

taken to reduce the Assembly to the number who are entitled to sit there. It was not only important that the legislature should be in a position at all times to discharge its high functions, but that also it should have the inherent power of saying to any person, not entitled to sit down among them, that he was not qualified to remain and vote in that house. He would say to the gentlemen on his own side, but also to those on the opposite benches, that before he sat down he would show and that them the statements of the leaders of the opposition had no foundation in point of accuracy. He would convince the hon members for Cumberland and Windsor that the government had both law and precedent for the step they had taken. He would glance for a moment to the position which the government occupied before the country. It was well known that the present government had been called into power from the fact that the leader of the former government had been unable to obtain and retain a majority of the legislature. The present administration had been sustained in the legislature by a decided majority from the time they entered into power until the house was prorogued and dissolved; they sat their whole term without any necessity having arisen for an appeal to the people.

A dissolution, arising from the legal expiration of the tenure of the Legislature took place. The result of that dissolution was well known. He would show that, while the opposition now claimed but a majority of two—for that was acknowledged by their organ—the returns in the possession of the government, showed some six or seven persons, returned to support that party, were incapable by law, of sitting in the house,—and could only remain in their seats by a violation of the law. He would here remark, that there was a distinction between the right and the power to sit there. The difference was this: a member returned had the power to come into the house, by virtue of the Sheriff's return; but this did not give him the right—which could only be dealt with by the power of the Legislature. If a member came into the house, disqualified by reason of holding office, he entered in defiance of the law, and must be unseated by the power inherent in the assembly—an opinion coincided in by the Crown officers of England. Unpleasant as had been the position of the government, they took the only course in the difficulty, which was consistent with their dignity and honor, and with the rights of the people of this country.

To the demand that the Parliament should be summoned, and to the advice tendered, unsolicited, an answer was given by His Excellency—an answer that had been called "twenty-two lines of flippant insult," and which were denounced as insulting to the head of the government. That question had been discussed throughout British America, as none other before; and he would ask, if ever a decision was given by a Governor that obtained greater approval;—if ever there was a document, which was considered statesmanlike by the almost unanimous voice of statesmen, it was that document which emanated from his Excellency. The voice of the independent press, in the provinces, was almost unanimous in commendation.

He turned with pride and gratification, not only to the favorable opinion of the press, invoked by the stand taken by the government and the party sustaining them, but also to the enunciation of the sentiments of the Colonial Secretary,—the authority of the Crown itself; that no possible objection could be held to the answer given by His Excellency in a constitutional point of view—that every statement, every line of the document was sound and constitutional; and in the same answer it was stated that the course taken by the leader of the opposition was novel, and without precedent. The government had not interfered with the organization of the house, but the moment that was done, and before the speech of His Excellency was taken up and considered, it was felt to be respectful to the Governor, and due to the people of the country, that their first attention should be devoted to the duty of purging the house—if he could be allowed to use a somewhat technical word in his own profession. (Laughter.)

Four years ago, the present government were defeated in an endeavor to elect Mr. Twining even an assistant clerk. Mr. Tobin was elected. It had been stated the present session that Mr. Twining was subsequently brought to the clerk's table, not because the business required three clerks, but on account of the inefficiency of persons at the table. To this he would reply, that, in his own recollection, the present leader of the opposition when proposing Mr. Twining as clerk of bills, exonerated both clerks from inefficiency, and grounded his resolution on the fact that the business of the country was increased to such a degree as to make it indispensable that a third clerk be appointed.

When he contrasted the resolution, stating in language clear and emphatic, that the business of the country required three clerks, with the position taken by the hon gentleman a few days ago—must he not consider it as trifling with the judgment of the Legislature.

After quoting several cases as nearly as possible analogous which had occurred in England and Canada, he said:—

He would submit if the motion of the government was not entirely in accordance with law and common sense, as well as with precedents from the House of Commons, and from our own Colonial Legislatures, and the violation of which would strike a fatal blow at the independence of the Legislature.

The hon member for Hants (Mr. Cochrane) had just acknowledged that he was a coroner and actually received emolument. After that admission, there was no necessity to hear his counsel at the bar; the whole as regards him was decided; and it was perfectly competent for any one to arise and move that his seat be declared void. In Canada, where the law is the same as

our own, a member vacated his seat by accepting the office of Coroner, and another was elected, Mr. Cayley.

He proceeded to notice some statements that had fallen from his honorable colleague from Cumberland. In strange contradistinction with that gentleman's declaration that the house had no power to construe the law, was his discussing and construing the law with reference to the qualification oath. On that occasion hon Mr. Young brought forward in a most generous manner any amount of law. To be sure he afterwards altered his mind, finding he had gone too far in the construction of the law. Such an uncertainty, as evinced by that gentleman in that case, spoke very forcibly to every layman in the house, and showed that the opposition were not very certain of their movements.

The hon gentleman had also stated that it would arouse the sentiment of all parties, if the house could outrage the right of members to sit there. He (hon. Pro Sec'y) would reply that the confidence of the country would be destroyed in legislation and in law, if a deliberative Assembly should adopt any other course than that stated in the original resolution, moved by the leader of the government. Would not the people point the finger of scorn, and say—Can we treat with respect any law, when you have given us an example, that if a law interferes with the convenience of yourselves, you treat it with the most sovereign contempt? Was there any thing that "would deprive its acts of that consideration which otherwise it would be entitled to" (Crown Officers of England), as for the house to set an example to the country of destroying its own privileges on the threshold, and on the shrine of individual and of party interests.

Could any man, who had watched the past career of the leader of the opposition, come to the conclusion he was indifferent to office? What did he say on every hustings in Cumberland? Why, he emphatically stated that if he was returned, he would soon come back to be re-elected as Attorney General. What did he tell the country now? Does he state that he is strong in his constituency? No; he comes to the people of this country and makes the most humiliating confession—that he has forfeited the confidence of his county; he now pretends that he is more independent without an official position. What did such an admission mean when coming from a man who had stated to his constituency that they were electing an Attorney General? It meant, what was notorious to the world, that he could not accept office, because he had not a constituency which would return him; in fact, that he was now assuming responsibilities as a representative, which he felt were not his by right. What a position was a party in, when its nominal leader acknowledged his inability to be re-elected!—

Several pertinent—perhaps impertinent—enquiries had been made in reference to a dissolution. He could only say there was not a man on the government side who was not prepared, in obedience to the law, to throw himself upon his constituency, rather than see one of the privileges of the house and its honor and dignity as a deliberative Assembly, tampered with. (Loud applause in the people's gallery.)

It was stated that Dr. Webster was not amenable to the law, because he had never acted. That was no argument; he had received the commission, and it was an office which entitled a man to receive certain fees. It made no difference whether he received fees or not, for it was an office of emolument. He (hon Pro Sec'y) had been Health Officer, and for many years never received a single shilling; but again, there were years when he received large fees—on one occasion £40. He resigned the office, before the election, he added, for the information of the opposition. (Laughter.)

The hon member for Windsor hit the nail on the head, when he stated frankly the difficulty; he said—"We (the opposition) will not reduce our majority"—the moment we admit evidence, we render ourselves an object of contempt, if we keep these persons in the house. If we don't press our advantage now, we will not get the government out at all the men who are trembling in their seats. Was that a reason to give to the people of Nova Scotia? When outraged people saw the assembly thus acting, would not every intelligent man, who respected his country say—I do not wish to see the Legislature an object of contempt to the surrounding colonies—and ask, How dare you trifle with the rights of the country, and allow the law to be overriden and trampled under foot. He laid it down as a fundamental principle that not the Lieutenant Governor, but his advisers, were responsible. The hon leader of the opposition, had no reason for threatening the Governor, by saying that such a step would throw the opposition in antagonism with him. The Lieutenant Governor referred the matter of certain disqualified members to the Crown Officers of England, who replied that the Crown could exercise its prerogative in case the house took such a course as would deprive its acts of all consideration. This opinion was from the highest authority in England.

Hon Mr. Howe enquired if there were no other documents.

The Prov. Secretary—Certainly not. The opinion of the Crown Officers was clear that a dissolution was inevitable, if the leader of the opposition took a particular course,—which course he now advises his followers to take.

Hon Mr. Young—No, no. He might as well explain that he intended in the morning to convey the impression that it was evidently the intention and design of the government to bring the opposition into antagonism with the Governor.

The Prov. Secretary continued—If any intimation of a dissolution was given it was in the Gazette Extraordinary, and to the publication of which Mr. Young was a party. That intimation

did not emanate from the Lieutenant Governor but from the Crown itself, and surely no man would ask his Excellency to pass by the Crown. The Crown Officers have declared these officeholders ineligible to be elected—not legally capable of sitting in the Assembly—and that if they persisted in acting in open defiance of the law, the exercise of the prerogative must terminate their existence. The hon member for Windsor asserted that a dissolution would bring back the opposition in a clear and unequivocal majority. He believed such would not be the case; he felt confident; that every act of the Government, from the 12th May last, would meet with the approval of an intelligent people. But if they were defeated, he (the Prov. Secretary) would come back to give the new administration a generous support in any matter where the interests of the country were concerned—especially if they won their spurs fairly. He would add, he felt there was but little apology required for addressing the house, at considerable length, on a question which involved the consequences of a vote of non-confidence on a matter of such importance he thought it would be wrong, in the highest degree,—unjust to the house, the opposition, the government, and the people of Nova Scotia,—if every opportunity should not be given to gentlemen on both sides to state their views in the most distinct and unequivocal manner.

Some explanations were here offered by Mr. Blanchard with reference to remarks made by the Hon Provincial Secretary on his (Mr. B.'s) resignation being made by himself and also by a clerk of the Hon. McCully on his behalf. A discrepancy appeared in consequence of a mistake being made by Mr. Hoyt as to the days on which the telegraph wires were down between Port Hood and Halifax.

Hon Provincial Secretary was informed by Mr. Blanchard's colleague to whom he owed his seat, Mr. Gillis, that the hon gentleman had stated that on nomination day that he was neutral, and would not ally himself with any party that would proscribe the Catholics.

Mr. H. McDonald said that in the speech he heard the hon gentleman make at Mabou, he stated that he went into the house unpledged, and perfectly free to support either party.

Hon Attorney General—There is no need for this discussion, from the hon gentleman's own words he would convict him of betraying his constituents. He said he had signed a paper pledging himself to support no party whose principles were based upon proscription. Is he so ignorant of the position of public affairs in this province as not to know that the last general election was run upon the Protestant and Catholic cry? Would he have received a single vote from the Catholic body if it was known he would ally himself with the present opposition party? Is his present position consistent with the pledge he gave to the Catholics of his county? His colleague has stated that he never avowed in his hearing his opposition to the government; and yet his name is found attached to a memorial expressly stating that he was returned to oppose the present government.

Hon Mr. Howe denied the statement that the opposition ever attempted to proscribe any religious or political party—and therefore, Mr. Blanchard may have made the remarks imputed to him at the hustings—and have been perfectly consistent in stating that he was opposed to the present government. He (Mr. H.) would like to know why the Attorney General did not give to Lord Mulgrave the whole information which he was entitled to receive? He had a list of the members opposite—who if the Attorney General's construction of the Law be accurate are disqualified to sit in this house. No less than twelve of the government supporters were according to the showing of the Crown Officers, ineligible to sit. The Attorney General went to the country and came back with with 10 of his old followers missing. He would not take the trouble to answer the most extraordinary argument that a numerical majority of the people (which however he took leave to deny,) had voted for the government candidates. Imagine Lord Palmerston gravely stating to Her Majesty, as a reason for not resigning the seals of office, "It is true the constituencies of the country have returned a majority to the Commons, adverse to the government, but yet, your Majesty, we have a majority of the people in our favor." He denied any desire unjustly to deprive any Catholic of his rights, he felt no hesitation in avowing that no Catholic would find a seat in the administration which he hoped to see formed. The hon gentleman went on to argue that the Lieutenant Governor had been deceived by the Council, inasmuch as by a perversion of the plain meaning of law, he had been informed by the Crown officers of the province, that members elected could not take the qualification oath without perjury. He could readily understand the position of his Excellency; his Council declining to advise that the house should be called together, and a majority of the Assembly urging that a meeting of the Legislature should be had as early as possible. The Pro Sec'y reminded him of the boy playing at toss penny—saying "heads I win, tails you lose," so he, having been beaten by the country, wish the opposition to go in partnerships with them, to assist them in turning out six gentlemen from that side of the house, and leaving 12 on the opposition benches scatheless. The Pro Sec'y seems very anxious that difficulties should occur here, as in Canada, between Mr. Brown and Sir Edward Head. That case had been considered well by the opposition; they would be prepared to act under similar circumstances, but "sufficient for the day is the evil thereof." Would he not like to see gentlemen at that side run off to the elections, leaving their opponents in possession of the legislature? Difficulty of forming an administration had been spoken of; such difficulties, he said, would disappear when the time came. He answered remarks of the Pro Sec'y, respecting Mr. Twining's appointment, and did not apprehend that any degradation was experienced in consequence of the arrangement concerning first and second clerk. He would enquire, at that stage of the debate, whether it was to be understood that this question and discussion were to go before the country.

From the Government bench—Yes.

Mr. Howe continued—Then on it passing, the government will or will not tender their resignation. If they do, there is an end of the difficulty; if not, the Lieut. Governor will have either to demand their resignations, or dissolve the house. There was no other alternative. He was willing to let gentlemen opposite decide whether there should be a dissolution or not.

From the Government bench—Will you abide by that.

Mr. Howe continued—He believed if they went to the hustings, they would be like an Indian army, trampled down by their own elephants—by the sudden retreat of the left wing on the right wing; and, with that in view, they shrink from dissolution. He cared little about it—it had haunted him so, as a spectre, for the last six months, that he was now prepared to take the hazard; and would have little hesitation in trying the Pro Sec'y's county once more. If he run the county again, money would be an expected material; and perhaps my friend to my right (hon-Mr. Young) would be as capable at that, in the long run, as the hon Pro Sec'y. Similar remarks might be made of other counties; there were "loose fish" in most places, who looked after such matters, and were not very careful of consistency. He was not afraid of the dissolution in itself, but of its painful attendants. He was ready to take the vote on this question, of one of want of confidence, and gentlemen opposite ought now to be prepared to take something as such a vote, and not embarrass public affairs much longer. The Attorney General had complained of "indecent haste." Suppose one in possession of the house of another, and after decision and much delay, on application for the property, he were to look out of the window and, accuse the proprietor of "indecent haste!" The majority would accept the vote, with its consequences, and would not shrink from them. Why should they?—The party was to be annihilated last spring; but there they were, stronger than before, and if anything was wanted to crown the estimation in which the government were held, those days of trifling with the house, with the head of the government, and with the country, would not add to their strength in the least.

Hon. Attorney General—It almost universally happens that the hon member for Windsor rises towards the conclusion of a debate, when members are anxious to retire, and uses strong expressions, requiring reply, but for which reply there is no opportunity, and so remarks went to the country, which had their effect at a distance, although they might be of little consequence in the house. The hon member had charged him (the Attorney General) in reference to the papers before the house, with disingenuousness, unfairness, and want of candour. He (Mr. H.) knew that the paper was not unfair—was not uncandid; the hon member wanted to fasten a charge on him (the Atty Genl.) of which he himself was guilty. Gentlemen who examined the paper for themselves would not be deceived, but others might. (Hon Atty Genl referred to the document, to prove that the charge of unfairness, concerning the cases of disqualification was unfounded. Was the Atty Genl authorized in writing that, or was he not.

From the Opposition bench—He was not.

Attorney General continued—The charge is one of direction of duty, or want of legal knowledge. The Attorney General of England bore out most of his views; and if that authority were considered good where it differed, it ought to have equal weight where it agreed. That authority did adopt the provincial opinion concerning the question of disqualification. (A paragraph in proof of this was read.) In that respect there was no want of ingenuousness. The government adopted the opinion of the Crown Officers of England, and were prepared to act on it. He cared not so much for denying the correctness of his opinion, but when one charged another with being unfair, disingenuous and uncandid, he made an assertion which he was bound to sustain. When an impression was sought to be made which was known to be untrue, he could not help listening with surprise and some contempt. He (the Attorney General) charged the honorable member for Windsor with trying to mislead the people;—he knew better than he stated;—he had a mind capable of discerning between what was correct and what was not, and his remarks were designed to mislead those who were not as well skilled as himself. He thought gentlemen opposite did not wish a new election. He supposed they might be rather regardless of that, until he heard the hon member's speech that afternoon. It seemed singular—if the hon member believed what he said, if the opposition were to carry the province, gentlemen opposite should be so desirous to prevent that resort.

Hon Mr. Young—"A bird in the hand is worth two in the bush." (Laughter.)

Hon ATTORNEY GENERAL continued—Ah! then his calculations are just as certain as those of the children who seek the birds, thinking they can catch them by putting salt on their tails.—There is a bird, let them catch it if they can. (Laughter.)

The hon member seems to think that he put the Attorney General under some obligations of gratitude, by not coming to Annapolis. He could tell him, however, that his going to Annapolis on a former occasion, added about 200 votes to the Attorney General's majority. If he were to go again, he would just give what his (the Attorney General's) friends wanted, stimulus to exertion, as he told them, they