

## DEBATE ON THE REPEAL RESOLUTIONS.

MONDAY, FEB 10

### HON. ATT. GENERAL'S SPEECH.

Hon. ATTORNEY GENERAL addressed the House as follows—I regret proceeding to the debate on these resolutions in the absence of the hon. member for Inverness, but having been informed that he is not likely to be in his place for some days, I find it necessary to go on with the discussion. I do so with the less regret because I know that this debate will be reported with accuracy, and that consequently that learned and hon. gentleman will be put in possession of the arguments which I and my friends on this side of the House intend to use. I regret that my vocal organs are not just now in very good order, and that I feel some difficulty in addressing the House; but I shall endeavour to discharge the duty devolving upon me as well as I can under existing circumstances. I am about to lay before the members of the House, before the people of this country, and probably before the people of England, the facts of one of the most important political cases that ever arose in the Colonies, and in order to do so satisfactorily I shall endeavor to show the true condition in which this country was placed before certain political changes took place in its constitution. I shall endeavour in the first place to show that Nova Scotia was a well governed and law respecting, a contented and a happy country. She was a well governed because her institutions were moulded in miniature on the model of the British constitution, which is the finest political system by which any nation was ever governed—a system calculated to maintain order and harmony among all orders of people—a system under which obedience to law and the necessary result of obedience to law, liberty, have been better maintained than in any other country; for, sir, however paradoxical it may seem, it is a literal truth that the highest degree of freedom consists in obedience to law; it is obedience to law which preserves to me my rights and liberties, my property and my life; and therefore, however inconsistent it may seem, it is actually true that the highest degree of liberty consists in obedience to law; and that country which possesses institutions calculated to produce that result, must be the happiest nation on earth. Now the constitution of Nova Scotia was based upon the principles of the British Constitution—those principles which best suit the genius of the people. Its whole condition was different from those of any other country on the Continent of America, and the constitution which was granted to the people of this province by King George II., and which had been enlarged and greatly improved by his successors on the throne of England, was a well working constitution. It was as much like the British constitution as it was possible to make things which are different in their nature. There were some defects in it, among which the greatest certainly was the want of a court for the impeachment and punishment of political offenders. That was a deficiency in our system,—without it no system of Respon-

sible Government can be perfect, and it is certainly curious, but by no means very remarkable, that the great statesmen who have originated this splendid constitution for the confederation of Canada have taken precious good care in its manufacture,—whilst they have established courts for the administration of ordinary justice, as well as courts of appeal—to leave out the court of impeachment, which, considering the nature of the men who formed that constitution, and who are likely to be instrumental in carrying it out, would be the most important court of all.

When we compare our constitution in Nova Scotia with that of the Great Republic, the contrast must be favorable to this province. We admire the people of that country, we have sincerely sympathised with them in their recent distress and troubles. We feel towards them all the emotions of fraternal affection, but we do not approve of their constitution. We consider that their institutions are possessed of two fatal defects—the one is democracy, the second Confederation. We consider that having our little constitution moulded upon the monarchical institutions of England, makes it infinitely superior to that of the United States, although the latter is a master work of human hands, and the finest piece of composition ever prepared by men for political purposes. It was manufactured by men who were really statesmen—by men who loved their country—by men who had been educated in an English school—by men who had sense enough to perceive the beauties of the British constitution—by men who endeavoured with the utmost imaginable pains and skill to apply the principle of the British constitution to a democratic system and form of government; but the people of the United States were unfortunate, after having separated from England in 1783, in the political system which they instituted. Had they combined in a legislative union—had they incorporated all the States into one Legislature, having one set of laws and revenues, they would undoubtedly, at this time, be the greatest nation upon the earth. They certainly would not have been second to any other;

but, unfortunately, they chose Confederation, and that Confederation has resulted as every Confederation must result, for it is impossible so to adjust the rival and discordant interests of different countries under a Confederation as to maintain permanent harmony. It is not in the nature of things that they should continue as separate and individual countries, having separate legislatures and individualities, without clashing with one another at some time or other. We have seen, notwithstanding the skill with which that famous constitution of the United States was made—notwithstanding the intelligence of that people, that great evils have made their appearance already. The Confederation was broken, an internecine civil war deluged their land with blood, and they expended in three years more than probably three times the amount of the national debt of England, in money, and the destruction of their property; and,

sir, at this moment there is no man on earth who is able to say what is to be the result of the political affairs of that great country — An earthquake is growing under their feet, and no man can tell when and where the volcano is to burst, bringing with it destruction and ruin. I make these observations with the greatest possible regret, for I believe that every man in Nova Scotia wishes well to the people of the United States, although the people of this province have no desire to be connected with them. They are too wise, too sensible to desire for a moment to part with their own well-working public institutions, and enter into Union with the States.

I shall now turn your attention to another Confederation—the Confederation of Canada—and contrast it with the United States, and show you that if it be not desirable to enter into the Union with the United States, Confederation with Canada is absolutely hateful and detestable to the people of this country. We object to a union with the American States, because we disapprove of *Democracy* and *Confederation*, but there is a worse political combination, that is *Oligarchy* and *Confederation*. If we dislike the constitution of the United States we are bound to hate and detest the constitution which the Confederation Act has prepared for the people of those fine colonies. If we were to join the United States, Nova Scotia would possess all the freedom that every State of the Union possesses. We would have the choice of our own Governors, of our Senators, of our Legislators; we would have the power of self-taxation and self-government in the highest degree; but what would be our position if we suffered ourselves to be dragged into the hateful union with Canada, where would Nova Scotia's freedom be? Before the British America Act was imposed upon us Nova Scotia was as free as the air. How could the people of this country be taxed? There was no power to tax them except this House, their own servants, whom they commissioned to tax them. Is that the state of things now? Have we any power over the taxation of this country? Does not the Act in question confer upon Canada the fullest power of taxing all the property of Nova Scotia at their arbitrary will? What is our control over that Legislature? We have but a paltry voice of 19 members in the popular branch, but a single one in the other. We have, therefore, to protect the rights of this country from spoliation, only 19 members out of 253. If we should continue in Confederation we should not be governed by the people, as is the case in the United States, but by a little knot of Executive Councillors in Canada. Therefore we have no disposition to unite with the one or the other—neither with the United States nor with Canada; and, sir, if we were driven to the necessity of making a choice between the two calamities, we would be bound to choose the least, and that would be, to join the United States of America, and participate in their liberty and prosperity rather than submit to the tyranny of Canada. We would have to prefer the democratical tyranny of the one country to the oligarchical tyranny of the other, and there would be no difficulty in making a choice; but thank Heaven we are

not called upon to choose between them. We have a constitution of our own, and that belongs to the people of Nova Scotia; and I am going to show you that the constitution they enjoy is their own property—that the Parliament of England had no power to take it away from them—that the British America Act is entirely unconstitutional—that Nova Scotia has never been legally confederated with Canada—and it rests with her to say whether she will ever be so or not.

Before I come to look to the constitution of this country, I must make a few remarks with regard to England. We intend to send to the mother country certain gentlemen authorized to present to the Queen our humble address, praying Her Majesty to relieve us from this Confederation with Canada. We go in the most perfect confidence that our prayer will be heard. We know to whom we are going to appeal. We are not placed in the condition that the old thirteen colonies were under old King George III. We have a very different person to deal with in Queen Victoria. We have to approach ministers very different from those of the last century. We have no stubborn King like George III; we have no prejudices of the royal mind to counteract; we have not the infatuation of his ministers to meet. We have the greatest princess that ever adorned a human throne—a most virtuous Queen, who, when she accepted the sceptre, took the oath that she would rule the country according to the laws, customs and statutes of the realm. She has most nobly fulfilled her obligations, and, in answer to the prayers of her own church, "she has been endued most plenteously with heavenly gifts." In her person she is an example of every virtue; her obedience to the laws exalts her above all monarchs. Her personal virtues are brighter than all the gems which adorn her Imperial diadem. It is to a Queen like this that the people appeal. Have the people no right to present themselves before their Sovereign Queen? Has not this ever been the most loyal portion of her dominions. Did not our forefathers flee from their country because they would not participate in rebellion? Did they not leave their property for their king's sake? I have seen a resolution passed by the Legislature of Nova Scotia at the time the thirteen colonies rebelled actually petitioning the King to impose taxes upon the Province to assist the Empire in its extremity. From that time to this the people of Nova Scotia have been the most loyal that ever dwelt in any part of Her Majesty's dominions. They will have confidence in presenting themselves before the Queen, and asking to be restored—to what? To anything that they have no right to demand? Simply to get their own. Can any man suppose for a moment that they will be rejected by a Sovereign like ours? We need be under no apprehension. We are pursuing the proper course to obtain a legitimate end, and there is no power on earth that can prevent the people from being restored to their rights but downright tyranny, and that we cannot expect from the hands of the Queen and her Government. Do not let the loyalty of Nova Scotia be suspected. Has any one a right to suspect it? Look at the injuries

done to this Province within the last six months. See their liberties taken away, see them taxed by a foreign and alien Legislature; see their property taken from them,—all their customs handed over to others, collected by strangers before their very eyes. See stamp duties and tea duties imposed upon them. Those very acts which forced the old thirteen colonies to rebellion have been imposed upon Nova Scotia with the same extraordinary fatuity. And yet have the people rebelled? I have heard of no movement of agitation on the part of the people beyond the simple burning in effigy of one of the delegates. If that delegate had belonged to the United States, instead of being burned in effigy, he would have been burned in reality. If men commissioned by any State in the American Union to negotiate any arrangement affecting the constitution returned with such a bargain as these men returned with, they would not have been permitted to live. The slow process of justice would not have been extended to them, but that has not been the case in Nova Scotia. This law-respecting people have made no movement, but they are going to submit to it no longer. The time for forbearance is at an end. They had no means of constitutionally speaking until now, and they intend to make use of it. If it should be unsuccessful, I may be asked what will be the consequence? I am hardly going to anticipate that the appeal of the people can be unsuccessful. I deny the possibility of failure, but then I assert on the behalf of the people as long as the Queen of England extends to the people of Nova Scotia her protection so long will the people refuse to withdraw their allegiance. So long as they are protected they will be loyal and faithful, and, sir, let it happen that the Queen of England and her ministers in Parliament, regardless of the past, regardless of the loss of the old colonies, shall determine to trample on the rights and liberties of this country; if they should do so, then it will indeed be a dark and gloomy hour. Sir, when by the decrees of inexorable fate the flag of England and the name of Englishmen shall be taken away from the people of Nova Scotia, and the flag and name of any other country substituted, then I prophesy that this Province will be turned into a house of mourning, and every eye will shed hot burning tears of bitter regret and inexpressible woe.

Now, having made these preliminary remarks, I shall turn your attention to the history of our Constitution. I have heard men assert that we have no valid constitution—that it is made up of despatches. I have been at the pains of examining into this question, and can show you that Nova Scotia has had a chartered constitution, an irrevocable constitution—one that no power on earth can take away except by force or violence. Neither the Queen nor Parliament of England has any right to touch or abrogate that constitution. This country was originally known by the name of Acadia and was in the possession of the French at one time, and in that of the English at another—was long, in fact, debatable ground. The French at last made the *établissement* of Port Royal, at present called Annapolis.

They fortified it in the early part of the 18th century, but an expedition was fitted out by a person of the name of Nicholson, from Boston, who came over and forced the French garrison to capitulate. Consequently the Province was at this time conquered by the British. In 1713, soon after the conquest, by the treaty of Utrecht Louis XIV. assigned Acadia to Queen Anne of England, to herself and her heirs forever. I have before me the language of this treaty—it is striking and plain—“Yielded and made over to the Queen of Great Britain and to her heirs forever.” From that time to this Nova Scotia has continued to belong to the British Crown, and the first inquiry we meet is this—what was the effect of that conquest and subsequent cession by Louis XIV. to Queen Anne? What was her title? Her title was absolute, in fee simple—higher than the title any man in England or America possesses to his estate—higher than the title possessed by the Prince of Wales when he purchased, the other day, a hunting ground in England. The Prince of Wales holds his estate from the Queen, who is the lady paramount of all the lands in the country, and he may forfeit it to Her Majesty; but that was not the case with the gift to Queen Anne. She became the absolute owner of Nova Scotia. It did not belong to the people or Parliament of England, who had no more to do with it than the people of Turkey. It was properly transferred, and belonged absolutely to Anne, the Queen of England, and her heirs forever. For 34 years after this cession it remained the property of the Queen and her heirs, and she could do with it just as she pleased—just as any man in this House might sell an estate belonging to him. She might put a tenant on it, and regulate the covenant under which the tenant would hold it. In 1747 it came into the hands of George II., and he, being desirous of having it settled by English subjects, promised the people of England who would undertake the settlement of the country that he would give them the British Constitution in miniature. Accordingly he ordered a patent to be drawn up, with the Great Seal—a Seal larger than the crown of a hat—for Lord Cornwallis, by which he granted to the people of Nova Scotia the constitution they were to possess. I shall call your attention briefly to the words of that part of the patent which refers to the establishment of a Legislative Assembly in the Province. He established by this patent a Governor in the place of King, a Council in the place of Lords, and a House of Assembly in the place of Commons, and made the constitution of the colony as nearly like that of Great Britain as he could. “And we do hereby (this patent is dated 6th May, 1747,) give and grant unto you (Edward Cornwallis) full power and authority, with the advice and consent of our said Council, from time to time, as need shall require, to summon and call general assemblies of the freeholders and planters within your jurisdiction according to the usage of the rest of our plantations in America, and that you, the said Edward Cornwallis, with the advice and consent of our House of Assembly or the major part of it, shall have

full power and authority to make and ordain (here is power given to the Legislature) laws, statutes and ordinances for the public peace, and welfare, and good government of our said Province and of the people and inhabitants thereof, and such measures as shall tend to the benefit of us and our successors, which said laws and ordinances are not to be repugnant, but as nearly agreeable as possible to the statutes of this our said Kingdom of England."

This solemn deed and covenant cannot be repudiated. After Cornwallis obtained this patent in 1747, he and the other Governors who succeeded him were very slow in calling together the freeholders in order to give the people the benefit of this Assembly, and accordingly in 1757, or ten years after the granting of the patent, a correspondence took place between the Ministers of George II. and Governor Lawrence, in which the Ministers called upon the latter to execute that deed, and to give to the people their Legislative Assembly. Mr. Lawrence thought he could make as good laws as any Assembly, and he and his Council persisted in passing laws. From the time the constitution was given, instead of calling the Legislature together, he summoned the Council, and with them made laws for the government of the Province. In 1755 the subject was brought to the notice of the Crown Officers of England, for the people of Nova Scotia complained that their charter had not been carried into effect, and some of them refused obedience to the orders in Council, on the ground that no rules and regulations could be made for the government of the people except through the House of Assembly, after that charter had been given. The matter was referred to William Murray and Richard Lloyd—the Attorney and Solicitor Generals of England—the former of whom subsequently became Lord Mansfield, one of the most eminent of English jurists. And here is their opinion—"We have taken the said observations into our consideration, and we are humbly of opinion that the Governor and Council alone are not authorized by His Majesty to make laws."

Here is the opinion of these distinguished jurists that the king could not make laws for the colony. The King having given the charter in question, had no power to make laws. Wherever a country is conquered, the conqueror to whom it is ceded has the power to do as he or she pleases in its management. He may, if he chooses, allow the inhabitants of that country to make their own laws, or put them all to death, or he may send them a code of laws made by himself, and allow his Governors to execute them within the country. But if he confers upon the country any privileges, the deed is obligatory upon himself and heirs, and he cannot annul it, he is bound to submit to it. It is just the same with an individual. as soon as he signs a deed for a piece of land to his neighbor, neither he nor his heirs, can afterwards dispute that seal. The day the King signed that deed and appended the seal to the commission of the Governor, he conceded the power to make laws. Both his Attorney and Solicitor Generals tell him, we have looked at Lord

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Cornwallis' patent, and you have not the power to make such laws. No law can be binding upon the people of Nova Scotia except such as are passed in accordance with that charter. To show how completely irrevocable these charters are, I will briefly call your attention to a case which arose many years after, in 1774. Lord Mansfield then delivered his opinion, in the Court of Queen's Bench, upon a case which had been a number of times solemnly argued. After the conquest of Grenada, the King of England gave a Commission to a gentleman of the name of Melville, almost identically the same as that he gave to Cornwallis. This deed was signed in the month of April, 1764, but Governor Melville did not proceed to take charge until the following December. In the meantime the King issued letters patent under the great seal, on the 20th July, 1764, laying a tax upon the people of Grenada—performing, in fact, an act of legislation. The case was brought up for argument; the merchant who had paid the tax having come over to England, and having been allowed to try it by the Attorney General. The judgment of the Court was that the tax was illegal because the King, when he signed that Commission to Melville, ceased to have any power over Grenada. Here are some of the observations made by Lord Mansfield. "After full consideration, we are of opinion that before the letters patent of the 20th July, 1764, the King had precluded himself from the exercise of legislative authority over the island of Grenada." Again he said: "We therefore think after the \* \* \* \* \* and the Commission of Governor of Melville, the King had immediately and irrecoverably granted to all who are or shall become inhabitants of Grenada, the right of having their legislation exercised by an Assembly and a Governor in Council."

Now, Mr. Speaker, I shall endeavor to bring this argument to a close by inviting the attention of the House, and of the people of England to whom I am speaking at this moment, to the great importance of Nova Scotia to the British Empire. This is a subject which has never been well considered. The old colonies are the most valuable portions of the earth—by the stubbornness of a British King and the stupidity of his Ministers they were lost to the Empire; and that dismemberment was the most serious that ever befell the British nation. Lord Chatham actually died protesting against it. Nova Scotia stands on the front of the American continent just as England does in that of Europe. She possesses great mineral wealth, the source of England's greatness. Her coal and iron, with the energy of her people, have brought the mother country to her present high condition. We possess the same advantages—we too are almost an island. If Nova Scotia were lost to England she might bid adieu to New Brunswick, to Prince Edward Island, and to Newfoundland. These four Maritime Provinces together have a territory similarly situated to the British Isles, and are capable of sustaining a population equal to theirs. Now Great Britain has been to Nova Scotia a very affectionate parent. She has been most kind to us, but we sometimes hear the states-

men of England grumbling a little about the expense incurred in defending these colonies. I must confess I cannot see what that expense is. Great Britain is a maritime nation and a military power. She must have the best navies on the ocean and one of the strongest armies in the field. Where could she maintain her troops and navy more economically than in these Colonies. The climate is a very healthy one; the statistics show that mortality here is less than in any other part of the world. The people of England would never consent to a standing army remaining in their own country. Therefore the scattering of the troops through the colonies has been a kind of necessity. Therefore, so far from those colonies costing England anything they are little or no expense to her. She was always a kind mother although not a wise one at times. When she adopted her trade policy in 1848 she left these colonies entirely unprotected; she left the trade of Nova Scotia to be managed by people who knew nothing about it. She had up to that time managed our trade herself; she withdrew her fostering care and left us to walk alone. We have managed to live very happy and contentedly, but she did not act wisely towards these colonies. Since 1848 no less than six millions of people have left England, Ireland and Scotland; where have they gone to? They have gone directly past us into the United States. If England had been a judicious foster mother she would have diverted the emigration into these colonies. If she had encouraged the commercial advantages of Nova Scotia and the agricultural capabilities of Canada we would now be a strong nation instead of having only four millions of souls in our midst. We would have a population of nine or ten millions, and instead of being afraid of invasion the people of the United States would be pleased to think during their internece war that such was the peaceful character and orderly disposition of Her Majesty's Colonies in America that there was no danger to be apprehended from them.

I believe there is no time that a parent knows the value of the child he loves until he hears the cold earth falling upon the coffin, and the sad words, "earth to earth, ashes to ashes, dust to dust." Let England transfer this little province to the United States, and she will, after a few years' time, wake up to the loss she has sustained. If the people of the United States succeed in restoring the union, in healing the differences between the North and the South, and in concentrating their tremendous energies, she must become one of the greatest powers of the world. She is now a great naval power, but give her the harbour of Halifax,—which in her hands could be made just as impregnable as Gibraltar. Give her the coal, iron, and fisheries of Nova Scotia, and her power will be largely increased, and millions of people will pour into this country. The fisheries alone of these provinces would be to the United States a nursery for a million or a million and a half of seamen. How long would England then boast of her maritime supremacy? When the Americans had only a few miserable ships they brought more disgrace upon the British flag than any

other nation ever succeeded in doing. What would they be if, when challenged to the test by Great Britain, they had possession of the Colonies in addition to their ordinary strength? Suppose in the order of things France, another great naval power, should combine her energies with those of the United States, against England, in what position would the mother country be? How could she contend with such maritime nations as these? Therefore the loss of these Colonies might lead to the degradation of England, and instead of standing at the head of nations she might be lowered to the condition of a secondary state, if indeed she were not converted into a province of France.

I shall now very briefly call the attention of the House to the resolutions before it. They develop the arguments on which we ask for a repeal of the Union. The first clause contends that the Legislative Assembly of Nova Scotia had no power to change the constitution; they had none except what was given them in the charter. Parliament had no power over this country—it never had any. This country belonged to the Queen of England, and our Assembly had no constitutional right to consent to or make the slightest alteration in the constitution under which they were elected to make laws. That is the position which we take, and I would like to see the British constitutional authorities examine this subject, for I am convinced they will acknowledge that I am correct. The second resolution is to the effect that the only authority which the Delegates had was derived from the Assembly, who had no power to give any such authority at all. Even this authority, however, they disregarded. Their authority simply extended to the negotiation of the terms of a Federal union between all the British North American Colonies. They had no power to select three provinces and confederate them, and therefore in that respect they did not act up to their authority. Then, sir, their delegation was not legally constituted. If I gave a power of Attorney to A. B. and C. to transact business for me, A. and B. cannot do it without C., unless I make it optional for them to do it jointly or severally; but if I authorize three men jointly to execute a deed for me, or do any other act, any two of them cannot legally perform the duty. If the House of Assembly authorized a delegation to be constituted, consisting of an equal number of men from Upper and Lower Canada, New Brunswick, Prince Edward's Island, Newfoundland, and Nova Scotia, the delegates had no power to act unless this stipulation was carried out. No constituent assembly was constituted—it could make no constitution, or do any act until all the delegates were present. If there were 5 from one province and 6 from another, the whole proceeding was a nullity, because the delegation was not constituted according to their instructions. Then again they were told that they were to make just provision for the rights and interests of Nova Scotia. How did they do that? They gave the whole province away. We had a well-working constitution; we made our own laws, raised our own revenues, and taxed ourselves. We owned railways, fisheries, and

other public property, but they gave them all away for nothing. We can at any moment be taxed to any extent arbitrarily by an oligarchy in Canada.

The sixth resolution states that no change can be made without an appeal to the people. Here is a self-evident proposition. The constitution belongs to whom? To the House of Assembly? No. To the Legislative Council? No. It is the property of the people of Nova Scotia—every man, woman and child are the owners, and it cannot be taken away from them without their consent. Even the arbitrary monarchies of Europe admit that principle. When Napoleon seized upon the Empire what did he do? At all events he went through the ceremony of sending around the ballot box, and asking the people whether they were willing to change their constitution. The other day two States of Italy, Nice and Savoy, were transferred after the Austrian campaign, and what was done? Did one king sit down and cede the country to the other? No; the people were called upon to decide whether they were prepared to accept the change of constitution or not. No constitution can be lawfully and constitutionally taken away without consulting the people who own the constitution. This is a self-evident proposition—just as evident as the fact that no man can have his farm taken away from him without his consent.

These resolutions go on to argue that the people of Nova Scotia were never consulted until the 18th September, 1867, after the British North America Act had passed the Parliament, and the Queen had given it force by her proclamation. They were then for the first time asked whether they were willing to accept the change of constitution. Then did the people answer emphatically that they would have nothing to do with it. These resolutions state that the preamble of the Imperial Statute is false, and I believe that when the Quebec scheme went home no such words were in it. But no sooner did the crown officers cast their eyes over it than they, knowing the constitutional course in all such matters, perceived that it was impossible for the Imperial Government to legislate upon the question without the consent or request of the people of these colonies. Accordingly they added the preamble declaring that "whereas the people of Canada, Nova Scotia and New Brunswick desire to be federally united, &c." That statute could not have been placed before the Imperial Parliament unless it had these words in it, for it would be unconstitutional unless the people of these colonies had testified their assent to it. Therefore the preamble being false, the statute is unconstitutional and falls to the ground.

The resolutions go on to say that the people were not only not consulted, but that they were purposely and designedly prevented from being consulted. Is not that a true statement? What did the House of Assembly who recently sat upon these benches, with no great credit to them, do in the month of March last? When it was moved that the people of Nova Scotia had a right to be consulted at the polls, whether they would consent to be confederated or not, that resolution

was negatived by 32 against 16 representatives of the people. Whose servants were these 32 persons? The servants of the Executive Council; they ignored the authority of the people, and said that the constitution of Nova Scotia belonged to Dr. Tupper and a few others. Then I think we have asserted strictly in accordance with the fact that the people of Nova Scotia were systematically and perseveringly kept from passing upon the subject of confederation. We have also stated with truth that the last election turned entirely upon confederation. I have heard men venture to assert that other issues entered into that election, but men who say this will state anything. No man living before or during the election, can venture to deny the fact that confederation was the great question which excited the people from one end of the province to the other. Now there is another clause which tells us that these colonies were, in the opinion of the people of Nova Scotia, united to each other by a connection better and superior to that of any confederation that could be derived even upon the fairest and wisest terms. I believe that to be literally true. It is a matter of political opinion. I have always thought that the system of confederation was the worst by which we could be united. It is impossible so to regulate the conflicting interests of the different countries in a manner that will prevent conflicts and difficulties arising. If you leave to the several countries their individuality and allow them to retain their local legislatures whilst you attempt to combine them at the same time under one general head, the experiment will be fatal—in time it must and will end in civil war and the shedding of blood. I believe that has been the experience of the world with respect to Confederation. The provinces have now four governments instead of three. If they were really united they would be stronger, inasmuch as the whole is stronger than the parts, they would have one head, one legislature, one revenue, one set of laws, one tariff. On the other hand, for the reasons I have previously given, the system of Confederation is, in reality, the worst that could be devised for these Colonies, if the wish is to promote harmony and prosperity among them.

We shall pass these resolutions and we may, if necessary, add one or two more; and when we have done so, it is the design of the Government and House to send Delegates to England as soon as we can, to submit to the Queen a humble Address, embracing the substance of these resolutions; and I have much pleasure in announcing, so far as I am able to judge, my belief and conviction that the Delegation cannot possibly fail of success.

#### SPEECH OF HON. MR. TROOP.

Hon. Mr. Troop said:—In rising this afternoon to second the resolutions laid on the table by the Attorney General I feel, Mr. Speaker, that I would like to have the Parliamentary experience of yourself or of the hon. gentleman who so ably and eloquently laid the case of Nova Scotia before the House. Before taking up the thread of the argument

let me for a little while turn the attention of the House to the position which Nova Scotia occupies to-day as compared with that which she occupied a few years ago, before our Legislature undertook to deal with the question of Confederation. The Province was then peaceful, prosperous and happy—lying along the seaboard our people had lived free and contented,—their sailors went down to the sea in ships,—their shipbuilders sent out those merchantmen for which Nova Scotia is famed, bearing the flag of England over the wide world,—capitalists were developing the mines of the country, and throughout the length and breadth of the land there were evidences that Nova Scotia was rising to be a free, rich, happy and prosperous country. If there had been anything occurring among us to change that state,—had there been a voice in Nova Scotia raised against the position we were occupying or any of our surrounding circumstances,—anything leading our people to seek political and constitutional changes,—we might have less cause for complaint, and the members of this Legislature would not be in the position which they occupy to day, called upon to take a bold stand for the rights and liberties of their countrymen. I rejoice that our country is yet a British colony,—that we have the British flag above our heads and the British constitution at our back, and that in this discussion we can rise superior to the little knot of servile tools, who, in defiance of public opinion, have had the audacity to slander and insult the people to their teeth. In the argument which I am going to use on this occasion I will show that the people of Nova Scotia asked for no constitutional changes and desired none, and that the public records are replete with proofs of the assertion. When I look across the water at Old England, and learn from her history what struggles were required to make her what she is to day, I rejoice that in this country we can trace back our ancestry to some of the men who had fought their nation up to her present high standard. And looking there for precedent instead of public discussion and free debate being confined, instead of her public men taking a leap in the dark, and the opponents of any great measure being taunted with disloyalty, we find in the Parliament, in the press, and on the platform equal free, open, manly argument and debate,—we find none of the loyalty which is dressed out in buckram and court trappings, we find the people understanding their rights and liberties, and bringing to the front the highest statesman in the land who dares to override a single right which the people possess.

In entering on this discussion I do so feeling that I am a British subject, that I have the same rights which a man has who is born on the soil of England. And I feel likewise that if this discussion could have been transferred across the Atlantic, the delegates and the contemptible press that supported them would have had to debate this question on its merits, and not in such a way as to outrage the feelings of all who were not subservient to their views. I will not travel far back over the records touching this vexed

question, for the main arguments lie in so narrow a compass that in a short time I think I can bring forward the whole case fully and fairly as it stands between Nova Scotia and Canada. I think it is our duty in this debate to throw all the light that is available on the question, and to produce all the information from public despatches and otherwise, that may strengthen our case when it comes to be laid before the Parliament of Great Britain. In the first place then I ask the attention of the House to a despatch dated in 1859, signed by Messrs Cartier, Rose and Galt, three of the leading statesmen of Canada, and by this I will bring Canada to bear witness against Canada. It is not the people of the Maritime Provinces who originated the charges against the Canadians, of which we have so often heard, for these three gentlemen admitted that in 1858 to such an extent had party strife and faction gone, that the politicians of that country were like so many Kilkenny cats tearing at each other's throats, and we find that those able minds of British America had brought their country into a state of degradation and confusion, so inextricable that they were obliged to go to the parent country and ask the British government to relieve them of their difficulties by dragging in the Maritime Provinces. That despatch elicited a reply from Sir E. Bulwer Lytton, then Secretary of State for the Colonies, and what was that reply? "Nova Scotia has a constitution of her own,—her people have done nothing to forfeit their constitutional rights, they are loyal to the Crown, and while they maintain their allegiance and perform their duties as good citizen's and free born subjects of the Empire, we will not interfere with them,—go and do your own work,—shew that you are fit to govern yourselves, and then get the people of the other Colonies to join you if you can!" That was the substance of the advice which Sir Bulwer Lytton gave to those statesmen. Did they take it? Not they—but immediately commenced plotting to obtain by artful wiles what they could not obtain fairly and constitutionally. Here is the record of Canadian faction, as drawn by three of her oldest statesmen:

"It is our duty to state that very grave difficulties now present themselves in conducting the Government of Canada in such a manner as to shew due regard to the wishes of its numerous population. The Union of Lower with Upper Canada was based upon perfect equality being preserved between these Provinces, a condition the more necessary from the differences in their respective language, law and religion—and although there is now a large English population in Lower Canada, still their differences exist to an extent which prevents any perfect and complete assimilation of the views of the two sections.

"At the time of the Union Act, Lower Canada possessed a much larger population than Upper Canada, but this produced no difficulty in the Government of the united Province under that Act; since that period, however, the progress of population has been more rapid in the western section, and

claims are now made on behalf of its inhabitants for giving them representation in the Legislature in proportion to their numbers, which claims investing, it is believed, a most serious interference with the principles upon which the Union was based, have been, and are, strenuously resisted by Lower Canada.

"The result is shewn by an agitation fraught with great danger to the peaceful and harmonious working of our constitutional system, and consequently detrimental to the progress of the Province.

"The necessity of providing a remedy for a state of things that is yearly becoming worse, and of allaying feelings that are daily aggravated by the contention of political parties, has impressed the advisers of Her Majesty's representatives in Canada with the importance of seeking for such a mode of dealing with these difficulties as may forever remove them. In this view, it has appeared advisable to them to consider how far the union of Lower with Upper Canada could be rendered essentially federative in combination with the Provinces of New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, together with such other territories as it may be hereafter desirable to incorporate with such confederation from the possessions of the crown in British North America.

"The undersigned are convinced that Her Majesty's Government will be fully alive to the grave nature of the circumstances referred to, which are stated by them under the full responsibility of their position as advisers of the crown in Canada. They are satisfied that the time has arrived for a constitutional discussion of all means whereby the evils of internal dissension may be avoided in such an important dependency of the empire of Canada."

I think that this language shows what the views of the people and government of Canada were at that time in seeking a Union with the Maritime Provinces. We hear now a good deal about loyalty—about the necessity of binding together these Colonies by an Intercolonial Railroad; but did the people of Canada say anything about such small matters then? Were they filled with loyalty and prompted by a desire to build up a second England on this continent? We hear not a word about that; but they tell the British people and government, "we are fighting tooth and nail; we cannot get along harmoniously; and because we are in that condition we pray your Majesty's government to bring about a Union which will give us the control of the Maritime Provinces." This is the first piece of evidence that I produce against Canada, and I produce it to show that in asking for a Union the Canadians, instead of being animated with feelings so noble as those which have been ascribed to them—instead of desiring to lay the corner stone of a great nation, all they desired was to get representation by population, in order that Western Canada might govern British America as it pleased. Had we returned up to the present hour the men of calibre and intellect who labored to found our institutions and who filled our councils in 1760, instead of the men who have ruled Nova Scotia for the last four years, our history would have

told a different tale. If we had been governed by the men who helped to build our constitution, we would not now be engaged in a fearful struggle to regain what perfidy has taken from us. Sir E. Bulwer Lytton, in his reply, says.—

"The question, however, is one which involves not merely the interests of the important Province of Canada and its relations towards the Empire, but also the position and welfare of the other North American Provinces." \* \* \* \* "We think that we should be wanting in proper consideration for those governments if we were to authorize, without any previous knowledge of their views, a meeting of delegates from the Executive Councils, and thus to commit them to a preliminary step towards the settlement of a momentous question, of which they have not yet signified their assent to the principle."

The next piece of evidence in connection with this subject we find in the Journals of 1861, when a resolution was passed on the construction of which the Canadian delegates based their constitutional right to legislate away this country. I have heard, as the discussion progressed, that the legislature had a right to do as it did, and that the delegates had a right to do as they did, because of this resolution of 1861, which merely expresses that "whereas the question of a Union of the Colonies had been before the country for a long time, and for the purpose of settling the public mind at rest, the government should be authorized to send delegates to confer with the Canadians on that and other subjects. Can the stream rise higher than its source? When the delegates went to Canada, and nothing came of their mission the resolution became a dead letter; very many thought that the question was set at rest, and so did these delegates and this legislature of Nova Scotia, because when they came to discuss a union of the Maritime Provinces, we find the Provincial Secretary introducing a fresh resolution to effect that Maritime union. Where was the question of British policy then? Why were we not then told. "you are doing wrong; Great Britain desires you to confederate with Canada—to build up a great nationality, with one foot on the Atlantic, and the other on the Pacific" Not a word was said about that. These resolutions were acted upon by the Nova Scotia Government, but no sooner did the delegates go down to Charlottetown, than Lord Monck, with a strange assumption of power, attempted to lead them from their legitimate mission. He says in this despatch, dated 30th June, 1864, to Major-General Doyle, who then administered the Government of Nova Scotia:

"I have the honor to inform you that it is the wish of the Canadian Government to send a Delegation to attend the Conference which it is proposed to hold this year, of gentlemen representing respectively, Nova Scotia, New Brunswick, and Prince Edward Island, with a view to the Union of those Provinces. The object of the Canadian Government is to ascertain whether the proposed Union may not be made to embrace the whole of the British North American Provinces. I shall feel much obliged if you will inform me of the time and place which have been fixed on for the meet-

ing; and I trust the presence of a Canadian Delegation will be agreeable to their brethren of the Maritime Provinces."

I am dealing with this question from a constitutional point of view, and bringing to the bar of public opinion Lord Monck, and the delegates who attempted to override the constitution. The doctrine that they had the right to do as they did, seems to have dawned on their minds at a very late date, for Dr. Tupper's government, through Sir Richard McDonnell, replied to Lord Monck in the following language:

"In the meantime 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."

This is constitutional law as laid down by Dr. Tupper and his Government,—there is a statement deliberately made by the Government, but which they saw fit to repudiate in twenty days after date. And what did Mr. Cardwell say on the subject? Did he say "you have not carried out the policy of this Government—the British Government desire Confederation with Canada to take place?" Not a word or a syllable to that effect came across the water, but in plain and explicit terms the people were told that the official mission was to consider a union of the Maritime Provinces. Twenty days afterwards we find these delegates going to Quebec. I will not follow them there among the champagne revelries and drunken routs,—we have heard sufficient of that. Instead of acting as if they were laying the foundation of a great nation, it appeared as if they had gone off to a midnight rout or a shindig in the backwoods. But the fact is that the Canadians having got the delegates into the leading strings entrapped them into the Quebec resolutions. Then we all know that when the Legislature attempted to deal with the question it excited one universal storm of disapprobation throughout the country. When public opinion is formed in this country upon any grave subject, it is by neighbor meeting neighbor around the fireside, in social gatherings, and by friendly, mutual conversation,—then comes into play the intelligence of the country. I have heard ignorance imputed to our people,—and it was said that the ignorant class of the population are Anti-Unionists,—that a great many able and intellectual men, all the judges, all the ministers and all the high functionaries are in favor of the Union. I take here a bold stand and say: Suppose the judges and ministers and nabobs and high officials are in favor of it, what is that if the people are against it? The people are the greatest, for if you destroy the people's rights you impair the whole fabric of the constitution. Destroy those rights and you make the people feel degraded, and what then is the value of courts of justice and schools?

and pulpits? Give the minds of the people free room and play—do not put a padlock or a gag upon them. It is that intelligence running like lightning through the land that has shattered the ranks of the Confederate party to atoms. When the Legislature came to deal with the question at its first session the delegates failed to carry out the arrangements they had made with their colleagues in Canada. They were to have asked the House to agree by resolution to the Quebec resolutions. Why did they not do it? Because, there were no corrupting influences at work,—the majority of the Legislature were opposed to the scheme,—they told the Premier they would not consent to a union with Canada on such terms, and moreover that they would agree to no scheme which had not been ratified by the people. The result was that the Premier declared the measure impracticable, and led the people to suppose that the whole question was at an end,—that there was no necessity for agitation. Coming down a little later we find that the Premier succeeded in successfully bringing the matter before the Legislature, and having his policy ratified against the wishes of the people. Here he is met by a protest signed by members of the Opposition in which they solemnly declared the rights of the people. How was that protest treated? What did the Executive Council say to it, and to the vast majority of the people of this country?

"In conclusion, the Council may state that more than a year since they submitted the proceedings of the Quebec Conference to the Legislature, that the subject of a union of the British North American Colonies has been constantly discussed in this Province since that time. Yet the opponents of union were only able to obtain the signatures of 8,085 people out of a population of not less than 350,000 for presentation to the House during the present session, praying that it might be referred to the people at the polls. The foregoing resolution, after full deliberation and discussion, was carried in the Legislative Council by a vote of 13 to 5, and in the House of Assembly by 31 to 19. All the members of the present Government and four members of the late Government, of which Mr. Howe was the leader, united in sustaining the resolution, while but two voted against it."

That Minute of Council, prepared in the secrecy of the Council Board, under the direction of Sir Fenwick Williams, the Lieutenant Governor of Nova Scotia, was sent to England, and it stands on our Journals stamping the men who framed it with the crime of gross misrepresentation. They knew they were deceiving the British Government—that under cover of that despatch they were perpetrating an act of gross injustice and doing a cruel wrong to the people of Nova Scotia. Determined to trick the country and to perpetrate a fraud, they had left out of the Governor's speech at the opening of the session all mention of Confederation, and at a late period of the session, when no petitions had been presented in consequence of the assurance that nothing would be done, that country was taken by surprise. The Minute of Council, framed by the Govern-

ment, who had a full knowledge of the wishes of the people, assuring the Government that only 8000 persons had petitioned against the measure, was calculated to lead that Government to suppose that the great majority of the people were in favor of the union. I ask, then, in view of the state of public opinion at that period if the government of the day did not know that the statement contained in such Minute was a deliberate untruth? I ask if it was not made to mislead and deceive the British Government? Its authors doubtless supposed that it would be shut out from the public eye until it had done its work, and after that they thought it would be too late for anything to be said about it. They sent it to the Imperial Parliament with no honest intention. Following rapidly down the record, let me ask why it was that about this time there were such breaks in the ranks of those in this Legislature who were known to be determined opponents of Confederation when every day intensified the feeling of the country against the resolutions which had been adopted by the House? Can we not see in the subsequent results in members giving up their opposition for valuable consideration—for high and influential positions elsewhere a great deal of significance? Those gentlemen may have been as pure, as innocent and as conscientious as they claim to be—they may never have had a single stain upon their political integrity—their palms may never have felt a single piece of gold, but I cannot help thinking that if the Attorney General had a fellow in the dock, charged with a criminal offence, with evidence so presumptive against him, he would make a pretty strong case of it, and the jury would not have much hesitation in pronouncing him guilty. There is sufficient evidence, taking all the manoeuvring of the gentlemen who had the matter in hand, to shew a deep design to keep the people from expressing their opinions. They kept us from the polls up to the latest hour well knowing what the result of an election would be. When the elections did come off, the men who had been engaged in bartering their country away—the men who had thrown their influence against their own people, and in favor of Canada, hardly dared to ask for the confidence and support of the people. The day of reckoning has come with overwhelming power, and the feeling of the people against this enforced union has ever since been increasing in strength. It is like the rushing wind from the mountain carrying everything before it. When we find the men who on that day were rejected by the people whom they had betrayed leaving their country for Ottawa, I say if they can there find consolation around the palatial halls of that city or a panacea for their wounded consciences, there is no reason that I can see why Nova Scotia should not be very glad to get rid of them. I next wish to direct the attention of the House to the action of the delegates when they went on their mission across the water, and carried their measure to the House of Commons and the House of Lords. We then find Mr. Watkin making a speech that has attained great notoriety, and has become matter of history.

But for his declaration who believes that the British House of Commons would have legislated against our interests? But for his assurance that Confederation had been before the people of Nova Scotia at the polls, who can imagine that we would have been forced into this hateful and detested union? For who could doubt in the House of Commons the assertion made by Mr. Watkin that Dr. Tupper had preached Confederation at every polling booth previous to the election, coming, as it did, from the Premier himself? How could it be supposed that the accredited minister of the Province of Nova Scotia would resort to evasion and deception? Sir, in view of these facts, I may say that I would like no better case to present, on behalf of a free people, in any court of law or equity than that which can be presented by the people of Nova Scotia.

Then, again, let me turn attention to the one-sided, partial and unjustifiable action of Lord Monck. I speak of him with all the respect due to his high position, but I cannot pass over a declaration made in his speech in the House of Lords without comment. We find his lordship leaving his post on this continent, going home with the delegates, taking his place in the House of Lords, where it was supposed he fully understood the feeling both of the Maritime Provinces and Canada, and that he would be possessed of full information, there stating that the agitation in Nova Scotia was the work of half a dozen men. I can excuse His Excellency for anything but that; and when we find that speech on the public records of the country, without note or comment from him, after the 18th of September has passed and left such evidence behind of the real feeling of the people of Nova Scotia. I say that the Governor-General was in no position to open the Dominion Parliament with the speech which he made. Instead of congratulating the people of Nova Scotia on their being engaged in inaugurating the new Dominion, he should have told our people that they had been degraded. He should have explained away the speech which he made when, to carry Confederation and help his Canadian friends and their party, he went to the House of Lords and used the following language—

"Lord Monck expressed a hope that their lordships would permit him to say a few words upon the Bill, considering the share which he had had in its origination. He would at the outset refer to one thing, which appeared to him of great importance in a constitutional point of view. It had been, he thought, most unwarrantably assumed that the Province of Nova Scotia was opposed to the union. Now, he believed the expression of opinion which had come from Nova Scotia to this country had been entirely got up by a few energetic individuals. The Legislature of Nova Scotia had, like the Legislatures of the other provinces, adopted by large majorities the resolutions proposed to them, and had sent their delegates to this country to take part in the framing of the measure which had been laid on the table. The demands of those gentlemen in Nova Scotia, if they amounted to anything, meant that the question should be subjected to the

decision of the people, instead of its being determined by the people's representatives. Such a demand, to his mind, betrayed a great ignorance, not only of the principles of the British Constitution, but of the principles on which all Parliamentary Government was founded."

His lordship had read the history of his own country to little purpose when he could make that declaration. What is that history composed of for the last two hundred years but the history of men oftentimes struggling through bloodshed to the enjoyment of their rights—the record of men of great intellect—men whose names have been emblazoned on the roll of fame, fighting for the great principles which have made England the mistress of the world, the country to which every distressed nationality resorts as a city of refuge, under whose flag the exile is safe. Once upon the soil of Britain the fugitive is no longer likely to be stricken down; but in laying the foundation stone of the new nationality I say let us not begin the work by striking down what has cost England centuries to build up—what has been so long established in the hearts and affections of the people. Get the sympathies of the people with you, and then go on building the superstructure. Let it come to be understood that the rights of the people are one matter, and the rights of the governing oligarchy another, or that any oligarchy can control the country, striking down the independence of the people and reducing them to a condition of serfdom, and the freedom and glory of the parent country no longer belong to us. After delivering that speech in the House of Lords I wonder how his lordship could come down to Parliament and use this language:—

"I congratulate you on the Legislative sanction which has been given by the Imperial Parliament to the Act of Union, under the provisions of which we are now assembled, and which has laid the foundation of a new nationality that I trust and believe will ere long extend its bounds from the Atlantic to the Pacific ocean."

He congratulates the people of the Dominion on building up this confederation, but did he not remember the damaging record that stood against him on the other side of the ocean, when he made that declaration in the House of Lords to influence that august assemblage in supporting the legislature that undertook to give away the country, and to break down every barrier that had been placed in their way? Did he forget that he had gone across the ocean in the train of the delegates, to take his place as a peer of the realm, to assist in carrying Confederation, and there to state that the agitation in Nova Scotia was the work of a half dozen individuals? If he was so instructed by his friends, the Delegates at that time, then since the 18th of September he has been undeceived, and he should since have acknowledged that up to that time he had not known the true state of the case.

We have heard a great deal, as I have said, about disloyalty, and without wishing to detain the House, I will merely turn attention to the mode in which this measure was carried. The country

believes that the Confederation act was passed through the legislature by corruption and fraud—that His Excellency General Williams, when he was sent out here, came for the sole purpose of carrying the measure—prepared to resort to any means—and lent himself, through his government, to that design. I believe that if certain festivities at Government House had never taken place, we would not be engaged in this discussion to-day. It reminds me of a dark day in old Ireland's history, when her free legislature was sold for English gold, when bribery laid the country waste, and inflicted upon it the terrible woes that succeeding generations have inherited. In May's Constitutional history, I find this passage on that subject:

"Lord Castlereagh estimated the cost of these expedients at a million and a half, and the price was forthcoming. The purchase of boroughs was no new scheme, having been proposed by Mr. Pitt himself, on the basis of his measure of Parliamentary reform in 1785, and now it was systematically carried out in Ireland. The patrons of boroughs received £7,500 for each seat, and eighty-four boroughs were disfranchised. Lord Devonshire was paid £52,500 for seven seats, Lord Ely £45,000 for six. The total compensation amounted to £1,260,000. Peers were further compensated for the loss of their privileges in the national council by profuse promises of English peerages, or promotion in the peerage of Ireland; commoners were conciliated by new honors, and by the *largesses* of the British government. Places were given or promised, pensions multiplied, secret service money exhausted. In vain Lord Cornwallis complained of the "political jobbing" and "dirty business" in which he was "involved beyond all bearing," and "longed to kick those whom his public duty obliged him to court." In vain he "despised and hated himself, while negotiating and jobbing with the most corrupt people under heaven." British gold was sent for and distributed, and, at length, in defiance of threats of armed resistance, in spite of insidious promises of relief to Catholics, and corrupt defection among the supporters of the government, the cause was won."

The luckless viceroy applied to himself the appropriate lines of Swift:

So to effect his monarch's ends  
From hell a viceroy devil ascends,  
This budget with corruption crammed  
The constitutions of the damned  
Which with unsparing hand he stroves  
Through courts and senates as he goes,  
And then at Beelzebub's black hall  
Complains his budget is too small.

How aptly this language can be applied to the gentlemen who carried on the work of corruption in this country:—they must, like Alexander, have wept because they had no more worlds to conquer when they got weak-kneed politicians to Government House under the influence of the appliances which eventually induced them to hand over the political rights of this country to the Canadian government. The people, I say, took this ground; and in battling for their rights and privileges, and asking for free discussion and debate, they have been charged by

a portion of the press and the supporters of a certain faction with being Fenian sympathizers and annexationists. All I can say is that the first article having such a tendency was from a Confederate journal of this city. If such sentiments are advocated in the press we can charge home upon the Confederate party for having such a paper among them. It seems that a few years ago the public mind of the United States was set on the *qui vive* to see whether that country could get hold of the Provinces, and had it not been for Nova Scotia I believe that these Colonies would have gone long ago. Where were we when annexation clubs were formed throughout Canada, and when annexation flags were thrown to the breeze by their prominent men? We were true to our allegiance, warning the people of Canada that their course would bring them into disgrace. Let it not, then, be charged upon us that, because we believe the tendency of Confederation to be the handing over of the Province to the United States, and because we have no desire to become a part of that country, the Anti-Confederate party, or the Government, or the gentlemen who sit on these benches have disloyal tendencies. That slander has gone far enough; the men who originated it do not dare to repeat it in open day, where they can be confronted; but in the back slums of Halifax a portion of the press that is justly held beneath contempt has been busy in the circulation of the slander. When they pour out the vials of their wrath let them remember that their shafts do not touch us, because we will carry forward the struggle in which we are engaged in strict obedience to the British Constitution, and with no disloyal sentiment escaping our lips. With them "the wish is father to the thought;" it is because they desire annexation that they love Confederation and the principles which it embodies rather than monarchical principles. When they charge disloyal sentiments on our people they had better see where their own principles are leading them. Mr. Darby, in his report on the fisheries, says:—

"The Provinces have long desired expansion. Their territory contracts as it runs easterly, and presents in a northern latitude a narrow front on the Atlantic. New England lies between Canada and the sea. A few years since, the *Halifax Morning Journal*, an influential paper of Nova Scotia, presented a plan for annexation, from which we make the following extracts, viz. . 'In the much wished-for event of a consolidation of the Colonies, the possession of Maine is of vast importance; more, perhaps, than we have been wont to imagine. A glance at the map will show, that at present she destroys the symmetry of the proposed confederation.—She stands like a wedge driven up to the butt in a foreign country, and it gives rise to the idea that but a few more blows are needed to effect a complete separation of Canada and New Brunswick. Nor is it symmetry alone which demands the annexation of Maine; there are other reasons of far greater importance why this should, if possible, be effected, and which we propose to set plainly forth in this article.'

"The Nova Scotia plan did not take—it was

premature. It is cited here merely to show the aspirations of the Colonies, and as a precedent for this discussion, for it makes annexation a Provincial measure. We can afford to be more generous and give to the Provincial plan a shape more comprehensive, more statesmanlike, more consistent with the rights of all."

Here then we have a Confederate Journal, which now brags of its loyalty, foreshadowing the ground-work of a Scheme by which the Colonies were to be handed over to the United States, and yet we are the disloyal men. Our accusers are very loyal men, but Washington gold might possibly overcome their loyalty. What are we to think when we have annexation sentiments proclaimed by the press of Halifax, and when a portion of the people with whom it was the intention to confederate us have petitioned for admission to the American Union? Is that the people with whom we are to join in order to build up a new nationality. Is a union formed with such a country likely to be a solid and permanent one under the British Crown? Another idea thrown out was that unless we went into the union the British government would cast us off. Why should they do so? Nova Scotia came forward and put her Militia into a sound state of organization, when Canada was quarrelling about her Militia bills, and when her government was attacked for proposing a Militia grant. Great Britain, I take it, desires that we should do our duty, and let us be once out of Confederation and the people will meet their wishes by providing for their defence in every reasonable way,—but in so providing let it be understood that we have no war, no national States,—we are in the position of the son to the father, the father ruling, the son enjoying security and peace. We have nothing to defend ourselves against;—if a war should break out to-morrow between Great Britain and another power, we would not be consulted, but we might be obliged to assist in bearing the brunt of it. We would do so willingly in subordination to the Crown and Imperial government, because we desire to uphold the glory of the British flag, but while doing so we deny the right of a legislature, elected for no such purpose, to sweep away our constitution and to place us under the domination of a government removed beyond our control. If time permitted I might refer to the geographical position of these Provinces. We have territory enough for thirty states, we have vast tracts of wilderness country, stretching to the Pacific and back to the Rocky Mountains, in which there is not a man to build a fort or man a gun. We have four millions of people scattered over half a continent, and with such a country—with scarcely an inhabitant to a square mile—we are asked to believe that we are in a position to found a new nationality. The idea is truly absurd, and can lead to but one result. Nova Scotia will be no party to so monstrous a proposition. Nova Scotia asks, loyally, constitutionally asks for a repeal of this most obnoxious act upon the following, among other grounds:

1st. Because the constitution of Nova Scotia being a charter granted to this coun-

try by the British Government, giving the people the right of self-government—the right of regulating their own trade and commerce—the unrestricted right of disposing of their own revenues, and the power of general legislation under such constitution—cannot be materially altered or changed without the sanction of the people.

2nd. Because the people of Nova Scotia have been no parties to the alteration of the constitution, but on the contrary have used every available means to prevent the passing of the "British North America Act," and by petition to the Legislature, and by loyal addresses to the Queen, and by petitions to the Imperial Parliament of England, have protested against the Confederation of this Province with Canada.

3rd. Because a majority of the Legislature of Nova Scotia who usurped the power of legislating upon Confederation were elected and held their seats under the constitution they attempted to destroy, and by fraud and deception misled the Government of England by declaring that they represented the views and wishes of the people of Nova Scotia.

4th. Because the "British North America Act" deprives us of constitutional rights and privileges enjoyed by Nova Scotia for a century—which Act was formed in contemptuous defiance of such rights and privileges.

5th. Because a willing submissio[n] to the provisions of that enactment will stamp the people of Nova Scotia as servile dependents upon Canadian charity.

6th. Because it has despoiled us of our revenues—deprived us of the right of regulating our tariff, and placed the power of taxing the industry and resources of this country in a Canadian Government, over which we can exercise no control.

7th. Because the Journal of this Legislature show that Canada has sought this Confederation not because she desired to perpetuate British institutions upon this continent—not by reason of her love for the old flag and her loyal devotion to the British crown, but because of the shameful and disgraceful feuds and faction fights between Upper and Lower Canada, which had rendered constitutional government in that country a sham and delusion—which had made her public men contemptible in the eyes of the world,—and having brought their country to this humiliating and degraded position, they sought to drag in the free, prosperous and happy Provinces of Nova Scotia and New Brunswick under Confederation as "make-weight," in order, if possible, to relieve themselves of the disadvantages under which they labored.

8th. Because the Union of the Maritime Provinces with Canada, under such circumstances, will lead to the most deplorable results; and, if not repealed will, sooner or later, eventuate in disaster to the whole.

9th. Because the Government of the so-called Dominion has already exerted upon a most extravagant system of expenditure, not warranted by the revenues of the Dominion, and will result in taxing still further the rate-payers of this country.

10th. Because the acquisition of new territory by the Dominion of Canada is a source

of weakness to the so-called Confederation, and may result in involving this Province in bankruptcy and ruin.

11th. Because this country cannot adopt the absurd idea embodied in the British North America Act, by which British America, embracing half a continent with a sparse population, is to be governed and controlled by a government at Ottawa—the provinces of Ontario and Quebec being the controlling powers.

12th. Because the people of Nova Scotia cannot recognize the necessity of assuming liabilities for the defence of British Columbia, or of placing themselves in a position to be called upon at any time to defend a country thousands of miles away.

13th. Because the alleged fact that the Legislature of British Columbia has petitioned to be received into the United States of America is calculated to weaken any union of the whole of British America, and taken in connection with the fact that a portion of the people of Canada have heretofore exhibited by disloyal and treasonable manifestations their repugnance to British monarchial institutions, and their preference for those of the United States, leads the people of Nova Scotia to repudiate any connection with Provinces disaffected towards the British Crown.

14th. Because the imposition of a stamp act and the increase in the tariff are most tyrannical and oppressive, calculated to cramp the expansion of trade, to retard the prosperity of the country, and to exact money from our people for the benefit of Canada, and without in any way benefitting the people of Nova Scotia.

15th. Because the allowance of 80 cents per head, and the annual subsidy granted from the Dominion Government, is no compensation for the large sums taken from us by Canada, and will be wholly inadequate to meet the increasing wants of this country.

16th. Because above all Nova Scotia repudiates this Dominion, and asks for repeal because her people were not consulted upon the measure—while the people of New Brunswick and the other Maritime Provinces have been allowed to determine for themselves whether or not they would be confederated with Canada.

For these reasons this Legislature and this Government ask the British Government for a Repeal of the British North America Act so far as it relates to Nova Scotia. I hope that when our loyal address is presented to Her Majesty it will have the desired effect, and that our delegates will bring back to us the restoration of our rights and privileges. When we look at the United States, and consider the internecine war, the effects of which are still preying on the vitality of the country—when we see the disaffection prevailing in Canada, and find the public records charged with that which shakes our confidence in her statesmen, is it any wonder that we turn from Washington to London—to London, the metropolis of the world—London, with its abbeys containing the dust of men whose fame is handed down to posterity? There is the Empire to which we wish to belong; we do not desire a union with the back

country of Canada, but a union with the Empire of Britain. That Empire is large enough for our ideas; the aspirations of our people lead them to seek nothing that would alienate us from the old flag, or break off the connection with the parent institutions,—but they seek rather to be drawn closer, so that an Englishman or Scotchman may feel, when he comes to British America, that he has not left one half his manhood behind him. Our delegates will go to England, and lay the sentiments coming from the people at the foot of the Throne. When they have presented the case they have in hand, I rely on it that the Queen, who can do no wrong, will give back to us what has been wrongfully and fraudulently taken away. In the meantime let us possess our souls in patience. I rejoice to see the bold stand which the people are taking throughout the country at [the meetings which are being held, and I did not wonder yesterday at the flush of pride that mantled the face of the hon. member for Yarmouth as he presented the petition from his noble county on this subject. The sentiments which are coming up to us every day do credit to the feelings of the people—they show that the rights of Britons are well understood and appreciated among us. Had our people bowed down in servile submission to their rulers, they would have become the mere lickspittes of the people of Canada; but as they have done, the determination that, God being their helper, they will fight this battle to the bitter end, we may defy any power to coerce us into compliance. Nova Scotians are terribly in earnest in this matter, and while remaining loyal to the constitution, will take care not to be led away by will-o'-wishes or any loud blusterings of the enemies of our people.

Our enemies may ply all the arts of falsehood and fraud, but we are determined to stand upon the sentiment that to Nova Scotians belongs Nova Scotia. Our rights are as dear to us as those of the people of England, and while doing battle for those rights, and while carrying the petitions of our people to England, I believe that ten thousand prayers will be offered up for our cause. Our clergy, instead of praying against us, will yet come to the rescue of their country, and the God of battles will defend the right. Such men as D'Arcy McGee may talk and threaten about the Militia, and the course that will be pursued to coerce us, but we say to them that it does not lie in their mouths to teach us loyalty to the Crown, until they take back the threats and libels which they have hurled at our Queen and Constitution. In confiding, then, sir, in the justice of our cause, in the wisdom of the Parliament of England, and upon the sympathies of the Queen, we have met this great question calmly and constitutionally. We have no desire to treat it in any other manner. We have no wish for the storm or tempest, but we are asking for our rights, out of which we have been wronged, and the people of Canada may as well understand that the people of this country do not intend willingly to submit to the provisions of the British North America Act.

With these observations, sir, I beg leave to

second the resolutions now upon the table of the House.

Mr. PIXEY, in the absence of Mr. Blanchard, laid on the table, by way of notice, several amendments to the resolutions, intimating that Mr. Blanchard would move them regularly when he was able to be in his place. (The amendments will be given at the conclusion of Mr. Blanchard's speech.)

The debate was adjourned.  
The House then adjourned.

TUESDAY, Feb. 11th

The House met at three o'clock

Mr. KIRKSTON presented a petition from N. McInnes, of Inverness, against the return of Hiram Blanchard, Esq., which was laid on the table until Saturday next

#### HON. JIR. FLYNN'S SPEECH.

Hon. E P FLYNN then said.—In rising to address the House on the resolutions which have been introduced so ably by the Hon. Attorney General, I feel that I can add nothing new to a subject which has already occupied so much public attention in this country, and one that has been so thoroughly debated in all its aspects on the floors of the House, in the press, and at every hustings in the Province. I have not the vanity to suppose for an instant that I can invest the question with any novelty, or deal with it with that eloquence exhibited by those patriotic men who have so nobly advocated the interests of the people. The numerous evils resulting to this Province from a union with Canada under the terms of the British North America Act, and the great injustice done to the people by forcing them into a political connection, never sought for or desired by them, have been so clearly illustrated during the recent session of the Dominion Parliament, that I think I would be hardly justified in occupying the time of this House by any lengthy remarks with reference to that part of the subject. But I would be unfaithful to the trust reposed in me, and fail to discharge the obligations I owe to those who have honored me with their confidence by electing me to a seat in this House, nor would I be true to the convictions of my own mind, and the feelings which animate me, if I did not avail myself of this opportunity of recording my most solemn and emphatic protest against the unfairness of the Act of Union, as well as against the oppressive and unconstitutional method by which it was adopted. Notwithstanding what may be said by its advocates to the contrary, I hold that a question of such vital moment, and effecting so complete and radical changes in the institutions of this country, should never have been sanctioned by the Imperial Parliament, without its having had the most conclusive evidence that an unmistakably authentic expression of the popular will in its favor had taken place, when upon former occasions the scheme of Union was discussed in this Legislature. It has been declared that the opponents of Union have failed to adduce precedent or