

General told us it was Queen Anne's and her heirs' forever,—I would like to see him with all his acumen and industry, work out the family tree which would make Nova Scotia, even in that case, the property of Queen Victoria.

(The usual hour for adjournment having come Mr Blanchard intimated that he would resume his address in the morning.)

The debate was adjourned.

MISCELLANEOUS.

Hon PROV. SECR. announced the receipt of a draft for \$520 from the Council of the County of Ontario in aid of the fund for the relief of distressed fishermen.

Hon. PROV. SECR laid on the table Minutes of Council in reference to the appointment of Legislative Councillors.

Also a statement of the Trade and Commerce for the nine months ending 30th June.

Mr. KINSTON asked the Government to lay on the table a statement shewing the amount provided to pay the first instalment and interest on \$4000 borrowed on the credit of the County of Victoria, also shewing how the road grant for 1857 was expended for that County, how it was drawn, and what number of Commissions was issued.

Mr CAMPBELL presented a petition praying that the privileges extended to certain ports by chap. 798 Revised Statutes, be extended to Port Hood.

Mr PINCO presented a petition from D McPhee, a ferryman, asking remuneration for boats which were lost in a heavy storm.

Mr. NORTHRUP introduced a bill to enable the Commissioners of Schools, of Halifax, to erect a school house on land demised to them by the City. He also presented a petition against the bill. Both were referred to the Committee on Education. He also presented a petition from James Tucker and others, for a special grant for the road from Turns' Bay to Sambro.

Mr MORRISON presented a petition from Charles Turzer, asking to be remunerated for twine and rope lost in its transport by the Railway Department. The petition was referred to the Committee on Manufactures.

Mr. COCHRAN introduced a bill to amend the Act incorporating the Roman Catholic Episcopal Corporation of Halifax. Also a bill relative to the storing of oil and Petroleum in the city of Halifax.

Mr. CHAMBERS presented a petition from the overseers of the poor of Truro, asking a further allowance for the support of transient poor.

Mr. McDONALD asked the Government to lay on the table a statement of the number of patients admitted to the Hospital for the Insane since its establishment, and of other statistics of the Institution.

Mr. PINCO asked the Government to lay on the table all papers relating to a complaint made by — Fraser against Mr Bigelow, a Justice of the Peace for the County of Cumberland.

Mr. PURDY said that as the 28th June last was a memorable day in relation to our public affairs, he would ask the Government to lay on the table an abstract of the Minutes of Council for that day, shewing the other

appointments then made, and, in addition, a statement shewing all the appointments made by the Hill-Blanchard Government since 1st July. He said he would also request the Government to state their policy in reference to these appointments.

Mr COPELAND presented a petition from a mill owner of Pictou asking for the opening of a road.

Hon Mr FERGUSSON presented a petition from Messrs. McLelan and Currie asking an increase of pay. Also a petition from inhabitants of Low Point asking for a road to Lingan.

Hon Mr TROOP presented a petition from Andrew Henderson for the opening of a road. Also a petition from J. G. Balsam et al trustees of a school section, for aid in erecting a school house instead of one burnt down.

Mr. DESBRISAY presented a petition from the inhabitants of Mill Cove asking for a road.

The House adjourned.

WEDNESDAY, Feb. 12.

The House met at 11 o'clock.

Hon ATTORNEY GENERAL introduced a number of acts to incorporate the Eureka Gold Mining Co., the Ontario Gold Mining Co., the Kingston and Sherbrooke Gold Mining Co., the Wentworth and Sherbrooke Gold Mining Co., the Alpha Gold Mining Co. Also an act to enable the firewards of the town of Pictou to borrow certain money.

Mr. CAMPBELL presented a petition from Margaree in reference to money.

Mr. HOOPER, two petitions from Richmond.

Mr. WHITE, a petition from D. McDonald and James McNeil, of Little Glace Bay, with reference to a coal claim granted to others; they ask compensation. The petition was referred to the Committee on Mines and Minerals.

Hon. J. FERGUSSON introduced a bill to incorporate the Glace Bay and Cape Breton Railway Company. A bill to incorporate the Gardiner Coal Mining Company in C. B. Also a petition from the trustees of Schools in Sydney, praying that no material change be made in the School Law.

Hon. ATTORNEY GENERAL introduced a bill to incorporate the Montreal Coal Mining Association; a bill to incorporate the Hayden and Derby Mining Co.; a bill to incorporate the Mount Uniacke Mining Co.

MR. BLANCHARD'S SPEECH.

(CONCLUDED.)

The adjourned debate was then resumed.

Mr BLANCHARD rose and said:—Last evening, by the kindness of the Government and the House, I was permitted the privilege of concluding my speech to-day, on the very important question under consideration. Having now before me the full report of the hon Attorney General's remarks, I shall proceed to notice it as fully as possible. But, in the first place, I would ask leave to move the resolutions in amendment to those introduced by the government, which my hon. friend (Mr. Pineo) laid on the table on Monday, for the information of the House. The following are the resolutions.—

To strike out all the words after the word "that," in the first line and substitute the following—

1st.—The Law making power ever since the Province of Nova Scotia possessed a Legislature,—subject always to the Royal prerogative and constitutional enactments of the Imperial Parliament whether exercised in reference to the existing constitution or to any other subject of a Provincial character—is, and ever has been vested, and of right ought to vest in the Lieutenant Governor, the Legislative Council and the House of Assembly for the time being.

2nd.—The right of the Imperial Parliament to provide, to change or to alter the Constitution of a British Province or Colony is undoubted, has been repeatedly exercised and cannot and ought not to be called in question.

3rd.—The Resolution of the 10th of April 1866 which passed both branches of the Nova Scotia Legislature, did not necessarily contemplate a Confederation of all the British North American Provinces, nor were the delegates to be appointed thereunder in any way limited or restricted as to how many or which of the British North American Provinces should be included within such Confederation. Nor whether Prince Edward's Island and Newfoundland should or should not be of the number. Nor did the terms of that Resolution require that each of the Colonies should be represented by an equal number of Delegates.

4th.—That, before the Committee of Public Accounts have reported upon the financial condition of the Province, and in the absence of any reliable data to show the effect of the working of the new constitution, the British North America Act, 1867, and Her Majesty's Proclamation thereunder, have not been in operation sufficiently long to warrant any authoritative expression of opinion on the part of this Legislature, as to the effect to be produced upon Canada, or any Province of Canada, much less to justify an assertion that it will reduce the Province of Nova Scotia to the degraded condition of a dependency of Canada—Nova Scotia being by the Act in question a constituent part of Canada, with a fair representation in both branches of the Canadian Legislature.

5th.—That the Railway debt of Nova Scotia in the year 1863 amounted to \$4,000,000 upon which interest was chargeable and paid at the rate of six per centum per annum, amounting to \$240,000. That the policy of the Government and Legislature has been since then largely to increase the public debt and expend the amount borrowed in the construction of Railways and other public works. That the funded debt of the Province is now \$3,000,000 and upwards the interest upon which amounts now to \$180,000 and upwards. which, if the British North America Act, 1867, had never passed, would have necessitated a very considerable rise in the tariff of Nova Scotia, even if there had been no falling off in imports, or a greatly diminished vote for the public service.

6th.—That fundamental and material changes of the Constitutions of British Provinces both in the Eastern and Western Hemispheres have from time to time, as occasion required, been made, as well by the Imperial Parliament, as by Despatches emanating from Downing Street—and the Constitution of Nova Scotia guaranteeing Responsible Government as it has existed, and at present exists, and in many other of its most important features rests upon the authority of Despatches of successive Secretaries of State for the Colonies.

7.—That the Legislature of Nova Scotia, in the Session of 1867, recognized the British North America Act of 1867, and Chapter 1, after providing for a reconstruction of departmental offices and the salary of incumbents in Section 9, specially refers to said Act as about to be brought into full operation by Her Majesty's Proclamation, chap 2, passed during the same Session reducing the number of representatives in any future House of Assembly, adapted the Local Constitution to the condition of things Chapter 8 divides Senators and Members of the House of Commons of Canada to hold seats in the Legislature of Nova Scotia and Chapter 17 provides where the election of members to serve in the House of Commons of Canada and the Legislative Assembly, is to be held.

8.—That the expression of opinion on the part of the Nova Scotia Legislature of the date of the 10th April, 1866, that it was desirable that a Confederation of the British North American Provinces should take

place" was as much a constitutional declaration of the then existing Legislature, and entitled to as much credit as any subsequent contradictory declaration of the present or any future Legislature can be.

9.—That, however desirable it may seem to be, it has never been held essential to the validity or constitutionality of an Act of Parliament, either in a British Province or in England, that it should first be submitted to and obtain the assent of the people at the polls.

10.—That the people of Nova Scotia have ever been conspicuous for their loyalty and attachment to the British Crown and their obedience to the laws of the Empire. They have ever had the protecting arm of the mightiest nation in the world thrown around them. Their seacoasts have been jealously guarded by a British navy and their principal city garrisoned, fortified and protected by British troops, all at Imperial expense. They have no fears, therefore, that Great Britain will invade their rights or inflict injustice upon them, or suffer it to be done by others.

11.—In view of the defenceless condition of the Province of Nova Scotia unsupported by Imperial aid in case of hostile attack from without this Legislature gratefully appreciates the interest displayed on the part of Her Majesty's Government, and cheerfully recognizes the right and the "just authority" referred to in the despatch of the Right Hon Mr Cardwell, Principal Secretary of State for the Colonies under date of June 24 1865, in which, among other things, it is declared—"Looking to the determination which this country has ever exhibited to regard the defence of the Colonies as a matter of Imperial concern the Colonies must recognize a right and even acknowledge an obligation incumbent upon the Home Government to urge with earnestness and just authority the measures which they consider most expedient on the part of the Colonies with a view to their own defence. Nor can it be doubtful that the Provinces of British North America are incapable, when separate and divided from each other, of making those just and efficient preparations for national defence which would be easily undertaken by a Province uniting in itself all the population and all the resources of the whole."

12.—That if it be the opinion of Her Majesty's Government and those whose previous military training qualifies them to speak with authority upon the subject, that a Confederation of the British North American Provinces was prudent and desirable and requisite for their defence against any aggressive force from without that might be aimed at them or any one of them, then it is the duty of every loyal subject to respect that expression of opinion, to co-operate with Her Majesty's Government to make all reasonable sacrifices in order to preserve the existing connection with the fatherland, and cheerfully to aid in moulding the institutions of the country in the manner best adapted to secure a desirable object.

13.—That as regards the course adopted by the Government and Legislature of Nova Scotia to bring about a Union of the British North American Provinces, it was under the instructions and as nearly as possible in accordance with the recommendation of Her Majesty's Government, as set forth in a despatch dated the 3rd day of December, 1864, written after the sitting of the Quebec Conference, and addressed to Lord Monck as Governor-General, etc., etc., in which, among other things, occurs the following—

"It appears to them (Her Majesty's Government) therefore that you should now take immediate measures to concert with the Lieutenant Governors of the several Provinces for submitting to the respective Legislatures this project of the Conference. And if, as I hope, you are able to report that these Legislatures sanction and adopt the scheme, Her Majesty's Government will render you all the assistance in their power for carrying it into effect. It will probably be found to be the most convenient course that, in concert with the Lieutenant Governors, you should select a deputation of the persons best qualified to proceed to this country, that they may be present during the preparation of the Bill and give to Her Majesty's Government the benefit of their counsel upon any question which may arise during the passage of the measure through the two Houses of Parliament."

And this recommendation was but the embodiment and reiteration of the sentiments of Her Majesty's Government as delivered by the late Duke of Newcastle expressed in relation to the same subject, and

to be found in a despatch to the Earl of Mulgrave, dated the 6th day of July, 1862. After referring to some such conference or consultation as that held at Quebec, that great statesman and friend of the colonies remarked: "But whatever the result of such consultation might be the most satisfactory mode of testing the opinion of the people of British North America would probably be by means of resolution or address proposed to the Legislature of each Province by its own Government."

I regret that in the discharge of what I consider to be my duty, I have made these resolutions more voluminous than I ever made any before. My excuse is that the party I represent feel it necessary and proper to state their case as fully as possible, and show the country the grounds upon which they oppose the resolutions introduced by the Government. We shall not have the advantage possessed by the Government of having delegates to explain our case fully in England, and therefore find it necessary to make this amendment somewhat longer than they would have been under different circumstances.

The Attorney General stated, I perceive by his speech, that he would probably add one or two other resolutions to his speech. Now, I feel we will be at some disadvantage if we are unable to give these new resolutions that full consideration which they may demand.

(HON. ATTORNEY GENERAL here read the resolutions in question.)

Mr. BLANCHARD continued—I am glad that the Attorney General has given me an opportunity of learning the nature of the new resolutions which he intends adding to those previously introduced. I now pass on to review the lengthy speech of the Hon. Atty. General in opening the debate. I need not say anything as to the introduction of that speech, for there is not a sentence in it with which I cannot agree. I concur most emphatically in the declaration that the happiest and freest people in the world are those who are most obedient to the law. Then he went on to speak of the want of a Court of Impeachment for political offenders. This is the first time in my life that I ever heard of any man living under a British constitution advocating any other Court for the trial of such offenders than the High Court of Parliament itself to which every member is responsible. If I transgress the rules of this House, or do anything contrary to its dignity,—if I offend against the laws in connection with any public duty, here is the tribunal to try me. Upon you, sir, and the gentlemen around, will devolve the duty of punishing me consistently with its power. We have next from the Attorney General a panegyric upon our own constitution as well as upon the framers of the American constitution. The faults of the latter were pointed out to a certain extent, and the beauties of the constitution under which we have lived was beautifully eulogized, and with these sentiments I can find no fault. The Hon. Attorney General declared that the great fault of the American system was that it was a democracy and a confederacy—that it was democratic instead of monarchic—that it was a federal instead of a legislative union. I agree with him on the first point. Democratic institutions are the last to which I would wish to resort, but I differ in toto

from him when he says a confederation is not stable—that a federal democracy cannot succeed. In my judgment there is no tyranny on earth so absolute as that which can be exercised under a pure democracy. Under this system liberty may be crushed, and no remedy or appeal allowed to the citizen. This has been exemplified within the past four years in the United States; the *Habeas Corpus* Act has been arbitrarily suspended; and we have seen 13 or 14 States kept out of Congress, and unable to legislate except in accordance with the wishes of the dominant party.

I am not going into any lengthy argument on this subject, but I will ask the House to consider whether he has not himself shown that a Confederation is calculated to make a country great and powerful. What does he say in the subsequent part of his speech? He says if the United States only settle their internal difficulties they will become one of the greatest, if not the greatest, nation on the face of the earth. He bases that assertion on the enormous progress of that country within the last forty or fifty years. A short time since the whole world looked on with contempt whilst a nation of shopkeepers entered into a civil war; no one believed that the contest would last for any length of time. But the world saw armies such as it never saw before, not even in Napoleon's days. What enabled that country to send into the field its troops by hundreds and thousands, nay by millions? What was it that enabled them to raise the money required to meet their enormous expenditures? The fact is that under a Confederated Democracy they had been growing with a rapidity such as the world had never seen before. I am told by the organ of the Government that I am crammed for this occasion. I will undertake to say that no member of the Government will dare, in this House, to repeat what their organ has tauntingly said. But to continue, the Attorney General has said that it was the difficulties in connection with State Rights that gave rise to the war. I differ from him in a good many respects. In the United States the President appoints his own Cabinet, which holds office as long as he chooses, and though a majority of both Houses entertain opinions different from these gentlemen, yet they may continue in power. Look at the position of the present Congress—engaged in a heated conflict with the President. A great difficulty has always been the irrepressible conflict between the North and South, on the question of slavery. But let me tell the Attorney General that we are not confederated as the United States. There were originally 13 independent States. Is our condition analogous to that of those States? The hon. gentleman complains that we are not as independent as an American State, Maine for instance. Now I have no desire to see this country annexed to the United States, neither do I wish to see it placed in the position of any State of the Union. When we go into the United States, we find the States possessing different Usury Laws. Each State again has different regulations with respect to the franchise. Nothing of that kind exists in our system. We

have one *Uxury Law*, one on *Marriage and Divorce*, one on the subject of *Crime*, and so on. "If we have to join the U. S.," says the hon gentleman, "Nova Scotia would possess all the freedom that every State of the Union possesses. We would have the choice of our Governors, of our Senators, of our Legislators, and we would have the power of self-taxation in the highest degree." Surely he, the very champion of *Conservatism*, is the last man that would promulgate such a doctrine as that the people should appoint their own Governors and Senators, instead of the Queen. But do the people govern the United States more than the people here? No, sir, I undertake to say, not as much. In the United States, the Cabinet, when once appointed, is no longer under the control of the people and their representatives. But "we are governed by a little knot of Executive Councillors." It is a knot of councillors, at all events, who possess the confidence of the people. Suppose, for the sake of argument, that to-morrow this sweeping measure was granted, and we were placed where we were before. Who would impose the taxation upon this country? Would it be this House? It would be this House theoretically. Would it be the people? It would be theoretically. It would be the Legislature representing the people, and the Government representing the House Generally, if not invariably, the tariff is brought down by the Government and is slightly, if at all altered, by the House. We were, therefore, as much taxed by a knot of Executive Councillors as we are now.

I thank Heaven as well as the Attorney General for the beneficent rule of Her Majesty and the government which surround her throne. The hon. gentleman then goes on to say that we have to approach Ministers very different from those that were in power in the time of George III, and I admit this also. "Her Majesty," we are told, "took the oath that she would rule the country according to the laws, customs and statutes of the realm." Now one of the statutes of this realm is this very Confederation Act, and certainly we are bound to respect it as well as Her Majesty. Then we are told—"Look at the injuries done to the province within the last six months." See their liberties taken away, see them taxed by a foreign and alien Legislature; see their property taken away from them, &c." Are we taxed by a foreign and alien legislature? Are we taxed more unfairly than the State of Maine which has in a manner been brought into invidious comparison with us? I hope the day will never come when we will be taxed in the manner stated. We have a General Legislature meeting on British soil and composed of British subjects: we have a representation in that body, though it may be small. Now I take such language as that used by the hon gentleman, as simply a flow of idle words. But then some of the delegates ought to be hanged, according to the hon gentleman; they would certainly not be permitted to live in some countries. What country is meant? The very country that the hon. gentleman has been bringing into invidious comparison with us.

The hon. gentleman goes on to tell us that

he does not believe that the high-minded British Government and Parliament will refuse repeal at the instance of this Legislative body. If it should be the case *what then?* That is an expression which we have heard all over the face of this country for the last few months. I believe more strongly than the Attorney General believes the very reverse, that Repeal will not be listened to for a single moment. And what then? Have the government or any of those who are agitating this question considered the position that they will occupy. In a part of his speech the Attorney General says something about the British flag being taken away from this country, and another substituted—that such an occurrence would be a dire calamity. I ask the House to consider whether or not there is being spread abroad in this country, from one end to the other, a feeling that may, in case Repeal is refused, lead to consequences which I do not like to contemplate. I feel it my duty as a member of this House, to ask my fellow citizens to pause and consider if their request should be repealed. "What then?"

The Attorney General said that he had taken great pains to ascertain the grounds on which we hold the present constitution of this country, and he went back to the "old times" of this colony. In the time of George II. a colony called Grenada had a charter granted to it by the king, but three months afterwards an act was passed imposing certain taxes on the country, which act was declared by Lord Mansfield to be illegal. No greater man ever adorned the British bench, no man ever made more mistakes than Lord Mansfield. I ask the hon. Attorney General whether the principles in respect to libel which that eminent man fought from court to court, and in the House of Lords, would be tolerated now. Under that doctrine more tyranny was committed than had ever before been committed in the annals of British jurisprudence. But suppose the Parliament of England had imposed a tax on the colony, would Lord Mansfield have dared to oppose it? There is no such case on record. We have only this instance of a king, after he had once delegated his authority coming forward and imposing this tax. Formerly, it is true, ship money and taxes were levied by the king; but they were shewn to be unconstitutional and irregular. I know the love of the hon. Attorney General for old times. How many persons would now like to submit to the charter referred to by him? I will come to times after the charter had been improved, and what happened then? We had 40 men sitting in this Legislature and 12 sitting in the other,—who were characterized as twelve old women. They sat with closed doors, and allowed no person to know what was going on. These twelve men controlled this country—imposed and collected every penny of taxation. Yet the old charter must be irrevocable. Cannot a constitution that has once been granted by the king be altered? Many of these charters were formerly granted to men to manufacture certain articles, to have an exclusive right to them in certain localities. It was contended that these charters were irrevocable. When it was found

necessary that there should be some power to alter these charters, by William and Mary, chap 8, the whole control of all such matters was given to Parliament. Yet will the Attorney General or any other lawyer versed in constitutional law tell me that the High Court of Parliament had not the right to alter the charter given to Lord Cornwallis. Then let him go to Jamaica, if he denies it, and what do we find? The whole charter of that colony was swept away and changed by the Parliament of Great Britain. Nor is that all. Did not the Parliament interfere with the constitution of New Zealand? Did not they go to South Africa and unite the two countries into one? Ten or fifteen years ago the separate Legislatures of Canada were swept away, and the two Provinces united as one.

The Attorney General says that "Queen Anne became the absolute owner of Nova Scotia, and it does not belong to the people or Parliament of England, who had no more to do with it than the people of Turkey." If that were true we would certainly be in a nice position—subject to the caprice of the governing powers of England, with nothing but a flimsy charter between us and the monarch of the realm. We have a noble status—we live under the shadow of the British Crown—under the shadow of the British constitution and British Parliament—we are not subject to the mere caprice or whim of any single person. To tell me that the Parliament of Great Britain has nothing to do with the Province of Nova Scotia is to tell me what no sensible man can believe. The Parliament has the power which it has continued to exercise for the last century whenever the Imperial interests are affected. I speak now within my own recollection. I had the honor, when a young man, of being one of Her Majesty's Collectors of Customs under the British Government—commissioned to collect certain duties imposed by Imperial statute, and with which this Legislature had nothing to do. Yet the Hon. Attorney General wishes to go back to the original charter. The money came back, it is true, but for what purpose? To pay the Judges and other public officers whose salaries were paid by the British Government. They never gave up the right, until at last the duties became too small to pay these salaries. Then came the great fight on the Civil List between this Province and the British Government. At last we had to agree to fix the salaries of the public officers at certain sums before the matter was settled. Not until last year were we allowed to touch the matter again, and deal with it as we might think proper. Yet, says the Attorney General, the British Parliament has nothing to do with the Province.

The hon. gentleman asserts that the day the King signed that charter, and appended his Great Seal, he gave up the authority to make laws to the Legislature. Unquestionably he did. To make laws, how? Subject to his own approval—to his own veto. That is the power which the Queen still possesses. Did he give them the exclusive power to make laws? He retained the right for the Imperial Government of making laws whenever the

Imperial interests required it. It is not a dozen years since a large proportion of the shipping were taxed by an Imperial statute for the erection of a light house at Cape Race. There is not a ship that comes into this harbour, or goes into a foreign port, but is controlled by an Imperial statute. Our statutes in connection with that matter are not regarded, our shipping act is not of any value beyond the borders of Nova Scotia.

I am sorry that I cannot follow the Attorney General through his valuable discourse upon political economy. He says that the free trade policy of 1848 was an injury to this country—that it fettered trade, and led to a great deal of difficulty. I differ from him on this point also. Never was there a greater boon conferred on the British Empire. England said to the Colonies—impose what duties you think are necessary, but you must not make any difference between duties on American goods, and those from England, or anywhere else. That policy, for a time, led to some hardship; it prevented our goods, for a time, going into the West India market. It was nevertheless an evidence of the genius of England. She showed the world what the enterprise and energy of her capitalists enabled her to do, but the Attorney General is a protectionist of the old school, and cannot appreciate this wise and judicious policy of the mother country. But had England nothing with us when she passed the Act in question? What right had she to say that you shall impose certain duties? What right had she to violate that musty old parchment found somewhere in the archives of this building? The Imperial Government then told these Colonies, if you pass an Act contrary to our policy, we shall veto it, and the Colonial Governors were instructed to reserve their assent on all such measures.

The hon. Attorney General goes on to say that if the time should ever come when the flag of Great Britain shall be lowered on Citadel Hill, and the flag of another nation raised in its place, it would be a time of dire humiliation. If that time should ever come, he went on to say, and the United States put in possession of Halifax, it would become a second Gibraltar. Why we are now a Gibraltar as far as the strength of the fortifications go—our harbour is more impregnable than any in the United States. Let any of these gentlemen take a walk to the Point or go across to McNab's Island and see the additions that have been made to our fortifications within the last few years. Halifax would now be a far more difficult place to take than the City of New York. The hon. gentleman says that it would be a sad day when the Americans obtained possession of Nova Scotia. So it would be; but let me tell the hon. gentleman that though Great Britain may often—perhaps too often for her prestige—present a peaceful attitude; yet let the flag of Annexation be once raised in Nova Scotia, and every acre of the soil would be deluged with blood, before she would allow this province to be yielded to any foreign nation. I am not afraid that the flag of any other nation will ever float over this country except the flag of England; but what I fear

is this if a serious cry of annexation should ever be raised, and the United States should ever interfere in this matter, Nova Scotia will be ruined, since her soil will be the arena of conflict. I agree with every word that the hon member has said about the great loss that Great Britain would sustain if she lost Nova Scotia—for it would be a heavy blow to her maritime supremacy. Knowing that Great Britain would look on it in that aspect, I feel she would spend millions of treasure before she would suffer this province to pass away from her.

The hon gentleman says that the House of Assembly passed a resolution authorizing a delegation of an equal number from each Province, and that all the proceedings were illegal unless this principle was carried out. Now the fact is that the resolution only says that each Province shall have an *equal voice*. It made no difference whether there were six from one Province and ten from another,—whenever any question came to be discussed each of the Provinces had but an equal voice and equal vote.

The hon. gentleman has suddenly fallen in love with a Legislative Union. I don't differ from him very much, but I am sure his friends will not agree with him. What have they been saying over this country for the last two years? We will be swamped in the General Parliament, because our representation is only 19 in a House of 181 members. But remember we have now a separate Legislature, to which is entrusted the management of many very important public questions. You have now charge of our mines and minerals, education, crown lands, and other matters affecting the people, but let the principle of the Hon. Attorney General be carried out, and what then? All these important matters will be taken away from us and entrusted to the General Parliament. Do the gentlemen who support the Hon Attorney General agree with him on this point?

I have been taunted with being in a miserable and mean minority—with being the representative of only a fraction of the county which sent me here. But my hon. friend from Cumberland, as well as myself, feel that we have a greater responsibility thrown upon us. I am the representative of 13,500 voters in the Province of Nova Scotia. It is true that the vote cast on the other side was much greater; the people, in the exercise of their constitutional right, swept out of eight the members of the Government which had promoted Confederation, but I am not ashamed that I stand here the representative of a fraction of the people under those circumstances. I feel strongly my inability to do justice to the great body of men whose representative I happen to be; but all I can say is that I have done my best to promote their interests and discharge the duty devolving upon me.

Afternoon Session.

PETITIONS

Mr KIDSTON presented a petition from B and M. Morrison and others for a money grant; also, one from McMillan and others, also, one from Alex. McDonald and others, also, two from Big Interval.

Mr. DICKIE presented a petition from the Fruit Growers' Association.

The adjourned debate was resumed.

Mr PINEO said—I beg permission to second the amendment which has been moved by the hon member for Inverness. As another gentleman had the floor on the adjournment of the House I will not now occupy the time, but will reserve my observations for another occasion.

MR. MORRISON'S SPEECH.

Mr. MORRISON said—In rising to address the House on the question now before it, I may say that I am laboring under the same physical disadvantages of which the hon member for Inverness complained; but the duty which I owe to the people demands that I should meet some of the arguments used by that gentleman on the spur of the moment. The hon member told us that he was unwell, but he did not tell us the cause of his illness; I feel confident it has been an abscess, filled with illogical matter, judging from what escaped his lips, and I trust that having got rid of such a quantity of terrible matter, he will, as he certainly should, regain his wonted health. I will be under the necessity of reading his speech backwards in the comments which I shall make upon it. The first thing, therefore, I shall refer to will be about the last sentence he uttered, when he told us, in bold language, that we would not get a repeal of the obnoxious Union Act. He was ten thousand times more confident that we would not get repeal than the Attorney General was that we would get it; but was that all? No, sir. The learned member was not only positive in his assertions, but he was defiant and threatening in his tone, and he told us that before England would consent to Repeal or to our separation from the Empire she would drench the soil of the whole Dominion in blood. That language reminds me of the bullying which is heard in other Parliaments than this. What are we about to do? We are about to approach Her Majesty the Queen in a simple and constitutional way, asking her to see that the Commons of England repeal the act which confederated us to Canada. Because we make that plain and honest request it is insinuated that we are annexationists, for that is about the purport of the language that was used. I assert with as much confidence as he displayed that this Confederation Act will be the very means of accomplishing a separation from the Empire and our annexation to the United States,—if that event should ever happen—for I believe that a love of annexation principles underlies the whole of the proceedings on which that act is based. It is because that is my belief that I oppose the measure as strenuously as I do. If the act be not repealed it is my conviction that circumstances which we cannot control will carry us into the neighboring Republic.

The hon member has told us that the Imperial Parliament has a right at any time to step in and alter our constitution;—this much I will grant him that when the necessities of the nation require it, the Parliament

may have a right to say to us, we cannot keep you any longer in your present connection, we must cast you off. But I deny the right of the Imperial Parliament to follow us after that connection has been broken, and force us into an obnoxious position against our will. I say to this House, and to the people of this country, that if she does do so it will be an unconstitutional act on her part, and a perfect breach of faith with the people of this country. We are told in the first clause of the amendment laid on the table by the hon. member, that Nova Scotia has the right to make laws by her Parliament for her own people,—I go with the hon. member there;—it says further that she ought to have that right,—I go with him there also,—but I ask has the Parliament of Nova Scotia made this Confederation Act? I deny that it did, it never passed through our House, therefore it is no law of our making. The legislators who are elected are the men who have the right to make laws for the country in which they are elected, and no one else has that right. The men elected must make the laws, they cannot delegate the power to another body. I deny that two Parliaments can hold the same power,—we have no authority for such a proposition, either in the moral law, statute law, or common law; or in the divine law, or the law of nature;—a man cannot serve two masters,—if the power has been given to the Parliament of Nova Scotia to make a law, that Parliament may make it subject of course to the assent or dissent of the authorities in England, that is the constitutional check placed on our legislation, but no other Parliament can have the same power at the same moment. Something has been said in reply to the remark of the Attorney General about our having no court for the trial of political offenders, and the hon. member for Inverness says that this legislature is the court,—but I differ from him there. There is such a court, and the people of Nova Scotia constitute it. They have given our late political offenders a trial, and have consigned them to oblivion as politicians forever, and in that they exercised a most righteous judgment.

When the hon. leader of the Opposition came to refer to the Republic on our western border, he grew highly eloquent,—he swelled himself almost as big as the frog in the fable, and talked about the tremendous democracy, that had suspended the *Habeas Corpus Act*. It is true that in the United States that Act is suspended, and why? Because over a million of men were in arms, and no one knew from what quarter the next bayonet thrust would be made on offending citizens; but is there no other part of the world in which that Act is suspended? Will it be believed that the *Habeas Corpus Act* is suspended in this mighty Dominion? And what is its Government afraid of? Not of the bayonet, but of the free expression of the opinions of the people of Nova Scotia. The Government of the Dominion are smoothing the way to throw us into prison and keep us there without a trial if we should raise a murmur against their acts of tyranny. A great deal has been said from time to time about the United States having confederated, and that

matter was referred to by the leader of the Opposition to-day. It is true that those States did confederate, and why did they do so? They had no nationality—they had to confederate in order that they might become a nation. There was no such necessity in our case, for we were part and parcel of the mightiest Empire in the world. Our new constitution makes us, not as was the case with the old colonies, a new and independent nation, but a mere sub confederacy, taking us away from the bosom of the Empire instead of drawing us more closely to it. But the hon. member said that somebody outside this House asked “If we cannot get repeal, what then?” The hon. gentleman spoke as if it were really wrong to ask so simple a question,—he assisted in taking away our constitution, and now he wishes to silence enquiry,—he would not only manacle our hands but seal our lips. Surely a Nova Scotian can ask “what then?” as well as a man in any other part of the world. But there is another question I would like to ask, and it is, “If we get repeal what then?” That is a question which the hon. member for Inverness will be more deeply interested in. When he goes down to face his indignant constituents they will show him “what then?” In speaking of the change in our constitution the hon. member told us that no such question was ever submitted to the people at the polls. He must have a very short memory, and I could not help thinking, as he made the remark, of what old Doctor Henderson said, when his neighbor's pigs got into the field,—“I turned them out,” said he, “and told them not to come back again, but I find they have very bad memories; they all came back again, and now I'll take a gun and, faith, I'll help their memories.” No such question submitted to the people at the polls! Was it not done twice in New Brunswick in relation to this very question? Were not the people of Prince Edward Island allowed to pass upon it? Was not Newfoundland allowed to say whether she wished to come in or not? Yet that right was denied to Nova Scotia, and without casting any reflections on the other Provinces, I may say that our people possessed as much, if not more, intelligence than those of any other of the group of colonies. Aye, sir, it was because they had more intelligence that the right was withheld from them.

Was not the question of annexing Ireland to England submitted to the people? Yes; and when the people of Ireland refused to accept the measure at the polls, English gold was sent in to accomplish the work, and the rights and interests of Ireland were sacrificed by her legislators. And yet the hon. gentleman stands up and asks if ever such a question was submitted to the polls. In the course of his speech he said that Sir Robert Peel had declared that Parliament was bound to set an example of wisdom, justice and good faith. I thank him for that reference, and I say well would it have been for this country if the late government and legislature had followed the advice of Sir Robert Peel. Before I conclude my remarks I will show that that government and legislature acted most feebly, with the greatest injustice, and in violation of every particle of

faith which they should have held good. I think I can shew that that government violated the pledges which they had given in their despatches, and acted in such a treacherous manner that if the most simple basket-maker, the most fallen fishmonger or the most humble hod-carrier in the land had broken pledges, and deserted the interests of his master so fully as they did, there is not a society of chimney sweeps in the British Empire but would kick him from their company. The hon. member for Inverness told us that the constitution of England had been changed by the emancipation of the Catholics. Was that a great change of the constitution such as the present one? Not at all; it was only simply taking away a religious disability.

But the hon. gentleman said that the Parliament of England took no step in this matter until our own Legislature had dealt with it. That brings us back to the assertion that our people had a right to make any law affecting their own interests, the check being the withholding of Her Majesty's assent. The theory is, that Nova Scotia, having the power, moved first for such an act, and that Great Britain followed in the wake. We will examine that theory presently, but in the meantime let us look at another illustration that was brought forward—that of the English Reform Bill. Parliament, it is true, passed that measure, but what other power could have done it? But that was not a change in the constitution; it did not deprive any class of people of their rights—it merely added to the rights of the subject. That is a distinction which I wish kept clearly in view. Not one of these acts denuded the people of England of any rights or privileges. Then, again, as to the repeal of the Corn Laws—did that measure transfer the revenues of the country to another Government? True, it might for a time cripple the revenue, but the people were willing and able to bear the loss. And there is another point here which I wish to press on your attention were any of these measures carried against the wishes of the people of England? No, but in obedience to their commands, while the Act of Confederation has been forced upon us despite the strong remonstrances of the people. Catholic Emancipation, the Reform measure, and the repeal of the Corn Laws, had been debated for years, election after election had turned on these questions, and the men elected to support the legislation which was accomplished. We, on the contrary, had no opportunity of choosing our representatives with the view to any such change in the constitution. That, I think, is a full answer to the argument deduced from parallel cases. Circumstances alter cases. The Ministry of England could not, on any one of those measures, have stood a week if they had not bowed to the will of the people, but here we had a Ministry standing in defiance of the people, and insisting that the people had no voice in the matter.

I assert here that our rights were handed over against our will,—we were made dependants of Canada, and I ask if any such example can be found in English history? No

sir, no such act was ever done before by the British Parliament, and I defy the hon. member to point me to an instance of it. We know that the despotic autocrat of Russia has within the last four years liberated twenty-six millions of serfs, giving them a certain measure of political freedom and other privileges. Brazil, another despotic empire, has, within the last four years, liberated three millions of her slaves,—the Great Republic lying on our western border, has just come through the most terrible internecine war that was ever raged in the world, a war in which she drenched her hills and valleys with human blood to liberate four millions of her slaves,—but oh, sir, tell it not in Russia,—proclaim it not in the streets of Brazil, or on the housetops of America, that in England, the boasted asylum of liberty, an Act was passed in the seventh decade of the nineteenth century that makes 350,000 British freemen British serfs. We are determined to relieve ourselves from that position of serfdom, and because we do so we hear all manner of insinuations brought against us. Having now, as briefly as I could, reviewed the speech of the hon. member for Inverness, I will turn my attention to the subject more immediately under discussion. I must here express my deep regret that the Imperial Parliament thought proper to pass an act that has brought the people of this country to the verge of a crisis which is unparalleled in the history of British North America.

Single-handed and alone, Nova Scotians, by industry and economy, had elevated their country to a position that was enviable in the eyes of their fellow-colonists, they could point with pride to the rapid advances which they had made in material prosperity as well as to their loyalty and attachment to the throne of Great Britain while cherishing their own free institutions. They could point to noble public works which had been laid down in the country, while they had been ever ready to meet in the most prompt manner all the local demands of all their industrial classes. With a tariff lower than that of any of the other Provinces of British America, they had provided abundantly for the education of the youth, the maintenance of the roads and bridges, and of all the other public services. The moral character and law-abiding disposition of our people, together with the soundness of the mercantile and banking institutions, had made Nova Scotia respected abroad, while the geographical position of the country, jutting out into the bosom of the Atlantic, with magnificent harbours spread over the seaboard, and open to the shipping at all seasons of the year. The richness of our mines, abounding in almost every county of the Province, together with the vast amount of our commercial tonnage, all combine to make Nova Scotia an object of pride to her people, and the brightest gem in the colonial possessions of the British Empire. With this state of things the great body of the people were perfectly content, but in an unguarded hour an unnatural hand was laid on this prosperity, and our institutions were swept away in defiance of our constitution. The wrangling politicians of Canada, not content with their

own condition, and by mismanagement having brought themselves to a dead lock, conceived that the only way of relieving themselves was to come down on the Maritime Provinces and drag our people into their broils. Accordingly they came here, and some of our own politicians, full of ambition and lust of power, aided by the indifference and hot-haste of the British House of Commons, obtained the enactment of a law which took from us almost all our rights and privileges. We have been subjected to the domination of Canada, as I will shew by an extract from the speech of one of the members of the Ottawa House of Commons. Mr Harrison said —

‘Canada before Confederation had not more than 534,575 men between the ages of 20 and 60, but since Confederation we have not less than 653,567 fighting men. We have added not less than 1,000,000 of consumers to our whole population and not less than 160,000 fighting men to our military strength. Besides we have acquired great strength on the sea, where we were in most need of strength. Before the Union we had only 5,953 sailors, and most of these on our inland waters. Now we can boast of 23,360 sailors, and when we shall have Newfoundland as a member of our national partnership we shall have no less than 66,938 sailors, and so become one of the great maritime powers of the world. Before the Union our shipping was represented by a tonnage of 287,187 tons, but now we can boast of 708,421 tons, nearly as much as that of France with a population of 35,000,000 (Minister of Justice—Our tonnage is as large as that of France. Mr Harrison—If we could now count Newfoundland and Prince Edward Island as parts of our Dominion, I believe it would be as large, but without those Provinces—I think our tonnage is a little less than that of France.)’

Thus we see the almighty “we” sticking out of every part of the speeches at Ottawa. The tone of the Canadians is “oh, be quiet, and we may modify the tariff for you.” Is not this the language of the captor to the captive? It certainly is, and the Canadians did not spare their pains to let our people see that they regarded us as captives. And yet, sir, I regret exceedingly to find that there is a man of Nova Scotia birth who is willing to stand up on the floors of Parliament and vindicate an Act which brings such degradation on our people.

I will now, sir, put before the House and the country several extracts from despatches which, I believe, will put the question in a clearer light than anything that I could say upon the subject. The task will be, no doubt, to my hearers dry and tedious, but I hope I may be indulged with attention. The first proposal in reference to Confederation we find came from the Canadian Government in a despatch asking Major General Doyle whether that Government would be permitted to appoint delegates to confer with those appointed by us on the subject of a Maritime Union. Sir Richard Graves MacDonnell having assumed the reins of Government here very shortly after the receipt of that despatch, returned this answer to Lord Monck with the advice of his Council —

“I can assure your Lordship of the extreme pleasure which it will afford this Government to confer unofficially with any Delegates sent from Canada. It is, however, necessary to remind your Lordship that no Resolution has yet been passed by any of the Legislatures of the Maritime Provinces,

authorizing the appointment of Delegates for any purpose but that of considering some plan for the Union of the three Provinces. Therefore, neither I nor my Ministry have the power to go beyond the exact powers conferred by that Resolution.”

There we find a distinct admission that the Government and the Delegates had no power even to discuss the subject of the larger union without the authority of the representatives of the people. On the 18th July, 1865, Governor MacDonnell sent a despatch to Mr Cardwell, some extracts from which I will also read —

“I have consulted my Executive Council on the question, and the Members concur with me in thinking that the Resolution of the Legislature, which authorises the appointment of Delegates to discuss the Union of the Maritime Eastern Provinces, confers no power to discuss officially, the larger question embraced in Lord Monck’s enquiry.”

“Having signified to my Ministry my willingness to appoint Delegates to meet those of New Brunswick and Prince Edward Island, it seems proper that I should call your attention to a Despatch of the 27th of January, 1860, marked confidential, and addressed to my predecessor by his Grace the Duke of Newcastle. In that Despatch his Grace, whilst apparently expressing no disapproval of the discussion of such a question as that which is now imminent, concludes with the following instruction: ‘Previous to sending Delegates to Quebec or elsewhere, such a proposal should not be authorised by yourself without previous communication with the Secretary of State, in order that the question of the Delegates, and the instruction to be given them may be known beforehand to H. M. Government.’”

There we had again a recognition of the people to be heard through their representatives before the appointment of a delegation, and an admission that such an appointment could not be made without the sanction of the Colonial Secretary. Further on I find the following clause:

‘In the meantime I venture to add, in reference to the suggestion of Lord Monck, that it seems premature to discuss the larger question of a Union of the five Provinces before it can be ascertained whether the three smaller, whose interests are more immediately and more evidently connected, can be induced to combine in closer connection. I apprehend that the more limited project, if practicable at all, as I hope it is, is all that can be managed for some time to come, whilst if the larger proposal be attainable, and be desirable, its adoption will eventually be in this way much facilitated. I think so, because a Union between two communities, which would be all that would then remain to be accomplished, will assuredly be a simpler question to arrange than a Union between five as at present.’

That was the language which the Lieutenant Governor, by the advice of his Council, held in 1864. Again, on the 18th August of the same year Governor MacDonnell sent a despatch to the Secretary of State, in which he says:

"I explained that the Legislatures of the Maritime Provinces had not authorized discussion by their delegates of any question except the Union of those Provinces, and that although it would afford this Government much pleasure to receive and confer unofficially with any parties authorized by Canada to discuss a larger question I could not clothe the delegates of Nova Scotia with more extensive authority than that already conferred by the Legislature."

Here, again, was an acknowledgment of the right of the people to deal with the question through the Legislature. Again, he says

"I always spoke hopefully of greater united action, on the part of these colonies, in many important matters, but I never intended, and it would be premature as well as inconsistent with the duties of my position to have appeared as an advocate of any general union in the sense intended by other speakers."

On 29th September Sir R. G. MacDonnell transmitted another despatch. It would appear that by that time, from whatever influences were brought to bear, the minds of the Executive Council were changed, and its members had become clamorous for appointment to go to Canada. In informing the Secretary of State of this fact, the Lieutenant Governor said

"I have the honor to inform you that my Ministry are very anxious for the appointment of Delegates from this Province to confer at Quebec with Delegates from the other Maritime Provinces and Canada. The subject of the Conference is intended to be the feasibility of a Union, whether Federal or Legislative, of all British North America. Even Newfoundland is sending a Representative; and as the Conference is intended to commence on the 10th October, it would be impossible for the Representatives of Nova Scotia to reach Quebec at that date, if I await your sanction to their appointment by the mail due at Halifax on the 12th October."

It would appear from this that the 12th October was the earliest hour at which authority for the appointment of delegates to Quebec could be given, and he says further down:

"I agreed yesterday in Executive Council, to nominate as Delegates to the Quebec Conference the same gentlemen who had already represented Nova Scotia at the Conference in Charlottetown and Halifax."

I find, however, on further inquiry, that no official invitation, such as I could recognize, has been yet received from Lord Monck, adequate to justify my nominating Representatives of this Province to a Conference, where, strictly speaking, they should not proceed at all without your previous sanction. In fact no proof of any invitation having been sent to Nova Scotian Delegates has yet reached me. I have, therefore, telegraphed to Lord Monck to that effect, and as possibly I may find myself unable for the above reasons to name any Delegates to the Quebec Conference, I think it best to put you in possession of the above explanation."

Here the government of Nova Scotia had to admit that they had no right to make the

appointment even after they had induced His Excellency to nominate the delegates who had been at Charlottetown. But there is something a little more surprising to come. Under the date of the 3rd October we find His Excellency saying in a despatch to the Governor General

"I have the honor to state, for your Lordship's information, that I have laid your Despatch and its enclosure before my Ministry, and I have appointed the Hon. Provincial Secretary, the Hon. Attorney General, the Hon. R. B. Dickey, the Hon. J. McCully and A. G. Archibald, Esq., to form a Deputation to meet the Delegates from the other British Provinces in Conference at Quebec, on the 10th inst., as proposed in your Lordship's Despatch."

Thus, although no authority for the appointment of the delegates could reach Nova Scotia before the 12th Oct., we find that, nine days before that date, they were appointed, and I think it will further be found that each one of these five gentlemen had, on the 30th Sept., drawn from the treasury and pocketed \$400. We also find in a despatch of 3rd Decr. from Mr. Cardwell to Lord Monck, in which, being aware of the conference at Quebec, and understanding that the delegates wanted to submit their resolutions to the Parliaments of the several Provinces, he says—

"It appears to Her Majesty's Government that you should now take immediate measures, in concert with the Lieutenant Governors of the several Provinces, for submitting to the respective Legislatures this project of the Conference; and if, as I hope, you are able to report that these Legislatures sanction and adopt the scheme, Her Majesty's Government will render you all the assistance in their power for carrying it into effect."

Here then we find Mr. Cardwell embodying in his instructions to Lord Monck the very principle for which we are contending, directing that the measure be first passed through our Legislatures, and afterwards promising the assistance of the Imperial Parliament. And yet the Government of that day undertook to deal with the whole subject without submitting it for our consideration. But we have further light thrown on the subject, by a despatch from Lord Monck to Sir R. G. MacDonnell, dated 23rd December, in which the former says, referring to the instructions from which I last quoted

"In pursuance of these instructions I have the honor to inform you that I have summoned the Canadian Parliament to meet on Thursday, the 19th January, 1855, when I propose to bring before both Houses of the Legislature the important subject referred to in Mr. Cardwell's Despatch, in order that, if the Legislature should think fit, an Address may be adopted to the Queen, praying Her Majesty to direct that steps be taken for passing an Act of the Imperial Parliament to unite the Provinces of British North America on the basis laid down in the resolutions adopted by the Quebec Conference."

The reply of Sir R. G. MacDonnell, on 9th January, was as follows—

"In reference to the course which your Lordship suggests for the purpose of giving

effect to the instructions of Her Majesty's Government, viz., to submit to the respective Legislatures the project of the Conference, I am in a position to state that this Government will take similar steps to those proposed to be taken in Canada."

Here was a further pledge that the whole question would be presented for the consideration of our Legislature in the Session of 1865. But I will go a step further, and quote the language used by the Lieut. Governor to Mr. Cardwell on the 13th January, 1865. He says, speaking of the course stated by Lord Monck, to have been the policy adopted by the Canadian Government —

"I have had much pleasure in intimating the entire willingness of this Government to adhere to the same policy. It is indeed precisely the course which I had myself recommended as soon as I was in possession of your views on the Quebec Resolutions."

This is the last extract which I shall make from the Journals touching the action of the delegates and of the government of British America down to 13th January, 1865. I repeat that it was the Canadians that forced themselves on the people of the Lower Provinces; the Union was not our seeking, nor that of the people of England. The Canadians had got into a difficulty from which they could only extricate themselves by dragging us in with them. I think I have shewn from the despatches that our government acknowledged that they had no power to appoint delegates until the authority came from Her Majesty's government; yet they did appoint these delegates, and paid them, and those delegates had been sitting in the Conference at Quebec preparing to legislate away our independence several days before the authority for their appointment reached Nova Scotia. I ask, then, sir, if that is constitutional? Certainly not. I think I have shewn to the House that Governor MacDonnell was opposed to the scheme, for that appears by his despatch of 18th August. I think I have also shewn that the Secretary of State forbade the appointment of delegates without his instructions, and yet those appointments were made in the absence of those instructions. I think I have shewn also that the British Government, as well as the Governments of the Colonies, were of the opinion that the results of the deliberations at the Conference shall be submitted to the Parliaments of the Provinces at the first Session afterwards. There was no denial of the rights of the Legislature or people then—and why? Because it was believed that the scheme would be popular; but when the delegates returned they found their mistake. Hence it was that Mr. Tilley went to the people of New Brunswick; but our "Premier" knew that he was doomed if he went to the country—he knew that he never could carry an election in Nova Scotia again. He had carried one election on a famous retrenchment scheme, and his party had been returned to carry that measure into effect. Did they do it? Not at all; but Dr. Tupper turned his attention to a scheme that the people were determined he should not carry and said he had no right to deal with. He found that by gross misrepresentation he had

got himself into such a position that he had nothing more to expect from the people of Nova Scotia, and hence it was that in hot haste he hied off to Canada, and there, with a brow of brass and a tongue of venom, tried to better his circumstances at the expense of the people whom he had betrayed and deceived.

That was the true cause of the determination on the part of the Government of Nova Scotia to get us into Confederation. It is true that they have tried to shield themselves under the authority of Lord Monck in the appointment of the delegates; but I deny that Lord Monck had any more power in the matter than Governor MacDonnell. The whole thing was taken up without proper authority, but that was not all we have to complain not only that they acted without due authority, but that they acted deceitfully; the whole scheme was to have been kept perfectly secret until it could be submitted to the Parliaments, for they expected to rush it through before the people could instruct their representatives what to do. If it had not been that Mr. Palmer, of Prince Edward Island, was more honest than the rest, and exposed the scheme, and that our people, becoming alarmed, summoned their delegates to meet them in a public hall in Halifax to explain their resolutions, the plot might have been carried out. Our delegation did come down and explain their conduct, and they pretended to say that they had authority by virtue of the resolution of 1861. That ground was struck from under their feet, and here let me say that when that resolution was passed, I opposed it might and main; I was the cause of its not being discussed here, and I can therefore claim to be the first Anti-Confederate in Nova Scotia, for I said to the Government of that day "I do not expect that you will do anything wrong under this resolution, but you know not what devil may follow you." The delegates, as I have said, came down before the public in Halifax, and got Mr. Archibald to box the figures for them. According to his statements it was the most beautiful scheme that ever was submitted, we were going to have all the fortifications that were necessary, all the canals were to be deepened, the Intercolonial railroad was to be built, the Northwest Territory opened up, and all for forty cents per head. I never believed that Mr. Archibald was sincere in those statements—they were got up to deceive the people. But the people soon began to gather in different parts of the Province, petitions came in to the Legislature, and, after the Government had consulted their friends, they found that in a house of 55 members they had but 22 in favor of their scheme—one of that number being in the chair. They dare not therefore submit the measure to Parliament as they had pledged themselves to do.

But what more sir? They had pledged themselves in the Governor's speech to submit the scheme to the legislature,—in ten paragraphs of that speech Confederation sticks out as plainly as anything can, and notwithstanding that, the government dare not bring down their scheme. But what did they do? They tabled a resolution and car-

ried it through the House, I do not know by what majority, declaring the whole scheme impracticable. What was this done for but to deceive the people who were rising against the measure. Eight or nine thousand persons however had already petitioned Parliament, and I believe that some little respect was paid to those petitions, for I think that it was in consequence of them that the resolution which I have cited was brought down. Everything then became calm and smooth in the Province,—no man expected that the question would come up again before a general election would take place. When, in the following year, 1865, the Legislature was about to meet, a speech was prepared for the Governor, in which no mention was made of the scheme. The people then said, "there will be no confederation now, the government have abandoned it until after the general election." But, whatever means had been used in the recess, the government soon began evidently to feel that they would be stronger on the subject in 1866 than in 1865. In the former year the Bills and Bourinots were in deadly hostility to confederation, but when the resolution to appoint delegates to England was brought in during the session of 1866, we find them recording their vote in favor of it. I do not wish to impute motives, I merely wish to state facts and let the people draw their own conclusions. But it is evident that when they found that a great number of that class of men were to be made Legislative Councillors and Senators, they voted for it.

But were there no other improper means used? I well recollect the sensation which prevailed throughout the country when the leader of the Government came down and declared that he had received despatches of too startling a nature to be announced on the floors of Parliament, but that he could say this much: that the Province of New Brunswick was about to be invaded. That announcement, it is said, took over two men to the Government ranks,—it was made with the design of taking over men. But let us see what other means were made use of. By the Quebec resolutions the twelve Senators were to be taken out of the Legislative Council,—here was a beautiful chance of holding out to twenty-four gentlemen the prospect of promotion. The twelve Senators, by the Quebec resolutions, as I have said, were to be taken from the Upper House, if gentlemen holding seats there were willing to go, and not only so, but half of the number were to be taken from the Opposition, and that was another reason for gentlemen voting for the resolution. But in the Act these provisions were struck out, and the Government then said, "Oh, we are not bound to do that." The resolution giving the Government power to appoint delegates to go to England for the purpose of arranging a scheme in connection with the British Ministry, was carried through this House at the dead hour of night, and the "previous question" was moved to shut out debate. The wily Archibald, knowing that such a proceeding would damn the case, asked the Government to withdraw the motion, which was accordingly done,—gentlemen rose out of their beds on that night

and came here to defend their country from the men who were determined to sweep away their rights. Then there was another piece of hypocrisy practised on the Legislature. Instead of the resolution, which I referred to, about the appointment of Senators being carried out, and the selections being made from both sides in the Legislative Council, only six or seven were taken from that body, and not a man was appointed from the ranks of the Opposition. That is a fact which I challenge any gentleman to deny. There was but one man in the whole country appointed to the Senate from the ranks of the Opposition, and that was Mr. Locke, a member of this House. That resolution of this House in 1866 was carried by the basest deception and misrepresentation.

I have remarked that the interests of Nova Scotia were swept away by that Confederation Act, and I ask now how the people of Canada would have borne such treatment from the British Government? If an attempt had been made to attach Canada to a greater country, what would have been the consequence? There would have been an instantaneous rebellion. This last fall, when they denied the right to a few individuals to express their opinions at the polls on the election of a member of Parliament, a riot was raised, the Sheriff was seized, and his papers taken from him, and not a man was allowed to be nominated in the district. That is the way they do things in Canada, and yet the Canadian champions in Nova Scotia, because we ask simply to have an Act of Parliament repealed, tell us that we are rebels. I have already said, that the Legislature had no right to transfer their authority to the Parliament of England to pass a law for Nova Scotia. The Crown having granted us the power to make laws for ourselves, had no right to interfere with that power, the British Government should have called on us to pass the Act, and if it did not afterwards suit their views, they could have rejected it. They had a right, if the necessities of the nation required it, to say that we should continue no longer in our present connection, but they had no right to force us into an unnatural connection with another country. You may turn a man into the street, but you have no right to dictate to him whether he shall go east or west, north or south, after you have driven him away, you must let him choose for himself. Yes, sir, I undertake to say that the whole Act is unconstitutional,—that it is a breach of faith on the part of England with our people.

They tell us that Parliament had the undoubted right to pass this law. What will that proposition lead to? Some men a little more ambitious than the late Government, may induce the Commons of England to pass an Act to transport us to the plains of Siberia, or consign us to the Black Hole of Calcutta. If you admit their power to deal with us against our will, where will be the limit to that power? We had the authority in Nova Scotia to make our own laws, and we did make them, we made such as we thought best suited to the people of this country, and under them the Province flourished as no other part of the British possessions did. We

kept ourselves out of debt, for, if we happened to fall a little short one year, we arranged the Tariff the next accordingly, and kept ourselves square. How was it with Canada? She did not manage her affairs in that way. Instead of acting prudently and safely as Nova Scotia did, she went into rebellion on several occasions, and the cost of these rebellions hangs over her head at this moment, and we, the faithful and loyal subjects of our beloved Sovereign, are now called on to assist in paying it off. Because we do not submit with a good grace it is said, "O' you are rebels and annexationists." The resolution of 1866 told the delegates that they must get a scheme that would do equal justice to all the Provinces. Now, I ask, if the scheme they did get gives us equal justice with Canada? I deny that it does. It has swept away all the old revenues which we had under the 10 per cent Tariff, and has imposed a tax of 15 per cent. The additional 5 per cent will realize \$524,000, of which \$200,000 will be taken away to Canada, leaving \$324,000 to pay us our 80 cents per head. Let me ask if that is just. The scheme startled even the Finance Minister of Canada, for he told his people that while the delegates from Nova Scotia had consented to reduce the amount distributed for their local wants to the extent of \$200,000 or \$300,000, the scheme would give to Canada a million dollars more for local purposes than ever they had before. How, then, can any man stand up and say that the measure does justice to Nova Scotia? More than that, it gives the General Parliament power to tax the people of Nova Scotia by every method and to any extent that may be required.

But it may be said that our representation at Ottawa can protect us from injustice,—we have had a fair trial of that, and what power have they had to protect us? Though they stood shoulder to shoulder, how could we expect them to accomplish anything against 160 members? Ontario and Quebec have got the power in their hands, and will combine to use it whenever the interests of Canada require that they should do so. Nor is that our only ground of complaint. The Act takes away from our people the power of appointing a single way office keeper or tide waiter,—this patronage is all vested in a Government 800 miles away. We have been told that there is not a great deal of feeling in opposition to the scheme throughout the country—that that feeling will all die out in a short time, and that the great majority of the intelligent people are in favor of Union, while against it there are but a few political demagogues. I say that such is not the case as regards the County of Colchester at least, and, without saying much in her favor, I think I may say that she may be considered as intelligent as any other county in the Province. And how did matters stand there? I will take it for granted that the feeling in most of the other counties is similar to that which was exhibited there, but in Colchester we had a fairer test of the opinions of the people on this question. We had the only Dominion official who came before the people of Nova Scotia at the polls, we had a man born within the county, with all the influences

of a large family connection, with the influences of the late lamented S. G. W. Archibald, with a professional practice of twenty-five years, with his own long political experience, and against these influences the friends of Confederation thought it impossible that the people of Colchester could win the election. But I am proud to say that the people of Colchester in their majesty rose superior to the difficulties of the hour, and notwithstanding that the Home Secretary could stand up and tell us that Queen Victoria was in favor of Confederation, that the Imperial Parliament was in favor of Confederation, that every intelligent man in England was in favor of it, that the Governor General was in favor of it, and that the Ministry of Canada were in favor of it,—although he could point to New Brunswick, and say that her people when they became well informed on the subject accepted the situation, yet he found he had lost the battle when election day came round. And we the electors and voters that he had to assuage? No, sir, let me tell you that he had the Government of Nova Scotia at his back—he had in his county, one of the ministry of the day and one of the legislative councillors of the day, he had all the influence of the educational institutions at his back, he had the Judge and Registrar of Probate and the Registrar of Deeds to assist him, he had the railroad laid through his county, with the influence of the department in his favor, and he had also a railroad in prospect, the expenses of which I always asserted, and my assertion has been verified to our sorrow, would have to be borne by us. With all these influences at Mr. Archibald's back, we overthrew him by a majority of four hundred. It was a noble and a mighty victory. We felt that the eyes, not only of all Nova Scotia, but of British America as well, were upon us, for there was the Home Secretary of the Dominion coming to the polls. But he has had to gather up the mutilated shreds of his former political reputation, and has betaken himself to the wilds of Canada, bidding farewell to his native country. I believe if occasion required, every county in the Province would do the same, for while Nova Scotians can boast of their loyalty to England, and will be ready to fight her battles, if necessary, while she gives them the rights of free men, they will never be loyal to Canada under a Confederation Act forced upon them as this has been. No sir, never! NEVER!! NEVER!!! We come now to a notable speech made in the Ottawa Parliament by one D'Arcy McGee who, I think, took a great deal of liberty with our people when, in the absence of their champion, in a speech pondered over for days, slept over for nights, he intimated that the influences brought to bear in this country were not very creditable to our loyalty. Had he forgotten the time when he was an ex-patriated rebel, with a reward of \$1000 set upon his head? How dare he stand up there and preach about sedition? I wonder the men whom he addressed allowed him to sit among them, there could not have been any Tom Morrison there. Let him step boldly off with the laurels which he won in the cabbage garden; but let him not talk to Nova

Scotians about loyalty. He told the representatives of this Province that they sat there on a three-legged lie; ah, sir, I thank him for that expression; they do sit on a three-legged lie, but who put them there? They sat there by virtue of the Act uniting us to Canada. I point to the preamble of that Union Act, in which it is said that the people of Nova Scotia desired a Union with Canada. There is the first leg of the lie. Then I point to the assertion made across the water, that Adams G. Archibald was the leader of the opposition of this country, the fact being that he had been discarded from that position long before. That is lie the second; and if you want the third leg of the stool, I point to the lie which our late Premier put into the mouth of Mr. Watkin, about this matter having been submitted at the polls in 1863. There is his three-legged lie for him. It appears that notwithstanding all that has been said on the subject, the Confederates think we are to have no repeal. Well, sir, I confidently believe that we will obtain repeal, because it was said in the House of Commons, only last year, that if the people were dissatisfied, they must not be forced; and when they find that our people never had an opportunity of expressing their opinions, I think they will willingly repeal the Act. Let them look at the difficulties prevailing to-day in Ireland, and which have arisen from the country being forced into a union. Do they want to establish another Ireland in British America? And let me ask this question of the people of England: If Ireland were where Nova Scotia is, how long could she be held? Not an hour. The people of Ireland, I believe, are struggling not so much to get rid of British authority as to obtain a repeal of the Union, and to have their own Parliament restored.

We may look at Poland partitioned off against her will, and then turning to Hungary overrun by Austria, I would ask you to allow Kossuth to plead his country's wrongs. We may look at Mexico, overrun by a foreign power which placed Maximilian in a high position, and we will see that man carried out of the land which he ruled, a corpse. The people of England must not expect that the Anglo-Saxon race of Nova Scotia will be less tenacious of their rights and privileges than are the Celts of Ireland, or the people of any of the other countries which I have named. What we want is to have our institutions placed in the position in which they have been, and then we will be truly loyal,—I do not say that we will not be truly loyal if we do not get them restored, but there is not the shadow of a shade of doubt that we will be so if our request is heard. It is an entirely mistaken policy to annex a small country like Nova Scotia to a large country like Canada for the purpose of giving the latter relief from her political difficulties. If the position were reversed the smaller colony might be relieved by the annexation, but under other circumstances the smaller colony is sure to have its influence swamped. If a coach and six be fastened in the mud, and a light carriage be attached for the purpose of assisting it, the whole will become fixed, although the coach and six could get the light vehicle out of the difficulty with ease. So surely as they hold

us in the Act of Confederation the whole will be overthrown, and that is a strong reason why we should get repeal. I would ask what right have the people of England to sacrifice us who have always been loyal for the benefit of a people who have not been so? I deny the justice of such a proceeding. Our people, as I have said, have always been loyal, and they will remain so if their institutions are left to them, but we think it a hardship that our interests should be sacrificed in order that these fellows in Canada may be kept in order.

The Act was passed against our remonstrances—I ask if that was British? Is it constitutional that our rights and liberties should be taken away without a hearing? The most contemptible sheep thief within the realm obtains a hearing before he is deprived of his liberty, and are we to be treated worse than a sheep thief would be? I believe not; it is one of the beauties of British law that no man can be condemned unheard. Among the reasons given for the great change that has been forced upon us, was the assertion that it was necessary for us to confederate for defensive purposes. But will this paper confederation shorten the line which separates us from the American republic? Can it produce a dollar more for defence than we would have had otherwise, without increased taxation? Will it bring a man more into the field than we would have had otherwise? The argument in favor of uniting for defence falls to the ground as soon as it is touched. Then we were told we must confederate in order to regulate our Currency, and upon that point I heard one of the delegates expatiate: he told us who the delegates to Charlottetown were, and what great qualifications they possessed, and then said that when they got to Prince Edward Island the whole five of them were unable to count their passage money! O mockery of mockeries! Five men who could not count their passage money to Prince Edward Island, chosen to frame a new Constitution for British North America! And that was one of reasons advanced by one of our "leading minds" in support of Union. In conclusion, Mr. Speaker, we are asking the Commons of England to repeal this Act because it has created a feeling of distrust in the breast of every Nova Scotian, and by repealing it they will show to the world that they are willing to do justice to the meanest subject who can show a cause of just complaint. If our request be granted our people will be peaceable and contented. It is because they wish to remain peaceable and contented within the British Dominions that we ask for Repeal, and we will continue to ask until it is granted. I want to see every man on these benches voting for these resolutions—helping to restore the Constitution of this country. I want every man in this Assembly, and every man throughout the length and breadth of Nova Scotia to feel as warmly and earnestly on the subject as I feel, for I tell you that if I had a thousand voices, yea ten thousand voices, and could raise them all at once, I would shout *Repeal! REPEAL! REPEAL!!!* now and forever.

SPEECH OF MR. SMITH.

Mr. SMITH said:—I feel it to be a duty which I owe to my constituents to state frankly my opinions on the question which is now agitating the minds of the people of this Province. In doing so I shall endeavor to adopt that temperate and dispassionate style of address, which I believe is the best adapted on the floors of any Legislature to attract the attention of the gentlemen who are addressed, and to recommend itself to the judgment of every one sitting on these benches. I regret very much, that in the discussion of this question, every gentleman who addresses the House is necessarily constrained to attack the leader of the Opposition, who has advanced the only arguments on his side of the question, and if in the remarks which I am about to make, I am obliged to animadvert strongly upon some of the observations which have fallen from him, I trust that he will believe that I do so with the most earnest desire to avoid anything like personal recrimination. But sir, every gentleman on these benches has a solemn duty to perform in the interests of the people who have elected him to represent them. This is a most important crisis in the history of Nova Scotia. Whether for weal or for woe the people of this country are now called upon to offer a remonstrance against a union which, in defiance of their wishes, has confederated them with Canada, and has jeopardized, as they believe, the prosperity and happiness of their country. When the scheme was first brought before the public in a substantial shape, I gave it the calmest and most dispassionate consideration that it was in my power to bestow upon it, and came to the conclusion that if the people of the country consented to allow their interests to be bartered away by that measure, then they had much less intelligence and spirit than I imagined they possessed. Under these circumstances I deemed it to be my duty, casting aside my own feelings and severing many associations, to come forward and assume an independent stand, and advocate the interests of the people of this country. I felt that the scheme in itself did not ensure "a just provision" for the interests of Nova Scotia; and I intend addressing the House and country, and giving to them, in as concise a form as is possible, the reasons why I conceive the measure to be most disastrous to the dearest interests of the people. First of all, there was no exigency in the position of this country that required it to be confederated in the manner in which it has been. It must be apparent to every one that the representation which that scheme gives to the people of this country places them in a painfully humiliating position, and casts them, perfectly impotent and helpless, at the feet of an alien majority. I felt, however true this might be, that it was impossible to apply any other principle than that of population in the construction of the popular branch, yet some provision should at least be made to guard the interests of this country in the upper branch—in the Senate of the General Parliament.

We have heard a good deal about the Constitution of the United States in this debate.

The hon. member for Inverness has cast many aspersions upon democratic and republican institutions, and however ready I am to admit that the constitution of Great Britain is far superior to that of the American Republic, yet I very much regret that the gentleman who favored the British North America Act did not look more closely than they did into the system of the United States, which preserves at all events one admirable principle, and that is, the one which gives the smallest State an equal representation in the Senate Chamber with the greatest State. It may not be known to every gentleman around me that although in the Lower House the principle of population regulates the representation, yet in the Upper House the most insignificant State has an equal voice with the largest and most populous. Why, sir, the wise and sagacious men who framed that constitution did not act in the trifling manner which appears to have been the case with those public men who framed the constitution which we are now asked to live under. Not one of the smallest of the thirteen States would have gone into the Union unless such a provision for their rights had been assured them. We are not only in a powerless minority in the lower branch, but also in the Upper House—nothing has been done to protect the interests of the smaller member of the Confederacy. I entertain likewise very strong convictions that when any body of men attempt to change the constitution of a country like this, or undertake to sweep away the independence of our Legislature, to trifle as they have done with the feelings of our people,—that they should at least have had the modesty to say to the people: "Are you willing to have these changes brought about?" They should at least have had the consideration to have asked the people of this country, will you permit us thus to deal with your dearest interests, and sweep you away into the hands of a Canadian majority? Not only did they not do this, but they coolly and unhesitatingly set at defiance and scoffed contemptuously at the wishes of the people of this country. Is it not a matter of history with respect to this Confederation that the people of Nova Scotia were not only opposed to the scheme itself, but to the passage of any such measure without its having been first submitted to them at the polls.

When the hon. member for Inverness scouted the idea of leaving a question of such a character to the people, he endeavored to bring forward some arguments in support of his position. He boasted of the absurdity of leaving questions of this kind to the people at the polls as manifest from the whole of British authority. He asked the House whether Sir Robert Peel, a man whom he eulogized in the most expressive terms, and the potency of whose colossal genius has left its mark upon the history of the world, was not a good authority on constitutional questions, and proceeded to assert that that statesman passed the Catholic Emancipation Bill without leaving it to the people. But his case was no similitude here. I am free to admit that Catholic emancipation was an alteration of the constitution, but I tell the hon.

gentleman it was not an *overthrow* of the constitution. It was the passage of an act which the very Parliament who passed it might have afterwards repealed. It was not an infringement of the rights and the privileges of the British public—it was done with their consent, in obedience to the spread of more expansive and generous ideas, which taught them that the time had come to strike down bigotry and intolerance, and open the door to Her Majesty's Catholic subjects to come in and enjoy the same political privileges which were extended to their Protestant brethren. In the case of ourselves, the rights and privileges which we had so long enjoyed were swept away at one "fell swoop."

The hon. gentleman next referred to the abolition of the Corn Laws. There is no more similitude here than in the previous case. That question was before the people for years, and we know that British statesmen occupy a very different position from the public men of this country. Invariably the leading public men of England, after a session of Parliament, go down to their constituents and address them upon any question which may be agitating the public mind; they take every pains to ascertain the views of their constituents, and communicate their own. The repeal of the Corn Laws was a question with which the British people were perfectly familiar. But is it to be said that because Sir Robert Peel refused to submit a question of this kind to the people—because he held such a course to be unconstitutional, therefore it is a precedent for the passage of the Confederation Act? Is it to be a precedent for making, not merely a material change in, but actually *destroying*, a constitution? I hold that responsible government has been *destroyed*, as far as the people are concerned, by the character of our representation at Ottawa. Suppose every member from the Maritime Provinces was to oppose any measure which the government of Canada might think proper to introduce affecting the interests of Nova Scotia, and that that measure was nevertheless passed; the people of Nova Scotia might feel that an act had been carried outraging their feelings and injurious to their peculiar institutions,—but at no election in the Province could the men who carried that obnoxious measure be responsible to anybody. They would be responsible only to the Canadian people, and not to the electors of Nova Scotia whose interests would be peculiarly affected. Therefore I say that under the circumstances Nova Scotia, standing as she does numerically inferior in both branches of the General Parliament, occupies a position not only humiliating, but positively dangerous.

We have been told time and again by the press in the interest of the Confederate party that Nova Scotia would exercise a controlling influence in the House of Commons in consequence of the antagonism existing between the Upper and Lower Canadians; but what has been the result? I laughed at the idea when I heard it for the first time, because it was so palpable to any one that had a mind to think that the moment Canadian interests

were affected Upper and Lower Canada would unite as one. Has not that actually happened? Take the tariff question, for instance. We find all the representatives from the Maritime Provinces except three voting against that tariff, and what was the result? You find Sir John A. MacDonald leading up the Upper Canadians, and Mr. Cartier the Lower Canadians, to pass the tariff despite the opposition of the Maritime Provinces. The toxin of alarm has only to be sounded, and resistance is in vain! We have, however, our Local Legislature, and it is only here that we can speak effectively; and I hope and trust when our voices have been heard that the Canadians will see that there is spirit enough left in the people of Nova Scotia to nerve them to every effort to shake themselves free forever from this hated thralldom.

It has been urged by the hon. member for Inverness that it is absurd for any one acquainted with constitutional law to declare that the people should be consulted at the polls. I contend it to be constitutional, and I intend to argue it from speeches and letters written by two gentlemen, one of whom assisted in transferring this country over to the Canadians. I will now first call your attention to what occurred in the House of Commons, when this bill was introduced. You will recollect that Mr. Bright, in the interest of the people of this country, stood forth for their rights, and asked the House not to press the measure; he wished action to be suspended until the next general election, when the people would pass upon the scheme. When he told that august body of men that the people of this country had never had an opportunity of passing upon this measure, what was said by Mr. Watkin—the gentleman who had been in constant communication with the Delegates? Did he treat that remark of Mr. Bright as trifling? Did he say that it was not necessary that the people of this country should not be consulted? No, he felt the force and efficacy of this argument; and what did he do? I take it from the speech of the late leader of the Government (Dr. Tupper) previous to the general election, in which he describes the scene between himself and Mr. Watkin. "Mr. Watkin," he said, "came to me and asked me, what is your answer to Mr. Bright?" If Mr. Watkin thought there was no force in the argument of Mr. Bright he would not have referred to the hon. member for Cumberland. The answer has been sent broadcast over the province of Nova Scotia; it was untrue; but on whose shoulders the falsehood rests I will not undertake to declare. That a gentleman occupying the proud position of Mr. Watkin would perpetrate a statement which everybody knows to be as false as the fabric of a vision, seems almost incredible. We find that very Parliament refusing to coerce Newfoundland and P. E. Island into that Union; and why? Because the people of those Colonies were opposed to the measure, and therefore in common justice, and in accordance with constitutional usage they refused to draw them into the operation of this Act. We find the same principle observed with reference to this province. The preamble of

the Act shows that the Parliament believed the people of Nova Scotia were actually in favour of the Union. Therefore I believe if the statesmen of Great Britain had not been egregiously deceived, they would not have placed on the records of the country an Act taking away the rights and privileges of the free people of Nova Scotia.

I find the hon. member for Cumberland entertaining the same opinion that I hold, and I believe if we could understand the real feelings of the hon. member for Inverness, you would find him dissatisfied with the manner in which the scheme was passed. We find this feeling cropping out in one of the amendments moved by the hon. member, where he says "however desirable it may have been to leave the question to the people," but occupying the position which he does, it would not have done for him to have made any greater admission. Are there not gentlemen here who remember the constitutional questions that arose in 1861? Two or three certainly will recollect when the present Equity Judge and Dr. Tupper urged upon Earl of Mulgrave to dissolve the Legislature because the people were opposed to the government. Petition after petition was brought in to the House in favour of a dissolution, although the government had a majority in this body. The hon. member for Cumberland expressly stated that it was unconstitutional and wrong for any government to bring down to this House an important measure when it was evident that they were in a minority in the country. In Jan. 1861 Dr. Tupper wrote a letter to the Earl of Mulgrave, pressing him to dissolve the House, in which he says:—"Several large and influential constituencies have condemned the present government, and have prayed your Excellency for that redress which, as the Representative of Her Majesty, you are empowered to afford when imperatively demanded, in order to preserve that *fundamental principle of the constitution* of this Colony, which requires that the government shall be conducted in accordance with the *well understood wishes of the people.*"

That is not all. Writing to the Duke of Newcastle, the then Colonial Secretary, the hon. gentleman said:—

"Having proved to His Excellency that he has a Ministry around him, acting in defiance of the well-understood wishes of the people, I consider that there is but one course that can justly be pursued. And, sir, if the people of this country are treated with contempt, if they are deprived of the true constitutional mode of expressing their opinion, *there is but one resort left to them.* Then the constitutional opposition in this House would be driven to assume a duty which they have never yet been called upon to assume—a course shewn by Earl Grey to be open to us. Sir, the moment so flagrant a violation of our rights was permitted as the continuance in power of a Government after it had been shewn by the clearest evidence that it had been shorn of its strength, not only the people of Nova Scotia, but of British North America, and wherever free institutions and the principles of liberty are upheld, would rise and vindicate their rights by that

determined struggle for freedom, which must ever ensue when an attempt is made to put down the liberties of freemen."

Again he says:—

"Destitute of representation in the Parliament of Britain, with our most eminent men systematically excluded from the highest position in their own country, and for which their colonial experience and training eminently fits them, it is impossible that the free spirit of the inhabitants of British North America can fail soon to be *aroused to the necessity of asserting their undoubted right to have their country governed in accordance with the well understood wishes of the people.*"

Now I ask the hon. member for Inverness to explain why it should be constitutional to appeal to the people under the circumstances in question, and unconstitutional to do so in reference to a measure far transcending in importance any question ever before submitted in this country.

The hon. member for Inverness said he laughed at the idea of referring to American institutions as a guide for the country. Now we find the hon. member for Cumberland making use of expressions like these in the same letter which he addressed to the Duke of Newcastle:—

"The people of this Province have been content, my Lord, to pay a salary of fifteen thousand dollars a year to a Governor sent from England, besides a large additional sum to keep up his establishment, while the State of Maine, with twice our population, has the *privilege of electing* that officer from among her people, and pay him fifteen thousand dollars."

The hon. gentleman has endeavored to ridicule the legal knowledge evidenced by the Attorney General. He has treated the observations made with reference to the right of the British Parliament to pass any Act touching the constitution of this country as perfectly futile. He declares that the British Parliament, whenever they thought proper, have changed the constitution of these colonies. He has referred to Australia and Jamaica, but I ask him if the constitution in those colonies was not changed in accordance with the wishes of the people? Was it not done in Jamaica when it became necessary for Imperial interests to destroy the constitution after a rebellion and bloodshed? Was it not done in accordance with the wishes of the people? and therefore, there is no parallel in the cases whatever. We find that this country occupies a very different position from Great Britain—the constitution of the latter has grown to maturity by degrees—it has reached its present position by precedent and custom with unlimited power; but a constitution like ours is of a very different character, and therefore the analogy which he has drawn from the repeal of the Corn Laws and the Catholic Emancipation is without application to the case we are now considering. Our constitution is based upon that charter which the Hon. Attorney General referred to, and although it may have been materially changed by despatches from the Colonial Secretary—although it may be altered by the action of this Parliament—yet having a

charter from the Crown, limiting our authority, our rights and privileges cannot be taken away from us without the consent of the people.

The hon. member has also referred to the question of mines and minerals, which have for a long time occupied the attention of the people of this country. He has told you that before that question was settled, the people of Nova Scotia had to resort to the Imperial Parliament, and there obtain a surrender of their rights. I have under my hand the decision of learned English Counsel, taken at the instance of this House, where the principle laid down by the Attorney General is fairly established, that this country belonged to the Crown—that it was not held in trust for the people of Nova Scotia, but purely in Sovereignty. The hon. member for Inverness knows the decision to which I refer.

Mr. BRANCHARD—I never said a word about the question of Mines and Minerals; I only referred to the Civil List.

Mr. SMITH—The principle, however, is the same in both cases. The decision in question reads thus:—

“In the sense in which we understand the first question, we are of opinion that the Crown does not hold the mines and minerals of the Province of Nova Scotia for the benefit of its subjects there settled, for we think that the mines and minerals in question, were so absolutely vested in the Sovereign, as that he might dispose of them in such manner as he should think fit, without any limit to his discretion. We therefore are of opinion, that the grant of all the mines and minerals to an individual for sixty years, was not an undue exercise of the prerogative.”

They state thirdly: “We see no reason for thinking that such warrant, or any grant, or lease made, or to be made under its authority, would be subject to be revoked *qua improvide emanavit*, or any other cause.”

In conclusion they state: “Our opinion on the whole case rests upon the principle that the mines and minerals in question belonged to the Crown in absolute and uncontrolled dominion and property, and that they were therefore disposable at the pleasure of the Crown. It would be vain to attempt to cite cases upon the several questions put to us, but upon the general principle on which our opinion is founded, the observations of Lord Mansfield, in *Campbell vs Hall*, 1st Cowper, 204, may be referred to.”

Now it will be seen that these legal gentlemen deliberately came to the conclusion that this country is held as the exclusive property of the Crown. They say the Crown has passed a charter, granting to this country certain rights, and it is unconstitutional, under that charter, for the Parliament of England to overthrow our constitution without the consent of the people.

The hon. member made another reference to shew the power of Parliament, turning our attention to the case of Cape Breton. Every one knows that that case bears not the slightest resemblance to the position which we occupy. That country had no independent Parliament; the views of its people were not represented in a legislature of their own. Consequently, when the hon. member produ-

ces such a case, he must be perfectly aware that his ground is untenable. He also made several references to the United States, and one would suppose that he had, all of a sudden, become perfectly horrified at democratic institutions. He told the Attorney General that he had always known him as “the Tory of Tories.” I have always heard the hon. leader of the opposition spoken of as being associated with the democratic party of this country. I have always understood that he owes the position which he occupies, and the “flourishing practice” to which he referred, to the influence of that element, which he was seeking to advance, and which professed to regard most highly the rights and interests of the people.

The hon. gentleman told us with what admiration he views “the wealth and intelligence” of the metropolis. We have heard *ad nauseam* about the wealth and intelligence of Halifax. Is all the wealth and intelligence of Nova Scotia concentrated in the metropolis? I can look around the streets of Halifax and point to men of both wealth and intelligence who are arrayed with us in the ranks of the anti-confederate party;—therefore it is idle for the hon. member to boast that he has the wealth and intelligence of the country on his side. However much we may acknowledge the influence of the metropolis, yet throughout Nova Scotia there are men of as good character and as high intelligence to be found even among the laboring classes as many who roll in their carriages through the streets of Halifax. The men even of that class, who bring to the subject sound intelligence and practical common sense are as capable as he is of knowing when their rights are trampled on, or the prosperity of the country jeopardized, and is it to be said that these men, because the wealth and intelligence of the city are arrayed against them, are not to be consulted on a change of the constitution? No sir, when I look around these benches I see a good indication of where the intelligence of the country is, and when I know the gentlemen who reflect here the opinions of the people of Nova Scotia, I wonder to hear the hon. member for Inverness, occupying the position which he does, as the solitary voice to be raised in the advocacy of the principles of the confederate party, undertaking to say that that is a *great* party. I know not in what it is great, unless it is—because it represents the wealth and intelligence of Halifax? There are men in this community whom I respect, but when the interests of the people come into contact with the influence of Halifax, I feel it is time that their representatives should stand up and advocate the interests and propound the principles which we do to-day: that before the constitution is changed or overturned it is incumbent and necessary to consult the feelings of the people. Does not everybody know that the question never was laid before the people in a tangible shape, until the last election, although it may have been discussed as a purely theoretical question through the press? I undertake to say that previous to the passage of the Quebec Scheme, there were not a hundred men in Nova Scotia who could tell

you what confederation meant, in reference to the interests of the Province. I believe in my heart, having an abiding faith and confidence in the British public, and believing England to be governed by able and honorable men, that when they come to know the position of our country, and the views of its representatives, and when they are told that they have acted on false information, no matter how valuable they may regard the union in the light of Imperial interests, the British Parliament will acknowledge that a wrong has been done, and will resolve to meet out to us the same measure of justice and fair play which has been shown to Prince Edward Island and Newfoundland.

On what principle can the British Government keep Nova Scotia in this Confederation? If she is to be united against her wishes, why should not Newfoundland be dragged in? It would be doubly insulting, when we represent our views respectfully to England, that she should coerce us into a Union simply calculated to alienate our feelings towards the mother country. It would be unfair in me to do more than lay my views briefly before the House after the length of time that this debate has occupied. The hon. member who preceded me has left me but little to say, having met many of the arguments which I was prepared to answer. I will not therefore travel over matters with which every member must be familiar. I would say, however, to the hon. member for Inverness, that if he propounds, for a moment, the idea that the people of this country intend to depart from the position they have taken; if he believes for an instant that we are misrepresenting the views of our constituents, he is greatly mistaken. It was said in the House of Commons that a reaction had taken place in this country in favor of Confederation. That is not the case. I have conversed with my constituents up to a recent period, and I can assure you that if it were possible to intensify the disgust of the people at this Union which has been forced on us, that disgust has been increased and intensified. The people have seen, sir, since the passage of the Act, during the late Session, that the interests of Nova Scotia are in the hands of men who, however faithful in the discharge of their duties, are unable to resist successfully the majority that would trample on their rights. One of the amendments says that the Act has not been long enough in operation to judge fairly of its results. That reminds me of locking the stable door after the steed has been stolen; it is too late to seek for relief when the Act has become irrevocable. Now is the time for the people to act, and nobly are they doing so. Nobly will they continue to act—faithfully and loyally—to the Crown, but with the most solemn and serious earnestness that ever affected the minds of a high-spirited people. They are determined to resist at every sacrifice but that of their allegiance. Is it to be wondered at that such is the opposition to the scheme? Is there a man here who, in the silence of his own chamber, has not had his blood boiled by the remembrance of the manner in which he and his countrymen has been treated?

True it is that one boon has been extended to Nova Scotia by this Confederation Act—the power to tax ourselves. Precious blessing! Ungrateful Nova Scotians! Why do you not go down on your marrow bones, and give thanks for this beneficence? Ah, by the way there is another boon: we get 80 cents a head to console us for our position. When I contrast this pittance with the revenues which have been taken from us, I am reminded of the man who, after stealing a pig, gave away the tail in charity to satisfy his conscience. It was said that the delegates were going to England to ask the British Government to adopt republican institutions, but I think that it would be hard for the hon. member to shew the act constitutional and right by either British or republican authorities. In conclusion, Mr. Speaker, I have to say that I sincerely desire a repeal of the union, and I trust that the gentlemen, whoever they may be, who are entrusted with the delicate and responsible duty of going to the authorities of England, and of placing the case of our people before them, asking them under all the circumstances to restore us to our original position, and to repeal so much of the act as affects Nova Scotia, will do their duty faithfully and with a due sense of the responsibility resting upon them. I well know that the eyes of Nova Scotia will be upon them, the heart of the country is with them, the prayers of thousands will ascend to Heaven for the accomplishment of their object. I ask the delegates to go firmly and independently, and to tell our Sovereign that the people of this country are true and faithful to her person and her throne,—that we still cherish and revere the mother country around which so many historic recollections cluster,—that there is not a Christian mother within the land who does not teach her child to hup the name of our Gracious Sovereign with admiration and respect; but that nothing will satisfy the people of this country until they are placed in the position which their honor and interests require by the repeal of an Act passed in defiance of their wishes, and in derogation of their rights.

The debate was adjourned.

Mr. BLANCHARD called attention of the Government to the necessity of giving immediate relief to the distressed fishermen in Inverness County.

The House adjourned.

THURSDAY, Feb. 13, 1868

The House met at 3 o'clock.

Hon. PROV. SECRETARY laid on the table a Memorial on the subject of the Horticultural Society; also a money petition.

Mr. CAMPBELL presented a money petition from Rev. J. Chisholm and others, for aid for certain distressed fishermen.

Dr. MURRAY presented a petition from Dr. R. Munro and overseers of the poor in New Glasgow asking for the return of certain moneys expended; also from the overseers of the poor of Section No. 12 of the Eastern District of Pictou, asking for the return of moneys expended on transient paupers; also, from trustees of New Glasgow School Section with regard to the school tax.