that after the discussions which took place here last ses-

sion, after the confirmation, by the constituencies, of the charges preferred (for our opponents had the imprudence to mix the judges up with their canvass), those who are called upon to fill up that vacancy, should — taking an enlightened view, not so much of the claims of parties as of the state of the bench, and the feelings of the country — exercise a sound discretion, that the bench may be strengthened in the affections and respect of the country. Touching the principles which will ever govern my conduct in reference to judicial appointments, I may be pardoned for saying a few words. Once in a while, an able man, of standing and experience, may be found isolated, by circumstances, from politics; such an one is, perhaps, upon the roll, but the phenomenon is rare. In general, if we want the best talent of the profession, our judges must be selected from the foremost ranks of our politicians; and as parties fluctuate, political impressions will come to neutralize each other, as in England. Now, whether political friends or foes are elevated to the bench, this should be the rule, — however distasteful their appointments, and however they may be vehemently opposed, when once gentlemen are appointed, political animosities should be buried, and only revived, if the individuals, after their elevation, forget the dignity of their stations. The Attorney General thought proper to ridicule the references made by my learned friend from Cape Breton, to the post office, railroads, commerce, and colonization. I knew my learned friend would catch it, for I saw the Attorney General's eye glancing at him as he spoke, with expressive intimation of the coming storm. What, we are asked, have all these great subjects to do with the government of Nova Scotia? Will the new administration carry great measures affecting the whole empire? We have the deepest interest in all these great questions; the honor, the prosperity, and elevation of our country, are involved in them all; a sound principle, propounded here, may be adopted and acted upon by North America; and plans of improvement, suggested in other Colonies, will require to be met in an enlightened and liberal spirit. Is it not, then, of the utmost importance, whilst such questions are to be dealt with, that His Excellency should be surrounded by a complete and vigorous administration? My learned friend may be enthusiastic upon some of those topics, but he is often in advance of us; and though I have sometimes lagged behind, as I and others did, when years ago, he boldly propounded our right to control the Strait of Canso, I have learnt to respect, rather than smile at a zeal, which is often based on statesman-like conceptions.

But did not the Attorney General, when he went to Canada as a commissioner, representing the minority in this Assembly, feel that he was



in a false position? And has he forgotten the time when the pence of this continent was endangered, and when, his administration being in a minority, Sir Colin Campbell could not, without the aid of the opposition, buy a musket or a barrel of powder? Sir, these principles are of wider application than to the mere internal administration of each Colony. That the empire may be strong, the Queen's government should be strong in the affections of all her people; and ready, in each Province, to lead public opinion and carry out imperial policy. I might say, in answer to the Attorney General's taunt, that if we do not construct the railway, we will not write dispatches about it, reflecting on the head of this House, and then bring them down to be read under the Speaker's nose.

The Attorney General quotes the Whig precedent of 1811 to justify his retention of office; but what justification does that furnish? Lord John Russell, if my memory serves, held on for five days after the return of the writs; Mr. Johnston for five months! Could there have been a stronger illustration of his folly than the fact, which has come out of these discussions, that instead of advising the Lieutenant Governor to fill the vacancy on the bench, he has commenced some clumsy correspondence with the Colonial office? But we are told that we have only a majority of seven. Well, that is better than a majority of one. Do gentlemen opposite doubt their entire defeat? They laughed at us when we assumed, in our letter to Sir John Harvey, that the liberals owned two-thirds of the property and embraced two-thirds of the population of Nova Scotia. That statement was denied. But look to the returns: twelve counties sustain the liberals; the Tories have but five; and although they may have won several of the townships by small majorities, the analysis which I hold in my hand proves the accuracy of the statement made to Sir John Harvey in 1846. The Attorney General says his majority increased from 1843 to 1847. If it did, all the patronage of the government was in his hands for four years, to strengthen himself; but where is his majority now? Where are the prominent and more violent men of his party? Scattered to the winds, while the opposition have come back, strengthened in talent as in numbers.

The Attorney General says that the coalition Council was sometimes reduced to seven. I am not aware that the number ever fell below eight. But look at the spectacle which the fragment sometimes presented. Mr. Robie in the States; Mr. Wilkins at Windsor; Mr. Dodd fishing in the Margaree river. [Here Mr. Howe threw in a droll parenthesis, comparing the crown officers to two salmon, securely hooked, but floundering, jumping, and flapping their tails, without a possibility of escape.] Sir Rupert, particularly about election times, sailing down the

coast in his boat and the whole government of the country centered in the hands of the Attorney General, and his relative, Mr. Almon. Was that such an administration as could be considered fair to the Governor, or to the country? Mr. Howe here defended the coalition which passed the Halifax Incorporation Act, and more measures, in a single session, than the last administration did in four. He also remarked, on the boast that the school money had been increased, that the machinery of the act was so imperfect, that some excellent schools had been destroyed, and the people had not contributed in proportion to the advances from the treasury. But, says the Attorney General, it would have been a violation of principle, if I had assumed that a majority was against us — that we would be defeated. Oh, sir, the Attorney General has a short memory. Did he not assume that Lord Falkland's government would be defeated, in 1813, months before the House met, and dissolve it on a groundless assumption? Did not Lord Falkland assume that Mr. Johnston had a majority when he appointed Mr. Almon? Every thing and any thing could be assumed in 1813, but nothing in 1817.

On entering the government, it was discovered by the liberals, that though Sir Rupert D. George had resigned his seat in the Executive Council, he had not resigned the office of Provincial secretary; which, pleading his patent, or some pledge from the Governor, he insisted on his right to retain. The new cabinet met this attempt at unconstitutional obstruction with firmness. They declared the office vacant, by resolution, and voted a pension to Sir Rupert at the same time. Mr. Howe was appointed to succeed him. Mr. Uniacke took the office of Attorney General. The Solicitor Generalship was conferred on Mr. DesBarres. Legislation was required before the departmental system could be arranged, and the financial offices disposed of. But power had effectually changed hands. The liberals, for the first time in our Provincial history, surrounded the Lieutenant Governor, and had free access to the Colonial office. For the first time in his public career, Mr. Howe found himself at the head of a department which gave free scope to his talents for administration.

The members of the Cabinet, who had accepted offices of emolument, were triumphantly returned. Mr. McNab was elevated to the Legislative Council, to make a vacancy, and Mr. Uniacke and Mr. Howe were elected by the metropolitan city

and county; the former beating his opponent by three hundred and eighty-five votes, and the latter winning by eight hundred and thirty two.

About this same time Lord Falkland was rewarded for his misgovernment of Nova Scotia, by his appointment to the presidency of Bombay; and Messrs. Baldwin and Lafontaine, who had been excluded from office by Lord Metcalfe's *coup d'état*, were carried triumphantly into the Council of Lord Elgin almost by acclamation.

Responsible government was now secured to British America. Principles and rules of administration, defined and illustrated by the conflicts of the past four years, were clearly apprehended, and could be misstated and mystified no longer. The right of any party commanding a parliamentary majority to form a Cabinet, and administer public affairs; the right of ministers to be consulted, to resign when they were not, and to go into opposition without injury to the prerogative; in fact, nearly all the points upon which there had been so much controversy, were now settled and disposed of; and we think we are safe in saying, that there are not ten persons left in North America, who can now read Lord Falkland's extraordinary state papers without a smile of derision.

The Departmental Bill was introduced by the new Cabinet, about the end of March. It gave rise to much debate and obstruction, but was finally carried through both Houses. The Colonial office was then appealed to, and the Imperial Parliament importuned, that the Queen's assent might be withheld; and the Provincial government were involved for more than a year in correspondence about a measure, which the Colonial Secretary finally decided was lying clearly within the purview of the Provincial Parliament.

The session closed on the 11th of April. Though having no time to prepare measures until the House met and the old administration was overturned, and although the chief departmental officers were excluded from Parliament during half the session, the new administration signalized their accession to power by the passage of several measures of great value; and, speaking of them at this point of time, we may add, of proved

utility. Besides the Departmental Bill, already referred to, there was an act to commute the crown revenues and provide for a civil list, prepared by Mr. Huntington, and which Sir John Harvey characterized as, "as honorable to the Legislature as he trusted it would be satisfactory to Her Majesty's government." This bill finally disposed of a class of vexatious and debatable questions, involving personal interests and vested rights, which had disturbed our Legislature for ten years. Her Majesty's assent was not obtained to it, however, without a hard battle. No sooner had it passed the two branches, than the judges and other officers interested memorialized the imperial government against its confirmation. Some of those memorials were drawn with great skill, and in language of indignant remonstrance or ironical severity. In some of them the Lieutenant Governor was not spared. It became Mr. Howe's highest duty, not only to his party, but to the Governor, that this measure and the Departmental Bill should be successfully vindicated in England. The correspondence with the Colonial Secretary during his first year of office was voluminous. The admirable spirit and ability with which it was conducted may be gathered from the dispatches and minutes of council, which were, from time to time, laid before the House.

The bill for constructing an electric telegraph from Halifax to the northern frontier of Nova Scotia, also brought down by the administration, was eminently successful. Under it, the first telegraph line erected in Nova Scotia was built by the government at an expense of about £4000. Contrary to the general belief it was immediately successful, and paid five per cent on the outlay the first year that it went into operation. Encouraged by the success of this experiment, a company was soon after formed, which bought the main line from the government, and have engrafted on it branch lines which connect the capital of Nova Scotia with almost every seaport in the Province; the whole Provincial system working in harmony with all the lines which operate over this continent.

Towards the close of the session a dispatch was received by Sir John Harvey, in which Earl Grey thus sanctioned the steps which His Excellency had taken. "I have to convey to you

my entire approbation of the measures which you have pursued with reference to the reconstruction of your Executive Council." "You will express to your present Executive Council the satisfaction with which I have read their minute of 8th of February, 1848, in which they express their intention to resist with firmness the introduction of the mischievous policy of sweeping changes of subordinate functionaries. I trust that the system of responsible government, the principles of which they so justly appreciate and apply, may now be regarded as established in Nova Scotia in a manner calculated to make it work for the good advantage of the inhabitants of the Province."

The close of this session was marked by an incident highly honorable to the Legislature, and which shows how, in Nova Scotia, mere party feelings are buried when the respect due to the sovereign — the honor or the interests of the empire — are concerned. This was the period when Louis Philippe had fled; when the republicans were in possession of Paris; and when every mail brought accounts of some fresh revolution or *emeute* in every part of continental Europe. We copy the report from the newspapers: —

On the day the last mail arrived, Mr. Howe, the Provincial secretary, rose in his place, and, by command of His Excellency Sir John Harvey, laid on the table of the House a dispatch from the Right Honorable Earl Grey announcing the birth of a Princess Royal. In moving for the usual committee to prepare an address of congratulation, Mr. Howe observed, that the same mail which brought this dispatch also brought accounts that almost every throne in Europe was shaken, and almost every crown in danger; while the subjects of despotic sovereigns were seeking constitutions at the point of the bayonet and amidst scenes of carnage and civil war, our gracious Queen, secure in the attachment of her subjects, had passed through no peril but that which was incident to the condition of woman, and which was hallowed by the maternal affections. On us she had freely bestowed a Constitution, which left us nothing to fear and nothing to demand; and he believed that in no portion of her widely extended dominions would an event which thrilled with pleasure the royal bosom, and had a tendency to give stability to the throne, be hailed with more genuine satisfaction than

in Nova Scotia. Mr. Johnston, the leader of the opposition, at once rose, and expressed his high approval of the sentiments so eloquently delivered by the Provincial secretary. The contrast was indeed striking, and highly gratifying to every British subject. He gave his support to the address, and it passed by acclamation.

The session had scarcely closed, when the opposition newspapers attacked Sir John Harvey with great injustice and severity. He was ably defended, on this and on other occasions, by a writer under the signature of "Sydney," who in firm but temperate language met every charge against Sir John with a triumphant vindication.

To show the influence exercised by the politics of Nova Scotia, at this period, upon all the maritime Provinces, we copy an address, forwarded in the spring of this year, to the Speaker of our Assembly:—

*To the Honorable William Young, Speaker of the Assembly of Nova Scotia:*

We, the inhabitants of the district of St. John's, met for the purpose of petitioning the Queen and both Houses of Parliament for a constitutional form of government, could not separate without congratulating the people of Nova Scotia on the enjoyment of the object for which, we, stimulated by their noble example, now ardently desire and diligently seek.

We select you, sir, the first commoner of Nova Scotia, and the Speaker of the first reformed Assembly of your Province, as the medium for the conveyance of our felicitations to your most excellent countrymen.

We are charmed by the moderate and practical manner in which party government has illustrated itself in Nova Scotia.

You have effectuated modern reform; and in doing so, you have given a fair consideration to the claims of those whose vested rights were interfered with.

You have created a departmental government, combining in your system the wholesome influence of change necessary in the higher offices, with the continuity of service desirable in the subordinate situations,—thereby refuting in practice the ingenious sophistries urged against your party, when they advocated the theory of executive responsibility.

You, and your party, have done more, sir; you have bound Nova

Scotia and its people to the parent country by an indissoluble tie — the tie of common rights and common interests.

Accept then, sir, for the people of Nova Scotia, of whose rights and interests you are the constitutional representative, our hearty congratulations.

Newfoundland has since obtained responsible government; but, at this period, she was enduring the throes and agony of parturition, and might well view with hope and satisfaction the safe delivery of her sister Province.

In the autumn of this year a voluminous and able report was transmitted by Sir John Harvey to the Colonial Secretary, in which the prominent features and main resources of the Province were grouped and described. This report was much wanted. The information it contained has been freely used in the mother country and elsewhere, and has had a tendency to correct erroneous impressions abroad.

On the 20th of November, a new commission of the peace was issued, which gave rise to much discussion for some years after.

In December, the Colonies met with a heavy loss by the death of Charles Buller. Buller and Howe never met, but they had long corresponded, and entertained for each other mutual confidence and personal esteem. The following graceful tribute to the memory of the dead was written by Mr. Howe at the time, and we have heard him express the emotion he felt, while wandering through Westminster Abbey some years later, at coming suddenly upon a beautiful bust of his departed friend: —

If the question had been asked a month ago, of the North American Colonies, what English statesman they could least afford to spare, the almost unanimous answer of the best informed men in the five Provinces, would have been — Charles Buller. The last steamer brings the melancholy tidings of his death, and the sincere sorrow on this side of the Atlantic is as general as was the estimation in which the deceased was held.

There is something singularly sad in the death of such a man as Buller, at the early age of forty-one, — in the very flower of his days, — after the difficulties of early life had been surmounted, and an honorable position had been attained, from which, with practiced and scarcely ad-

venturous wing, the highest elevations of Imperial public life were fairly within his reach.

There is something, too, depressing in the reflection, that another has been added to the list of able and distinguished advocates of Colonial regeneration, who have passed from the stage of usefulness to the tomb, within a very few years.

Lord Durham, Lord Sydenham, Sir Charles Bagot, Charles Buller ! With these men alive, and holding high stations in England, North America would have had her advocates and friends — familiar with her wants and hopeful of her destinies — to appeal to, and to defend her interests, on all occasions. The grave has closed over them all, and we are scarcely consoled for their loss by the conviction that their works live after them, and that the rights they advocated can never perish.

In the gradual evolution of general principles, and in their practical application to the business of Colonial government within the last ten years, Charles Buller, though inferior in rank and station to some of his fellow-laborers, exercised a vast and most beneficial influence. As secretary to Lord Durham, his talents contributed to the brilliant success which attended His Lordship's mission. When that great man was prematurely stricken down, Charles Buller, in Parliament and in the press, defended his memory and reasserted his principles. Out of office, he checked and restrained the party by whom Lord Durham was feared ; in office, he gave to the present ministry his counsel and his aid in perfecting that nobleman's Colonial policy.

Contrasted with some others who take an interest in Colonial questions, there was something safe, practical, and conciliatory, in Buller's advocacy of North American interests. Unlike Hume, he never frightened or misled by counselling extreme measures ; and instead of traversing boundless fields, and generalizing like Molesworth, he stuck to the matter in hand, and raised no difficulties, the facile removal of which was not proved to be as compatible with the dignity of the parent State, as with the security of the distant Provinces of the empire.

It was for this quality of his mind that we chiefly admired Buller. He never did violence to the antique prejudices of Parliament, or feared to give honest counsel, when they seemed to require it, to the Colonists themselves. There may be rising men in both Houses, of whom we know little ; but of those we do know, there is not one, in the peculiar walks he chose, who can fill Charles Buller's place.

In 1849 the Legislature met on the 18th of January. The opening passage of the Governor's speech contained a reference



to the prerogative, in a different spirit from those which we were accustomed to have under the last administration: —

During the year which has just closed, we have witnessed in foreign countries a succession of startling events, the downfall of ancient dynasties, the violent disruption of the relations of established society, and sanguinary civil conflicts; and have learned by contrast to prize more highly the blessings of rational liberty, union, peace, and industrial development, secured to the empire, of which Nova Scotia forms a part, by the mild sway of a sovereign whose prerogatives, in their exercise, express the national will, and derive their strength from the people's affections.

It is apparent from the whole speech that the government had been, throughout the year, actively engaged in the duties of administration. Major Robinson's survey of the inter-colonial railway having been completed, was submitted, with dispatches in which the views of Her Majesty's ministers, and of the governments of Canada and New Brunswick, in relation to that work, were fully explained.

The country between Halifax and Windsor had been explored by Wightman and Chesbrough, and their surveys and estimates were submitted.

A delegation had been sent into Canada and New Brunswick, to arrange with the governments of those Provinces the establishment throughout British North America of a uniform rate of postage, and of intercolonial trade. Their reports were laid before the two Houses.

Authority having been obtained from the Imperial government, the crown land departments had been consolidated on the basis of Mr. Howe's bill of the previous year. Some amendments were moved to the address, but were negatived, twenty to eleven, the House not being full.

On the 23d of January the dispatches and papers connected with the departmental bill were sent down. These were Sir John Harvey's explanatory dispatch on transmitting the bill, Mr. Fairbanks's remonstrance against its passage, and a protest forwarded by a minority in the Legislative Council. These papers had drawn from Earl Grey an expression of opinion

favorable to the measure generally, but evidently framed to secure for the gentleman about to be removed a degree of consideration to which the majority of the House did not think him entitled. Her Majesty's assent to the bill was withheld, and an intimation was conveyed that some other office, or a pension, must be given to the Receiver General.

This dispatch drew from the Provincial Cabinet a minute of council so argumentative, so condensed, and so spirited in tone, that it is impossible to mistake its paternity. As it settled this, and all other questions of a similar nature, it is worth preserving.

**MAY IT PLEASE YOUR EXCELLENCY:—**

1. The unexpected rejection by the Colonial Secretary of the departmental bill, places us in a position of so much embarrassment, and leads us to anticipate so many serious difficulties, in discharging with satisfaction to Your Excellency and credit to ourselves, the functions we have assumed, that we regard it as our first duty to remind Your Excellency of the terms upon which we accepted office, and of the obligations which we conceive ourselves to be under to the majority in the Legislature, whose confidence we enjoy.

2. The inherent vice of the old Colonial governments was the absence of adequate control, by the majority of the constituency, over the departments by which the whole Executive machinery was moved. A minority sustained by the Imperial authorities ruled each Province, often in spite of vainly struggling and discontented majorities; still more frequently without the harmonious mutual coöperation, wanting which there can neither be vigor in the government, nor widely diffused contentment among the body of the people. Lord Durham's report exposed this fatal defect in our old modes of administration; and, from the period of its publication, whatever crude opinions might have been previously entertained, opposing parties rallied to secure or to resist the introduction of improvements by which the anomalies of the old system would be swept away; and self-government, by the constitutional modes recognized by all parties in England, would be established in their stead.

3. For ten years the people of Nova Scotia, variously tried, and often disappointed, have labored to place the executive departments of their country in the hands of those who, from time to time, possessed, in their judgment, the requisite qualifications to successfully conduct the administration of public affairs. Their right to exercise these powers, clearly

indicated in Lord Durham's report, was expanded in Lord John Russell's dispatch of October, 1839; since the publication of which, in these Provinces, the fair claims of officers appointed previous to its promulgation have formed the only acknowledged barrier to the full enjoyment of the high privileges, which formally conceded by that dispatch, could never afterwards, but for some gross forfeiture of confidence or allegiance, be constitutionally withdrawn.

4. The rights of every officer appointed previous to that period, have been honorably respected; but no officer appointed since, except to judicial situations, has been regarded as holding his place by any other tenure than that proclaimed in the dispatch; and any attempt, by a Nova Scotian, for his own personal advantage, to narrow the common rights of his countrymen, and to withdraw any of these offices from the constitutional control of the Assembly, has been warmly disapproved; and the attempt itself regarded as establishing any thing but a claim to reimbursement out of the public funds. In this position Mr. Fairbanks deliberately placed himself, in 1845, and after years spent as a public man in vain resistance to the introduction of the new system as a whole, he set the example of showing how easily it might be violated, by any party, having a temporary ascendancy, giving pledges to those they appointed to office that the tenure should be for life.

5. If the office of treasurer can be withdrawn, what security have the people for permanent control over any other? Should Mr. Fairbanks succeed and reap the reward of an attempt upon our Constitution, which his countrymen deeply resent, others may find it convenient to imitate his example, and there may not be wanting, in the fluctuations and changes of parties, persons high in authority to aid them.

6. Giving to Earl Grey's comparison of the duties of Colonial treasurer with those discharged by the Controllers of the Exchequer in England, all the weight to which any suggestion from his Lordship is so eminently entitled, we cannot but regard it as unfortunate that the analogy was not perceived in 1840, and that the Receiver General in Canada, whose duties are precisely the same as those discharged by Mr. Fairbanks, has been ever since, and is now, a responsible head of the department: liable therefore to removal with every change of administration.

7. Having thus explained with clearness and precision the general views entertained upon this subject, we now proceed to consider its bearing upon our own positions, claims, and obligations. When Mr. Uniacke was called upon by Your Excellency to aid in forming an administration which would be supported by a majority in the Legislature, he expressly stipulated for the vacation of the two crown offices, the secretaryship,

the treasury, revenue, and land departments, and the office of Queen's printer, in all but seven, but all alike essential to the framework of that new system of Executive responsibility which we have been authorized to introduce. Yielding to Your Excellency's desire, an administration was finally arranged, including but three of these offices, it being perfectly understood that the others were to be assumed by persons enjoying the confidence of a majority of the Assembly, so soon as measures necessary to secure consolidation and accountability could be carried through the two Houses. As these were matters purely of internal regulation, touching our own officers, and our own funds, we could not conceive, with the examples of Canada under four Governors General before us, and with Lord Durham's report and the dispatches of Lord John Russell and Earl Grey in our hands, that we were to be further embarrassed with the vested rights of individuals, whose only claim to consideration arose out of opposition to the views of those distinguished statesmen, and to the very system we assumed office to establish.

8. So little did we apprehend difficulty in adjusting these details, so perfect was the mutual understanding in reference to them, that no secret was made of the policy to be pursued, and a suspending clause was only attached to the Departmental Bill, at Your Excellency's request, on its final reading in the upper House. In the full assurance only of the entire command of the departments deemed essential, could we have made the declaration, or justified it when made, that we should resist any desire for "sweeping changes of subordinate functionaries." Your Excellency knows with how little satisfaction that declaration was received by many who were accustomed to see all the higher offices in the government, and the household, change occupants on a change of administration in England; and who, in the neighboring republic, observe thousands retiring into private life, unpensioned and unheeded, every four years.

9. We may overestimate the moderation displayed by a party having established a complete political ascendancy, after a contest of ten years, but if Earl Grey was aware of the sacrifices we have made to guard from inconveniencies and loss all whose removal was not indispensable to the security of the administration and the efficiency of the public service, he would scarcely desire that, after thus resisting the pressure of our friends, for the protection of our opponents, we should be left for the remainder of the year with no effectual control over the land, finance, and revenue departments, wanting which, by any party, there can be no efficient or satisfactory administration of affairs.

10. His Lordship will scarcely believe that when, in conformity with law and the practice of the mother country, members of the govern-

ment who had accepted office, ascended the hustings in March last, they had to encounter the active or concealed hostility of many persons holding official employments, and that at least one head of a department actually voted against the return of the Attorney General and Provincial secretary. This sort of internal conflict Earl Grey will at once perceive is incompatible with the improved principles of Colonial government, and must render any administration that permits it very weak and inefficient. His Lordship will find in the blue book the names of one hundred and sixty officers employed in the civil service of this Province. After conducting the administration for months, but four removals have been pressed, but two or three others are required. We have asked for no office that is not, or has not been made, by the peculiar circumstances which have arisen here, political. We desire nothing that we are not prepared to surrender to our opponents, whenever we cease to enjoy the confidence of Your Excellency and the support of Parliament.

11. The best proofs that we have limited our claims to the smallest number of officers, by the aid of which it could ever have been supposed that responsible government could be carried on, are to be found in the facts that at this moment the secretary is the only officer friendly to the administration in the Province building, within which the chief business of the country is daily transacted; and that that officer, rather than displace gentlemen having families to support, has retained in his own department, where the strictest confidence would seem to be essential, all the persons he found there, in the hope that they may be provided for before Your Excellency is asked to sanction other appointments.

12. This state of things cannot continue. We do not believe that Earl Grey, who, with these explanations will clearly comprehend it, will for a moment desire that it should. If such should be his determination, if no civil list bill be acceptable, but one which no party in the Colony can carry; if the land bill is to be again deferred, and the organization of our revenue and financial departments, and the inspection of our accounts, to be postponed till pensions are provided, which the Legislature dare not vote, we do not disguise from Your Excellency that we see before Nova Scotia all the perplexities and difficulties of the past, aggravated by intense disappointment.

13. Knowing the activity which those who have ever resisted the introduction of Constitutional government into this Province have displayed, to create erroneous impressions at the Colonial office, and by no means undervaluing their resources or the skill of the agents they employ, our first and obvious duty to His Lordship, the Secretary of State, to Your Excellency, and to the Legislature, is to vindicate, as we trust

we have done in the minutes to be transmitted by this mail, the moderation of our views and the general policy and justice of the measures passed in the recent session.

Should Earl Grey desire further information, we are content that one or two members of Council should proceed to England to furnish His Lordship with any explanations that may be required, and to adjust details which cannot perhaps be so easily arranged by correspondence. It is our duty to make every rational effort to bring into practical operation the views which, we believe, on both sides of the Atlantic, are entertained in sincerity and good faith; to do this we will make any sacrifice, and exhaust every honorable resource. Having done so, if the country is thrown again into confusion, or left with an administration powerless for good, the fault will not be ours.

(Signed)

JAMES B. UNIACKE,

HUGH BELL,

GEORGE R. YOUNG,

MICHAEL TOBIN,

JAMES McNAB,

JOSEPH HOWE.

Mr. Huntington and Mr. Desbarres were absent. Mr. Doyle was sick. Halifax, July 21, 1848.

Lord Grey, on receipt of this remonstrance, waived his own opinions; and informed Sir John Harvey that if the Legislature adhered to its decision, after the whole subject had been reviewed, he would advise the Queen to give her sanction to the bill. An address to the crown was passed during this session, and Her Majesty's assent was signified in the course of the spring.

The civil list was another vexed question. In transmitting the bill, passed at the last session, a dispatch was forwarded with it, which conveyed to the Colonial Secretary, for the first time, the real sentiments of this country.\*

Voluminous protests against the bill were forwarded with this dispatch, and encumber the journals. They were answered by a minute of Council, also transmitted. The result of the thorough sifting, which the whole subject received, was the final settlement, with some modifications of the bill, suggested by the Colonial Secretary, of questions which had been variously agitated for fifteen years. There were sharp debates on these

\* See Appendix.

measures, in which Mr. Howe had his share; but the topics were hackneyed, and his views are expressed with more precision in the document to which we have referred than in any speeches which we find among the reports.

The new commission of the peace formed a fruitful subject of complaint to the opposition during this session. It was defended by Mr. Howe in one of the most able, varied, and humorous speeches that we ever heard him deliver. It was justified by the House, which, on motion of Mr. Henry, passed the following resolutions:—

*Whereas*, it has been the practice from time to time in this Province to issue general commissions of the peace, affording to the executive government an opportunity of correcting the defects arising from age, incapacity, and other causes, and of renovating the list of magistrates in the several counties, in the least offensive and most convenient mode;

*And whereas*, a new commission of the peace was issued accordingly in the month of November, 1848;

*And whereas*, in twelve out of the seventeen counties in the Province, only a small number of the justices then surviving were omitted;

*And whereas*, in the other five counties more extensive changes had become absolutely necessary, from the undue preponderance that had been given to one party, which created amongst the people feelings of irritation and discontent:

*Resolved*, That the issue of such new commission, in November last, had become indispensable for the public welfare, and for restoring confidence in the administration of the local affairs of the several counties, and was, in the opinion of this House, a wise and beneficial measure, expected by, and satisfactory to, the people of Nova Scotia.

We have not been able to put our hand upon any satisfactory report of the speech on the new commission. The only other delivered by Mr. Howe during this session worth preserving, is one on the general subject of education, which we give below:—

Mr. Chairman,—Having no desire to mingle in the acrimonious and somewhat irregular discussion which for the last four days has occupied the attention of the committee, I have not interfered; but, feeling a deep interest in the important subject of education, I must now

perform the duty which I owe to the House, to my constituents, and to the country, by the free and unreserved expression of my sentiments. The subject we are called to consider, not in the single aspect in which it has been presented, but in its more enlarged and comprehensive sense, involves the highest interests of this people, and offers the noblest theme for the orator and statesman. What is it, sir? **THE EDUCATION OF OUR YOUTH**—of those who are to be the comfort and the solace of our declining years; of those who are to be the owners of the Province when we pass away, and the parents and examplers of the more numerous race by which they in turn will be succeeded. In what spirit should a subject of this magnitude and importance be approached? The defence of our country unites us as a band of brothers. When railroads are to be constructed, and our intercolonial interests advanced, the voice of faction is hushed, and there is the union which presages, as it is best calculated to insure, success. The erection of lighthouses around our coast is regarded as a work of general policy and benevolence, in the consideration of which we rarely disagree; and how honorable was that harmony displayed a few days ago, when, by unanimous vote, we resolved to consolidate our laws. Happy is the country where such exhibitions are frequent, and where the occasions for them are diligently sought by all. Shall not this great subject of education then unite us? Is it wise to approach it in a mode which cannot fail to arouse the passions without leading to any satisfactory result?

Our population now is estimated at three hundred thousand. In forty years our country will contain a million of people. Our children now are sixty thousand. In 1869 they will be one hundred and twenty thousand; before the close of the century two hundred thousand. Let us contemplate this numerous race, for whom we are required to legislate, trained, intelligent, erect, self-confident; multiplying by science the productions of the earth; indefinitely extending their strength by making the water power of our streams do the work of many millions; traversing the continent by railroads, the surrounding seas by steam; transmitting their thoughts over a continent by electric wires; condensing their physical strength on assailable points, for national defence, and diffusing intellectual life and energy over a progressive and happy country. Let us reverse the picture, and see them prone to hatred and civil strife, choosing education and other kindred topics, not as common ground, on which, as at ancient festivals, deadly weapons are laid aside; but selected with the same feelings as the scenes of those treacherous conferences of the Fronde, to which men went armed, the object being to stab a rival, not to secure the tranquillity of the state. A population



so taught, so divided, must be ignorant and weak, a mockery to their neighbors, and must ultimately be crushed by the iron heel of the spoiler, issuing from some of those powerful combinations which even now overshadow our borders. This Legislature must decide what that future race shall be. To a large extent their prosperity will be influenced by our measures; they will be inspired or cursed by our example. The time is coming, sir, or I am much mistaken, when this subject will be approached in a fairer and calmer spirit. I had hoped that that time had arrived. We have been told, sir, that education is henceforward to be the battle-ground of party, and that public men are to rise or fall, to be elevated or overthrown, upon this field, which should be dedicated to peace and generous exertion. By God's blessing, this shall never be. But, sir, the time shall come when, if education is but mentioned here, faction shall be hushed, personal rivalries forgotten, and ambition shall plume her wing for noble flights above the mire and strife of party. This, it may be said, is strange language to fall from my lips. Perhaps so. My own example may be quoted to condemn my precept, by those who mistook for work of choice the dire necessities of my public position.

In this matter, as in many others, my principles and views may have been misunderstood. Struggling for a Constitution for our country; for the defences and securities of freedom, without which education, property, and even life itself, are of little value; engrossed by one object, and keeping it steadily in view, turning my face to the enemy wherever he appeared, it was not possible for me always to choose my weapons or my ground. Like the soldier combatting in hot blood, when the bitter waters of the soul were stirred to their very fountain, I may have besieged the temples from which the enemy fired, and smote them between the horns of the altar. But, now that the strife is over (and that it is the bills upon the table prove\*), I would be the first to repair the walls, to wash the stains of conflict from the pavement; and, if I dare not repent of what the cause in which I was engaged forbids me to regard as sacrilege, my heart may yet exult when the solemn strains of harmony rise again above the din of battle.

This question, above all others, preëminently demands the consideration, and the united action of the government. The time is not far distant when it will be so regarded, and the measures requisite so matured. But, unfortunately, at the present moment it cannot be wisely dealt with by any party or set of men that can aspire to conduct an administra-

\* The Civil List and Departmental Bills.

tion. The passions, the prejudices of the past, have not yet subsided, and union of sentiment, in a population so diversified as ours by contrariety of religious opinion, is not easy of attainment. I look along the ranks of the opposition; on political questions sufficiently united, on this they are a rope of sand; and, judging from the opinions expressed by my own political associates in this debate, they are, even on the collegiate branch of the subject, which is *not* the most important, divided into three sections. My honorable friend from Yarmouth, and some others, are for no college at all; the Speaker and his followers are for a college in Halifax, at some *indefinite* time after the others are destroyed; while my learned friend from Pictou, is for a college *anywhere*, but without the slightest indication of when it is to be founded, or where it is to be. With such a diversity of sentiment prevailing in the province, the Lieutenant Governor thus wisely called our attention to the subject of education in his opening speech:—

“The acts which provide for the support of education, and for the encouragement of agriculture, will shortly expire; and I shall be gratified if, in the renewed consideration of these very prominent interests, the experience of the past conducts you to harmonious and successful legislation.”

It is in this spirit, Mr. Chairman, that I approach the question. Instructed by the experience of the past, and convinced that if, by mutual concessions, harmony can be secured, our labors may be successful. The bill before the House is no novelty to me. I have voted for it two or three times, and shall now. It was originally introduced by my honorable friend, the late member for Londonderry, in 1843, as a part of the general subject then under our discussion. In 1845, when my honorable friend for Yarmouth, again asked leave to introduce it, I voted with him. On neither of those occasions did I regard it more highly than I do now; as a detail of a general question, a fragment of a great subject, a limb of the tree which we were to prune and water, but not the tree itself. My objections, then, have been not to the bill, but to the mode in which we have been irregularly, and as I conceive most unwisely, dragged into an educational discussion, by which, at last, but one question can be decided, and that in a mode unnecessarily invidious and ungracious. The learned introducer of this bill, had he done me the honor to consult me on the subject, would but have evinced the confidence displayed towards himself and others, upon most important occasions. Had he paused to reflect that this topic might have been discussed and disposed of, with some regard to the position of the honorable and learned leader of the government, and to the sentiments he was known to entertain, he

might have felt that there were reasons for going into the committee of the whole, which could be more easily imagined than explained. But, whatever the motive which denied the ordinary courtesy, and to our friends the advantage of the usual consultation, for myself I make no complaint. I am ready to meet the question now, or at any time; and as to my learned friend and colleague, whether the bill was designed, as it is calculated, to place him in a false position, I rejoice that he has manfully defended his favorite institution, and though divided from his political supporters, has thrown, by his felicitous eloquence and graceful independence, a charm over even an untenable position.

When, on a former day, I moved to go into committee of the whole on the general state of the Province, to consider the subject of education, I did so, because to debate that subject on this bill would be a needless waste of time. Was I right? Four days have been spent, a single point is not yet settled, and the general subject scarcely approached. I feared that by an attack on a single institution, we should have acrimonious debates, and personal disputes, that might have been avoided by a general discussion. We have had them. I saw that, while every thing would be discussed, but one point, in the end, would be decided, and that we should have at last to go into committee of the whole, and go over the same ground again. Besides, this bill, when it passes here, may be perilled elsewhere. It would have been in less danger, emanating as part of a general measure from committee of the whole, and going elsewhere sanctioned by a large majority. Suppose it is carried here, we must wait its fortunes, or go on in doubt, discussing the general subject; suppose it lost, we must commence anew, with all the passions roused by an invidious and fruitless discussion.

I have been amused by the reasons given by learned and honorable friends for adhering to a course fraught with so little wisdom. "We wish to clear a foundation." For what? Have they told us? Do they know? Who clears a foundation till he is ready to build—till he has the estimate and the design? Who removes a pig sty till he knows for what he wants the ground? A Jewish synagogue may be an offence to the Cristian faith. But if a party intended to destroy it, one section desiring to build a Turkish mosque; another a Chinese pagoda, and a third an English church, the Jews would be entitled to our pity, and the position of the Christians would not be much improved. The Bastile was a nuisance, yet anarchy followed its destruction, because those who razed it wanted the prudence, the cohesion, and the unity of design to put any thing valuable in its place. The guillotine rose upon its ruins first, and an Imperial despotism soon after.

To clear foundations without being ready to build ; to dismantle till I am prepared to make use of the materials, is not my mode of proceeding, and never was. When I voted, in 1843, for this bill, and for withdrawing all the collegiate grants, I had Mr. Annand's resolutions in my hand, embodying a consistent scheme of education, the very foundation of which was a general university, to be endowed out of the money saved, and situated in the capital of the Province. And if I vote now for this bill, it is because I am prepared to build as well as to destroy — to secure equality first, and then, with due regard to existing interests and institutions, to lay the foundation of a free college, independent of sectarian influence and control. It is possible that, amidst the conflicting opinions and adverse views of friends and foes, I may stand alone. I have often done so, and may again, confiding in the strength of my position, and in the generous purposes to which I minister. Happy shall I be, if resembling the pile that stands in loneliness amidst the billows. Though the lights that flash around it reveal the deadly strife of war, its steady beam, cheering while it warns, invites the combatants at last to a haven of security and peace.

Let me invoke gentlemen on all sides to turn to this question without reference to personal rivalries or party triumphs. Suppose this bill before us burnt, and all that has been said upon it forgotten, the ability and the worth of my young friend from Sydney would still be as sincerely prized. It surely cannot be necessary to add weight to the character of my honorable friend from Yarmouth, that he should win a personal triumph on a point of form. I listened on a former evening with much pleasure to the Speaker's narrative of the early history of King's college, but I ask him of what avails ingenious arguments here, if they end but in the destruction of existing institutions, without the creation of any other? And whether he thinks we shall not deal more wisely with the subject of education, by mutual compromise and coöperation, than by splitting the house in halves, and driving some of the ablest men in it into determined opposition? We want the learned Attorney General and the learned member from Annapolis, when we come to consolidate our laws. Do we not want them now? Is there no common ground? I think there is; and to both these gentlemen I would say, that they must be prepared to give up something before it can be wisely occupied. I take the broad subject of education. We all agree that common schools shall be maintained, and that if the present law is continued, the largest possible sum shall be granted. We all agree that the people should be left to elect their own trustees, and that the management should be popular. But we agree further. The Attorney General and the member

for Annapolis are as enthusiastic as any of us in favor of a wider diffusion of common school privileges — in fact, of universal education. All admit the difficulties; but united, all may hasten on the period when by a vigorous effort they may be removed. All are equally anxious to elevate our teachers as a class. All are agreed, I presume, that the county academies shall be maintained. There is much common ground, then, and if we differ on the college question, I am not without a hope that our differences may, by the application of a simple principle, be finally adjusted.

The first proposition to which I wish to invite attention is, the appointment of a superintendent of education, whose business it shall be to visit every school in the Province in turn, inspect its management, suggest improvements, and report facts connected with the condition of education year by year, for the information of the Legislature and the government. The old school board was intended to perform this duty. It failed from its sedentary character, as any similar board must fail. But something better is required. In almost every county, almost every year, unseemly and perplexing disputes arise, the merits of which it is exceedingly difficult to elicit by correspondence. We have had these at Annapolis, at Clare, at Westport, at Shelburne, at Arichat, at Musquodoboit, everywhere, and in some cases years have gone by before the facts could be discovered and gross injustice has been done for want of sufficient information. Into all such controversies a superintendent would inquire upon the spot; many he would adjust by his presence and advice, and where he could not do this, he would report the facts for the decision of the Executive. But a superintendent would do more; he would collect information and diffuse it. Without having power to interfere with the popular control of the trustees, or the independent action of the commissioners, he would act as an aid and councillor to both. He would offer, where required, valuable suggestions as to the site, the construction, the ventilation of schoolhouses, the furniture and apparatus of the schoolrooms, the books in use, and the mode of teaching. If a good school existed in a county, with poor ones all around it, he would turn attention to its merits, and elevate the others to its standard. If meritorious teachers were found in obscurity, he would bring them forward; if districts were in want, he would know where to supply them. If schools or academies did not earn the Provincial allowance, he would at once report to the Executive. Such an officer would do more to systematize and elevate education in a single year than will be done by correspondence in twenty, and the moderate expense required to sustain him would be repaid, by value received, ten times over.

I examined the other evening the general abstracts and school returns and found them full of absurd anomalies. There appear to be three classes of schools — grammar, superior, and common schools. Why the two former exist only in some places and not in others, and what are the distinctions between them, no man in the government or in this House I believe can tell. The counties of Cumberland, Guysborough, and Inverness, have two grammar schools; there is one in Barrington and one in Margaret's Bay, but none in the other counties. Why? East Halifax and Barrington township have five superior schools; there are seven in Yarmouth; three in Pietou; Hants, Colechester, and Guysborough have one each, while Richmond, Inverness, Cumberland, Digby, and other counties, have none. Who can tell the reason? In two grammar schools in Cumberland there are one hundred and nine scholars; in two in Inverness, but sixty-seven; in one in Halifax, but ten. In Cumberland the people pay towards these schools £100, draw £80 from the treasury, and teach nine free scholars. In Margaret's Bay they pay £51, draw £20, and teach no free scholars. In Barrington they pay more than pound for pound, and teach four free. In Inverness they draw two pounds for every one they pay, and teach none free.

Take the superior schools. If the abstract is correct and the term appropriate, there are two hundred and twenty-six scholars in East Halifax, three hundred and forty-six in Yarmouth, one hundred and eighty-five in Pietou, one hundred and fifty-three in Queen's and one hundred and sixty-six in the township of Barrington receiving a superior education, and none others similarly taught in all the other towns and counties. Can this be true? And if so, who can account for these anomalies and distinctions? For these schools the people of Yarmouth pay £1 for every £1 they draw; the people of East Halifax over 40s.; the people of Lunenburg and Queen's not 30s.; the people of Guysborough not 25s.! Surely a superintendent is wanted to inquire into this condition of things, and to tell us the reason.

I turn to the common schools, and find in my own county that Thomas Wilson, at the North-West Arm, teaches sixty-one children. The people pay £6 for the half-year, and he draws £8; while Sophy Thompson, at The Plains, teaches eighteen. The people pay 20s., and she draws £7. Take Annapolis. Ichabod Corbett teaches fifty-one free scholars, and draws £19; James E. Wheelock gets £14, and teaches only four free; Richard Harris draws £14 for teaching forty-two scholars eleven months; Bathia Robinson draws but £7 for teaching forty-seven a year; Henry J. Nexton gets £17 10s. for teaching forty-four; while Jarvis Hartt gets but £14 15s. for teaching ninety-one! This may be all right,

but I cannot comprehend it, and I doubt if there is a man in the Assembly in this respect much wiser than myself.

Taking the aggregate amounts drawn and paid for common schools, I find that Halifax and Queen's pay more than £2 for every £1 drawn; Pictou, £3; Richmond, a trifle over 15s.! Surely, sir, this cannot be called a system, in which there is neither uniformity nor justice. A superintendent would do much to improve it; but he would do more. He would elevate the character of the schools, and improve their internal discipline and organization. At Musquodoboit Harbor, there is an admirable school, which the teacher has brought up to its present efficiency by generous devotion to his profession, and by introducing modern improvements. The man who would traverse the county of Halifax, and, by lecturing to the people, conferring with the trustees and teaching the teachers, elevate all the others to the same standard, would confer an inestimable blessing on the county. An enthusiast might do it for love of education; but an efficient man may be got for a moderate sum to do it not only in this, but in all the other counties.

Improvements travel slow in every country; in a new one they are necessarily tardy. The value of oat mills, of composts, of peculiar breeds and implements, may be estimated in some districts; yet years may elapse before the whole population obtain the information, or act upon it with zeal. Missionaries traverse every section of the country, to propagate religion and temperance; to rouse, and to reform. Even in politics we adopt the same mode. The learned member for Annapolis, the learned Speaker, and myself, all became propagandists in our turn. What I want, then, is an educational missionary, enjoying the confidence of the government and of this House, without respect to party, who will go from county to county, and from schoolhouse to schoolhouse. On this subject we ought to agree; and I trust we will.

There is another subject well worthy of our attention. The establishment of libraries in connection with common schools. In the organization of these (and £5 would give a hundred useful volumes to each district), a superintendent would be of great value. Without attempting to dictate to, or control, the trustees—freely elected by the people—he would be an agent to purchase or import; a friend ever ready to advise. He could effect exchanges of books between different districts; so, that if a county possessed five thousand volumes, each district in it could have access to the whole. The elevation of our teachers in the general scale of society is another topic, to which, at the risk of being tedious, I feel it my duty to call the attention of the committee. To pay them efficiently is a first step, but we must give them a pride in their art and

enlist their combined coöperation. We must learn to consult them; to care for, to promote them. I would assemble once a year at least all the teachers of a county in the shire town, and let them discuss the subject of education, and report their suggestions and advice for the guidance of the Executive and the Legislature. This would make them acquainted with each other, and with each other's modes of teaching; it would excite an honorable pride and a spirit of generous emulation. And who can doubt that many valuable suggestions would emanate from these meetings? I would reserve one or two county offices, in the gift of the Executive, as the rewards of long and meritorious service in the noble art of instructing the young. On such topics as this there can be no serious disagreement here. But, sir, there is another branch of this subject that well deserves, as it may well repay, our grave and united deliberations. In 1847, I proposed to the Assembly to found free schools, for universal education over the length and breadth of the Province. Had that proposition been adopted, there would not have been at this moment an uninstructed child within it. A respectable minority voted with me on that occasion; but a majority, fearful of the reaction of ignorance, rejected the proposition. Circumstances were not propitious when the School Act was revised in 1845; but, if we are united, may we not carry this vast improvement now? The property — real and personal — upon the surface of Nova Scotia, is estimated at £15,000,000. One per cent. on this amount would give £150,000. But we require no such sum. We now pay about £12,000 from the treasury, and the people pay about twice as much more; in all, perhaps, £35,000, or less than 5s. on the £100 of all we possess. And this amount educates more than half our youth. Double it; raise the percentage to 10s. on the £100, and free schools would be provided for every child in Nova Scotia. We may not venture to take this bold step, but sure I am that we may discuss the subject amicably, and to infinite advantage. But suppose this proposition to be put aside, may we not largely augment our school fund by a simple process without pressing hardly upon any portion of our population? Can we not, by a slight tax on property, descending by legacy and inheritance, create, in every county, a fund which (like mental light money) shall be sacred to the objects of education? On an average of thirty years, the whole human race pass off the stage of life; and if this people possess £15,000,000 of property, £500,000 descends by legacy or inheritance every year. One per cent. on this amount, which the dead would never miss and their heirs would cheerfully pay, would add £5000 a year to your common school fund. Two per cent. would give £10,000; and, as property



would increase faster than population, a fund might thus be secured for the ultimate training of all the youth of our country. Pardon me, Mr. Chairman, if I believe that these topics properly belong to the subject upon which we have entered, and if I entertain the belief, that a few hours might have been well employed in discussing them in committee of the whole House.

I come now, sir, to the more exciting topic of the colleges. Whatever may have been said or written by friends or foes, I neither created the institutions nor the difficulties which they have presented. King's College was founded before I was born. When I was a boy the contentions about the Picton Academy had been already begun. My first connection with it, in any official capacity, was as a commissioner with Judge Des Barres, to inquire into and report on its condition in 1838. It was then a wreck. Dalhousie College, also built when I was a boy, was at that time unoccupied and useless. By combining the resources of the two I hoped to found a free college in the capital of the Province. This design was frustrated by the governors of Dalhousie, who placed three Presbyterian clergymen at the head of its classes, passing over a gentleman of acknowledged ability, belonging to another denomination, thereby conferring an exclusive character upon the institution, and driving the Baptist body to break off from the rest of the dissenting interests, and enlarge their seminary at Horton. I voted for the charter to Acadia College, upon the express condition that no larger grant should be asked than was then given to the academy. But it was soon found that, to produce equality, the grant must be increased, but even that did not satisfy, and another £1000 was demanded. The St. Mary's Seminary sprung naturally from the desire of the Catholics to be equal with other religious bodies. The Sackville Academy, founded by an individual, was adopted by the Methodist body, who rallied round it about the same time.

With these institutions shortly after I came in the Legislature we had to deal. We at first tried to satisfy all, and place their colleges on a level, by raising the new ones to an equality with King's. This mode was found to be burthensome to the treasury; the sectarians were dissatisfied, and other institutions were springing up. We were then driven to an attempt to equalize by the passage of McLelland's bill, by withdrawing all the grants, to enable us to found one central university free from denominational control. This led to the fierce conflicts of 1843. In that year the question of one central university as opposed to sectarian colleges was fairly presented to the country. It was discussed at public meetings, in the press, and in every village and hamlet of the in

terior. The elections followed, and, as I have ever contended, and assert now, the country decided in our favor. But the question did not come up for discussion in the Legislature until 1815. In the meantime the coalition had been dissolved. The learned member for Annapolis had possessed for more than a year previous a monopoly of patronage and power. Some members who had been elected by constituencies friendly to our views had been won over, and a compact majority, welded together by political conflicts, defeated us on the college question. But we got a blow from an unexpected quarter. An embryo college had sprung up in Pictou, and my learned friend from that county, though voting with us on declaratory resolutions, lent his countenance to the system we opposed, by accepting a grant of £250 for the use of his own constituents.

Mr. G. R. Young. Do you say that this is a sectarian institution?

Mr. Howe. I say that the Pictou members made the majority of three by which the grants were carried, and that they shared the spoil. That the conduct of the learned member on that occasion I am sorry to recall, and wish I could forget. It was bad enough, Mr. Chairman, to be beaten by a combination of circumstances; it was worse to have our friends share the plunder with our enemies. At this time Dalhousie was a wreck, and disgusted with the aspects presented on all sides, I scarcely thought of the subject of education from 1815 to 1818. Sometimes, perhaps, I indulged the hope that "there was a good time coming." It has come at last. In 1817 the college question was not before the country. In so asserting, the learned member for Annapolis is correct. It may have been discussed incidentally in a few places, but in many was not even mentioned; and the elections were run on stirring political questions of more prominent interest. But it is here now, and must be dealt with. It comes to us under more favorable auspices. Dalhousie has been rescued, and is about to be brought into activity. Three experienced teachers have been engaged, and an excellent mathematician. We have, then, the nucleus of the contemplated free college, and have now to consider which is the wisest course,—to withdraw the grants from the country seminaries, and handsomely endow it, or to permit it to go unobtrusively into operation, continuing to the existing institutions a moderate allowance, until its metropolitan resources are developed, and its capacity to give the instruction they now afford is fully tested. I confess that my own mind inclines to the latter course. We know by experience that a large portion of our people favor the denominational mode of education. Though my own opinions are unchanged, I think it would not be wise to revive sectarian bitterness in the country again if

it can be avoided. It would be equally unwise to break down seminaries doing much good before we have replaced them by something better; to scatter classes of young men pursuing their studies, until we have made some provision for completing their education. If we decide to withdraw the small grants now given, we must at once largely extend the endowment of Dalhousie. We cannot take one part of the scheme of 1843 and leave the other. We must take the whole or change our policy.

As respects Dalhousie College, I have always relied under good management, upon the resources which spring naturally from its central position in the bosom of the metropolis. The institutions at Windsor, Horton, and Sackville, however useful or respectable, stand in thinly populated districts, destitute of the appliances and aids to knowledge supplied by the capital of the Province. Twenty thousand people surround Dalhousie within school-going distance. One thousand families within that space can afford to send one boy at least into its classes. Hundreds of persons come daily into Halifax who pass the other seminaries on the road, and hundreds more come by water from the towns and harbors east and west who never see them. Suppose one or both of the railroads made, the population of Halifax and Dartmouth will be fifty thousand in a few years. This population now have a strong claim on the Legislature; in a few years they will demand that some provision be made for their education. But congregated numbers are not the only advantage possessed by Dalhousie. If young men are destined for the law, the courts are here; if for the church, the pulpit orators of all denominations preach in Halifax from time to time. If the medical profession is preferred, here are the hospitals and dispensaries. Young fellows who are intended for tradesmen will learn more in the workshops of Halifax in a week than they could pick up in a village in a year. Those who desire to be merchants or commanders have the flags of all nations floating before their eyes every day; and if any of our pugnacious youngsters, with a large development of the posterior region, are ambitious of becoming soldiers while studying at Dalhousie, they may take lessons in the military art by merely looking out of the window.

Such being the natural resources of a metropolitan college, I am content largely to rely upon and to develop these. All I ask for Dalhousie is to be let alone, or if moderate academic grants are given in aid of the higher branches of learning, that it should, if it qualifies, be permitted to participate. If it is put into operation without any needless aggression upon other institutions, or any revival of denominational hostility and bitterness of feeling, not only will many Churchmen, Methodists,

Baptists, and Catholics, send their sons to its classes, attracted by their cheapness and efficiency; but young men who have been trained at Sackville, King's, Acadia, and St. Mary's will go there to finish their education. These seminaries will, in fact, become feeders from which the central institution will be ultimately strengthened and nourished. If it gives to the population of Halifax the higher branches of education for £4 which now cost £10 or £15, students will not be wanting, and in a few years its further endowment may be sanctioned by public opinion, and if necessary, the grants to the other seminaries be withdrawn. We must either adopt this mode of proceeding or carry out the policy of 1813; to sweep away existing institutions and leave nothing in their stead, as seems to be proposed, would be utter folly. From what I know of the state of public opinion in Nova Scotia at this moment, I do not believe that a majority of the people would desire to cripple the existing institutions to endow one; and certainly they would not approve of sweeping away the seminaries they have if nothing better is to be created.

But it may be asked, would you recognize the sectarian principle? Would you endow half a dozen divinity chairs? Would you make Dalhousie denominational? Would you continue the permanent grant to King's? Certainly not. If any member moves a resolution here affirming the principle of that passed in 1815, I shall vote against it. I will not give a shilling to support divinity chairs anywhere. Rather than make Dalhousie denominational I would see it blown up. That King's College may share the fate of all the others, I shall vote for the bill before the House. How then are we to proceed? Is there any solution of difficulties? I have reflected much upon the subject, Mr. Chairman, and I think there is, and it is very simple; apply to the higher seminaries of the country the same principle that you apply to your academies and common schools, fix a standard of utility, place a fund in the hands of commissioners, to be appointed by the Governor, and allow the higher seminaries to draw from that fund an amount not to exceed £200, on proof that three professors had been employed throughout the year, in teaching the sciences, the classics, and the modern languages. By adopting this course you will neither recognize the denominational principle, nor provoke a needless contest with it. You give to those who desire a free university the means and the opportunity to try their experiment at no great cost, and you do not run a tilt against the prejudices and predilections of those who are conscientiously attached to the more exclusive plan of instruction. I cherish no feelings of hostility to any of the existing institutions. I never attacked any of them till unfairly pressed on and provoked. But I prefer the combined, the

free, the Provincial endowment for education. Others, and by no means a small portion of our people, may, of the people of all countries, prefer the denominational mode. Assume they are wrong, and I believe they are, their opinions, even their prejudices are entitled to respect. The learned member for Annapolis and I, on this point, are as wide asunder as the poles, and yet I cannot but admire the consistency with which he has maintained his opinions at every personal hazard. He was the leader of the government; he might have sat upon the bench. His peculiar views of education created all his embarrassments, and have cost him all that he has lost. His opinions are shared by many others, and it is impossible to shut our eyes to the fact that the denominational principle has its advantages as well as its evils. The Presbyterian friends of the old Pieton Academy clung to it when it was only a wreck. One individual left £1000 to Acadia, another £1000 to Windsor, and a third £4000 to Sackville. The friends of Acadia raise £400 a year by voluntary contributions; they have already expended £14,000 of their own funds; and within the last year the alumni of King's college have raised £2,500 towards the support of that institution. It is clear then that the denominational principle draws forth, and dedicates to the cause of education, funds which the Legislature could not command. It is equally undeniable that boys are attracted into these seminaries from the rural districts, who, but for them, would not be educated at all.

The arguments of the learned member for Annapolis on these points are sound. The different religious bodies must have their divinity chairs somewhere, either in the neighborhood of the central institution if you endow it, or in their own. And why not? If we must have ministers, we may as well rear as import them. You can not destroy these institutions if you would. You may withdraw the grants and endow a free college, but they will live notwithstanding. If you sweep away Dalhousie, and found no other, Nova Scotia will be left with nothing but denominational seminaries, and you will have done the very reverse of what we intended in 1843. If this is attempted at any future stage of this discussion, I shall resist it. If gentlemen with whom I have hitherto acted, adhere to the policy of 1843, I shall go with them, but after giving the subject due reflection, I see no necessity for asserting or negating an abstract principle, when, by applying to the higher seminaries of the country the policy which is applied to our common schools, we may arrive at a practical solution of a very difficult question. Fix a standard of secular education, define the branches to be taught, and the number of professors and students, if you will, and then give as you would to a school in the Baptist settlement of Wilmot, or the Catholic

settlement of Chezetcook, without reference to sectarian distinctions of management, or to any other branches taught, except those contemplated by law and for teaching which the public money is paid.

This, Mr. Chairman, is the policy which, after hearing the conflicting views of gentlemen all round the House, I believe on my honor and conscience to be true wisdom at the present time. It may not please my learned friends who, engaged in the attack and defence of Windsor, like the soldiers attacking and defending the French farm house at Waterloo, cannot or will not take an enlarged survey of the whole field. It may not please those who desire to affirm or to deny an abstract principle, to which one portion of our people will cling and which another will repudiate, even though you put a dozen resolutions on the journals. It may not please those who seek a party triumph, or wish to sweep away everything and build up nothing. It may be inconsistent with the policy of 1843, but that has been deliberately abandoned by Mr. Huntington, Mr. Henry, and Mr. Young, and but languidly affirmed by the honorable and learned Speaker.

My consistency is not that obstinate quality which adheres to previously expressed views however circumstances change. I prefer to gather up the experience of the past, and act upon it, and I must have been a careless student, indeed, to have learned nothing in the six years which have elapsed from 1843 to 1849. Experience has taught me this; that we may make education a battle ground, where the laurels we reap may be wet with the tears of our country. That we may outvote each other by small majorities, to have our doctrines reversed every four years. But without mutual forbearance, and a spirit of compromise, we can do little good, and make no satisfactory and permanent settlement of these questions. Mr. Chairman, I regret that the other duties incident to my position, have left me but little leisure to present this subject to the notice of the committee with the clearness and ability which it ought ever to command. I know the value of education by the want of it. The portals of King's were closed against me, as a dissenter, when a boy, and when I hear the felicitous eloquence of my learned friend, the Attorney General, I might, prompted by feelings as natural as his own, be disposed to hostility to the institution which he so ably defends. I have no such feeling. From the old man between whose knees I was trained, — who was, in fact, my only professor, — I learned to respect all creeds and all professions; to prize knowledge for its own sake; to estimate the resources of religious zeal, even when ill directed, and to prefer peace on honorable terms to fruitless and aggressive war. In the spirit imbibed from that early training, and strengthened by our past experience, I would

now invoke gentlemen on all sides to deal calmly, generously, and wisely with the great subject before the House.

Having, on the floor of the Assembly, unsuccessfully assailed the Departmental and Civil List Bills, and the new Commission of the Peace, the opposition carried their complaints by petition before the House of Lords. Nothing could be more absurd than the attempt to invoke the interference of that august tribunal, in questions so purely Provincial. But memorials were forwarded to Lord Stanley, containing *ex-parte* statements well calculated to make an impression on His Lordship's mind. It was fortunate that the government, anticipating some movement of this kind, had armed Earl Grey with materials for a valid and good defence, upon all the material points.

On the 27th of April, 1849, Lord Elgin assented to the Rebellion Losses Bill, and, on the evening of that day, the Parliament House at Montreal was burnt down. This outrageous act was followed up by others more discreditable. The Governor General, his suite, and even Lady Elgin, were pelted, menaced, and openly insulted. A league was formed which issued a manifesto publicly advocating annexation to the United States. These events startled us all in the maritime Provinces; and, for the moment, nobody could tell what to think or to believe. While the public mind was in this feverish state, Mr. Howe seized his pen, and dashed off a letter addressed to the chairman of the league, which, though published under an anonymous signature at the time, we have always regarded as one of his happiest productions. It set everybody laughing at the league. Their manifesto produced no effect in Nova Scotia. This letter, under the signature of "A Nova Scotian," will be found in its proper place.

Although an association was formed at St. John, New Brunswick, and some spicy resolutions were passed in the midst of commercial depression, the spirits of the people rose with the price of timber. As responsible government became better understood, it bore its legitimate fruits in all the Provinces. Unexampled prosperity and industrial develop-

ment everywhere followed in its train, and we may now say, of all North America, that the sound of annexation is not heard in the land.

On the 8th of June of this year, was celebrated the centenary, or hundredth anniversary of the settlement of Halifax by Governor Cornwallis. The whole population turned out, and marched in procession with flags and banners. Mr. Beanish Murdock delivered the oration, and Mr. Howe furnished the following patriotic song:—

## SONG FOR THE CENTENARY.

Hail to the day! when the Britons came over,  
And planted their standard with sea-foam still wet!  
Above and around us their spirits shall hover,  
Rejoicing to mark how we honor it yet.

Beneath it the emblems they cherish'd are waving,—  
The Rose of Old England the roadside perfumes;  
The Shamrock and Thistle the north winds are braving;  
Securely the Mayflower blushes and blooms.

In the temples they founded, their faith is maintained!  
Every foot of the soil they bequeathed is still ours!  
The graves where they moulder no foe has profaned,  
But we wreath them with verdure and strew them with flowers.

The blood of no brother, in civil strife pour'd,  
In this hour of rejoicing, encumbers our souls!  
The frontier's the field for the patriot's sword,  
And curs'd is the weapon that faction controls!

Then hail to the day! 'tis with memories crowded,  
Delightful to trace through the mists of the past;  
Like the features of beauty, bewitchingly shrouded,  
They shine through the shadows time o'er them has cast.

As travellers trace to its source in the mountains,  
The stream which, far-swelling, expands o'er the plains,  
Our hearts, on this day, fondly turn to the fountains  
Whence flowed the warm currents that bound in our veins.

And proudly we trace them! No warrior flying  
From city assaulted, and fanes overthrown,  
With the last of his race on its battlements dying,  
And weary with wandering, founded our own!

From the Queen of the Islands,— then famous in story,—  
A century since, our brave forefathers came;



And our kindred yet fill the wide world with her glory,  
 Enlarging her Empire, and spreading her name.

Ev'ry flash of her genius our pathway enlightens, —  
 Ev'ry field she explores we are beckoned to tread;  
 Each laurel she gathers our future day brightens, —  
 We joy with her living, and mourn with her dead.

Then, hail to the day! when the Britons came over,  
 And planted their standard, with sea-foam still wet!  
 Above and around us their spirits shall hover,  
 Rejoicing to mark how we honor it yet.

Early in September, a convention was held in Halifax, consisting of delegates from Canada, New Brunswick, and Prince Edward Island; who, with the members of the Nova Scotia Cabinet, discussed and arranged various questions of intercolonial interest.

Sir John Harvey paid a visit to the eastern counties during the autumn, and was everywhere received with the respect and enthusiasm which the Queen's representative, ruling constitutionally, ought ever to inspire.

On the 19th of March, the Hon. Mr. Johnston moved a series of resolutions, aimed at the new system of administration, reflecting severely upon Sir John Harvey and Earl Grey, and demanding, as a panacea for all the evils of which he complained, that the Legislative Council should be made elective. These resolutions were enforced by a very elaborate speech, characterized by much ingenuity, and a good deal of bitterness. The task of replying to the leader of the opposition, devolved upon Mr. Howe, who, on this occasion, thus addressed the House: —

Having been called upon, Mr. Chairman, by my honorable and learned friend the leader of the administration, as being more familiar with the correspondence which has passed on the various topics touched upon in the speech of the honorable and learned leader of the opposition, I rise to vindicate the government from the aspersions which have been cast upon it. And, sir, before I sit down, I shall give to the committee the reasons which prevent me from sanctioning the series of resolutions now before us. The honorable and learned mover will allow me to say, that those resolutions might have been drawn in a spirit reflecting more credit upon

the generous feeling and good taste of the opposition. He will pardon me when I tell him, that, in the general tone and tendency of his observations of yesterday, as well as in the structure of his resolutions, a design is palpable, unfairly and ungenerously to drag into this discussion those who should, under our present Constitution, be kept entirely free from animadversion in our public documents, or in the language used in this Assembly. It is true that the honorable member has kept himself more guardedly within the privileges of the House than he did last year; but still it will be apparent that there has been a desire unfairly to reflect on the head of the government. I regret that this disposition is so apparent. I had hoped that we were advancing to better times, when different feelings would actuate us; when the members of this Legislative Assembly, however they might meet and grapple with each other, would pause ere they invaded the sanctity which surrounds the representative of majesty, or unfairly assail the conduct of the Secretary of State. I say to the honorable and learned member at once, that I cannot support his resolutions. Why, in the very third line we are called on to assert that "the self-government extended to the British North American Provinces, by the Secretary of State for the Colonies, having placed the local affairs of the Province in the hands of the Executive Council, unrestrained by any control on the part of the Lieutenant Governor or the Imperial government, it is necessary to correct the anomalies and inconveniences unavoidable in the application of Imperial usages to a Colony," &c. Now, sir, I say I cannot give my sanction to such an assertion, for it is not true, — I mean not to apply the word offensively, but I know of no other by which my utter difference of opinion can be expressed. The Executive uncontrolled! Sir, the honorable gentleman little understands the restraining and controlling influences possessed by the Queen and by the Queen's representative. But how does he reconcile that assertion, in the preamble of his resolutions, with his remark in the concluding part of his speech of yesterday, that "a governor might come here who would obstruct the party obtaining power, holding opinions contrary to his own." Sir, they cannot be reconciled, and the honorable gentleman must feel the dilemma into which he has fallen by the use of two arguments so utterly contradictory. Again, the preamble goes on to say, "Nor is it less obligatory on the House to obtain more stability and certainty for the principles of Provincial government than can be now relied on — the present Secretary of State for the Colonies having, both in declarations and acts, shown that a minister of the crown in the administration of Colonial affairs, may hold himself free to disallow what a predecessor in the exercise of his official function had established." The honor-

able gentleman wishes to insure stability and certainty to our form of government, and in order to effect this most desirable object he calls upon this House to aid him in changing the Constitution at least once a year.

What have we next? "A minister of the crown may hold himself free to disallow what a predecessor in the exercise of his official functions had established." What arrant want of all constitutional knowledge the learned leader of the opposition displays, if he really penned this passage in a spirit of querulous complaint. Why, sir, what are ministers of the crown for, under our admirable system, but to advance with the spirit of the age, and to change in accordance with that spirit what their predecessors had established? Are not ministers changed, and cabinets reconstructed, for this especial end? If what was once established could never be changed; if extravagance could never be retrenched, or a man once in office removed, we should be living under a despotism, and not under a constitutional monarchy. So much for the first recital. The second affirms that "the Lieutenant Governor has been denuded of all power." Is this true? The honorable member may think so, but suppose these resolutions were to pass to-day, sanctioned by a majority of the Assembly, the honorable and learned member would soon become aware of the power which the Lieutenant Governor still wields, and would be made to feel that he had the spirit and independence to exercise it. But, sir, would the honorable member wish any Colonial Governor to exercise a power altogether independent of the representatives of the people? If that be the aim, he would fasten upon this people a system despotic and arbitrary, and which would be at once repudiated. No! Sir, the honorable gentleman is incorrect; the Lieutenant Governor does exercise all the power which the Queen's representative can or ought to possess, under responsible government; more he does not claim; less his present advisers would not ask him to exercise. But, again, we are told that were he "to exercise this independent control, he would disturb the principle of responsibility." That would not be the result. Were any Governor to pursue a course of recklessly independent conduct, to disregard the feelings and wishes of the people, the principle of responsibility would not be disturbed, but it would be brought into play to check and control him. Dismiss his advisers, he might; appeal to the country, he might; and what would be the result? Back, in all probability, would come the very men whom he had dismissed, as back once came a set of men who were unfairly compelled to retire; and the people would wrest the usurped authority from his hands, as promptly as they would sustain a Governor unfairly pressed upon by his cabinet. Sir, a Lieutenant Governor has privileges

and powers which should be exercised with moderation and justice; to use them as the engines of oppression would be but to overthrow himself. The recital goes on to say that "so long as the Lieutenant Governor is to be viewed as the head of the Provincial administration, &c., he must either sink into insignificance or become the instrument of Executive obstruction." What the honorable and learned member means by the head of the administration, I know not; but let me inform him that the Lieutenant Governor of Nova Scotia is the Queen's representative, and that my honorable and learned friend the Attorney General is the head of the Provincial administration; just as Lord John Russell is the head of the administration in the mother country. Lord Elgin is Governor of Canada, but Mr. Lafontaine is the leader of the administration, and in this position, he and his colleagues exercise the same powers and privileges as a British administration. But, then, if the Governor be the head of the administration he must, according to the honorable gentleman, "either sink into insignificance or become the instrument of Executive obstruction. In the one case the reverence due the sovereign being insensibly diminished by the contempt engendered for the office of her representative; in the other the harmony of the Province being endangered by the violation of a principle which the British government in the last two years has affirmed, and Earl Grey as Colonial Secretary has sealed by acts of unmistakable significance." The honorable and learned member might surely have couched his ideas in milder terms. He has thought fit, however, to commit a breach of all propriety by levelling his sarcasms at the Queen's representative, instead of at the administration. But let me tell that honorable gentleman that the entire independence of the local government, in the sense here recited, has never been conceded.

I admit that Lord Grey, having frankly yielded the principles of responsible government, has left them here, as in Canada, to their natural and appropriate development; giving us good counsel when he thinks us wrong, and husbanding his great powers for great occasions; he does not control our free action in questions purely Provincial, or irritate and obstruct by needless interference. But Lord Grey could yet send his instructions to dismiss or to reinstate any officer holding office during pleasure; and the learned member knows right well that the power to reject measures passed by this Colonial Legislature is yet retained by the home ministry. Having then shown the preamble to be unsound in principle, as well as unfair in expression, I shall briefly refer to the resolutions. The first opens with this line: "That to avert the evils of renewing questions of government"—the honorable gentleman might

have added — I will do my utmost to get up a partisan debate upon the Constitution. But does he ever expect to prevent the discussion of questions of government? If so, he is much mistaken; so long as men are sent here, the representatives of constituencies in this Province, so long will he find that questions of government will be renewed, as in every popular Assembly, day by day. But again we are told that "Our Constitution having been established by Imperial authority, it is proper that the Lieutenant Governor should be recognized as an Imperial functionary." Why, what in the name of common sense is he? The Queen's representative, must, to a large extent, be an Imperial functionary, charged to protect the prerogatives of the sovereign and the interests of the Empire; but he is at the same time the Governor of this Colony, guarding the interests, and advancing the welfare, of the people. Each of these honorable obligations is perfectly compatible with the other. But "he is to hold no relations to Colonial affairs, beyond the ceremonials of office." Will the honorable gentleman favor us with the scheme by which he intends to carry out this bright idea. Suppose he were to walk up to the Lieutenant Governor, with his resolutions in his hand, and a large committee of this House at his back, and say, "Please Your Excellency, the House of Assembly say you are an Imperial functionary;" the honorable member might wish to add an "imperious" functionary also. Well, the Lieutenant Governor would naturally enough reply, "I cannot help what the House of Assembly style me, there is not much in a name — we need not dispute much about it." "But, please Your Excellency, there is something else, you are to be a mere nonentity — to be denuded of all power; to do naught but wear your cocked hat and sword and attend to the ceremonials of office." Fancy the learned gentleman in a position to use such language. He would soon be made aware of the fact, that the Queen's prerogative is a little too powerful to be taken away by such resolutions as this: "I am an Imperial functionary." His Excellency might say; "and you seek to divest me of all the Queen's prerogatives. The people judge first between you and me, and then we shall see if the sovereign's power here does not pass for something." The learned member once accused us of attempting "to wrest the prerogative" from a Lieutenant Governor, merely because we chose to retire from his Council, when we could not concur in his acts. He aims at direct usurpation, and would surely earn his reward. The next resolution goes on to say that, "to fix this character to the office, it is proper the Lieutenant Governor should be paid entirely by the Imperial government." Suppose that resolution carried; does the honorable gentleman think that with his salary the Governor would

also surrender the prerogatives of his office? No, sir, they would be retained still, and be used quite as independently as though the salary was paid entirely by the Province. He next asserts "that if this Province shall be required to contribute any sum towards the Governor's salary, £1000 would fully meet the just proportion"; and the whole drift and strain of the honorable gentleman's argument was this: Lord Grey has disgraced and debased himself; and for what? because he repudiated Mr. Fairbanks' claim to £600 in perpetuity, the salary being voted in an annual law; because he did not attempt to force this Province to grant Sir Rupert George a retiring allowance of *more* than £700 a year; because he did not do what he had not the power to do, self-government being conceded, and chose to exercise that discretion which a minister of the crown always should exercise. Sir, after a ten years' struggle, this Legislature passed the Civil List Bill, last session by which Her Majesty consented to give up the casual and territorial revenues, upon the settlement of a civil list for the life of the Queen. As a part of that arrangement, which was the best that could be made, the Lieutenant Governor's salary was fixed at £3000. The honorable gentleman would now ask this Legislature to repudiate that contract; to do an act ten thousand times more flagrantly unjust, than any which he charges upon the present government or upon Earl Grey. I now come to the last preamble and resolution, which he affirms that "the construction of the present Legislative Council is inconsistent with the harmonious working of the present mode of government." Sir, that assertion is not true, and I cannot vote for it. Since the introduction of the responsible system, no inconvenience has been found to result from the construction of that body. I challenge the honorable gentleman to put his hand upon a bill destroyed by the Legislative Council of this Province, or upon one instance of collision between the two branches since 1844. The Legislative Council are not quite as powerless now, nor would they be as powerful hereafter, as he would wish us to believe. That body occupies the position which it was intended to occupy, and maintains a rigid surveillance over the proceedings of this branch. Let the honorable gentleman show me the measure from 1844 to 1847, where that body came into collision with this House. There has been none from 1847 to 1850. There is none now. The members of that body have given us much valuable information and assistance, but no one act of theirs warrants the honorable and learned member for Annapolis in preferring the charge contained in that resolution. But let me turn the honorable member's attention for a single instance to the old Council, a body much revered by those on his side of the House; one fact will enlighten the

people of this country and show them the working of the anomalous and unsound condition of things from which they have escaped. Does his mind not go back to the period when bill after bill passed by this branch was unceremoniously rejected by that old Council? I could not help thinking, when I heard the honorable gentleman inveighing against the present Council yesterday in no measured terms, that were that system still in operation, he would very likely have found himself in the position in which I was in 1837, when, after this House had, by a large majority, passed resolutions for redress of grievances, including the reconstruction of that body, we were obliged to rescind them, in order to save our road and bridge money for the country. Now, then, we have got rid of that obstructive power, the effects of which are recorded and can be read on every page of our history. The fault which the honorable member finds with the present body is, that it will not act as an obstructive and irritating power. Were the honorable gentleman to come in to-morrow with a large majority at his back, no Council, however intelligent or influential, could or would impede the action of his government: their good sense would teach them that opposition to the wishes of the country would be factious, and would be the ruin of the very principles they themselves had strenuously maintained. Sir, the constitution now in operation rests upon the "stat of no Colonial Secretary," but upon the treasured experience of fifteen years of painful and laborious discipline, it is based upon a great principle, upon the resolutions and addresses of Canada, New Brunswick and Nova Scotia, and I could point him to a volume of them, showing that while the British Colonies have won for themselves a Constitution equal in expansibility and strength to that which exists in the mother country, they have won it by the same means. Our sovereign did not confer it upon us unsought; but, bless Her Majesty, for not refusing it when the almost united voice of this people craved it at her hands! We owe it to no Colonial Secretary; we wrested it, step by step, against the prejudices and apprehensions of various Secretaries from 1837 to 1847. It was the vigor and intelligence of the British Colonists, steadfastly aiming at high objects, that won this victory, and the honorable and learned member for Annapolis will find that they knew what they were about; it was no misshapen bantling they nurtured; and, having brought it into the world, given it life and being, and marking its thriving condition, they will be prepared to watch narrowly, and steadfastly oppose, each change that may mar its vigor and expansion.

This system, at first opposed by all parties in England, has since been recognized by all. When Sir Charles Bagot came out as Governor of

Canada to succeed Lord Durham, there was not a Tory who did not exult because he belonged to the old conservative school. But Sir Charles came out, and with a frankness, impartiality, and manliness, which was creditable alike to himself and the party of which he was a member, yielded to the majority, and his course was ably sustained by the Colonial minister in his place in Parliament. Now sir, what danger need we apprehend from this fiat, of which the honorable and learned member seems so dreadfully afraid? The learned member for Annapolis resisted the introduction of responsible government while resistance was possible; but now that it has been introduced, in the teeth of his opposition, he says, with admirable consistency, I resisted it as long as I could, denounced it as a curse; but now I am dreadfully afraid that the Colonial minister will destroy it all some fine day, and therefore, pass my resolutions, which effect the same end by different means. Sir, if there be one thing which would please the honorable member and his party more than aught else, it is that the Colonial minister should meditate the attack of which he [Mr. Johnston] speaks; but that is past possibility. I am not the least afraid of the Colonial minister; I should be willing to trust our handling to the care of Earl Grey, but would be much afraid to trust it in the hands of the honorable and learned member for Annapolis. He is the last man who should complain of the interference of the Colonial Secretary. What were he and his friends about last year? Not a drunken magistrate was dismissed, not an officer of any kind removed; but home to the Colonial office went remonstrance upon remonstrance, petitions and prayers without number, calling upon the Colonial Secretary for redress. Why, sir, the strongest man in this House would hardly be able to carry on his back the piles of these documents that one after the other, packet by packet, went across the water. The honorable gentleman fears the influence of Colonial ministers much, but manifests a strange subserviency to their whims. No sooner had the paper containing Lord John Russell's speech appeared, advocating an elective council of some sort for the Cape of Good Hope, than "on that hint he spake," urging the applicability of the same principle to Nova Scotia. I have not yet read the speech, having during the session enough of engrossing employment; but, sir, I can easily imagine that at the Cape this principle might work well, and yet its introduction might be impolitic in Nova Scotia. From the unhealthy climate of Africa they have scarcely time to send out the mandamus appointing a man a councillor ere he drops off, and therefore may be compelled to elect him. The honorable member complains that in the management of our local affairs we are independent; sir, is it a grievance that Nova Scotians are allowed to be so?



He for years prevented them from obtaining that boon; he thinks it dangerous now, and gives as illustrations the cases of Mr. Fairbanks, Sir Rupert George, and the magistracy; and he went on to make sundry charges against Earl Grey, forgetting that each charge he preferred against His Lordship was equally a charge against a majority of the House, who passed the measure which Earl Grey sanctioned. The honorable gentleman eulogized the Colonial Secretary's dispatch of 31st March. He must, indeed, have had a peculiar liking for it, for if I remember rightly he kept it close in his pocket from the 31st of March down to the following year, when the new House, elected in ignorance of that dispatch, met to shatter his administration. Let me say to him that none of the acts charged upon Earl Grey exhibit so flagrant a violation of every principle of statesmanship as this. Sir, had Lord Grey kept such an important state paper in his pocket, the property of the British people, and concealed it for months, allowing a general election to take place without making it public, he would not only have lost his place but have been looked upon as a statesman unworthy the confidence of any party. That was done by the honorable gentleman himself in Nova Scotia, even while he admitted the principles of responsible government. We charged him with the commission of the act, and made him pay the penalty as far as we could. The honorable and learned gentleman might take into consideration the difficulties which surrounded him in his public career and make allowances for others. As far as I have marked the public conduct of Earl Grey, I may say in all sincerity, that as a British minister he has entitled himself to the thanks of this people. But, sir, Earl Grey is the descendant of a house which the honorable member for Annapolis does not like; he belongs to a family which the Colonial Tories have always hated. Lord Grey's father was the father of the reform bill; his relative, Lord Durham, was the author of that celebrated report which destroyed the Colonial system; His Lordship himself has used every exertion to confer upon this people responsible government, and therefore we are at no loss to trace the origin of those bitter feelings which now and again show themselves in the learned gentleman's speeches and resolutions. We have been told that Lord Grey has repudiated just and legal contracts; sir, I deny it — *I deny it*. I call upon the honorable gentleman to point me to the law which Earl Grey has violated. Did he violate any law when he sanctioned the Department Bill? None. If blame attaches any where, it is to this Legislature. Did he violate any law by not paying the arrears? None. These demands were charged upon the Colony by the parties themselves, not only without law, but in defiance of a law passed in

1844; but the Province did not think itself bound to pay them, and there was no law to coërcé this Legislature or the Colonial secretary either. The honorable and learned member told us that the only reply received to the addresses of the dismissed magistrates was, that Her Majesty had received them "very graciously." Now he must be aware that that is the ordinary form of acknowledgment upon the reception of an address from any portion of Her Majesty's subjects. Let me tell the honorable and learned gentleman that the records of the country show that Earl Grey has manifested no want of generous courtesy towards those who have not made to him a very generous return. But it was a sin past forgiveness that Earl Grey sanctioned the Departmental Bill without attempting to force us to pension Mr. Fairbanks. Why should he attempt it? Here was our own officer, paid by ourselves with our own money. Does not the honorable gentleman know that the Queen cannot pay a single officer, even in England, if her Parliament refuse to vote the salary? Suppose Lord John Russell were to confer upon the Chancellor of the Exchequer his office for life, and that the Cabinet declared, no matter what change came, what tide set in against them, that he should hold the seals of office; and the Queen, acting under the advice of her ministers, gave her sanction to an act so flagrant. But when the people had returned a majority condemning the act of the ministers, could the Queen do more for the Chancellor than Earl Grey did for Mr. Fairbanks? Sir, the honorable gentleman is not dealing fairly with this House, either in reference to Mr. Fairbanks' case or to the arrears. We fixed a scale of salaries in 1844; the bill passed is exactly similar to that of 1844. The country had decided in its favor at the hustings, after ample discussion; and what would have been the result had Earl Grey refuse to sanction it? The Colonial ministry would have been dissolved, and the country plunged into another protracted struggle in order that this people might reassert their right to withhold from any man office or endowment to which they did not think him entitled.

I come now, sir, to this magistracy story. Let the honorable and learned member read Earl Grey's speech in Parliament, and he will find that he has no reason to complain. Earl Grey did not disguise his opinions on that question either from the Provincial government or from Parliament. He treated it as a question of general policy, involving infinite detail, which could only be wisely dealt with within the Colony itself. He did not say that forty magistrates were dead, as some of the papers reported; but, controverting the assertion of the learned gentleman and his friends that one hundred had been removed for political reasons, His Lordship declared that of that one hundred only about

forty were so removed, all the rest being dead, or removed on specific grounds. I feel how wearisome it is to trouble the House with these old stories, and yet the honorable gentleman compels us to travel through them merely to satisfy his propensity for grievance hunting. He assails Earl Grey with almost every term of invective which he can rake together. One of the mighty charges which he prefers is that His Lordship refused to take notice of a memorial from some of Her Majesty's subjects, because it had not been forwarded through the ordinary official channel of communication; and he styles this a mere technical objection. Let me answer him by a set off. In 1840, when the Assembly of this Province—a large majority of the representatives of the whole people, not a body of memorialists—passed an address to the crown, praying for the recall of the Lieutenant Governor, and, believing that it would be unfair to put such a document into his hands to forward, ordered the Speaker to send it, Lord John Russell declined to lay it at the foot of the throne, or to take the slightest notice of it. Did the honorable gentleman ever complain of that? Did he rise in his place in Parliament, and denounce that as an arbitrary and unjust act? He and his party took the benefit of the rule, and he has suddenly awakened to a sense of its injustice, and bitterly complains of its application to a hole-in-corner address, got up by a few discontented persons, who happen to be his friends. But again he says, "Why did not Lord Grey pay the arrears?" I answer, simply because he had not the power; he could not pay them without the consent of this Assembly, and they would not consent. But if the honorable gentleman deemed these arrears justly chargeable upon the Province, I ask him why it was that, while leader of the government, with a majority at his back, and that overflowing treasury, of which he vaunts so much, at his command, he did not pay them himself? I will solve the problem, sir. It was because he could not, dare not, do so; because he could not get a majority, even of conservatives, to aid him. Then, sir, what in the height of his power the honorable gentleman himself neither could nor dare do, he stands up here and reviles Earl Grey for refusing to perform. The honorable gentleman referred to the indemnification of the rebel losses. Sir, we have business of our own to attend to. As a public man, I might approve or disapprove of that bill; I am here to express no opinion upon it. That bill, however, appropriated the money of Canada by a deliberate act of the Canadian Legislature; it may be that the power confided to the people is not always wisely used; but is it right, that upon every misapplication of funds a rebellion should be got up? Whether in that case the legislators of Canada were, right or wrong, the constitutional judges, the only

tribunal to which they are responsible, are the people. Sir, is it not nonsensical to urge that the Colonial office, overwhelmed by a press of business, called upon to attend to the more weighty affairs of the Colonial governments owing allegiance to the crown of England, should be obliged to pass upon the dismissal of every drunken or incompetent magistrate, upon every question of salary or appointment to office? Why, sir, the passage of the reform bill sacrificed recorders, town clerks, and other officers, with salaries superior to that which Mr. Fairbanks received, by hundreds. But then the honorable gentleman argues that, because Parliament did not interfere, their power is gone. I differ with him. Let him once attempt to foist upon this country the doctrines inculcated in the latter part of his speech, and he will soon become aware of the grievous error into which he has fallen. Sir, I can admire the manliness, even though I deplore the error, of one who comes boldly forward the advocate of certain principles; but he who covertly attempts what he dare not openly avow, occupies a place much lower in my estimation. But the honorable gentleman has dealt in an equally unfair manner with the government and with the Lieutenant Governor as with Earl Grey. His Excellency's sins are threefold, said he — Mr. Fairbanks, Sir Rupert George, and the judges' salaries. Sir, when, years ago, I first entered this Legislature, the Lieutenant Governor was, to all intents and purposes, a despot; but he is now a constitutional officer. The change which has been going on is the change from James to William; from the state of British government before the revolution of 1688, with all its despotic and tyrannic accompaniments, to that after 1688, which gave extended civil and religious liberty to the British people. Let me first refer to the case of Sir Rupert George. How did he stand when the present Lieutenant Governor came to the Colony? His irresponsible station had been canvassed over the country for years, in the Legislature, in the rural districts, in the press. The present Lieutenant Governor had nothing to do with these discussions, nor with the elections, by which the fate of parties was determined. By the dispatch of the 31st of March, His Excellency was instructed so to form his administration as to include certain public officers; and in allowing Sir Rupert D. George to keep that dispatch in his office for eight or nine months, Sir John Harvey displayed a confidence in the former government, and a regard for their interests, that its members have but ill repaid. The principle of responsibility had risen, swelled, extended, and been recognized, before the present Governor came here; he had naught to do with it. He found certain salaries and the permanent position of certain officers complained of by the people; and surely, if he had nothing

to do with the discussion before he received the dispatch of the 31st March, he was relieved from all responsibility after. In it he was informed by his sovereign, that upon the issue of the elections, then approaching, depended the tenure by which certain gentlemen held their offices and seats; and that in the event of a majority being returned in favor of the liberal views, they should be obliged to retire from both. Thus instructed, the elections came off, and the result which Lord Grey foresaw took place. The House met; a vote of want of confidence in the then ministry passed, and those persons were obliged to retire from the government, and to resign the offices they held, leaving the amounts they were to receive as pensions to the after consideration of the Legislature. The honorable Attorney and Solicitor General at once retired; they knew they could not hold their positions an hour. But an attempt was made to retain the Provincial secretary in office, in violation of the very principles for which we had been contending; and the honorable gentleman little knows or appreciates the delicate attention and kindly feeling subsequently lavished by the Lieutenant Governor upon that officer. Sir, I believe the Lieutenant Governor went to the greatest lengths to which, in his position and with his high responsibilities, he dare go, to serve Sir Rupert George. The present government urged upon him that these offices were to be placed entirely at their disposal, and he could not refuse without violating the express commands of his sovereign. But, sir, I can hardly help smiling when I hear the honorable member for Annapolis, with doleful look and sighing voice, allude to the wrongs and injuries of poor Sir Rupert! Why, sir, poor Sir Rupert has been drawing from the treasury of this Province, ever since he left office; £500 as a retiring allowance for the secretaryship, and £375 from the registry fees, making £875. This sum he has received since his retirement down to this time, while the present secretary receives but £700 for doing the whole duty — £175 less than poor Sir Rupert gets for doing nothing. I complain not, sir, of the emolument I receive from my country; but it ill becomes that honorable gentleman, day by day, to reiterate assertions of which he must feel the slight foundation. He made reference to the bill which passed the House the other day. Sir, he well knows that the government had no power to prevent the passage of that measure; but we well know that, strong as is the present government, and strong it is, supported by a body of men, who, on most occasions, give us their generous support and confidence, while we could not stay the passage of that measure here, had we attempted to force it upon His Excellency without a suspending clause, I have that confidence in the manliness of his nature, and the resources of his position, that I

believe he would have dismissed us from his Councils, and dissolved this House, rather than submit to pressure which he deemed unfair.

Now, sir, how has the Lieutenant Governor deserved the taunts which the honorable and learned gentleman has showered upon him touching the case of Mr. Fairbanks? What man in his senses will blame the head of the government for the position in which that gentleman stands? For myself, no man would go further to restore that officer to the public service, than I; but, sir, I must deal with this case as it has been presented. He was appointed under the late administration. Every hill-top in the country rung with the clash of opinions which took place upon that appointment. When Sir John Harvey came here, he could not still the clamor which had been raised, nor calm the feelings which had been excited; and the honorable gentleman well knows, that the present administration were pledged to the country to remove that officer upon their accession to power, because of the position he occupied, and not because he was personally obnoxious. Sir, had he been my own brother, and had it been necessary, in vindication of the constitutional principles for which we contended, to have hanged him, I should have submitted to the painful necessity. Sir, if we had conceded this principle touching the treasury, what could have prevented it from being made applicable to the offices of Attorney and Solicitor General? What restraining influence would there have been to prevent another Colonial Secretary from pledging any of our offices for life to individuals he desired to favor? The honorable gentleman has told us of the fair nymph, the offspring of Thompson's creative fancy, yielding herself a willing sacrifice to love's delicious charms, and he compared the Lieutenant Governor to her,—allowing himself to be led by the advice of his Council to sanction his own salary, whilst he refused to others their arrears and pensions. Sir, the man or the woman may be pardoned who sins against propriety in the heat of passion; but there is no pardon, no excuse, for him who sits down calmly and deliberately to plan the destruction of a people's liberties; the violation of a Constitution won by the perseverance, and dedicated to the protection, of his country. But what did the Lieutenant Governor do in either case, to warrant the poetic license? Did he hand Mr. Fairbanks over to his Council, bound hand and foot? Did he consent to remove him from his office at once? No, sir! though that demand was made in February 1848, His Excellency refused to yield. The question was referred to the Legislature, and debated out fairly and fully, and the Departmental Bill passed. Did he sanction that bill without a suspending clause? No! He sent it to England with all the arguments for and against it. It was returned, and was again submitted to

this House with Earl Grey's favorable argument freely communicated. A second time it was passed by the Legislature, and finally received the sanction of the Queen in Council. What more could the Lieutenant Governor do? Nothing. He gave Mr. Fairbanks every fair chance of testing the feelings of the country upon his case, and submitting it to his sovereign; but when his removal became absolutely necessary, Sir John obeyed his instructions, and yielded to the necessities of his position. I come now to the matter of the judges' salaries. According to the honorable gentleman, the Governor was to blame for not stipulating that every farthing should be paid to those officers. Sir, I do not believe that the Governor would have withheld a single pound of the arrears had he been allowed to consult his own inclinations. But the judges had been mixed up with the conflict of parties, their salaries had been fixed and settled over and over again. I was called on for my opinion; I gave it, and I still believe that the judges of the supreme court have no claim to higher salaries than the heads of the departments. The honorable gentleman knows right well that there were others to be consulted, beside the Governor; he, I am sure, showed no want of generosity and thoughtfulness in the course which he pursued. This House was the tribunal to pass upon these questions, and it was hardly to be supposed that when, fresh from the people, it had adjusted these salaries, the Lieutenant Governor would take the responsibility of interfering with its deliberate action. The commission of the peace also furnished the honorable member with the opportunity for another display of his vituperative powers. Upon the accession of the present party to office, it was felt to be absolutely necessary that a new commission should be issued, in order that the old one might be purged of those deformities with which long years of misrule had filled it. The subject was brought to the notice of His Excellency. Was he to break up his administration for such a cause? to cast back the country into that state of chaotic confusion from which it had but just emerged? And because he did not do this act of folly and madness; because he took a free and independent course of action, the honorable gentleman thinks he should be but a Royal Commissioner. Sir, were the honorable gentleman's resolution to pass, and he to convey the message to His Excellency, I will venture to affirm that the answer he would receive would complete his political education. Yes, sir: and were he to go to this people, to-morrow, with his resolutions in his hand, they would also teach him the difference between a Royal Commissioner and the Queen's representative. From both missions would he return equally instructed. But, sir, I really thought the honorable and learned gentleman would get through one speech without

referring to that old pamphlet of mine. I had once an uncle who was very fond of Hudibras; he read it at all hours of the day; in fact, I believe he prayed in Hudibrastic verse. So with the honorable gentleman and my old pamphlet. Hearing him refer to it so often, tempts me, on some occasions, to turn it up myself. He quoted from it yesterday, to prove that in 1839, I held the very opinions which he now inculcates, and I looked it up with some degree of curiosity to ascertain whether or not such were the case; and upon reference to it, I found that instead of sustaining the honorable gentleman's positions, it negatived every one of them. I found just what I expected to find, that my views were decidedly opposed to his. I was younger when I wrote this little work, but I am glad to see the learned member refer to it so often.

Mr. Johnston. I have not a copy.

Provincial Secretary. Well, I shall have a copy bound and lettered in gold: "The Hon. Provincial Secretary to the Hon. Mr. Johnston," and send it to the honorable and learned member. I have turned to the pages of my old pamphlet and what do I find? Let me read the honorable and learned member a passage or two. Here he will find the power defined of each branch of government under different heads.

"*The Queen and Parliament.*—I leave to the Sovereign and to the Imperial Parliament, the uncontrolled authority over the military and naval force distributed over the Colonies; 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 burdensome 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."

Then, sir, after showing how the old system hampered the Queen's representative, and made him powerless and unpopular, as a matter of course, the contemplated change, in his opinion, was thus foreshadowed:—

"*The Governor.* — \* \* \* 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 give 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 favor 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 everywhere, 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."

In contrast with the old permanent and irresponsible Council, the composition and efficiency of a Cabinet is thus set forth:—

"*The Executive Council.*— 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 sumpis, 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?"

I might go on, sir, reading the whole of this pamphlet, and show conclusively that the system of government asked for in 1839, is practically the same as that now in operation; and I am much mistaken if the honorable gentleman does not soon find that he will not be able easily to overturn it. Oh! but, says the honorable gentleman, no government is so strong that they may not be crippled or obstructed by some new Governor, whom the honorable gentleman thinks is about to be sent out here. I am happy to say, sir, that, up to this moment, not the slightest intimation has been conveyed to the venerable head of this government that his recall is contemplated; and I believe that he is as unlikely to be removed as any Governor administering the affairs of any of Her Majesty's Colonial dependencies. But where is the learned gentleman's consistency when he says, the present form of government gives too little power to the present officer? But it may confer too much on the one succeeding him. Does the honorable gentleman not see that his argument is inconsistent with itself? that one portion runs athwart and destroys the foundation of the other? But suppose this new Governor were to arrive here, and full of his newly acquired power, attempted to force upon this people principles which they disliked, what would be the result? Can any man doubt it? The Constitution gives us the right to retire and let the Governor call in whom he pleases to assist him in the conduct of affairs. But, says the learned member, — and I smiled when I heard the expression, — a Council may not have the *virtue* to retire. What, sir, the honorable and learned gentleman's views must have changed indeed. There was a time when retiring from the government, was denounced as an attempt to “wrest the prerogative from the Queen's representative;” a vile act, — a thing to be scouted and abhorred by every honest subject of the realm. I have not the least doubt but the honorable gentleman would *now* consider it an act of the most exalted virtue, were my honorable and learned friend the Attorney General to attend the Governor and say: “Please Your Excellency, — Your present advisers leave their offices and their positions at your disposal, and would be much obliged were you to call upon some other gentlemen *not* possessing the confidence of the country to advise you upon public matters.” But, sir, we also have become wiser since 1843; and as we do not wish to lay ourselves open to the sarcasms of the honorable gentleman, we intend to have the virtue to hold our places, so long as the people have confidence in our discretion. We abjure the virtue of resignation until the honorable gentleman comes in with his majority. I was very much amused at another remark, made by the honorable and learned gentleman. Another may come here, he says,

and then secret influences may be brought to bear. Sir, from the time of my retirement from Lord Falkland's Council, in December, 1843, up to the period of his recall, I never once attempted, in the slightest degree, to interfere with or influence his administration. On only one occasion, when a personal sacrifice was designed to save him, did I send him even a message. When the present Governor came to this country, I was residing out of town, and never once did I attempt to exercise any undue or improper influence upon his mind, and only saw His Excellency when invited by my friends to take part in negotiations, opened, as I believed then and believe now, with the full concurrence of the existing administration.

Now, sir, a word or two touching the Legislative Council. The honorable gentleman wishes a change in the Constitution of that body; and why? Because he says they will not work harmoniously, and will obstruct the public business. Sir, there is no foundation for such an assertion. I ask the honorable gentleman to look at the men at present forming that Council; and if he can prove to me that those twenty-two gentlemen have not as much general intelligence, speaking talent, wealth, and respectability, as any twenty-two in this body chosen by the people, then I may be induced to vote for the honorable gentleman's resolution. Sir, it was made matter of charge against the honorable gentlemen that when he was examining that branch he did not take the very best men even of his own party; but as a body it will now contrast favorably with any second branch of which I have any knowledge. I say, sir, that at the present time it is superior to what it ever has been in the history of this Province. But, says he, we want more gentlemen from the country. Strange, that when that branch consisted of but twelve, and every man of them lived in town, the party of which the learned gentleman is the head and front, resisted all change or modification. Now, ten or twelve members represent the rural districts, and more would come if they were paid. As to subserviency, I think both he and I are a little embarrassed with the spirit of independence they showed us the other day. When they threw out a bill, the result of many years of discussion, and a compromise of the opinions of this House, it was a pretty significant hint of the power they possess and the determination to exercise it; and whether I approve of the act or not, I cite the fact to show the Legislative independence of this second branch. That they exercise their power wisely and discreetly on most occasions, is evident from the fact that this is the only measure of any importance that they have rejected in seven years. But, says the honorable gentleman, in 1837 the Attorney General, the Provincial secretary were in

favor of elective councils. Why, sir, in 1836, 1837, and 1838, the French Canadians, led by Mr. Papineau, advocated the elective council; the Upper Canadians, led by Robert Baldwin, were seeking a responsible Executive Council. In our address of 1838, after describing the mischiefs of the old system, we asked either for an elective Legislative Council, or such a change as would make the Executive responsible to the people. Subsequently the people of New Brunswick made the same demand, and the mother country consented to give us all responsible government. With that we were satisfied; we did not require both a responsible Executive and an elective second branch. I hold the one to be incompatible with the other. We asked for either of these; we got the one we preferred. That Constitution is now the property of the people, and I much misunderstand their spirit and determination, and the rate at which they value it, if they allow the honorable member for Annapolis to tamper with it for the mere purpose of raising political capital; at least until it has had a fair trial and been proved inefficient.

Let me now say a word or two with reference to the personal allusions made by the honorable and learned gentleman to the Receiver General. I think those observations might have been spared; personalities should never be aimed by a member of this Assembly at one of the other branch. He spoke of violated friendships; of taking the office of a friend; and covertly insinuated that the Honorable Receiver General was still engaged in commercial affairs. Sir, when the honorable gentleman spoke of violated friendships, he should have remembered that when my honorable friend, Mr. McNab, the Attorney General, and myself retired from the Council in 1843, the first man to lead up a public meeting to denounce us as disloyal and selfish men, was Mr. Fairbanks, the late treasurer's brother, Mr. McNab's partner for twenty years. Sir, was not that sufficient to sever the tie of friendship at once and forever. As for the remark touching the voyage to California, I know nothing of it. But this I do know, that however difficult it may be for a merchant engaged in extensive business to withdraw suddenly his whole capital, the Honorable Receiver General has retired from business in good faith, and is honorably fulfilling the obligations he has assumed to his colleagues and the country. Sir, I might answer the honorable gentleman in his own style, and give him a taste of personalities. I might refer him to a pretty notorious rumor, — one not invented by me, — and ask him if he remembers that celebrated fete given on a very celebrated occasion, the solemnization of a certain marriage, when the vainglorious boast was made, that, by the consummation of that

union, the two families of Johnston and Fairbanks could rule the country. I care not to approach more closely; the honorable member understands me.

The honorable and learned gentleman also referred to the president of the Legislative Council in no very measured terms. Why, said he, the president of the Council claimed a privilege which had never been used for eighty years. The honorable gentleman must be aware that for very nearly the whole of that period the Legislative Council were a nice little family party; casting votes were not required, as it was seldom, if ever, that a division took place; all their acts were characterized by a most delightfully harmonious unanimity. But because the old presidents either knew not that they possessed the power, or cared not to use it, was certainly no reason why my honorable friend, Mr. Tobin, should relinquish a privilege appertaining to his office; he would not have fulfilled his duty to that body had he failed to exercise his right on an appropriate occasion. But, says the honorable gentleman, we saw a most extraordinary sight; a gentleman coming from the country with the prefix of honorable to his name, and wandering between the two branches without a resting place in either. Why, sir, there are numbers of good looking men who come up to the city, from time to time, both liberals and conservatives, to hear the wise sayings of our Legislators; and it is but natural that the moment one leaves home, his neighbors, looking upon the squire as the wisest, as well as best man in the world, should conjecture all sorts of things touching his journey to the capital, and address him by all sorts of titles. It may have been thus with my worthy friend Mr. McKeen. It may have been that, having been invited to come, the deep snows delayed him till another was sworn in his place, to prevent the friends of the learned member for Annapolis from destroying the Civil List and Departmental Bills. But there has been no great harm done, except to the disappointed plotters, who thought to take advantage of the snow banks. While talking of them I am reminded of that beautiful description of the lost man floundering in the snow, by Thompson, which I may give the learned leader of the opposition in return for his violated virgin. The subject is colder, but the comparison quite as accurate; for the learned member never sets out in search of grievances or of responsible government, but he goes floundering on, getting deeper and further from the track at every step. Oh! but, says he, Mr. McNab by his single vote ejected his friend from office, and took the office himself. I ask the honorable and learned gentleman if he did not, for a whole season, retain his place as leader of the government and his office of Attorney General by his own vote? And I

demand again, did not the late Solicitor General and Mr. Dewolfe also obtain and keep their offices by their single votes? Surely then if the single act of which he complains be wrong, it was a greater violation of principle for three of them to keep their offices upon the single votes of the several incumbents. But, sir, I tell the honorable gentleman that Mr. Fairbanks' office was not coveted by my honorable friend, and at one time, after the contest of principle was over, it was gravely balanced whether or not he should be retained in his situation; and had this House and country not had to pass upon that act afterwards, I firmly believe he would never have been removed. Now, sir, the honorable gentleman referred to the construction of the Legislative Council. Oh, said he, only think, twelve of the present Council reside in Halifax; but he forgot to tell us that in the good old times every man of them were residents in the township of Halifax. But, then, he says, what would we do were a change in parties to take place? The honorable gentleman loves to dwell upon that possibility, and sometimes he dimly shadows forth his anticipations of soon emerging from the cold shades of opposition, and basking again in the sunlight of power. But let me say to him, "Sufficient for the day is the evil thereof," if it should so happen that the honorable gentleman comes back with a majority, I think he will have profited by his reverses, and his bearing will probably prove that he has become a little wiser; more thoughtful and considerate than he was before. But then he is awfully afraid of the present Legislative Council, and asks how he is to get over the difficulty if they obstruct him? I will answer the honorable and learned gentleman, the influences incident to his public position will aid him, and then if he brings forward such measures as the Council approve he will be sure to succeed. One thing I know, sir, that the Council will never offer useless obstructions to a good measure.

But, sir, let me tell the honorable gentleman that, were he to come back with his majority, he might just as well attempt to stick a dog's tail on a lion's back, as engraft an elective Legislative Council on responsible government. But his aim is apparent; he would be glad to throw the public affairs of this Province into confusion, so that he might embarrass the present government. It is the duty of every Nova Scotian, looking to the prosperity and happiness of his country, to refuse his sanction to these resolutions; at all events, until the people have been consulted. Upon our differences, we can go before our constituencies with him as we did before, and then if he can manage to obtain a majority, why let him triumph. The honorable and learned gentleman has, however, forgotten to inform us how this machinery is to work; he

has not told us who are to be the constituency, or what is to be the franchise. I believe he does say, that every two or three years a section of this body are to wheel to the right and walk out; but any practical common-sense man would require, before voting upon this question, that it should be explained, and put before the country in such a shape that the people might understand what the honorable member really does mean. Again, the honorable gentleman says that something must be done to stave off annexation, because measures passed by the majority of this House supporting the government may be rejected by the upper branch. And then he talked of the difficulty we had in filling up the Solicitor Generalship. The honorable gentleman forgets that, during his own administration, he took six months to make a Solicitor General, while we would certainly not take half that time to make a whole bench of judges, and a tremendous lot of road commissioners and magistrates into the bargain. But, oh! if I were to follow the honorable and learned gentleman, in the dispensation of patronage, throughout his official career, and entertain the House with all the acts of petty oppression of which he has been guilty, I might detain them half the night. He said something of the Baronet whom I had deprived of his office. Sir, my country paid that Baronet from one to two thousand pounds per annum for years, to aid the learned gentleman opposite in misgoverning this country. Small blame to the liberals, then, if they did put him out?

"The rank is but the guinea's stamp;  
A man's a man for a' that."

The honorable gentleman told us that our allegiance to the mother land was weakened; that our veneration for existing institutions had departed. Sir, I am sorry that a man occupying his position, with his acknowledged talents, his means of usefulness, and power for mischief, has not taken that stand in this debate which he ought to have taken. I do not believe that the loyal feelings of this people are weakened, or that the respect for the sovereign has decreased; but I admit that the people of this country have passed through an ordeal which has tried their feelings, though not sapped their loyalty. He attempted to make us believe that the revenue had, during his administration, greatly increased by some management of his own, and from that drew the conclusion that we were chargeable with a falling off. I thought his friend Mr. Fraser had dissipated that illusion for him last year. The story of the destruction of our industrial resources has been allowed to go uncontradicted long enough, and much political capital has been made out of it by the honorable gentleman and his friends. I take this ground boldly, that the



man who says that Nova Scotia contrasts unfavorably with surrounding states affirms that which is a libel on our country. Many of the neighboring states were settled, and had large and flourishing populations, before Nova Scotia was peopled by any except the Acadian settlers on the marshes of the West. Halifax was founded in 1749. There were then no inhabitants in the Province except the Indians in the forest, and the French on our prairies. When Cornwallis sailed up Halifax harbor what greeted his eyes? Unbroken foliage down to the water's edge. At that time not an English, a Scotch, or an Irishman, owned a house upon our soil. There was not a road, a bridge, or a church, in the country, hardly an acre of cultivated upland, nor any of those public improvements which are now spread everywhere beneath the eye. What have our fathers done? Have they left us the miserable, degraded country he described to us last night? No, sir. They have left us a land teeming with resources, on and around the shores of which, within a century, fifteen millions worth of property have been accumulated. I take the computation of my honorable friend the Financial Secretary, who made the statement here last year, that, man for man, every inhabitant of this Province owned £50 worth of property—a trifle higher than the amount owned by the population of the State of New York. This is my answer to the cry of ruin which the learned member is forever raising. Steadily year by year has this Province increased in wealth and population, and as steadily has its domestic industry expanded, down to the present hour. The honorable gentleman drew the picture of a country in a state of poverty and decrepitude, brought on by misgovernment. Let me ask him, if Sir Rupert had had his £2000 yearly, would the condition of our artisan and laboring population have been improved? would the payment of extravagant salaries prevent them from leaving our shores? Had Mr. Fairbanks received a pension, or the illegal arrears been paid, would the country be more prosperous, or the people more happy? These are his leading grievances, these the arguments he has given to the people of this Province to induce them to change our Constitution. Let the honorable gentleman point to the commercial measure which he has introduced for the amelioration of our deplorable condition; surely the honorable gentleman's patriotic philanthropy should have suggested a remedy for this dire disease. We go with him into Committee of Ways and Means; does *he* suggest aught that will improve our industrial resources, advance our manufacturing and producing interests, or in any way enhance our prosperity? The honorable gentleman spoke vauntingly of the revenue raised under his administration. Sir, I have answered that time and again; nay, his

own most prominent supporter, the honorable and learned member for Windsor, frankly admitted that the liberal party were no more responsible for the present tariff than the conservatives, and denied that the want in the country, if want there was, could be attributed to the present administration. Compared with other Colonies, Nova Scotia is in a sound condition. New Brunswick has a conservative majority and administration; yet a friend, describing her commercial condition, some months ago, declared that there was scarcely a solvent house from St. John to the Grand Falls. The derangements of commerce incident to Imperial legislation, and bad crops, produced the depression in neighboring Colonies and in our own. I recollect, when taking up the English papers in the fall of 1847, there were whole columns of bankruptcies, of houses of the highest character, and some of which had stood for centuries. This was the cause of our depression, with the successive failure of our crops, and it is unfair for the honorable and learned gentleman to attribute to any administration the visitations of Providence. I might say with great justice, that if our treasury is low, we have cured the potato rot, which he left behind him. All the money which he ever had in the treasury would not compensate for the destruction of our potatoes by that miserable disease which he introduced. However, we have cured them at last, and would have done so long ago, but that the late administration left them so rotten that it took us two years at least. Now, sir, let me show the honorable and learned gentleman the effect the loss of our potato crop must have had upon this country. [The Hon. Provincial secretary here went into a calculation to show that, taking the census as a guide, and Colchester as a medium county, the actual money value of wheat and potatoes lost in the four years previous to 1849, could not be less than £1,268,000.]

The food of our people thus stricken off, the loss fell upon our industrial classes. The able farmers, instead of having wheat and potatoes to sell, of their own raising, were obliged to buy the productions of a foreign country to support life; the poorer farmers, unable to pay debts, required more credit from the trader, and he again from the merchant, who, failing to receive returns, was compelled to curtail his business. Circulation was thus drained off, and few dutiable articles were consumed, because all the spare cash went to buy bread which paid no duty. Yet we are blamed because the revenue fell off. It did fall off, sir, because at that distressing period, when our hardy population were borne down by the calamity I have spoken of, we would not consent to tax the bread required by our farmers and laboring classes to support life. Had we done so, sir, we might have had our £10,000 or £12,000 in the chest,

but it would have been wrung from the people at a period of want and depression. Other cities have their periods of depression as well as Halifax; other countries their trials as well as Nova Scotia. Let the learned gentleman turn to *Hunt's Magazine*, and he will see that there are scarcely a dozen eminent merchants in Boston who have not failed in the course of their lives; and if he will make the contrast fairly, he will find that for every emigrant that has left Nova Scotia within the last four years, ten have left the seaboard States of the Union. They have gone, like our own people, south, west, everywhere, led by the spirit of speculation and adventure, but nobody imagines that ruin and misfortune are to be the portions of those who are left behind. The learned gentleman tempts me strangely to review his own administration, and to apply to him the soubriquet of "prosperity" which was once applied to an English Chancellor, whose bragging ended in ruin. I look back to his first session of 1844. In that session he passed three celebrated measures,—a civil list bill and a registrar's bill, which never went into operation, and a bill to prevent people from snaring moose, under which there has never been a single prosecution. But, sir, big with great measures and grand conceptions, the honorable gentleman must needs convene Parliament in a summer session. We met, were melted, the business being a celebrated intrigue by which he sought to divide the liberal party, very foolish and very unsuccessful. On looking over the journals of the summer session, however, I met with a curiosity; it was a little resolution, moved by myself, highly complimentary to the administration, but the discussion of which was cut short by a sudden prorogation. In 1845 they passed a school bill; an act for taxing dogs, which was a nuisance to everybody, and one for building a bridge up at Richmond, which has never yet been built. In 1846, hardly a measure worth notice passed, with the exception of a bill for making roads over ice, rendered necessary because the ways of the honorable gentleman had become very slippery about that time. In 1847 he did pass a measure for which he has received all credit—the Simultaneous Polling Bill; but, as a set-off against that, he brought in a nice little bit of "terror," from which I have no doubt he expected great results—the Fraudulent Conveyance Bill, by which he sought to frighten poor liberals from the hustings. Thus passed the great sessions from 1844 to 1847, and these are the laws framed by the honorable member for the regeneration of the country. He brags much of the ten thousand pounds dragged from the pockets of the people and locked up in his iron chest, but let him show us where he reduced our expenditure; what salaries he cut down; what great measure, advancing our Colonial interests, he introduced. Sir, he can show

none; his term of administration is naught, and presents to us, as we gaze back at it, hardly a redeeming feature. But, sir, what have we done? We have passed the Civil List and Departmental Bills, by which questions that had agitated the country for years are disposed of. We have half consolidated the laws of the Province; I give the other side all credit for the assistance they have rendered us in this matter. We see before us the electric telegraph stretching across our country — a monument of enterprise which will remain when the present administration have faded away. We have passed a Sheriff's Bill, and given to the country a new commission of the peace, which, whatever may be said of it by honorable gentlemen on the other side, has given satisfaction to the country generally.

Mr. Marshall. No!

Hon. Provincial Secretary. But I tell the honorable gentleman it has. In what light he may view it I know not, but it has largely reduced litigation, and been generally acceptable to the people. I will not detain this committee longer; it is enough that our acts contrast favorably with the barren figments resulting from the administration of the honorable and learned member for Annapolis. Sir, I hold in my hand the tariff of 1844 and that of 1849, and the abolition of many grievous burdens under which the people groaned is palpable and plain. But let the honorable gentleman turn back to the good old days prior to responsible government; let him mark the sums then given for our road and bridge service:—

In 1836.....	£10,750
“ 1837.....	10,300
“ 1838.....	11,390
“ 1839.....	16,800
	£49,240

In 1840 I happened to get into the administration, in which I staid until the honorable gentleman made it too hot to hold me, and I came out at the close of 1843. Contrast my four years with the four years previous:—

In 1840.....	£44,000
“ 1841.....	24,000
“ 1842.....	33,000
“ 1843.....	16,000
	£117,000

Or an increase of £68,000 of road money over and above the amount

given in the previous four years. But let us look at the sums voted during four years in which the honorable gentleman had the whole and sole control of the revenues, and of which he brags so much:—

In 1844.....	£10,000
“ 1845.....	25,000
“ 1846.....	30,000
“ 1847.....	30,000
	<u>£95,000</u>

Or £22,000 less than my previous four years.

Now let us see what we have done under the present administration. We assumed office in 1848, in which we gave—

In 1848.....	£20,000
“ 1849.....	23,000
“ 1850.....	24,000
	<u>£64,000</u>

For the past three years; and this at a time when the country has been laboring under the depression consequent upon the failure of the crops of which I have previously spoken. The country is just emerging from this depressed condition, and assuming, as we reasonably may, that we shall be enabled to give, from our increased prosperity for the coming year, £30,000, we shall equal if we do not exceed the amount granted by the honorable member during his four prosperous years. In this contrast, sir, there is nothing of which we need be ashamed; and they are not the friends of this country who seek to make our people discontented with their position and prospects. Sir, I have travelled much over the face of Nova Scotia, over the adjoining republic, and in the old world, and I have arrived at this conclusion that, of all the lands I have ever seen, Nova Scotia offers to the poor man the most favorable field for the exercise of his industry. What do we see in every town and county of our Province? Scotch, Irish, and English emigrants—men from every country coming here, with industry, intelligence, and economical habits, worth nothing when they came, but by the exercise of these virtues gradually acquiring respectable competencies, if not ample fortunes. Let me say, then, that a country into which a man may come poor, and where in a few years he becomes independent—a country possessing abundance of the richest upland, with marsh land inferior to none in the world; with its healthy climate, and open harbors, affording the greatest facilities for commercial operations; with free institutions, gained after years of

struggle, is not a country deserving the slanders which day by day are heaped upon it. Nova Scotia can never be ruined.

Sir, after the stimulating influence of the American war had passed by I saw this city almost deserted. Again in 1835, half the stores in Water street were shut up, and no man could change a pound note into silver; but the period of depression passed by, a more certain and stable system was brought into play, and the city and country again prospered. Look above the Round Church hill, and see the space where, but a few short years ago, green fields were smiling, now covered with the stately mansion or the more humble dwelling house. Suppose old Mr. Stayner or Mr. Schmidt, were to spring from their graves to-morrow, how would they wonder to mark the change which has passed over the face of the property which once they owned. And now, sir, to conclude, let me briefly refer to the remarks of the honorable and learned gentleman touching the severance of our allegiance to the British crown. The loyalty of this people to their sovereign, is a subject of too grave a nature to be dealt with lightly. Sir, the old men who planted the British standard that floats on yonder hill; who had the courage and energy to brave the dangers of establishing a young England in this western wild; who left us their language, their literature, their past history and their legislative enactments, are slumbering beneath the soil they have bequeathed to us adorned by their industry. Shall we then, unmoved, listen to sentiments such as those which the honorable member has expressed? Sir, did I believe, that instead of gratitude to the sovereign, who has conferred upon us self-government, we would think lightly of our allegiance, or balance it against our personal rivalries with each other, I should blush with conscious shame for my country. And let me tell the honorable gentleman, that if any British Minister consented to part with this Province, with its fisheries, coal fields, bays and harbors, easily defended as it could be, he would earn impeachment, and deserve to lose his head. As a question, then, of public policy, looking to the future tranquillity of our homesteads and our hearths, I say it is the duty of every Nova Scotian to discountenance the idea of separation, as it is equally his duty to defend the Constitution of his country, while confidently relying upon her resources. In the full belief that further change at this time would be unwise, and that Nova Scotia will yet be commercially and industrially prosperous, I beg leave to move the following amendment to the learned gentleman's resolutions:—

*Whereas*, the forms of government, and modes of Administration which exist in this Province, have been established and adopted after ten years' discussion and conflict, with the full knowledge and approval

of the people of Nova Scotia, as expressed at the hustings, and with the sanction of their sovereign, conveyed in the dispatches from the Right Honorable the Secretary of State ;

*And whereas*, the same system of government has, with equal deliberation, and after many sacrifices, been established by the people of Canada and New Brunswick, while it is eagerly sought by the inhabitants of Prince Edward Island and Newfoundland ;

*And whereas*, it would be unwise, while designing men are seeking in other Colonies to unsettle the minds of Her Majesty's subjects, and to renounce their allegiance, to afford to them the slightest countenance, by applying at this moment for any fundamental change ;

*And whereas*, the salary of the Lieutenant Governor was fixed in Civil List Bill, and formed part of a compromise, by which the casual territorial revenues of the crown were transferred to the Province, and any breach of the compact would be dishonorable to the people and Legislature of Nova Scotia ;

*And whereas*, the Lieutenant Governor of Nova Scotia, venerable by his age, distinguished by his military achievements and by his successful administration of affairs in three other neighboring Colonies, is possessed, in the administration of our local government, of the same constitutional prerogatives and powers, that Her Gracious Majesty enjoys in England ; and whereas, in obedience to the instructions of his sovereign and in accordance with the well-understood wishes of the people, His Excellency has so governed this Province, as to secure the confidence and esteem of its inhabitants ; therefore,

*Resolved*, That having recorded its sentiments on these important topics, this Assembly does not deem it expedient to suggest any change in the institutions of this Province.

[The above resolutions were carried, twenty-six to fourteen.]

This speech, though at the time a successful effort, appears to us tame and heavy compared with many others. The London Sun spoke of it as "an oration of extraordinary ability, one sufficiently remarkable to deserve a very careful and serious examination."

The session was adjourned on the 17th of January. "Peace and tranquillity," said Sir John Harvey, "have reigned within the borders of Nova Scotia, the great scourge of the earth has passed us by, and several trying years of partial failure have been succeeded by a comparatively sound and productive harvest."

The violent proceedings at Montreal, and the cry for annexation that had arisen there and elsewhere, are thus slightly referred to in the opening speech:—

“Deeply convinced, as I am, that the loyal sentiments of the people of this Colony are unchanged, I do not feel myself called upon to make any reference to the discussions which are taking place in surrounding Colonies.”

A valuable concession, made by the British government to all the North American Provinces, was thus announced:—

“The Imperial Parliament having passed an act authorizing the several governments of North America to regulate their internal posts, a measure will be promptly submitted to you in accordance with that enactment; and I am happy to be able to assure you that no obstacle now exists to entire control being assumed by the Provincial government over this branch of the public service, and to the establishment of a low and uniform rate of postage throughout British North America.”

This was the termination of all controversies upon very important questions. The control of the posts and the employment of carriers by the Postmaster General in London, were incidents of the old Colonial system. They grew up together, as they must ever grow, where new territories are conquered and settled by communities enjoying the conveniences of modern civilization. It is but fair to acknowledge that the great powers exercised by the Postmaster General, were never abused in the maritime Provinces. The salaries given were not extravagant, and the patronage was rarely dispensed in a way to outrage public opinion. Mails were sent with as much regularity as could be attained with sailing vessels and bad roads; and new routes were established wherever it could be shown that they would be profitable, or where the Legislature would provide for the expense. The rates were various and very high, but Rowland Hill had not entered upon the scene, and responsible government was a myth that nobody but a few enthusiasts believed in. As nothing could be done which touched politics without consulting the Colonial Secretary, so nothing could be done about mails and post towns without consulting the Post-



master General. Cartloads of correspondence passed to and fro across the Atlantic; and, as the old ten gun brigs often went to the bottom, duplicates had to be sent and months to be wasted, before any thing could be done. But yet the honor of the crown and the security of the empire appeared to be involved in all these intricacies and absurdities. Sir Francis Freeling would as soon have thought of surrendering a mail to a highwayman, as of giving up Colonial posts to the control of the Colonial Legislatures. "Tout cela est changé." Responsible government once established, the control of the mails came as a matter of course. The Provincial governments make their intercolonial arrangements. The Postmaster General of each Province controls its internal posts. Two or three dispatches a year dispose of all the questions which touch Imperial arrangements, and the conveyance of sea-going letters. A uniform rate of three pence has been established all over British America, which will, by and by, come down to a penny. The whole service has been extended and improved in all the Provinces. The Imperial authorities have been relieved of an immense amount of labor, and the Colonists, as a matter of course, are entirely satisfied.

On the 30th of January, Mr. Howe brought down an educational measure, which had been promised in the speech. It was the old School Act, revised and condensed, with two new features, which in all subsequent acts have been still preserved. These were the appointment of a superintendent of education, and the establishment of village libraries in all parts of the Province.

This session was enlivened by the introduction of a bill which caused no little excitement among the lawyers in the House, and a good deal of amusement to the country at large. Various opinions were held at the time as to its origin. Some believed that Mr. Howe had been annoyed by the intrigues, jealousies, or unsteady support, of some of the professional adherents of the government, and wished to teach them a lesson and reduce them to discipline; while others thought that the bill was brought in from a sincere conviction of its utility. Whatever the motive may have been, the measure was introduced, advocated,

and fought through, with becoming gravity, and is still the law of the land. It is entitled "An Act to authorise Her Majesty's subjects to plead and reason for themselves or others in all Her Majesty's courts within this Province."

We give one or two speeches by which this novel measure was defended. The absence of any table, by which fees are now divided between barristers and attorneys, and of any previous examination, had been urged as objections.

Mr. Howe replied. I will answer the question of the honorable gentleman. I would abandon this restriction, because in point of fact it is not worth a rush. I could point to six or seven barristers, who have gone through this ordeal, and have been admitted to the bar of Nova Scotia, who are hardly a grade above the idiot, or fit to herd geese upon a common. With respect to the fees, I do not expect that any layman will go into our courts to practice law for fees. If he will, he ought to have the right. My learned friend strangely mistakes the object of my measure, if he supposes that I contemplate or care what becomes of the fees. I seek to reclaim and establish a common right, for great public ends and advantages; to give to the poor and oppressed, the shelter of unpaid advocacy and defence. I ask him if there were any such monopoly in Greece or Rome, as exists in Nova Scotia?

Mr. Harrington. Yes, there was.

Mr. Howe. But, I say no! There were no such restrictions in those illustrious nations; nations that have sent down to us the very foundations of our laws, and the noblest specimens of forensic preëminence. It will be admitted that Demosthenes was a pretty good lawyer, and one of the best orators known in the annals of history. At the age of seventeen, he walked into the courts of his country, and won back his inheritance from the guardians who were mismanaging his estate. But Demosthenes was never cooped up in an attorney's office for five years, poring over old musty volumes of almost forgotten lore; he studied after a very different fashion. The son of a sword cutler, he studied rhetoric and philosophy, in the schools of Socrates and Plato, who were not attorneys, but philosophers, travellers, men of enlarged minds, and of experience in the world, rather than in courts. Then, if the Greeks, who have handed down to us such brilliant examples of genius without any such study and no such monopoly, is not Nova Scotia just the country in which to try the experiment? Now take

Rome; there was Cicero. Nobody will deny that he was nearly as great a lawyer and orator as any we have in Nova Scotia. He studied oratory, philosophy, and all the branches that could expand the mind and polish his intellect, for years. He defended the oppressed for fame, and thought very little of the smaller matters of fees and their subdivision, of which my learned friend seems to think so much. At twenty-six he pleaded some causes, for the reputation to be acquired, and then went off to Athens, to study the great masters of oratory there. Well, now these are great examples, given to us by those classic periods of which we often hear so much. The honorable member for King's asked me, "Are those admitted to plead to be subject to the same restraints as the present barristers?" I say yes; my bill does not contemplate degrading the courts or the profession, but raising the character of both. There is no restriction against any man being sent here by the people; but, after we come here, we are under the law as expounded by the Speaker. So any man, that enters a court of law, must conduct himself with decorum. From what I have seen of late, I believe that the power of the judges is too great; that they exercise an influence over the bar because the bar live by the profession, and dare not say what they think, either to or of the bench. But suppose I were to enter a court of justice, placed without the charmed circle, I should not feel the weight of that influence bearing as heavily upon me as though I had but the profession of the law to look to for my bread. Let any man enter a court, and face a judge and a jury for a day, and then walk off about his other business, he would be enabled to act more independently than those who are continually under their influence.

We saw the operation of the system, two years ago, when charges were broadly made here, and subsequently qualified and withdrawn. We saw it recently, when barristers talked of a judge being drunk, who would have shrunk from preferring the accusation to his face, or on the floors of Parliament. I do not believe that any judge in this country was ever drunk upon the bench, and I am not providing for any such case; but suppose it did occur, the layman that walks into court cannot be coerced or controlled farther than to decent conduct while there. But by this monopoly, you at once place around the bench a protecting influence from the free and unrestrained criticism of the whole community; removed, you open the judge to the free scope of popular opinion, and throw around him its protection. The bench will be protected from a whisper of offence by the general confidence which will be inspired, and the elevation which it will obtain; rising upon the suffrages, not of an interested clique, but of a confiding, intellectual community.

But, it is said, a layman can never study and comprehend the laws. Why not? What is there so abstruse and difficult in our common and statute law? Take the laws of nations, which have to form the basis of all diplomacy. These are handed over generally to a body of men who are not lawyers, but yet who arrange and manage treaties, with all their mighty interests, and infinity of detail, to the satisfaction of their respective nations. So, take commercial law. Merchants master but cannot practice it. I need not go out of this street to find a man who understands commercial law as well as any lawyer in the country, and whose opinion I would rather take; but I cannot ask his opinion; he cannot go into our courts and plead a case. Now take, again, the divine law. Any blockhead may go into a pulpit, shatter the nerves of a whole congregation, discourse of things temporal and things eternal, and dispose not of our estates, but of our souls; and yet the most accomplished statesman, who is not a lawyer, cannot go into one of Her Majesty's courts and sue for a ten-pound note, or seek restitution of a poor widow's rights. Again, the law martial,—by which the whole armies of England are regulated and governed,—is administered by the officers of that army, who are none of them lawyers; perhaps never looked into a law book in their lives. The lives, the honor, of gallant gentlemen and fine soldiers, are forfeited or secured by such tribunals every day. The errors are not more numerous than appear in our courts of law. Yet the general who has presided over an hundred such tribunals, could not plead, when on half-pay, a common case of trespass in our civil courts.

I sustain this bill then because I believe all monopolies are bad. Suppose we were to secure in this city to-morrow a monopoly of commercial business, that we should take a hundred men and confide to them the whole foreign commerce of the country and let no others send ships to sea. Enterprise would be cramped, trade would languish, our mercantile character would be lowered, and the community much less prosperous and contented. Take the sciences of chemistry, astronomy, are they not as abstruse, as perplexing, as law? Like law, they are progressive sciences. Why have they improved so much and law so little? How is it that we can measure Jupiter, but cannot frame a reliable plea or indictment? Take Mrs. Somerville's mechanism of the heavens. Put it into the hands of the lawyers of Nova Scotia, and I doubt if five of them will understand it. Do you suppose that such works would have been composed by women, if the sciences were placed in the hands of a few men who enjoyed a monopoly of their study and cultivation? Take the science of civil engineering,

that by which we have lately seen a highway hung in the air, and over which railway trains pass with the rapidity of lightning; and yet the man whose mind was sufficiently comprehensive to plan and execute such a work as this is debarred from entering a court of justice and pleading the simplest case for a friend. The one branch of science is free, and the other is stamped with a seal which would lead us to believe that but the few initiated could comprehend it. Now, let me say with respect to the bench, it can never rise above the intellect of the bar in this or any other country in the world. The judges are selected from the bar; they must be, and they hear no instructors but the lawyers. The jury cannot speak, nor can the audience; and it would not hurt the judges to find a new mind springing up occasionally to instruct, entertain, and convince. Take an instance, ten years ago, when I sat in that gallery, and thought it (contrary to modern notions) a pretty respectable sort of a place, I daily listened to the oratory of the father of the present honorable and learned Speaker. His sons will not contradict me, when I assert that he was superior to them both, in general knowledge, accuracy of detail, comprehensive views, and manly eloquence. Yet to the day of his death he could not have stepped across the charmed circle, or have raised his voice in a court of justice.

I think it is Dickens who asks, Did anybody ever see a dead donkey? This may be a very rare sight, but it is an equally rare one to see a lawyer in jail. I have, within my own memory, known fifty cases where the property of the poor was withheld from them by members of the profession; and no lawyer could be obtained who would bring an action against one of his own cloth. Sir, if in the course of my life, I have seen one case, I have seen hundreds, in which my sympathies prompted me to enter a court of justice and plead for the oppressed, but this monopoly would not allow it. Take doctors and clergymen. Suppose a case of dire oppression is brought home to their senses, is there any reason why, if they see a case of rascality perpetrated on one of their parishioners or patients, appealing to their nobler feelings, they should not take the agrieved party by the hand and go into court and plead the case of the poor and oppressed? I advocate this bill then, because it will put all on a fair footing with the privileged. I say I never knew a lawyer to be in jail. Yet I have seen fifty cases where parties were kept out of their money, and although a few persons may have found redress, the cases are very rare. I have found in my rambles through the country hundreds of cases of hardship which I would have pleaded from sympathy, and without ever a thought of how the fees were to be divided. The honorable member from Sydney told me that I went into

court once and made a pretty long speech. And so I did. I got then a pretty good idea of how things are done. The lawyers do not take three meals a day of law with perfect gusto. They study a little when young, and after that they jostle about in the profession and take their chance. Now and then, there is a fellow who studies very deeply, and he drops off before his time. I am not so sure that our young farmers and mechanics do not tax their mental and bodily energies quite as much as our young lawyers.

Our present venerable Chief Justice stepped out of the ranks of the army, and I believe that all his books might have been carried on a wheelbarrow when he was elevated to the bench; he devoted but a short time to the study of law, and a capital judge he has made ever since. How long was Erskine studying law? He made two or three voyages to sea, spent a year or two soldiering at Malta, another studying under an actor, was enrolled at the Temple, and, in a short time entered the court at Westminster, where he astonished the bench, the bar, and the British public, and commenced that brilliant career, which he followed up by triumph after triumph till the close of his life. Now, let me ask gentlemen who fancy there is something mysterious in the law, what are the ordinary run of cases that come into our courts, cases of debt, assault, trespass, slander. What mystery surrounds them? There is not a day that, as Legislators, we do not study and dispose of matters of more intricacy and importance. It was my fortune to study the law of libel once, and in three weeks I think I read more of it than any lawyer ever did in Nova Scotia. The Speaker laughs; but, sir, the proof of the pudding is in the eating of it. And while my law was accepted as sound, the law of the bar, and of the judges too, was voted absurd by the jury. I ask any man to go into our courts of law, and ask himself if he could not take from a dozen different walks of life those who would shed more honor and intelligence than many of those who sit behind the bar? But I may be told that gentlemen would go there to lecture the judges on mineralogy, etc. Sir, that would not be the effect; but I do sincerely believe that the profession suffers from being circumscribed among a few and from not being open to the free competition of other minds; and once open our courts by this bill, and admit all those whom I know are steadily preparing to take their stand in any walk of life into which inclination or ability may lead them, and you will see a vast difference in the intellectual calibre of our courts. The honorable member for Cumberland says, let the bill pass, it will only create an additional number of law suits. I do not think such will be the effect. At the present moment there is no free scope given to defend the rights

of the poor. But competition was encouraged by the Greeks and Romans ; and I believe the time will come when we shall see the same policy prevail in our courts ; when men will plead cases, not only for money, but for the credit it gives them, and the satisfaction of doing good to a fellow creature. I will not, sir, detain the committee longer. The want of some such bill as this has long pressed upon me. The mode of carrying out the idea may not be correct, but the principle I believe to be sound.

On a subsequent day the following reply was given to a very able attack made on the bill, by the Hon. Mr. Johnston.

Mr. Chairman, I should certainly ill discharge my duty to the committee and to myself, were I not to answer the learned gentleman on the spur of the moment, so far as the deepening shades of evening will permit. I will say, sir, that the honorable and learned gentleman's opposition to this bill is sincere, and springs from no professional jealousy. He has been too long engaged in his profession, and has fought his way too high to fear the contact of inferior minds. He has won a position in his profession, which no one, starting under this bill, could assail. I respect the honorable gentleman's forensic talents, and admire the cool and collected manner in which he has delivered his argument to-day. The honorable and learned gentleman seemed to consider that I held the bar of Nova Scotia lower than that of any other country. Sir, I respect the bar generally ; but it was of the monopoly I complained, and it is that which I seek to abolish. I affirm that untried and ignorant men will seldom seek to thrust themselves forward upon an arena where they will only prove their ignorance, and from which they will inevitably retire with defeat. But there are many who have been tried, and whose talents would not disgrace any sphere, however exalted. These are now excluded, while men, far their inferiors, in knowledge, eloquence, and virtue, are by your present system intrusted with the lives and properties of the people, and admitted to plead and reason in our courts.

I was amused with an argument of the honorable member for Cumberland. He says, the bill ought to go farther and admit the ladies into the courts of justice. Why not? They would make eloquent pleaders. Does he remember that celebrated scene where two females rushed into court with a case, reported in an imperishable volume — a cause, where a layman was the judge, and ladies the only orators. With their maternal feelings excited, the mothers rushed into court without being accompanied by two lawyers who had studied for five years, and both claimed the child! King Solomon, who was, perhaps, nearly as

wise as the judges in Nova Scotia, repelled them by no forms, asked for the aid of no counsel learned in the law. But he had studied the laws of nature, and sounded the depths of the human heart. With a glance he detected the rightful owner, and gave a judgment which has never been reversed. What answer does the learned member for Pietou give to the case I quoted last evening. The state of your law would have refused admittance to Agricola, who could have entered any public assembly and shed lustre on it. The honorable and learned member fears that parties will enter the court who are not acquainted with the forms. What a bugbear is this story of the forms—the forms. Why, sir, have we no forms? I may ask the clerk to hand out three huge volumes of Hattell, which every member of this House is supposed to be acquainted with, and by which he must be governed, and yet we must be all lawyers. I remember well, that when an aspirant for the chair in which you sit, those huge volumes were held up to me as formidable obstructions by timid friends and artful enemies. But I found these forms, after all, not very difficult to understand, or to administer; if the forms of the supreme court are more intricate and complex, it is quite time that laymen were let in among them.

The honorable and learned member for Annapolis seemed to doubt my sincerity, and talked of kite-flying. Now, sir, I may say, I hope this little kite of mine may have a tail long enough to steady and carry it to its destination; that is the test. If I can only get a tail long enough, I will vouch for the safety of the string. But my kite is nothing to his; the piece of pasteboard he laid on the table of the House yesterday: how long he expects that kite to fly, or how high it will soar, is a curious question.

The learned member defends the monopoly on the principle of a division of labor, but have we not the division of labor in all the other walks of life, without monopoly? The old judge might not have been a good horse-jockey. Few men are, but he could buy and sell horses if he pleased. My argument is, that a farmer or a horse-jockey should have the same rights in the courts, as a judge or a lawyer has on the turf or in the field.

But he says, did you ever hear of a doctor turning merchant? I answer, yes, we have one in this town, who, by giving his leisure hours to trade, has accumulated a very handsome competence. But a doctor can turn merchant, or a merchant can turn doctor, but neither one nor the other can turn lawyer. The honorable member has referred us to Cicero and Caesar, who, he says, had many clients, who were the friends, the adherents, the supporters of these great men, and the higher their



ability, the more extended were their means of influence. I have already shown that Cicero pleaded not for money, but for honor and fame; and the case of Caesar tells more powerfully against my opponents than that of Cicero; for he was an eloquent orator, although bred to arms. The honorable and learned gentleman argues that, from the proportionate number of lawyers in this House, the profession must be very popular, and the members of it very useful in the country. But I take a very different view. By confining the knowledge and the practice of law to a limited number of persons, you give that limited number an unfair advantage over the whole. They alone learn to speak in public—to plead, to reason. They alone acquire the confidence to rise and address public assemblies. They alone gather round them a numerous clieney who desire their advocacy or dread their power. They alone grasp and fill the local offices which give influence in the different counties; and hence, when elections are to be run, they carry with them to the hustings the advantages secured to them, and which are strengthened by the monopoly they enjoy in the courts.

But let the bar be thrown open, and then I do not think there will be the same preponderance of the profession here. But, he says that Erskine studied. So he did; but I told the honorable and learned member the truth last night, when I said that he was bred a sailor and then a soldier; and that after studying a few years, he had, at his first step into the profession, shown an intimacy, not only with the great principles of law, but a cultivated eloquence and a fertility of illustration drawn from his enlarged observation of men and things, that astonished the bar, the bench, and the country. His argument is, that Erskine was successful. The honorable gentleman referred to the late Mr. Gray, whom we all knew, and whose memory, though he was a political opponent, I highly respect. Sir, I admit that a gentleman, such as Mr. Gray, has often stepped forward and vindicated the rights of the poor man, and perhaps there are many others not less ready or willing to do so. But still, that is no reason why we should refuse to the poor, wider and more extended means of obtaining justice. For once that they obtain such voluntary aid under the present system, they would have it ten times under my bill, and at least they would be secure of a redress of wrongs done them by members of the profession itself, and for which, now, there is rarely any remedy.

Sir, the honorable gentleman has told us how hard the lawyers in England work, so they do, and so many do here. But, sir, we have a population of three hundred thousand in this country, and it may be that you have not all the brightest intellects at the bar, notwithstanding their

great study. Have we not many men training in various walks of life, who study hard; men who are indefatigable in polishing their minds, and who may be as well qualified for the practice of the law as any who have been admitted at the bar? I doubt the mysterious influence of five years at an attorney's desk, and the humbug of an examination which I showed last night was perfectly useless.

Mr. Johnston. *The pons assinorum.*

Mr. Howe. Perhaps you are right; for there are many of these young sprigs of the law whom no man would ever suspect of exercising any very great powers of mind. But, sir, I have determined to say nothing which may appear invidious. If, upon its general merits, this bill cannot be sustained, then let it go, rather than individual feeling should be wounded by personal references. I feel, sir, that I am wearying the committee, and as I shall have another opportunity of answering objections to the bill, I will no longer detain them at this late hour. One single observation and I close. I was twelve years in business, and I appeal to men of business within this House, and beyond it, to say if their experience has not been the same. In those twelve years—and to this monopoly alone I attribute the cause—I could never collect a debt from a lawyer who did not choose to pay me.

His friend the Speaker also attacked the bill, and got this answer:—

It was the practice, Mr. Chairman, among the Locrians, when a man proposed a new law he was to go before his fellow citizens with a halter around his neck, and if the law was rejected he suffered the penalty of death for his presumption. When I introduced this bill, I knew the risks I ran and the opposition I should have to encounter. When I saw the half smile which played upon the lips of the honorable and learned Speaker, I much feared, notwithstanding his professions of friendship to the measure on a former day, that he would do as he has done, go over and join the ranks of the enemy. He has expressed his deliberate opinion, and I do not complain; but I will tell that honorable and learned gentleman that this bill is no hastily concocted scheme; no crude thought thrown before this Assembly without due consideration, but the result of deliberate and mature reflection. It is not, as it was styled by the honorable and learned member for Annapolis, a kite thrown up for some popular and temporary purpose; but something which from my heart and soul I believe will advance the interests of our country. The novelty of the idea has been pleaded as ground of objection, but most things

that are valuable have had an humble origin. The mariner's compass was invented in an obscure Italian town; the steam engine was constructed in a Scottish seaport; a town of no great mark or likelihood gave birth to the art of printing; and so, this example, set by the little Legislature and Province of Nova Scotia, will eventually, or I am mistaken, be followed in other countries. I feel myself, in the advocacy of this bill, opposed to immense odds; I have felt the varied talent of this corporation bearing down upon me since its introduction. But, sir, will any man venture to predict, when he sees all the monopolies of the days of Queen Elizabeth and Charles the First — the East India Company's exclusive charter, and the great food monopolies of the landlords of England — stricken down, that this is to last? Sir, I am sorry if, in the advocacy of this bill, I have allowed the veins to swell upon my forehead, and the blood to mantle in my cheek; but let me tell the honorable and learned member for King's, that if I appeared too animated when I addressed him, it was not because I feared his arguments, but because I was afraid that he would not leave me enough of the night fairly to advocate my measure.

I listened attentively to the arguments of my honorable and learned friend the Speaker. "What!" said he, "let in everybody? Why, if you commit such an outrageous act as that you will have our venerable Chief Justice annoyed by the misbehavior of those who may violate the decorum of the court." Sir, I saw, not very long ago, in presence of the venerable Chief Justice, a learned member at the head of the opposition, who, threatening to pull the Speaker's nose, snapped his fingers in his face, declaring his determination to knock him down. Will laymen, if admitted, commit more gross violations of decorum than this? Let me refer the honorable Speaker to a case in answer to his statement "that all persons in the Province requiring counsel could obtain it, and that the bar was fully adequate to meet the requirements of the people." The crown granted to a poor woman residing in Arichat a piece of land; a neighbor encroached upon it, and, believing the Queen's grant to be a reality, she employed counsel. The jury gave a verdict against her, which would have been set aside if argued before the judges. The widow was poor, and though her story was told to half a dozen professional men, not one would see justice done to her. Deprived of her property, ruined by its defence, she presented herself to me, and said, "Good God, Mr. Howe, what am I to do; surely the crown did not wish to entrap me into a lawsuit." I could but say, I cannot aid you; I wish I could go before the court and tell your story, and I think I could obtain justice for you. But if the lawyers will not go, nobody else

can. I give the honorable Speaker that one instance; I could give him fifty others. What says he again? "The law practice of our courts forms a complicated and an artificial system." Sir, I believe it, and there is the more reason for combined exertion to render it simple, intelligible, and easy of access. A great part of this "million of facts," of which he speaks, would be altogether swept away, and the remainder revised and rendered intelligible, were new minds to be let in who would not venerate an old system merely because it was handed down to us from our ancestors. But we have lawyers here, many of them; does the knowledge of this million of facts raise them so very far above the laymen of the House? We may as well, then, have a taste of these sweets; surely we cannot fall much below some of them; perhaps we may in time even venture to compete with the most talented.

But it was denied that lawyers retained the money of their clients; let me give an instance worth all their arguments. I will relate one: It is scarcely a month since a poor fellow walked into my office; the expression of his countenance was familiar to me, but I could not recollect his name or where I knew him. He proved to be an acquaintance of my schoolboy days, whom I had not seen for twenty years. He had come to ask my advice as to the course he should take with reference to the following transaction. He had sold some property, and taken the buyer's note for the payment of the price. When it became due he was obliged to put it into the hands of a lawyer for collection. For five years was this poor man kept, by one excuse or another, following after this lawyer's heels for his money, until he at length employed another lawyer to collect it. It was then discovered that the first legal gentleman had collected the debt five years before, and would not pay it over. All I could say to this poor fellow was not very consoling. I could not go into court and tell his simple story. If I had had the power, there is not a judge in Nova Scotia who could have allowed him to remain an hour without his money, or that lawyer to have worn his gown. The man has gone home. Whether he got his money before he went, God only knows! but I know, that if I had had the power to go into the supreme court and state his case, he would have got it, and the gentleman who retained it would have been taught a lesson that would have corrected his practice in all time to come.

The next in order is the honorable and learned member for King's. He told us that this bill was to take away the common-law right possessed at present by the people of this country to plead for themselves in our courts of law. The people may in theory possess that right; in practice it is a nullity. How was this bill received when first introduced?

A sneer and a laugh all round the House. Suppose any poor devil were to exercise this common-law right, and attempt to go forward and plead his own cause in our courts? He would find what the old and venerable men in our city found when they attempted to obtain a seat within our justice halls — that the barristers' seats are filled by a parcel of boys, who would look with pert impudence upon the intruder. Any man who attempts to exercise this common-law right, as it is called, will find that it is just such a right as no man will attempt to exercise more than once. Sir, in my youth, I tried it; and had I not possessed nerves of iron I should never have been enabled to bear the passive resistance, the self-satisfied irony, which rested upon nine-tenths of the countenances of those around me. But the honorable gentleman says I am not giving the principle involved in this bill its full scope.

Sir, there is more than one way of defeating a measure; you may either oppose it openly, or restrict it within such limits as to make it absurd. Now, I shall not follow the lead of the honorable member, I shall not commit either of these acts of folly; and I will not take the suggestion of the honorable member for Pietou [Mr. Blackadar]. He seemed to view with horror undisguised the opening up of our bench as an incentive to more active exertion for our people. I will go back to no very distant period, when two members of this Legislature were placed upon the bench — vacancies occurred, and a judgeship was given to each. Sir, had Herbert Huntington received this honor, and been called upon to decide any of those complicated questions which may have come before the two learned judges mentioned, I will venture to affirm that he would have dived to the root of the matter, whatever it was, and given as righteous and as just a decision as either of them. But the honorable member for King's asks, "Why not bring in barristers from abroad?" Has he sat here for years and years, a lawyer, and never thought of this proposition until to-day? Does he bring it forward now because he wishes my bill to pass? I do not believe it. No! no! The honorable gentleman wishes to attach something to the tail of the kite which may prevent its soaring into the heavens, and eventually prostrate it in the mud. Were a lawyer from the States, the Canadas, New Brunswick, or any other portion of the globe, to make his appearance here to conduct a suit in opposition to the honorable gentleman, I think I am safe in asserting that the first exception he would take would be to the legal qualification of his opponent.

The honorable gentleman wishes the judges to have the power of allowing any man, upon the application of the party interested, to plead for him. This might prove efficient, but there are serious difficulties in

the way. The judge might not in a good many instances be disposed to grant the application, and my object would thus be lost. These very kindly intended and ingenious amendments coming in at the ninth hour, I like not. But the honorable gentleman told us that where there would be no restraint in the issuing of writs much injury would ensue. We walk round our streets and see shops open for the sale of prussic acid, arsenic, or blue pills. What restrains the undue and unwise sale of these articles except the responsibility of the sellers? Nothing. So would it be in this case, and the honorable gentleman must believe us simple, indeed, if he supposes us likely to be frightened by arguments of that kind. Two or three of the opposers of this measure dwelt much upon the irresponsibility of those who would have the power of issuing writs and conducting the suits of others. They were quite willing that the Provincial secretary should be allowed the privilege. I can hardly conceive any man more likely to misbehave himself or incur the anger of these honorable gentlemen than he in whom they seem to have so much confidence. But then he says, "Would you allow a man straight from the penitentiary, to enter our courts as a practitioner and become a candidate for a judgeship?" In answer, let me give the honorable member an episode in the history of an English Chief Justice, whose career had been wild and reckless in his youth, but who had forsaken his vicious course. He became a judge, and while in the exercise of his judicial functions, a prisoner was brought before him, charged with the commission of a heinous crime. His features were familiar to the judge, and when the trial and condemnation of the poor fellow had passed, when the shades of night had fallen, and he had shrunk away to his cell to make his peace with God, the judge could not rest upon his pillow. He rose and visited the damp cell in which the prisoner was confined, and there, while the lamp flung its dim and sickly rays upon his pallid features, the judge recognized one of the companions of his youth. In the course of his conversation, he asked the condemned man "How many of the old gang are yet alive?" "All hanged, please your Lordship, except you and I," was the rejoinder. I have heard it said, sir, that some members of our bar had volunteered their assistance in conducting the trial of Dr. Webster; I have no doubt but that the fate of that unfortunate man depends entirely upon their brilliant efforts! but I should much like to see such men as Webster and Choate come down here and give us some idea of their forensic powers. The honorable and learned member for King's told us that one legal gentleman did nearly all the commercial business in Hants county, and another was so engaged in Halifax. He

should have reminded them of the arrangement by which legal gentlemen are stripped of their gowns. Let them look to it!

I now come to the learned member for Richmond. He says he will vote for the bill, but he objects to the preamble. "What!" he says, "how can the lawyers *enjoy* a monopoly that is *injurious* to them?" He thinks it bad logic. But I ask him if a man cannot *enjoy* a bottle of wine, that may be injurious to him? The monopoly of the bar keeps out the fresh minds that would occasionally come in and sharpen others by competition. Take the learned member for Annapolis. Most of us remember when he came into this House. It was a new field for him; and I ask the honorable gentleman himself if he has not learned more in the same time, since his entrance into this hall, than he ever did at the bar? Therefore, I say the preamble is right; the monopoly may be enjoyed, but it is injurious. Oh! but he says, It pretends that other people can teach the judges. So they can. There are a hundred cases where a witness can be put into the box and the truth never be drawn out by the lawyers. A case of poisoning may depend on the eliciting of a single chemical fact, and yet that fact may not be stated, and a man's life may rest upon the issue. So in various other cases, where scientific knowledge is required.

I went into the chancery court the other day, attracted there to hear this great case of *Doyle vs. Uniacke*, of which there have been so many stories told. If we were to believe them, an honorable and learned friend was to be taken into custody for running off with a sum of money, if not for the murder of a boy. The whole thing turned out to be a question touching the legitimacy of a child. I went there, however, and what did I hear? A volume of indecent literature. I do not believe there was a single doctor in Halifax who would not have discussed the subject with as much common sense, without understanding these million of facts, of which we hear so much. The judges quoted *The Edinburgh Review*, *Young's Night Thoughts*, and a very curious extract from *Gibbon*, rather too indecent to be repeated here. One of the counsel read an extract from *Miss Edgeworth's novels*; and the other quoted the great case of *Tittebat Titmouse*, in *Ten Thousand a Year*, as law authority. The honorable and learned member from *Pictou*, quoted much from *Judge Story's work*. Let me give him an extract worth all those he has urged:—

"In truth, the common law, as a science, must be forever in progress; and no limits can be assigned to its principles or improvements. In this respect it resembles the natural sciences, where new discoveries continually lead the way to new, and sometimes to astonishing results. To

say, therefore, that the common law is never learned, is almost to utter a truism. It is no more than a declaration that the human mind cannot compass all human transactions. It is its true glory, that it is flexible, and constantly expanding with the exigencies of society; that it daily presents new motives for new and loftier efforts; that it holds out forever an unapproached degree of excellence; that it moves onward in the path towards perfection, but never arrives at the ultimate point."

The learned member for Richmond told us he was going to vote for the measure, but could not do so without stating his arguments against it. Such a course, pursued by one of those gentlemen possessing a "million of facts," my schoolboy would be ashamed of.

I now come to my honorable friend from Sydney. In opposition to this measure, his tactics were excellent. Where, he asks, are the petitions? where the excitement? Where, I ask, were the petitions and excitement when the honorable gentleman introduced his Wind-or-College Bill? It was a very good bill; every one was in favor of it; and the honorable gentleman did not stop to ask where the petitions were. But the honorable gentleman was not content with this. He must needs throw up another kite; a beauty which soared away, and rose so high, that it got quite out of sight and has never since been seen. The honorable gentleman asks, Have we not lawyers enough? I might answer in the words of old Dr. Gray's thanksgiving, "Thou hast showered down enough, Lord; aye! and more than enough." Now, let me turn to the honorable member for Pictou; he certainly handled the measure without gloves to-day. He told us he was in favor of a pure administration of justice; so am I; so are we all. But somehow or other, rumors do reach us at times that we have not got it. But the honorable gentleman told us the American Revolution was produced by bad judges. They were all lawyers previously, were they not? This monopoly existed in America at that time; then, what argument could be drawn from that to prove that laymen should be prevented from exercising this privilege? If it have any effect, surely it bears against the honorable gentleman's argument. We were told of the depth and profundity of the studies required to fit men for this profession; told a tremendous story about the forms; and then he asked me how I would give an opinion upon an insurance case? Well, sir, in the first place, my opinion would be very much guided by the side upon which I was retained, and the amount of the fee; and then, if it happened that the party retaining me had no just grounds either of defence or prosecution, his case should be dismissed at once. But then, the forms, the forms, he says, what *would* you do without the forms? How would you understand the nature of declarations, re-



joinders, sur-rejoinders, rebutters, and sur-rebutters, with a score of others? Well, sir, to see exactly what all this mysterious labyrinth of hard names meant, I sent out to a stationer's and bought up all the forms I could get. The greater part are very simple; some very stupid, and some absolute nonsense; but there is not one among the whole, of which a man with common brains would not learn the use and application, in one month. A simple friend of mine once received one of these mysterious documents, and becoming dreadfully frightened, he posted immediately to town. I happened to meet him, and he accosted me, seemingly in great perturbation, asking me what he was to do, and stated that he had been served with a paper in which he was charged with having done something to a Mr. John Doe and a Mr. Richard Roe. As for Mr. John Doe, he never heard of him in his life; and the only Mr. Roe he knew, was a Mr. Tommy Roe in Musquodoboit, with whom he had always been on terms of friend-ship. But the honorable gentleman knows right well that there are books, in which these forms and their applications are set down with unmistakable plainness; and that all the forms ought to be as simple as those in Marshall's Justice. The honorable gentlemen who battle so steadily for these forms, put me in mind of the old military geniuses of the Low Countries, about the time when Sterne wrote his *Tristram Shandy*. His inimitable Corporal Trim, faithfully represented them in all their characteristics. Why, if a man were breaking in at his master's windows, Trim would never think of blowing his brains out until he had shouldered arms and gone through all the preliminary forms. What became of that system? Why, such men as Conde, Prince Eugene, and Bonaparte, broke through these musty rules of the past; taking the old soldiers by the queues and dashing their heads together, they taught them the art of war. So the legal profession would benefit if new minds were let in among them. But the learned member says I might be nonsuited. Well, sir, it is not a very great while ago, that, straying accidentally into the supreme court one morning, there I saw the judge in his ermine, the jurymen all expectation, and my honorable and learned friend just rising to address the court on one of those heavy cases of which he speaks so much. He had not proceeded very far when he was turned out of court nonsuited.

Hon. G. R. Young. I never was nonsuited in my life.

Mr. Howe. My honorable friend should not interrupt me; mistakes will occur, even in the best regulated families. I will not name the day nor the hour; but I recollect having seen him much excited, because the judges did not understand the law exactly as he did. We are told of the six hundred volumes of reports. No man

should believe for a moment, that any lawyer reads the whole of these reports; it would not benefit them. I was much struck with an answer I received from a friend when I had asked him whether he read much or not? He answered, No! because it prevents me from thinking. It is the grappling and grasping what a man does read, that benefits him. Some men overloaded the stomach; the effect is an attack of dyspepsia; some overload the brain, that is equally congestive. But my honorable friend himself proves that the study of the law requires not the whole of a man's time; he collects his statistics on every variety of subject, attends to his legislative duties, and pursues his law avocations also. The honorable gentleman referred to Demosthenes. That celebrated Athenian orator took much pains with himself; he was afflicted with an impediment in his speech, and to cure that he went upon the sea-shore; and with the green hills of his country behind him, while the waves of the ocean rolled in and dashed their foam upon the strand, with pebbles in his mouth, he declaimed till his utterance was free. My honorable and learned friend might, with much benefit to himself, follow the example of Demosthenes. He told us he "intended to take a practical and comprehensive view of the question," and then at once come to "the division of the fees." Then he told us that Erskine was a very good *nisi-prius* pleader, but made a wretched bad chancellor; that Sir James Mackintosh was a good historian, but no lawyer; and as for Macaulay, he was no lawyer at all. Now what did the honorable gentleman mean by all this? He surely did not mean to assert that we have men at the bar of Nova Scotia their equals. But the argument tells against him, for they all studied law under the old system. Sir, I seldom enter the supreme court; but I have never gone there but matter for deep reflection has attracted my attention. Some poor devil is arraigned for his life; he has opposed to him one of the ablest men in the Province, my honorable friend the Attorney General. The judge, smiling upon some young barrister of perhaps a year's standing, assigns him as counsel for the defence; upon the issue of that trial, depends that prisoner's *life*. Sir, I feel that I am wearying the committee, and that I have not done this subject justice. Had it been in the hands of those more intimately acquainted with it in all its details, I doubt not but it would have passed by an overwhelming majority. What its fate may now be, I know not. I hope, however, that it may have friends enough to tide it over. Sir, I have outlived the paltry ambition of attempting to gather popularity around *myself*. I desire to clothe those with whom I am associated with all the popularity I may achieve, and I seek from them but the same sympathy and support. Earlier in life I may have

aspired to throw myself in rivalry against some member of the profession, but all such feeling has long since passed away. I complain not of the opposition which the profession have given to this measure, except it may be slightly of the honorable member for King's; but so far from being jealous of his talents, nothing would give me more pleasure than to see him assume the highest position attainable in his profession or his country.

A measure was introduced by Mr. Howe, at this session, which met with very general support, and passed through both branches by large majorities. It was entitled "An act to divide the county of Halifax into townships, and to confer certain municipal privileges upon the inhabitants thereof." This act divided the metropolitan county into townships of moderate extent, and gave to the people municipal powers to regulate and control their local affairs. They were authorized to raise by assessment funds for the support of education, of roads and bridges, of ferries; for deepening rivers and water courses; for the erection of town houses. The election of township officers, including magistrates, was also conferred upon them. Lord Grey took exception to this part of the law, and the Queen's assent was withheld. The experiment, we think, would have worked well, and if it had, the law, long before this, would have been adopted in other counties.

In closing the session, Sir John Harvey said, "I have marked with great satisfaction the enlightened principles of commercial policy which you have adopted, the loyal sentiments you have expressed, and the steadiness with which you have guarded the Constitution established by the struggles and sacrifices of the past."

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