

bers, putting the oath to each other,—thereby creating much confusion and inconvenience. He had himself made the motion, because he was justified by the Sheriff's return, and by the facts which had come to his knowledge. But it was said the house could not put the oath to a member. This was not the case, for the law prescribed that every member, before he should assume his seat or presume to vote, should, if required, exhibit a schedule of his qualifications, and take the oath. The hon. leader of the opposition had no reason in limiting the law as he had done. Surely the hon. gentleman could not construe the law in such a partial manner.

The hon. member for Cumberland surely knew that the law should be carried out with the intention with which it was framed.

Hon. Mr. Howe—said he never saw such a spectacle as that of any honorable gentlemen being asked to take the oath, which was asked to-day. Suppose that the hon. Atty General had asked for his (Mr. Howe's) qualifications. Why, he would set him at defiance. The house might pass fifty orders, but he would not obey, if the law did not compel him.

He had occasion to look at the law most carefully, and like most statutes it was absurd on the face of it—it was a disgrace to the statute book, and a reflection upon all the gentlemen who had anything to do with placing it there.

Hon. Mr. Johnston—Spare the gentleman alongside of you.

Hon. Mr. Howe would spare no one. He would also like to know what power there was to turn Mr. Mosely out, when he had already voted as a part of the house.

He trusted that the hon. Attorney General would not persist in a course which could only embarrass the proceedings of the house. The only proper way to test the qualifications of a member was by petition, and by a committee of the house; that was the true constitutional course.

Mr. Mosely said the government need not give themselves any uneasiness respecting him, as he was quite prepared with his title deeds, if called upon by the house to produce them. He had taken the necessary oath at the proper time, and had produced his qualifications. If he was sent back to the county of Lunenburg, it would be simply a question of time, for he would certainly return to record his vote against the government.

Hon. Provincial Secretary without any pretensions to a knowledge of law, would bring common sense to bear upon the subject:—to which determination he felt compelled, since he found gentlemen on both sides of the house, whose opinions on matters of law were ordinarily received with respect, completely at variance. He would ask what was the object of the law; for it was not denied that it was in the Statute Book. What was the intention of the Legislature in placing a law on the statute book? Was it not clearly to afford the means of ridding the house of gentlemen who were not qualified—to enable the house to remove any member who had obtained an election from the people improperly.

The hon. member for Cumberland had said that the public business would be clogged, if the law was to be enforced. He would reply that the country would not be embarrassed. Every public man, who sat in the house, was in virtue of his position as a legislator called upon to act under full knowledge of his responsibility to the country; and with a full knowledge of the weight of public opinion, should any honorable gentleman stand up and put the qualification oath with the intention of obstructing public business for only one day,—there was not an intelligent man, within the bounds of Nova Scotia, that would not scout such an outrage on the Legislature.

The house was bound, in his opinion, to administer the oath, and should not hesitate for a moment to do so, when requested by any hon. member in accordance with the constitution and the law.

He felt happy to have it in his power to turn, in the conflict of legal minds in the house, to an authority to which the hon. member for Windsor would feel disposed to give due deference. The subject had been referred to the Crown Officers of England for their decision. The question of the oath, as was shown by the official papers, had been communicated to those gentlemen, who had evidently given the utmost scrutiny to every line.

He would now ask the house if there was any doubt on the minds of the Crown Officers of England, as to whether the oath should be put to a member of the house when requisite. Was it not evident there was not a shadow of doubt?

The gentlemen opposite might plume themselves, and sneer at the opinions of the Attorney and Solicitor Generals for Nova Scotia, but they might be too hasty with their sneers. Until the opinion of the Crown Officers of England arrived, there was only one sentiment in the Province, in respect to the qualification oath. The hon. leader of the opposition himself, until that opinion came, had no doubt of the qualification oath applying to holders of office. Why, that gentleman had taken care to state to the public that in order to prevent the holders of office from taking that oath, he would take care that they should not have the oath administered to them.

The hon. member for Windsor, had asserted that he would set the house at defiance, rather than take the oath. He was not surprised at such doctrines falling from that gentleman. If he and his friends had respected the statute book, their boasted majority would soon sink into a insignificant minority. But the hon. member for Windsor was not contented with expressing his contempt for the constitution; he went further, and said if the house expelled him, he would not comply. He (hon. Pro. Sec.) supposed that the hon. gentleman would rely for his immunity on the partizan Serjeant at Arms the opposition had appointed that day.

Hon. Mr. Archibald said that in his opinion it

was not unlikely that in revising the statutes this law, which was properly and indeed the same oath given on the nomination day, had got mixed up and out of its place. The oath had been taken, and the qualifications given, on the nomination day, at Lunenburg; and accordingly the true spirit of the law had been already carried out, and it was an absurdity to require it again.

Hon. Solicitor General replied that the law was to be found in the Revised Statutes which had been compiled by the Commissioners, of which the hon. member for Cumberland was the head.

The house adjourned, at a quarter-past seven o'clock.

FRIDAY, Jan. 27.

The Speaker took the chair at three o'clock. Mr. J. Tobin said the law was on the Statute book and should be carried out strictly.

Mr. Archibald said that in his opinion the only way in which the statute should be understood seemed to him to be by looking upon the whole election law. He thought if the whole election law—not a mere garbled extract—had been set before the Crown Officers of England, then a different opinion would have been sent out.

Mr. Archibald then moved an amendment to the motion of the hon. Attorney General of the previous day, to the effect, that Mr. Mosely had already exercised his rights as a member in voting for the different officers of the house—while the Act referred to by the Attorney General, requiring the oath to be taken, states that it should be administered before the member should "presume to sit or vote," and that, as the member referred to, had in his place expressed his willingness to take the oath required, and exhibit a schedule of his property, he should be called upon so to do—but that such a course should not be considered as a precedent in other cases.

A long discussion took place on the amendment.

Hon. Mr. Howe regretted to see that so much time was being wasted on a really paltry question. The question that the people of Nova Scotia as well as the house wished to have answered, was, who was to be the Government of the country.

The house adjourned till 12 o'clock on Saturday.

SATURDAY, Jan. 28th.

The Provincial Secretary contended that in moving the resolution before the House the Government were not actuated by factious motives, but with a desire to protect the rights of the House. That he had good reason for believing the member for Lunenburg had not a property qualification. He had that day received a telegram from Mr. J. Tobin, a gentleman holding a respectable position at Bridgewater, to the effect that he had called at the Record Office and found Mr. Mosely's qualification was not worth a dollar.

Mr. Mosely replied. He held two other deeds besides the one referred to, held by himself.—the objected one was between his brother and himself. After well considering the matter he had made up his mind to take the oath. He warned the Government members that charges of a much graver nature would soon be brought against some of them.

The amendment moved to the Attorney General's resolution was put and carried, 27 to 36. Mr. Mosely retired when the vote was taken. Its effect was to allow Mr. M. to take the oath, rather than compel him.

Mr. M. advanced and took the oath. After some personalities between several members.

Hon. Mr. Howe rose and denounced the present proceeding, and asked where this personal bickering was to end? A graver question should be before them, which was—Are the gentlemen opposite qualified to govern this country? If they would not retire without a direct vote of want of confidence, the Opposition would have to move one. The hon. gentleman referred to the delay in answering the Speech as disrespectful to His Excellency.

The Atty. General charged the delay on the Opposition, who, he said, should have known what the law was and had the oath administered when the resolution was proposed. He would not take his lessons of propriety from such a source. He spoke of a violation of the rules of the House, and his desire to know who were really qualified to vote on a want of confidence. The resolution was laid on the table. He then moved another against Mr. Lewis Smith, from Queen's.

The House adjourned for a short time, and met again at 3 o'clock.

The Attorney General resumed and referred to the taunt of the member for Windsor (that the Government held office unfairly), he admitted the duty of a Government was to retire when defeated; but he denied that a majority, properly qualified, existed. The rights of the disqualified members should be traced to their source; if not legally constituted, the taunt of the member for Windsor was idle. He referred to the disqualification statute; it approved itself to his mind, as it preserved the independence of the House. The hon. gentleman went fully into the cases of the members aimed it. The resignation of Notary Public by the member for Cumberland was a significant fact. The honorable gentleman spoke at considerable length with much animation—he saw he said, "not eligible" stamped on the countenances of gentlemen opposite, and if they sat there in defiance of law they would stultify themselves. If there were any officers on the Government side to whom the law would apply put it in force, and they will retire. He spoke of the omnipotence and power of the law, and the necessity of upholding it, and stated that he should treat with utter indifference any vote of want of confidence passed by the House as now constituted.

Mr. Young denounced the resolution as a gross violation of law,—and from henceforward should consider the prestige of the leader of Government as a lawyer and a statesman had departed. The resolution assumed facts which had not been proven, and the House had not the power to send for papers till the Speech was answered. They could not expel a member in defiance of the law. The resolution was an insane act, and the party who moved it did not deserve to hold office. The resolution called upon the House to declare the law—that they could not do. He had an amendment which had been approved by his political friends, which he should read and place on the table. He contended that a disputed seat could only be attacked by petition. The amendment of Mr. Young was to the effect, that as the House had heretofore acted on a law passed twenty years ago, by which all disputed seats were to be tried by a committee, the practice should be continued, and that the resolution of the Atty. General should not pass,—but that the House proceed to the consideration of His Excellency's speech.

Hon. Mr. Henry replied at some length. Mr. Blanchard asked the Provincial Secretary if his resignation of four offices held by him had not been received at his office on the 26th April?

The Provincial Secretary replied that a young man left a note at the office with Mr. Blanchard's name, not in his handwriting, attached, which he did not consider sufficient authority.

Hon. Mr. Howe addressed the House, and kept it in a roar of laughter; he closed his address by stating the course the Opposition would pursue. They had been sent there as the people's representatives, and there they intended to stay. If, he said, the Atty. Gen. will not retire on a vote of want of confidence, which we shall pass, then we shall meet from day to day and adjourn, until by an exercise of the prerogative he is thrust from the office he usurps, or the House must be dissolved.

Hon. W. Young moved a Resolution with a long preamble which we must omit. The resolution reads as follows:—

Therefore, resolved, that the said resolution do not pass, and that the house do forthwith proceed to the consideration of His Excellency the Lieutenant Governor's Speech at the opening of the Session.

This we learn was amended on Monday.

The Hon. Provincial Secretary addressed the House for about three hours.

The debate will probably occupy the house a week or more. What may be the result we have no means of judging whether a dissolution of the house or a change of the government: One of the two now seem inevitable.

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