

express my reliance on their public spirit, and sober estimate of their country's position and interest, as the most effectual safeguard against any abuse of power.

There is another safeguard, which even with the less considerate members of any party, you will, I think find sufficient to protect the public interests against any great disposition, unnecessarily, to place offices, hitherto held on what has practically been a tenure of good behaviour on one of a more precarious nature. However desirous the people of Nova Scotia may be to establish the principle of Responsible Government, they would I feel assured, shrink from effecting any reform, however just or necessary, at the cost of injustice to individuals. Now when individuals have engaged in the public service under a belief sanctioned by custom, that they obtained a tenure of their offices during good behaviour; it would be most unjust to change that tenure to one of dependence on Parliamentary majority, without ensuring them a provision that would make up for the loss of official income. I think that the consideration that the improvident grasping at any particular office would necessitate the provision of an adequate pension for its occupant, will be a salutary check on any disposition to carry Party Government beyond its usual limits.

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I cannot suppose that the necessity of providing the requisite pensions will be deemed by the Assembly an unreasonable accompaniment of the establishment of Parliamentary Government; and hereafter I think it would be proper to recognise, as an invariable rule, that no person should, without such provision, be deprived of any office, (except upon the ground of unfitness or misconduct,) unless he had accepted it on the distinct understanding that it was to be held virtually, as well as nominally, during pleasure.

I entertain a strong conviction, that the adoption of such a rule will be found conducive not only to the interests of the holders of offices, but also to those of the public, and to a true economy of the public money. As I have already observed, it is impossible to expect that men of superior capacity will devote themselves to the public service unless they are assured that their employment will be permanent, or are offered emoluments so large as to make up for the uncertainty of the tenure by which they are enjoyed. If the emoluments of public employment are small, and its tenure at the same time uncertain, a strong temptation is given to the holders to endeavour to make up for these disadvantages by irregular gains, and thus to give rise to practices equally injurious to the community in a pecuniary and in a moral point of view. You will observe, that in the preceding observations I have assumed, that those only of the public servants who are to be regarded as removable, are to be members of the Executive Council. This I consider to follow from the principles I have laid down.

Those public servants who hold their offices permanently, upon that very ground be regarded as subordinate, and ought not to be members of either House of the Legislature, by which they would necessarily be more or less mixed up in party struggles; and on the other hand, those who are to have the general direction of affairs, exercise that function by virtue of their responsibility to the Legislature, which implies their being removable from office, and also that they should be members either of the Assembly, or of the Legislative Council. But this general direction of affairs, and the control of all subordinate Officers, it is the duty of the Governor to exercise, through the Executive Council; hence the seats in that Council must be considered as in the nature of political offices, and if held in connection with other offices, must give to these also a political character. This, however, leads me to observe, that if only two or three of the principal Officers are to be regarded as political, it may, very probably, be advisable to assign salaries to two or three of the Executive Councilors, as such. The Executive Council has duties of a very important character to perform; those duties, and the defects in the manner in which they had then generally been discharged, I find thus described in a confidential Despatch, which the Late Lord Sydenham, then Mr P. Thompson, addressed to Lord J. Russell, from Halifax, in the year 1840:—

The functions of the Executive Council on the other hand, are, it is perfectly clear, of a totally different character; they are a Body upon whom the Governor must be able to call at any or at all times for advice, with whom he can consult upon the measures, to be submitted to the Legislature, and in whom he may find instruments within its walls, to introduce such amendments in the Laws as he may think necessary, or to defend his acts and his policy. It is obvious, therefore, that those who compose this Body, must be persons whose constant attendance on the Governor can be secured; principally, therefore, Officers of the Government itself,—but when it may be expedient to introduce others,—men holding seats in one or other House, taking a leading part in Political life, and above all, exercising influence over the Assembly.

The last, and in my opinion by far the most serious defect in the Government, is the utter absence of power in the Executive, and its total want of energy to attempt to occupy the attention of the country upon real improvements, or to lead the Legislature in the preparation and adoption of measures for the benefit of the Colony. It does not appear to have occurred to any one that it is one of the first duties of the Government to suggest improvements where they are wanted. That the Constitution, having placed the power of Legislation in the hands of an Assembly and a Council, it is only by acting through these Bodies that his duty can be performed, and that if those proper and legitimate functions of Government are neglected, the necessary result must be not only that the improvements which the people have a right to expect, will be neglected, and the prosperity of the Country checked, but that the Branch of the Legislature will misuse its power, and the popular mind be easily led into excitement upon mere abstract theories of Government to which their attention is directed as the remedy for the uneasiness they feel.

In this view of the proper functions of the Executive Council, I entirely concur, but I greatly doubt whether they could be adequately discharged by a Council composed of only two or three persons holding offices in the Public Service and of Gentlemen serving gratuitously. It is hardly possible to expect that those so serving should devote any portion of their time to their public duties, and it therefore appears to me highly desirable that Salaries should be assigned to at least one or two Seats in the Executive Council.

On such terms as these, which I have thus detailed, it appears to me that the peculiar circumstances of Nova Scotia present no insuperable obstacle to the immediate adoption of that system of Parliamentary Government which has long prevailed in the Mother Country, and which seems to be a necessary part of Representative Institutions in a certain stage of their progress.

YESTERDAY'S MAIL.

For the first time for a long period, the mail came in at its proper hour yesterday afternoon. After a careful perusal of the papers thus obtained, we have made some selections below, which comprise all the news of any consequence they contain.

LEGISLATURE.—The following additional news of the proceedings of the Legislature is copied from the St. John Courier of Saturday.

The bills for taking a census of the Province during the present year, and collecting a variety of useful statistical information at the same time, has passed the Assembly, and been sent up to the Council, where, we trust, this most useful and desirable measure will meet with no difficulty or opposition.

Mr Partlow has introduced a bill to revive the Act establishing Boards of Health in the several Counties of this Province, with an amendment which provides that Boards shall be established in such Counties only as the Governor may designate by proclamation. This will prevent the establishment of Boards in those Counties where they are not absolutely required, and confine them principally to the sea ports at which emigrants land in this Province.

Upon the application of the Common Council, a bill has passed the House for altering the Act amending the Charter of this City, by permitting the Common Council to reduce the salary of the Common Clerk and Clerk of the Peace to £350, for the performance of both offices.

On Wednesday last commenced the debate upon Mr Fisher's resolution for adopting the principles of Earl Grey's despatch of 31st March last, and declaring them as the rule of conduct in this Province. Mr End moved an amendment to Mr Fisher's resolution, repudiating those principles, and adhering to the 'good old way.' The debate was continued until a late hour on Wednesday, and was resumed on Thursday, Colonel Hayward in the Chair. The House was addressed by nearly every member in the course of this important debate, the principal speakers in favour of Mr End's amendment being Mr Barberie, Dr Earle, and Mr Carman. A very effective speech was made by Mr L. A. Wilnot on Thursday morning and an exceedingly talented one by Mr Fisher in closing the debate, during the course of which, the several members of the Executive Council who have seats in the Assembly, avowed themselves supporters of the despatch. The question was not taken until nearly six o'clock on Thursday evening, when there appeared for Mr End's amendment, 16—against it, 29. Mr Fisher's resolution was then put and carried—yeas 24, nays 11. The principles of 'Responsible Government,' and the political term of office, are henceforth established, and will form part of the constitution of the Colony.

The House was exceedingly crowded in every part during the continuance of this important debate, which was listened to with great interest. His Honor the Chief Justice and Judges Carter and Street were accommodated with chairs in the Speaker's room, as were also many members of the Legislative Council in the Clerk's room. The greatest regularity and good order prevailed throughout the whole debate, which was conducted with much decorum on all sides, as became the dignity of the occasion. Of course all other bu-

business was suspended during the two days occupied by this debate.

Yesterday, the committee appointed to take into consideration the existing commercial distress, and the best means to be adopted for encouraging the Agriculture, Fisheries, and other branches of commercial industry, made their first report, which was signed by all the members of the committee. It is a very able document, which we shall submit at full length next week. It concludes by recommending an issue of provincial notes, to the extent of the annual revenue, to serve as currency, and to be received in payment of duties, taxes, &c. After the reading of this Report, the House went into a committee, on the Revenue Bill, which was reported in Blank by the committee appointed to prepare it, they not being able to agree on any scale of duties. Mr Brown opened the debate, with a long speech in favour of Free Trade; and when the mail left, Mr E. D. Wilnot was addressing the House in reply, and had moved the following resolution:—

Whereas the trade of this province is now laboring under a deplorable state of depression; and agriculture, the fisheries, and domestic manufacturing interests, are comparably languishing, the British market for lumber and ships, so far from offering encouragement, being ruinous to commercial enterprise; and whereas, the reduction of duty on Baltic Timber and deals imported into Great Britain after the 5th day of April next, may be expected to aggravate the distress of the North American colonies, by giving further advantages to European produce; the difference of freight being more than the duty; and whereas this state of affairs renders it the imperative duty of the colonial Legislature, to adopt such measures as may stimulate the material resources of the province, and call into action those capabilities which it is believed to possess:— Therefore resolved that the committee in framing the revenue bill of the Current year, be desired so to regulate the several imposts, that articles of provincial growth and manufacture may be protected, and the industrial resources of the province in all their branches, may receive that Legislative encouragement which has been found in other colonies to produce the happiest results.

The Committee on Railroads have not yet reported, by their proceedings are stated to be very important. It is said that they will recommend the following grants and advantages to facilitate and encourage the Great Trunk Line from Halifax to Quebec. The interest of £400,000, at 4 per cent. per annum, (say £15,000) for twenty years, to be paid by the province as a direct and absolute bonus toward the construction of the railroad; with the right to a strip of land, free of all expense, of 200 feet in width for the railway, and free grants of every third lot of 100 acres of the ungranted land on the line, and 500 acres at every station required for Railroad purposes. Mr Partlow is Chairman of this Committee, and we look for an able and interesting report on Colonial Railways.

The debate on Mr. Boyd's Tavern Bill terminated in its defeat, yesterday, 22 against it and 14 in its favor. The names were taken, and two Sons of Temperance voted with the majority, three with the minority. The present vote is, therefore not a correct index to the feelings of the House in favor of the Temperance movement.

ELECTRIC TELEGRAPH.—During the past week Mr. Gisborne, agent of the British North American Electric Telegraph Association has been at Fredericton, endeavouring to make arrangements for carrying the Electric Telegraph through this Province, as part of a line from Halifax to Quebec, but his mission so far has not been attended with any very marked success, and we regret to learn that so much apathy prevails among the members of the Legislature on this interesting project. The Company have already erected posts from Halifax to Metis, and purpose continuing the line by the Metis Road, through Campbelltown and Dalhousie, Bathurst, Miramichi, Richibucto and Shediac in this Province to Halifax, with a branch from Shediac to Saint John, and thence to Fredericton.

EXPRESS MAIL.—The notice in to day's paper for a new contract for the conveyance of Express Mails through this Province to Halifax, on the arrival and departure of the Royal Mail Steamers from and to England, shew a wonderful change and liberality in the instructions from the Postmaster General in England. For a long time our Province has complained, and with great cause, of the postal arrangements in the conveyance of our Mails to and from England. At one time our merchants had to put their hands in their pockets, and at another the Provincial Legislature had to defray the expense of keeping up irregular Express mails. Now the work is to be conducted in a regular manner, and New Brunswick is to enjoy the benefits of a postal arrangement which has all along been accorded to Canada.

Electric Telegraph from Halifax to the United States.—At a meeting of the Chamber of Commerce held at St. John, February 23, I. D. Andrews, Esq. American Consul having submitted a commu-

nication from F. O. J. Smith, Esq. of Boston, proposing the establishment of a Telegraphic Line from Halifax through New Brunswick, to connect with the Great Line through the United States to Maine.—Therefore

Resolved, That the Chamber has long looked forward to such a line, and considers its establishment as of the first importance to the interests of this Province, and do therefore recommend that every facility and encouragement be given to any Company undertaking to carry into effect such a desirable object; and that Messrs. Dinean, Thurgar, and Jardine be a committee to prepare a Bill and Petition to be laid before the Legislature for the purpose of obtaining an Act of Incorporation for the Company, and to correspond with and lend assistance to any parties inclined to embark in the undertaking.—St. John Courier.

Mexico.—Mr. Traiter arrived here last night, and brought despatches from Gen. Scott, containing a treaty which he has made with the Mexican Commissioners, but which is not yet ratified by the Mexican Congress. No cabinet meeting was held to-day, but there is much stir at the White House. There is reason to believe that the president will communicate the project of the treaty to the Senate, and devolve upon them the responsibility of advising its acceptance.—The terms of the treaty are said to be, that twelve thousand American troops are to remain in Mexico until certain obligations contained in the treaty are complied with. The boundary decided upon is the Rio Grande—New Mexico and California being entirely ceded to the United States. The pecuniary considerations are stated to be very trifling, compared with the treaty of Tacubaya.—Corr. Journal of Commerce.

NOVASCOTIA.—Saturday last was the day appointed for the nomination of Candidates to Represent the town and County of Halifax. The parties in the field are—Hon. Joseph Howe, and A. Logan Esq., of Musquodohoit, for the County; Hon. James B. Uniacke, and William Sutherland Esq., for the township.

Information has been received at New Orleans from Saltillo, stating that the Mexicans were mustering in great forces to oppose the march of the American troops, who were proceeding to Chihuahua. A party of Americans were captured while on their way to Santa Fe.

County of Northumberland,

Province of New Brunswick, SS.

In the matter of HENRY C. D. CARMAN, of Chatham, in the county of Northumberland, a Bankrupt.

Whereas, under the provisions of the Act of the General Assembly in this province, intitled 'An act relating to Bankruptcy in this Province,' and of an 'Act in addition to and in amendment of the same' Henry C. D. Carman of Chatham, in the County of Northumberland, Merchant, hath been declared a Bankrupt, and hath accordingly surrendered himself to me; now therefore I do hereby give public notice, that by virtue of the power and authority to me given, in and by the said act, I have appointed William J. Frazer, of Chatham, aforesaid merchant, provisional assignee of the estate and effects of the said bankrupt; and I do hereby require all persons indebted to the said Bankrupt, to pay to the said assignee, on or before the FIFTEENTH day of MARCH next, all such sum and sums of money, debt or debts, as they may owe to the said bankrupt, and all persons who have in their possession, power or custody any property or effects of the said Bankrupt, to deliver the same up to the assignee on or before the said FIFTEENTH day of MARCH next, and I do require all the creditors of the said Bankrupt, resident in the said province, or in any of her Majesty's North American Colonies, or in the West Indies, or in the United States of America, within three months from the date hereof, to deliver into the said assignee, and to prove to my satisfaction, their respective claims, and demands, whether the same be actually due or to become due, against the said Bankrupt. And notice is also hereby further given, that I appoint a meeting of the creditors of the said bankrupt, to be held on THURSDAY the NINTH day of MARCH next, at the office of the undersigned commissioner in Chatham, aforesaid, and a further meeting of the Creditors of the said Bankrupt, will be held on Wednesday, the FIFTEENTH day of MARCH next, at the office aforesaid, for the purpose of receiving proof of, or contesting any claim presented against the said estate; at which meeting, or at any adjournment thereof, the said Bankrupt will be examined on oath, touching his estate and dealings; and such other business relating to the said estate, will then and there be transacted, as may be deemed necessary.

Given under my hand at Chatham, aforesaid, the seventh day of February, 1848.

J. M. JOHNSON, Junr.

Commissioner of the Estates and Effects of the said Bankrupt