

No. 48.—THE DIVISION OF THE COUNTY OF CARLETON.

We should not have noticed this Bill (which passed with a suspending clause,) were it not for the purpose of showing the motives by which certain members are actuated, and how rigidly they observe the oaths they take on being admitted into the House! Mr. Perley, one of the members for Carleton, in bringing forward this Bill, instead of defining the boundary line which is to separate Carleton from the New County by commencing at the American Boundary and running through until it intersected the line which separates Carleton from Gloucester and Northumberland, in order to mystify the House artfully worded the Bill so that he commenced with the line in the middle instead of one end! It ran as follows: commencing at the River de Chute where it is joined by the western boundary of a certain farm, then following the said river to the point where it is intersected by the boundary line of the State of Maine; then commencing at the said boundary of the said farm, and following its course until it strikes the River St. John, then crossing the said river in the shortest direction to the line which divides the parishes of Perth and Kent, thence following that line, &c. &c. The House could not understand this line, with two beginnings and two ends, and Mr. Perley, in his endeavours to enlighten them, blundered so that they detected the trick, although probably few of them conjectured the inducement. They found out that if Mr. Perley had commenced at the River de Chute where it is intersected by the American line, then followed that stream down to its mouth, (which is the boundary now agreed upon,) and thence crossed the St. John to the line which separates Perth and Kent, &c., this certain farm—containing a block of mills, &c.—immediately above the mouth of the River de Chute, must then be included in the New County, and, as a matter of course, would be subjected to the tax for erecting the County Buildings! Reader, this "certain farm" is Mr. Perley's own property! and he would have left a natural boundary and cut off a corner by a circulate route, to screen himself from this paltry tax!!! The House opposed a proposition so absurd—still Mr. Perley contended inch by inch, until his eyes threatened to start out of his head; and Mr. Connell, the other Carleton member, actuated no doubt by the "caw me caw thee" system, supported him in his unreasonable project.

Numbers 49, 50, and 51 are each passed with a suspending clause, and numbers 52 and 53 were disallowed by His Excellency the Lieutenant Governor. As these Bills are of minor importance, we shall conclude this part of our Review, and pass on to the examination of more important matters.

(To be continued.)

The Loyalist.

FREDERICTON, (N. B.) JUNE 20, 1844.

REVIEW OF MR. HOWE'S LETTER.

(Concluded.)

Mr. Howe continues, "To do Lord Falkland justice, he never favoured such a practice while his Cabinet was united: he endeavoured to strengthen the legitimate influence of his advisers, by patronizing those who supported them. His errors were of a later date, and of a different kind." What Mr. Howe calls Lord Falkland's "errors" we consider his return to correct principles,—to the principles which Mr. Howe himself is constrained to avow in the abstract, which he does in these words, "The Sovereign is bound to bestow all offices for the general good, without reference to party." But he immediately qualifies this avowal by saying, "but as no single mind can decide in all cases what is for the general good, and as a majority of the people's Representatives are assumed to reflect the wishes, and best understand the true interests of the people, the Crown selects advisers from that majority, and takes their advice in the distribution of patronage." And again: "and, in order that there may be the necessary firmness and stability in Government, those who conduct it should have their hands strengthened by the Sovereign or the Governor they serve." What a hodge-podge piece of business is this! He assumes first that the Crown—or the Governor—does not know what is, or what is not, for the general good; then that he is bound to select his advisers from the majority of the Representative Branch—not a word about the middle branch!—and "takes their advice" in the distribution of patronage! He also assumes that the majority of the Representatives reflect the wishes of the people on some great party question which arises, and that it is with reference to the division of the House on this question that the Governor is to be guided as to what men belong to the majority and what to a minority; although in all probability one half of the electors never even heard of this "great question," and nine-tenths of the other half does not understand it. He assumes also that all elections are decided as the people agree or disagree with this abstract principle, when it is well known that nearly all of the elections, in the Lower Provinces at least, are decided without any reference whatever to politics, but as people are influenced by their personal feelings, and local and other causes. Having made these unwarrantable assumptions, Mr. Howe goes on to show how the influential men thus selected are to retain their ascendancy. He says Lord Falkland endeavoured to strengthen the legitimate influence of his advisers,

by patronizing those who supported them; or, in other words, that his Lordship made use of the Crown patronage as a bribe to induce members of the House of Assembly to support the measures of his Council, whether they approved of them or not; and this was called "Responsible Government," in "accordance with the well understood wishes of the people!" This piece of villany—this bribery and corruption is styled strengthening the hands of the Governor's advisers!—Members of the House of Assembly, elected to serve the people, are bribed to desert the interests of their constituents and support those who were selected at first because of their influence, but which influence it is feared will not be sufficiently strong to command the acquiescence of the people in some high-handed proceedings, unless strengthened by this piece of knavery.

Mr. Howe adroitly enough expresses a doubt as to the veracity of the ex-Ministers of Canada, which cannot be deemed very flattering. Perhaps, however, he knows by experience how far a Radical should be credited when speaking of his own political conduct; and also that his friends in Canada are not very sensitive on this point:—he says, "but while you were his ministers, it was at variance with constitutional principle to deny to you the legitimate influence arising from the dispensation of patronage—that is, provided it was done, which, by his friends, appears to be stoutly denied."

In the next paragraph we find not only an acknowledgment that it is the policy of his party to divide the spoils among themselves whenever they have the power, but he unblushingly exults in the fact. Speaking of the minority he says they have no reason to complain because they do not "share in the public honours and rewards, which are the prizes reserved for those who have the ability to guide the national intellect, or the tact and good fortune to command (buy) the confidence of the majority." Here is not a word said about the ability and honesty required to govern well, but the tact and good fortune by which a majority can be secured!

In speaking of the exercise of the prerogative Mr. Howe says, "The view taken here, previous to 1840, was, that all those petty functionaries spread over the different counties, should be appointed avowedly by the Council." He then goes on to state that though Lord Sydenham objected to this in theory, the practice in Nova Scotia has been still the same.

In reference to the cause of dispute in Canada he says, "If Sir Charles seeks to deny to you what Lord Falkland always freely accorded to us he is wrong—if you, having all this in practice, desire to press the theory to an inconveniently strict definition, you may be acting unwisely, but of this the people of Canada are the legitimate judges. If you ask for nothing more than appears to me to be fairly included in the system, and have a majority to support you, you ought to be the ministers. If Sir Charles is determined to give less, and can get a majority, he may obtain a temporary triumph, but the people will ultimately have Responsible Government in all its integrity, notwithstanding."

Here we must differ once more with the "Great Liberal," for when a question arises whether the prerogative of the Crown shall be vested in the Governor, or by vesting it in the Council render the Governor a mere nullity, it is a question which cannot be decided by the people of any colony, but by the Mother Country. It would be very easy for the Radicals of Canada, supposing they can command a majority, to say they will no longer acknowledge the jurisdiction of Great Britain, but the British Government or an appeal to arms must decide the question. As to the integrity of Responsible Government, the less said about it the better.

Mr. Howe blinks the question about the Bill for the suppression of Orange Lodges; he states what course might have been pursued, but expresses no opinion whatever on the course which has been pursued.

In reference to Nova Scotia affairs Mr. Howe states that in 1840 the Liberal Party consented to a coalition, "being content with a very inadequate representation at the Council Board, having a frank acknowledgement of their claims to a further increase as vacancies occurred. The Liberal majority in the last House sustained the Government in good faith for three Sessions, not demanding that official or honorary vacancies should be made for their leaders, but never anticipating that their fair claims would be overlooked." The Liberal Party must have been extremely liberal indeed—we are struck with admiration at their generosity, that though they commanded a majority in the House, they did not demand at Lord Falkland's hands that vacancies should be created for their leaders, or that some honorary distinction should be conferred upon them! Perhaps it is not too late yet, and we would suggest to Lord Falkland the propriety of instituting an order of Knighthood for them, with "Good Fortune" in the act of distributing her favours to a gaping crowd, for a crest, and the motto "The Road to Preferment!"

In 1843, continues Mr. Howe, a difference of opinion existed in the Council upon the College question, the Attorney General being in favour of the denominational system, and the liberals opposed to it. He does not state honestly and fearlessly why he was opposed to a system he himself had assisted in building up,—namely, because he had quarrelled with the Baptists, but contents himself by saying they, (the Liberals,) were "sick of that system." This difference of opinion, he says, "rendered a reconstruction of the Council desirable"—that is, the Liberals desired such an acquisition to

their numbers as would overwhelm the Attorney General, but Lord Falkland desired to strengthen the hands of the Attorney General, because, as Mr. Howe says, he possessed his confidence.

We shall pass over the detail of what took place immediately after the tendering of their resignations by Messrs. Howe, Uniacke, and McNab, because we find in it nothing new or important. But speaking of the Government majority of one on the Address, he says, "After a fortnight's debate, during which members were subjected to a system of undignified personal solicitation and influence, unparalleled in this Province, the Address was carried by a majority of one, two or three recreant Liberals, and all the 'loose fish' voting with the Government." If this statement be true, we cannot accord our approval of the system pursued, for Members of a House of Assembly should never be tampered with by the Executive; but surely Mr. Howe should be the last man to complain! This is a part of the system he advocates so boldly! and if "two or three recreant Liberals, and all the loose fish" were brought over by Executive influence, it is no more than Mr. Howe acknowledges was done when he was in office, to which he applied the terms "strengthening the hands of the Government."

Mr. Howe next states that Lord Falkland has committed four errors; the first when he dissolved a friendly House, "in which he had a clear majority," his second in asking the Liberals to form a coalition Council with two to one against them, the third in charging the Liberals with endeavouring to wrest the prerogative out of his hands, and the fourth in denouncing Party Government. And he adds, "All this will appear ridiculous enough in Canada, and certainly justifies old Oxenstiern's observation, that the world is sometimes governed with very little wisdom." The last observation is true enough, and men who are considered very clever sometimes pen their remarks with "very little wisdom," and we have an instance now before us: Mr. Howe has said in a part of his letter which we have already reviewed, that the majority of the late House of Assembly of Nova Scotia were liberals, and at another place says that when the Members of the Council differed on the College question Lord Falkland "appointed Mr. Almon, passing over all the Liberals in both branches, and giving as his reason that he made the appointment because of Mr. A's 'affinity' to the Attorney General, and to show that that gentleman possessed his confidence, and, by inevitable inference, that we did not." Here then it is evident that if Mr. Howe's inference was fairly drawn he has been guilty of gross prevarication, for the "clear majority" in the Assembly being hostile to the Attorney General, who possessed his Lordship's confidence, they must therefore have been hostile towards his Government. The great question at issue seems to have been the College question, and notwithstanding his Lordship's four mistakes, he has carried his point in spite of the opposition of the 'Great Liberals,' and his Government was sustained on the vote of want of confidence being put, by a 'clear majority' of three. In reference to this vote, which was that the House placed implicit confidence in the Governor, not his Council, Mr. Howe says, "Did you ever hear of a weak Ministry in England asking for a Vote of Confidence in the Queen, and compelling one-half the Nation to declare they had none?" There is no analogy whatever between the two cases. The Queen is an independent Sovereign by hereditary right, of which her people cannot deprive her but by a revolution. She acknowledges no superior earthly power, and consequently has no source from which she can receive advice but from her Ministers, whom the Constitution provides shall possess the confidence of the people, thus blending together the three estates. But even in England were either of the three estates to insist upon their prerogative to the letter, a suspension of the wheels of Government must be the inevitable consequence, for the people, through their representatives, might withhold the supplies until certain ministers were dismissed, and Her Majesty might say her subjects were refractory, and dissolve the House repeatedly, in hopes to worry them into obedience. But in a colony, if a question arises by which the Governor and the people are at issue, there is a higher power—the Ministry of Great Britain—to which they can both appeal, and if it appear to them that the people are in the right, they can advise Her Majesty to remove the Governor. But the people in a Colony may prohibit the introduction of British goods, they may even prevent Britons from landing on their shores; nay, further still, they may by a vote of their House of Assembly and Legislative Council declare themselves independent. What if the Executive Councillors advise the Governor to give his assent to those measures? they would but be acting "in accordance with the well-understood wishes of the people."—But the Governor would reply, "Were I an independent Sovereign I might in time be coerced by the fixed determination of the people, but being but a Sovereign de facto, in trust for another person, I must obey my instructions." Who then is responsible? Why in an independent nation the ministers are directly responsible to the people, but no such responsibility can exist on the part of the Executive Council in a Colony, for it is perfectly ridiculous to suppose that those men can be responsible to the people for all the acts of the administration, when at the same time the Governor is responsible for the same acts to the Sovereign from whom he received his commission.

No better illustration can be given of the hostility the