

of the whole, considered it, and after an animated discussion of two days, by a majority of twenty-eight to six, agreed to the Resolution which approved of its principles and their application to this Province. The adoption of this Despatch necessarily induced a re-organization of the Executive Council; but it was delayed till the arrival of the new Governor. Immediately after the assumption of the Administration of the Government by Sir Edmund Head, three members of the Executive Council resigned; and in supplying these and other vacancies, His Excellency called upon me to give him my humble aid and advice. I have never yet desired a seat in the Executive Council, for a variety of reasons; and had it been a mere question of taste or judgment, I should have declined it at that time. But no good subject can constitutionally refuse to assist his Sovereign with his advice when required: and as it was proposed to form the Government upon the very principles for which I had hitherto contended, it would not have become me, professing constitutional principles, to withhold my aid from His Excellency. Apart from the high public grounds which influenced me, there was abundant reason why I should shrink from the responsibility and duties of the office. It will require time which I should prefer devoting to my domestic comfort, and the management of my business. It is a perilous situation accepted in a perilous time. The probable deficiency in the Revenue, and the depression in Commercial affairs, create uneasy feelings, and excite men's minds, who generally blame the Government. The office subjects me to peculiar difficulties and responsibilities; for being resident in Fredericton, and extensively connected with the people of York and Carleton, where much of the business which requires the action of the Executive Government originates, my position as an Executive Councillor must be onerous, as I shall be often brought into collision with my constituents and friends, and shall be blamed, whether justly or unjustly, for much of the evil which is supposed to be done: and my political friends will expect from me more than can be realized. These are difficulties which I have long considered, and which have induced me not to covet my present position. In accepting office, I have compromised no principle: I have neither changed nor surrendered any opinion which I have hitherto advocated in Trade or Politics in general. The system now in operation will secure whatever kind of Government is best fitted for the Country for the time being; and since Earl Grey's Despatch, the points of difference between the leading men of both parties are certainly fewer than they were formerly. I am satisfied, that in the formation of the Government, there was every disposition on the part of those gentlemen who had differed from me in Politics, to deal upon fair and equal terms; and I felt it to be my duty to meet such overtures in a proper spirit, although I could have refused and assisted to agitate the Country for party purposes. Whatever may be the present disadvantages of a Coalition, I think that any other course than that which I have adopted, would have been an injury, not only to my principles, but also to my political friends; as it would present us as a body of impracticable men, not content unless we could have every thing our own way. As I do not believe the country fitted for such a state of things, nor that the good sense of the reflecting part of the community would approve of it, I have adopted a course which will enable me to give greater effect to the principles which I have ever advocated. If a Government constituted, as is the present, cannot succeed, party Government can only be tried at last.

I have no interest inconsistent with yours, and I cannot imagine any inducement which could make me recreant to my principles. I have never sought office of any kind, nor would I accept any which would interfere with the faithful discharge of my duty to you. For the last two years I have held a situation in the gift of the Crown, the whole income derived from which at present is less than one hundred and twenty pounds per annum; this was given me by the Government, without any application from me, and after I had been for nine years your representative. Man is a singular being when left to himself, and it is impossible to say what he may do, or what reverses may befall him. For myself, I will say, that I am not inclined at this time to distrust Providence; but I believe that, if I retain my health, an honest and diligent discharge of the duties of my profession will place me above want, and enable me to preserve my independence.

I have ever advocated the necessity of Members of the Assembly, who accept office, returning to their Constituents for re-election. Many urge that the state of the Province is so different from that of England that the principle is not applicable to our condition, and that if it ever were, the Quadrennial Law has rendered it unnecessary; that the Constituencies elect men with the full knowledge that they are eligible for any public office. Notwithstanding these conflicting views, my opinion is unchanged. I have several times introduced Bills upon this subject into the Legislature. In 1842 a Bill passed to vacate the seat of any member who accepted the office of Executive Councillor, or any office of profit under the Crown. This Bill was disallowed by Her Majesty, by the advice of Lord Stanley, the then Colonial Secretary, on the ground that it interfered with the Prerogative of the Crown. From His Lordship's Despatch, recommending the reconsideration of the question, I make the following extract:—"This Act, as actually drawn, would therefore seem to establish a principle of great importance, as well as novelty—the principle, namely, that the Crown may not select its own confidential Advisers from amongst the Representatives of the people, unless the persons so chosen shall be willing to

hazard a new election. How far it is wise to erect such a barrier between the Executive Government and the popular branch of the Legislature, would seem to be a question well meriting serious consideration."

I confess I have always found it difficult, and since the introduction of Departmental Government, have thought it unnecessary to controvert the principles propounded by His Lordship. As my principal reason for introducing that provision was not so much to vacate the seat of an Executive Councillor, as such, as to render it imperative upon the government to give the gentleman selected an office, in order to make the seat not a sufficient inducement for him to submit to the chance of an election without an office of profit; and I believed that the frequent changes in the Government would, from the paucity of public offices, render the continuance in the one contingent upon the other, and thereby lead to the introduction of Departmental Government. Upon a careful consideration, I have great doubts whether the principle which requires an Executive Councillor, as such, to vacate his seat, be strictly Constitutional; though its adoption hitherto would have had a beneficial effect in the Province, by preventing some very objectionable appointments to that office, and would have led to a practice essentially British: the nominees not being willing to hazard an appeal to their Constituencies without some sufficient inducement. But the system of direct accountability now established must prevent such occurrences in future. In 1844 I introduced the Bill to vacate the seats of Members, agreeably to the recommendation of Lord Stanley, which finally passed the Assembly, with the office of Executive Councillor included. There were those who voted to include that office, because they were opposed to the principles of the Bill, and believed that they would thus secure its final rejection. I assented to it because I was desirous of securing the Bill, but was doubtful as to the principle; and hoped, that if the Legislative Council amended it by striking out the office of Executive Councillor the Assembly would pass it. The Bill was amended in the Council by expunging the words 'Executive Councillor,' and so amended was rejected by the Assembly. In 1845 I introduced another Bill, which passed the Assembly in the same manner as the Bill of 1844, but was rejected by the Council. In 1846 I introduced a modified Bill, to provide for vacating the seats of certain great officers of the Government, not being Executive Councillors, and of any person appointed to an office connected with the collection, expenditure, or audit of the Revenue. This was also amended by the Council, by their confining its provisions solely to certain great officers of the Government; and though, in my opinion, it would have been a beneficial measure, it was rejected by the Assembly. During the last Session I introduced a similar Bill, but did not discuss it. Whether I should have done so, had not the House been suddenly closed, I cannot positively state; my impression is, that I should not. After having obtained a full discussion of the principles of Colonial Government, when Earl Grey's Despatch was under consideration, I do not think that I should have provoked a second debate for any political advantage which might have been secured for one year by the passing of the Bill, the success of which I then considered, at best, very doubtful. If the Country is now without a vacating Bill, when the new born zeal of some is so much awakened to the observance of Constitutional principles, and so jealous of the honor and consistency of the Liberals, it is no fault of ours.

It is not true that any of the gentlemen who have recently accepted office, violated the principles of the Constitution by retaining their seats in the Assembly without a new appeal to their Constituents. Such a principle forms no part of the Provincial Constitution, and there is, therefore, nothing to violate. These incongruities are the consequences of the introduction of new principles into a new country, where the Government and the people are in a state of transition. The same thing occurred in Nova Scotia, where the vacating Law, being only partial in its application, did not include the Collector of Excise. Mr. Howe was appointed to that office, and did not resign his seat for Halifax; he, at least, has given substantial evidence of his consistency, and cheerfully surrendered his office in deference to his political principles, when he could not retain it without a sacrifice of honor; and he has done more than any other man to promote Constitutional principles in these lower Provinces.

Whether an Executive Councillor should be required to vacate his seat or not, I should not retain the situation after I had forfeited public confidence. Whenever I find that I have lost the confidence of the Representative of my Sovereign or of the Country; or that the Government of which I am a Member has not public confidence, or that that Political party with which I am identified is not fairly dealt with, I shall resign. I believe that, like yourselves, my friends throughout the Country approve of the course I have taken. I think that I have as much knowledge of the opinion of the constituency as most men; and I have mistaken the character of public opinion greatly, if in the event of my Seat having been vacated, I should not have been easily re-elected. Doubtless some will always be dissatisfied; but I am not disposed to distrust the judgment of respectable men through the Country, who have never deceived me. I do not expect ever to be what is termed 'popular,' in the ordinary sense of the word. A man who acts upon fixed principles, and takes a decided stand upon all public questions, need not expect soon to attain to any great degree of popularity. Your very popular men are generally those, who, if they ever have any opinions, accommodate them to the phases of the ever changing multitude; who assume all the good that is done, as of their