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 lickspittles of the people of Canada; but showing, 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'-wisps 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. PINEO, 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. KIDSTON 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. MR. 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

authority in proof of the incompetency of Parliament to carry the measure, without submitting it to the people at the polls. But it has always appeared to my mind that it was the advocates of Union who failed to show in the whole history of British and colonial legislation a precedent or authority justifying such a summary destruction of our constitution, not only without our consent, but against our expressed wishes. We are all aware that Parliament possesses unlimited powers whilst acting under the constitution, but whilst admitting that, will any one venture to assert that the Parliament of England has the constitutional right to annex that country to France without the consent of the people? Certainly not. Therefore, how much stronger is the argument when applied to the late Legislature restricted as it was by express statutory regulations, and with powers clearly defined and strictly guarded? Whilst admitting the supremacy of Parliament in all things under the constitution, I deny the right assumed by the members of the last House in bartering away our constitution, and handing to Canada our rights and revenue without our consent. The constitutionality of this question has been handled with much ability by gentlemen on a previous occasion, that I would not feel at liberty to trouble the House at any length on that part of the subject; but there are a few extracts which have come under my observation, which, with the permission of hon. members, I will read to the House. I shall first read from a Speech of the Right Hon. Henry Grattan —

"Parliament is not the proprietor, but the trustee; and the people the proprietor, and not the property. Parliament is called to make laws, not to elect law-makers; it is a body in one branch of delegates, in no one branch of electors, assembled to exercise the functions of parliament, not to choose or substitute another parliament for the discharge of its own duty; it is a trustee, and like every trustee, without a power to transfer or hand over the trust A miserable quibble it is to suppose, because delegated to make law, it has, therefore, a right to make a law to destroy its own law-making, or supersede its own delegation, precluded as it is by the essential nature of its trust from annulling its own authority, and transferring the power of its creator, the society, to another country; it is appointed for a limited time to exercise the legislative power for the use and benefit of the people, and therefore precluded from transferring, and transferring forever, that legislative power to the people of another country; it is appointed, entrusted, created, and ordained, not only to exercise the legislative powers of the society, but also to preserve her rights, and instead of abolishing them by surrendering them to another country, to return them at stated periods, unimpaired, undiminished, to the people from whom it received them."

"The power of the legislative," says Mr. Locke, "being derived from the people by a positive voluntary grant and institution, can be no other than what that positive grant conveyed, which being only to make laws and not legislators, the legislative can have no power to transfer their authority of making laws, and placing it in other hands, the legislative neither must, nor can, transfer the power of making laws to anybody else, or place it anywhere, but where the people have."

"The legislature," says Mr. Locke, "is not only supreme, but sacred and unalterable in the hands in which the community have placed it: though it be a supreme power in every commonwealth, yet it is not and cannot be arbitrary over the lives and fortunes of the people."

Mr. Bushel says: "Indeed it is difficult to give limits to the mere abstract competence of the supreme power, but the limits of a moral competence, subjecting occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible, and perfectly binding on those who exercise any authority under any name or under any title in the state. The House of Lords is not morally competent to dissolve itself, nor to abdicate, if it would, its portion of the legislature of the kingdom. By as strong, or a stronger reason, the House of Commons cannot renounce its share of authority. The engagement and *pact of society* which generally goes by the name of constitution, forbids such innovation and such surrender. The constituent parts of a state must hold their public faith with each other, and with all those who derive a serious interest under their engagement, as much as the whole state is bound to keep its faith with separate communities. Otherwise competence and power would be entirely confounded, and no law left but the will of a prevailing force."

"The collective body of the people," says Bolingbroke, "delegate but do not give up; trust, but do not alienate their right and power There is something which a parliament cannot do; a parliament cannot annul the constitution. The legislature is a supreme, but not an arbitrary power."

"The power of Kings, Lords, and Commons," says Junius, "is not an arbitrary power. They are the trustees, not the owners of the estate. The fee simple is in us; they cannot alienate, they cannot waste. When we say the legislature is supreme, we mean that it is the highest power known to the constitution, that it is the highest in comparison with the other subordinate powers established by the laws. In this sense the word supreme is relative, not absolute The power of the legislature is limited, not only by the general rules of natural justice and the welfare of the community, but by the forms and principles of our particular constitution."

The principles laid down in these extracts seem to be so perfectly in accordance with the British constitution and the dictates of common sense, that I unhesitatingly adopt them as conclusive. Even if the Union were calculated to confer on Nova Scotia all the benefits so flippantly predicted by its advocates and promoters in the last House, they were nevertheless bound to submit the measure to the people for their approval. Had they done so at the proper time, as they

should have done, like honest men and faithful guardians of the trust reposed in them, all the present excitement in connection with the question would have been avoided The men who were chiefly instrumental in passing this Union, have attempted to justify their position and conduct by stating that the people were actually in favor of it. In the discussion of this question, previous to its consideration by the Imperial Parliament, it was asserted by a leading member of this House that the intelligent public sentiment of Nova Scotia was in favor of Union. A more unfounded and deliberately untrue statement was never before uttered in this House. In proof of the untruthfulness of that statement, I need only refer to the elections held last autumn, when we saw the people of every section of the country voting against the Union scheme with an unanimity unparalleled in the history of any country. Such was the hostility manifested by the measure, that out of fifty-seven representatives, only three were returned to sustain it, and those by exceedingly small majorities. So far from the country showing an intelligent public sentiment in favor of Union, it is decidedly opposed to it. Even here in the metropolitan county, where intelligence and wealth are supposed to predominate, and where, it was alleged, the greatest benefits would accrue from the measure, by making Halifax the terminus of the Intercolonial Railway, and as a consequence the Liverpool of British America—five members were returned to oppose the scheme. It has also been stated that the people of this province, in voting as they did, were actuated by a desire to punish the men who denied them the constitutional right to pass upon the measure, rather than by any serious objection to Union itself. The fallacy of this statement is so apparent that it needs no refutation from me Will not the Nova Scotia party in this House bear testimony to the contrary? It is true they punished the men who ignored their rights, and considered them wanting in intelligence to pronounce upon the merits or demerits of one of the most momentous questions ever offered for public consideration It is true, they punished the men who, by an arbitrary exercise of power, deprived them of their constitutional right of self-government, who handed them over to extravagant and profligate Canadian politicians, and gave them the power of exacting from us the necessary funds to carry on their projects or their profligancy; but the political prerogative which gave them the power to punish the barterers of their country's independence, invested them at the same time with the privilege of condemning a union forced upon them by fraud and intrigue—a union that, so long as they remained in it, must leave their commerce, their constitution, and their liberties dependent upon the will and caprice of every Dominion Ministry, and they now demand of us, as their representatives, that we use every constitutional means in our power to release them from the injustice and oppression of an act which in their opinion has neither a legal nor a moral force It has now been most conclusively shown that from the inception of this measure up to the present moment the overwhelming majority of the people have always unmistakably manifested an unconquerable repugnance to it. They clearly saw that in a House of 181 members, their 19 would be powerless to affect anything in their interests; that by this Union they would give up their dearest rights and privileges—their constitution and their liberty—for a wretched modicum in a Canadian partnership, and become dependent upon majorities composed of men who cared nothing about the welfare, sympathized less with the feelings, and knew nothing of the wants, of Nova Scotia. Whilst such are the feelings of the people of this Province, it is impossible that a real and solid union, not depending on an act of Parliament, but upon the mutual interests and the mutual affections of the people, could be permanently established For upwards of a century, both Provinces have advanced from infancy to manhood, under the ægis of the British Crown. We were always willing to entertain and act upon every reasonable proposition for free and unrestricted commercial intercourse, but ever jealous and watchful of our political rights and privileges By a free intercourse of trade, or commercial union, both Provinces might have prospered, without rivalry or jealousy, in separate persons, but having united interests, under the protection of our common parent—the Crown and Government of England Instead of the people of this Province desiring political connection with Canada, they instinctively shrink from it They naturally dreaded a political connection with a country in which they beheld a wasteful extravagance on the part of her public men, and, under a high tariff, annual deficits in her revenue, while they saw their own country, with a low tariff, making rapid strides in commercial and political activity, and having an annually increasing surplus in our revenue, after making the most liberal allowances for our various wants and requirements, and enjoying a degree of prosperity not surpassed by any of the sister Colonies It was stated by the late Financial Secretary in this House, last session, that in ten years we had trebled our revenue without increased taxation—that at the end of every year since 1862, there was a large increase over the income of the preceding year; and this statement we find correct when we compare the Customs revenue of 1856 with that of 1866 In 1856 we had a revenue of $571,588, and in 1866, $1,226,198; from these figures it will be perceived that in ten years we had almost trebled our revenue without adding to our tariff Had this state of commercial activity continued increasing for the next decade, and we have every reason to believe that it would, this Province would have presented a degree of prosperity truly gratifying to every Nova Scotian. But, sir, this forced and unfair Union, while it lasts, forbids us to hope for prosperity and happiness We behold in the future nothing but misery, subjection, and degradation; and because the people seek by constitutional means to free themselves from this vile bondage, they are branded as traitors and rebels—repeatedly has the charge of disloyalty been made against the men who have had the firm-

ness and patriotism to oppose a measure which they clearly saw would be destructive of the liberties of their country. This slander—this calumny, has not been made against the small minority, but against the overwhelming majority of the people of this Province But, sir, it is untrue that the people who oppose this measure are disloyal—for in no part of the British Dominions can be found loyalty and attachment to the Parent Country of so pure and genuine a character as that for which the people of this Province have ever been distinguished Our loyalty is of that nature which flows from the heart without effort. It is to preserve that loyalty in all its purity untainted and unsullied, that they now seek to be freed from a degrading vassalage, which daily tends to alienate us from allegiance to the British Crown.

The British Parliament, press, and people, were deceived by the false representations made to them, as appears by the preamble to the Imperial Act; and without giving the measure that careful and deliberate consideration its magnitude demanded, it was hurried through the Legislature, assuming, as we are led to believe, from reading the preamble, that the people of this Province desired to be confederated to Canada. But, sir, never was falsehood more glaring and unqualified than that which the preamble contains. Am I not fully borne out in this assertion when I look around these benches, and out of thirty-eight gentlemen, see thirty-six who have been sent here by men of every shade and hue of political opinion to declare to the British Parliament that the preamble to this Act of Union is false; and that so far from the people desiring to be confederated, they loathe and detest the measure, and now eagerly long to be released from the grievances to which it subjects them. The advocates of this wrong and spoilation perpetrated on their country, (who fortunately are few), endeavor to make the people believe that their efforts for a repeal of the Act will be unsuccessful. That we shall be told by the British Parliament they can do nothing for us—that we must remain in this Union; or, as they term it, accept the situation.

But, sir, I entertain a strong opinion to the contrary , let us address the British Parliament in language conveying the sentiments embodied in the resolutions submitted—"Deceived by fraud and misrepresentation, and from a reckless disregard of our repeated and emphatic protests, you have done us, the most loyal dependency of the British Crown, a great and serious injury. We have, by the result of the recent elections, convinced you of the great injustice done us, against which we warned you by our press, our delegates, and our petitions, we now most respectfully but firmly demand redress at your hands We do not approach you in the attitude of crouching slaves, begging some trifling instalment of libery, but as British Freemen, citizens of a hitherto free and happy country, acknowledging no authority but the Crown and Government of England. We desire you to relieve us from the baneful operations of the recent Act of Union, and restore us to the full enjoyment of our former constitutional rights and privileges. as a free sovereign and independent people, saving our allegiance to the British Crown."

Yes, Mr Speaker, I am convinced that when we thus address them in language at once firm and differential, and when the merits of our case are clearly placed before the British Government, Legislature, and people, we shall not fail to secure that measure of redress which it is the traditional policy of Britain to concede when a proper case is made out

MR. BLANCHARD'S SPEECH.

Mr BLANCHARD said —Labouring as I do under physical pressure of no ordinary character, I cannot be expected to make any very lengthy remarks, but I feel compelled to ask your attention for a short time, whilst I endeavour to lay before this House and country the facts and circumstances connected with this question, and defend as far as lie in my power the resolutions which I understand was laid yesterday on the table by my hon friend (Mr Pineo). Before proceeding, however, to this question, I owe it to the position which I occupy in this House, to make some explanations connected with some remarks that were made here a few days ago It will be remembered that some discussion took place between the Attorney General and myself respecting the formation of the present government. I stated that I would apply to His Excellency the Lieutenant Governor for leave to declare to this House and country the circumstances under which the present government were formed, and who it was had advised sending for Mr. McHeffey. I did this in consequence of a statement made by the hon. member for Hants and the hon Attorney General, that it was to be presumed and that this country was bound to presume, that, in the absence of a denial from myself, I advised the step in question. Although I regret very much that I am not at this moment at liberty to declare under what circumstances and by what advice the hon Mr. McHeffey was sent for, yet I feel free to read the following correspondence between His Excelleney and myself:

A few days ago I addressed the following letter to His Excellency on the subject :—

HALIFAX, Feb. 6, 1868.

To His Excellency Major General Doyle,
Lieut Governor of Nova Scotia, &c , &c

The Attorney General and one of the members for Hants have asserted in their places in Parliament that it was probable that Mr McHeffey had been sent for to form the present Government by my advice,—

Knowing that there is no foundation for the statement, I yet feel that I am restrained by my oath of office from disclosing the real facts of the case,—

I beg leave therefore most respectfully to request that your Excellency would so far release me from this obligation as to enable me publicly to state such circumstances as came to my knowledge on the subject referred to while I held the office of Attorney General and leader of the late Government.

I have the honor to be,
Your Excellency's most obdt. servt.,
HIRAM BLANCHARD.

To the foregoing letter I received the following reply :—

GOVERNMENT HOUSE,
Halifax, 7th February, 1868

SIR,—

I am directed by His Excellency the Lieutenant Governor to acknowledge the receipt of your letter of the 6th instant, and to state to you in reply that His Excellency regrets that he does not feel at liberty to comply with the request you therein made to him, as he considers that by so doing he should establish an inconvenient and improper precedent

I have the honor to be,
SIR,
Your obedient servant,
HARRY MOODY

Hiram Blanchard, Esq., M P. P

Now I shall say nothing on the subject of the precedent referred to, although I believe it has been done before, and very recently in Canada; but His Excellency, in declaring that I was not at liberty to make any disclosures as to what occurred, shows that the Attorney General was entirely wrong in the statements he made on the occasion referred to To have declared, as the Attorney General said I was at liberty to declare, the circumstances and facts of the advice which I had given to His Excellency—supposing I gave any at all—would not have been proper for me, for His Excellency regrets that he is obliged to refuse me the required permission.

Now, before I come to the subject of the resolutions, let me ask the attention of the House for a few moments to one or two statements that have been made by the hon. member for Richmond. I must say, in all justice to that hon member, that he has acquitted himself as I expected he would—with credit and respectability He has not indulged in any personal allusion or hard hits at myself He has brought forward his arguments, and with his manner and temper I am entirely satisfied. He spoke of the county and city of Halifax in connection with the result of the recent elections He said that the city of Halifax, notwithstanding it was expected to become the Liverpool of the New Dominion, had returned five members against Union Now, as I am instructed, the city of Halifax proper gave a considerable vote in favor of Union If that be so, then let it never be said again that there is not a majority of the respectability, weight and influence of the city of Halifax in favor of Confederation If the centre of influence, intelligence and wealth has given such a response, then let not the assertion be repeated that all the merchants and bankers of Halifax are opposed to the Union of British America.

Before going any further I will ask the government to allow me to add a clause to the amendment which has been laid on the table. Now, it is not too much to say, and I would be very sorry to state, that the Attorney General does not possess a large amount of legal ability, and considerable knowledge of the constitutional law of this country. I am sorry that I am obliged to attach to him the paternity of a string of resolutions such as I do not hesitate to say were never before put upon the table of any Colonial Legislature. They contain statements of constitutional law utterly at variance with the history of Great Britain during the last two hundred years, and if, before I am done, I do not convict him and the government which he leads in this House by the authority of statesmen as much superior to him as it is possible to be, of having brought forward a set of resolutions opposed *toto cœle* to the whole constitutional law of Great Britain, then I say that I shall egregiously fail in what I have undertaken These resolutions, I have said, do not contain what, in my opinion, is the constitutional law of this country Speaking, as I do, for the Confederation party in this Province, I would be very sorry to see one word or line of these resolutions altered I hope they will be laid at the foot of the Throne just as they are now. I hope, when they are so laid, they will be accompanied by the resolutions which I have been obliged to prepare hastily in the condition in which I have been for some days past, as the expression of the opinion of the minority of this House, small though it may be.

In the first resolution we are told "that the members of the Legislative Assembly of this Province, elected in 1863, simply to legislate under the Colonial Constitution, had no authority to make, or consent to, any material change of such constitution, without having first submitted the same to the people at the polls" I undertake to say that this is the first time outside of Nova Scotia in the history of any legislative or deliberative assembly under the British constitution, that such a doctrine of constitutional law has ever been laid down. That question was discussed at the last session of this legislature. Authority, able authority, was brought down by Mr Archibald, controverting the statement in the most conclusive manner, and not a single gentleman belonging to the late opposition was able to support the position he took by a single precedent, or even by a dictum of any man who is looked upon as a great authority. Even at the risk of repeating what I said last winter, I will remark on what is the meaning of an appeal to the people. In the adjoining Republic there is a machinery by which an appeal to the people can be carried out. If a question is submitted to any legislature. whether State or General, and it be thought necessary to obtain the assent of the people—and remember the country alongside us is an unmixed democracy—what is the course pursued? They send to the people to hold a convention on the subject before the legislature meets, and they are expected to vote aye or no The convention meets—it is not called upon to express an opinion upon any other subject except the one submitted to it. Suppose the convention decide that this change in the constitution should be carried out, what then Does the legislature take that as the opinion of the people? No, they send it again to the polls, and have the popular voice upon it Every man is given a ballot ticket, on which he records his vote. Finally this vote is counted, and the popular feeling is thereby ascertained. Have we any such machinery as that? Did

anybody ever hear of such an arrangement under the British Constitution? When the hon. Attorney General can convince the Government and Parliament of Great Britain that the Republic of the United States is the only model upon which we must form our constitution, then he can expect them to pay any attention to these extraordinary resolutions

But we are British subjects, and such a thing as an appeal to the people at the polls, under such circumstances, was never heard of since the time of the Magna Charta I ask the Attorney General to rise, in his place, and show us a precedent in British history, if he can I ask the hon. member for Annapolis to rub up his knowledge of English history, and then come here and give us an example where any great statesman of Great Britain, since the time of Magna Charta thought it wise to dissolve the Legislature whilst the government could carry on the business of the country. Sir Robert Peel will be acknowledged as having been one of the greatest statesmen of his times, and what has he told us? He had given the Reform Bill his most unremitting opposition, but after it was carried, what did he say? Did he say, "The people are against, and we must repeal it." Speaking after his election, to the electors of Tamworth—in the presence of the whole nation—he said that the measure which he had fought against, inch by inch, having been carried, the man who would venture to appeal to the people in reference to a question which had been settled by Parliament, was an enemy to his country. He accepted the situation—he acknowledged that the only constitutional mode of proceeding was through the Parliament of the country.

Sir Robert Peel, on the subject of Catholic Emancipation, has said, and I am now reading from his speeches

"He had no notion of the prejudices of the people overruling the deliberations of the Legislature. The Parliament was better able to form a just opinion upon questions of this nature than the uninformed, and whatever might be the opposition which Parliament might experience, it was still bound to set an example of justice and wisdom; that being done, he was sure the people would soon coincide in their decision."

Further on he says:

"With respect to the general question, he had on so many occasions stated his deliberate opinion upon it, that he felt it scarcely necessary to do more than refer to what he had repeatedly stated, and to declare his firm adherence thereto. He considered it an important question in point of policy (dismissing the questions of justice and good faith) as it affected the general constitution of the country, and with reference to its bearing on the prosperity of the Empire. With respect to the first, he must say he thought the removal of all civil disabilities, and the laying down of the principle that there should be no distinction in respect to religious opinions, and no barrier between a Professor of the Roman Catholic faith and that of the Protestant Established Chuch, *was a material change in the constitution of the country*. . . . . If the constitution were to be considered the King, Lords and Commons, it would be subverting that constitution to admit Catholics to the privileges they sought; it would be an important change in the state of the constitution as established at the Revolution."

I give this to show that Sir Robert Peel looked upon Catholic Emancipation as a most important and material change in the constitution of Great Britain. He goes on to say:

"I know that it has been said that in 1826 there had not been sufficient warning. No, forsooth, we ought to have aroused the country by the cry of 'No Popery." Never, sir, never, under any circumstances. *The Parliament, and the Parliament alone, will I ever acknowledge to be the fit judge of this important question.* The people at large may express their feelings and opinions, and they should always be received with deference, but, sir, we are not bound to conform to those opinions, or to refer to their decision questions affecting the general interests of the country, or which it is the peculiar province of the Parliament to decide"

Catholic Emancipation was carried to the glory of the British people, and has ever since remained one of the principles of the British constitution. What did Sir Robert Peel say when it was passed? The Legislature has fixed it upon this country, it has become part of the constitution under which I and every gentleman who is seated here lives, and we are bound to submit. Are we then to be told by the Attorney General and Government of Nova Scotia that our Parliament has no power to affect any change in the constitution. Further on Sir Robert Peel says:—

"As to the appeal to the country, let him ask hon. members to consider whether it would be wise to set such a precedent as to declare their own incompetency to legislate upon any question which the Crown may think proper to submit to their consideration? Would they so far stultify themselves as to begin to consider what questions they were competent to debate? Supposing they were to make such an appeal to the country, how many questions do they think would rise thereafter, in which it would be said to them:—'There is a precedent set you by the Parliament of 1829 which dissolved itself, because it felt itself incompetent to act, and you follow its example?' I deny, sir, the necessity for making such a precedent. No; we will not stultify ourselves so much as to say *that we are not supreme as to every measure of legislation which may come before us*"

The gentlemen opposite should go and sit at the feet of British statesmen and learn the true principles of English constitutional law, before they come here and make the declaration which they do. I do not mean to say that the Attorney General is not as capable as myself of explaining constitutional law, but I ask them in all seriousness before they ask this House to forget that they are British subjects—to swallow what I feel confident they will be only too glad to disgorge at some future time—before they make themselves the laughing stock of British America, I ask them to pause. I now come to the speech of the same great statesman on another important question. I will ask the House to recall

the history of the Corn Laws of Great Britain. I shall not go into a lengthy history of this question, but everybody knows that Sir Robert Peel had opposed the abolition of the Corn Laws for a very considerable period. He did so while he was leader and premier of the British Ministry; and after a long discussion on the subject he thought it necessary to change his opinion. Who does not know that when the measure was passed he was attacked in a style which is not often heard in any legislative body. He was exposed to a merciless storm of vituperation, and when nothing seemed to avail his enemies called upon him to dissolve the House and appeal to the people. Then Sir Robert Peel laid down the doctrine that whilst he could carry on the affairs of the country nobody had a right to dissolve the House. He said:

But my honorable friend says he did not object to it as impeding the formation of a protection government, but as preventing a dissolution, and my honorable friend and others have blamed me for not advising a dissolution of Parliament. In my opinion, it would have been utterly inconsistent with the duty of a Minister to advise a dissolution of Parliament under the particular circumstances in which this question of the Corn Law was placed. Why should it be so utterly impossible for this Parliament to deal with the present proposition? After the election in 1841, this Parliament passed the existing Corn Law, which diminished protection, this Parliament passed the tariff destroying altogether the system of prohibition with respect to food; this Parliament passed the Canada Corn Bill; why should it exceed the functions of this Parliament to entertain the present proposition? But upon much higher ground I would not consent to a dissolution. That indeed, I think, would have been a "dangerous precedent" for a Minister to admit that the existing Legislature was incompetent to the entertainment of any question, that is a precedent which I would not establish. Whatever may have been the circumstances that may have taken place at an election I never would sanction the view that any House of Commons is incompetent to entertain a measure that is necessary for the well being of the community. If you were to admit that doctrine, you would shake the foundations on which many of the best laws are placed. Why, that doctrine was propounded at the time of the union between England and Ireland, as it had been previously at the time of the union between England and Scotland. It was maintained in Ireland very vehmently, but it was not maintained in this country by Mr. Fox. It was slightly adverted to by Mr Sheridan at the time when the message with regard to the union was delivered. Parliament had been elected without the slightest reason to believe it would resolve that its functions were to be fused and mixed with those of another Legislature, namely, the Irish Parliament, and Mr. Sheridan slightly hinted it as an objection to the competency of Parliament. Mr Pitt met that objection at the outset in the following manner. Mr Pitt said —"The first objection is what I heard alluded to by the honorable gentleman opposite to me, when His Majesty's message was brought down, namely, that the Parliament of Ireland is incompetent to entertain and discuss the question, or rather, to act upon the measure proposed without having previously obtained the consent of the people of Ireland, their constituents. This point, sir, is of so much importance that I think I ought not to suffer the opportunity to pass without illustrating more fully what I mean. If this principal of the incompetency of Parliament to the decision of the measure be admitted, or if it be contended that Parliament has no legitimate authority to discuss and decide upon it, you will be driven to the necessity of recognizing a principle the most dangerous that ever was adopted in any civilized state, I mean the principle that Parliament cannot adopt any measure, new in its nature and of great importance, without appealing to the constituent and delegating authority for direction. If that doctrine be true, look to what an extent it will carry you. If such an argument could be set up and maintained, you acted without any legitimate authority when you created the representation of the Principality of Wales or of either of the counties palatine of England. Every law that Parliament ever made, without that appeal, either as to its own frame and constitution, as to the qualification of the electors or the elected, as to the great and fundamental point of the succession to the Crown, was a breach of treaty and an act of usurpation." Then Mr Pitt asked, if they turned to Ireland herself, what would they say to the Protestant Parliament that destroyed the exclusive Protestant franchise, and admitted the Roman Catholics to vote without any fresh appeal? Mr Pitt went on:—

"What must be said by those who have at any time been friends to any plan of parliamentary reform, and particularly such as have been most recently brought forward, either in Great Britain or Ireland? Whatever may have been thought of the propriety of the measure, I never heard any doubt of the competency of Parliament to consider and discuss it. Yet I defy any man to maintain the principle of those plans without contending that, as a member of Parliament, he possesses a right to concur in disfranchising those who sent him to Parliament, and to select others, by whom he was not elected, in their stead. I am sure that no sufficient distinction, in point of principle, can be successfully maintained for a single moment; nor should I deem it necessary to dwell on this point in the manner that I do, were I not convinced that it is connected in part with all those false and dangerous notions on the subject of Government which have lately become too prevalent in the world." Mr Pitt contended therefore, that Parliament had a right to alter the succession to the Throne, to incorporate with itself another legislature, to disfranchise its constituents, or associate others with them. Why, is it possible for a Minister now to advise the Crown to dissolve Parliament on the ground that it is incompetent to entertain the question what this country shall do with the Corn Law? There could not be a more dangerous example, a more purely democratic precedent, if I may so say, than that this Parliament should be dissolved, on ground of its incompetency to decide any question of this nature. I am open to the charge, therefore, if it be one, that I did advise Her Majesty to permit this measure to be brought forward in the present Parliament.

I ask gentlemen now to pause and consider the doctrines laid down by these great constitutional authorities, which are to be found in the Legislative Library—that Parliament is paramount in these matters, and has the power of carrying them out. Let us not hear gentlemen endeavoring to introduce the American democratic system into this British dependency, whose glory it should be that its constitution is based on that of free England. I have shown you that at a time when the principles of the American and French revolutions were instilled into men's minds, Sir Robert Peel came forward and said: never shall we go contrary to the principles of our constitution, and adopt the democratic idea; we believe now, as we have always believed, that Parliament itself is supreme.

Under those circumstances I appeal to this House, and ask them whether they will reconsider the position in which they stand. It is possible that after proper consideration they may see the absurdity and folly of placing on record such resolutions as those that have been introduced. Now I ask the hon. Attorney General whether the House of Commons was elected for the consideration of the question of Catholic emancipation. We all know that it was not. Sir Robert Peel admitted as much, but he and his friends in a statesmanlike manner opposed any attempt

to tell the people of England that the Parliament should go back and ask their advice in reference to a great constitutional change. The Corn Laws of Great Britain prevented any corn being imported into the kingdom except it was subject to a large duty. The duty was intended to protect the agricultural interest of Great Britain, which has always been so very powerful in that country, that it would not have been surprising if the Corn Laws had remained many years longer a motive of continual agitation.

Sir Robert Peel, acknowledging the face of the opinions in favour of the abolition of these corn laws, came forward and moved in the matter. Who has ever been found in the British House of Commons to get up and declare that Sir Robert Peel did not strictly adhere to the principles of the British constitution in the course he pursued. He carried triumphantly through the House of Commons this important measure, which has ever since remained untouched. If Sir Robert Peel could do that, was not this Legislature in a position to carry the measure submitted to it Sir Robert Peel has emphatically told us that Catholic Emancipation was an alteration in the constitution. Before the passage of that measure, no man could occupy any position in the Government of Great Britain unless he was a Protestant and took the oath of supremacy; that was as much a part of the British constitution as the House of Lords itself. To the honor of Nova Scotia be it said, that some time before Great Britain broke down that principle, this Parliament came forward and allowed Catholics to sit in the Legislature.

What more, sir? What did the British Government do in 1820? The Island of Cape Breton possessed a separate constitution; it had a Governor and a Government of its own independent of the Province of Nova Scotia The House of Commons came in and by a single Act, containing perhaps not a dozen lines amalgamated the island with Nova Scotia. The island was given only two members in a Legislature of 40 men. Who, then, ever heard of the people of Cape Breton being granted an appeal? Who ever heard that this law was not binding upon the people of the Island. They resorted to every constitutional means to repeal it. It may be added that Cape Breton had no Parliament of its own, and without being consulted in any measure it was annexed to the adjoining Province. Representing as I do one of the most flourishing counties of the Island, I undertake to say that you will not find a man from one end of Cape Breton to the other, who would now ask for a repeal of the Union. There were some Repealers for a few years, but now they are as scarce as I think Repealers of the larger Union will be in this Province twenty years hence.

I feel that I am speaking here not simply in the name of Cumberland and Inverness, but in that of the great Confederate party of Nova Scotia, and I regret it that they are so inadequately represented here. What was the original constitution of this country? There were forty gentlemen sitting here then. One of the fundamental principles was a representation of forty men, and those selected for the most part from particular localities. A few townships, such as Falmouth, absorbed a large portion of the representation in the Assembly. The Legislature stepped in and handed a portion of that representation o Cape Breton. Was it then urged that the township of Falmouth, and other places affected, should be consulted—that there should be an appeal to the people before the representation was interfered with? The constitution of the country was then invaded in a high-handed manner, if we are to believe the doctrines of the hon. gentleman, by the Legislature of that day. But what more? At the close of the Parliament in 1858, a bill was brought in altering the representation of this country. That measure was passed through this Legislature, although it was a material change in the constitution, without a word being said about an appeal to the people. This measure was strongly opposed, but did its opponents say that the measure was unconstitutional when they came back here? No one was ever heard to declare that law was unconstitutional, and attempt to repeal it. We sat here from 1859 to 1863, and at the close of our legislative career what did we do? I had then the honour of following the leadership of Mr. Howe, and assisting him in forwarding measures which I believed were for the best interests of this country. A bill was passed in 1863 again, to touch the representation of the country—to cut Inverness into two parts, and make other changes; but who then heard the argument that it was unconstitutional because the people had not passed on it at the polls? I may be told bye-and-bye that the measure did not touch the constitution of the country. Did not the opposition of that day feel that it was a deliberate attempt to alter our constitution? They succeeded in defeating it, it will be remembered, in the other branch of the Legislature. What more? Did we go further than that? We passed a measure—one which I hope will continue to be the law of this country for a long time to come. We came in elected on universal suffrage; I came in myself by a vote of 5 or 6000 people. By one swoop we swept out of existence what was then considered to be one-third, but which is now known to be one-fourth of the constituency that sent us here. No member of the Legislature has ever had the hardihood to come in and ask that it be repealed. Did any man get up and say that the Legislature was exceeding its power? Will any one say that that Act was not binding upon the people of this country. It is true we were prevented from having that Act carried into effect at that general election, but that does not affect my present argument.

I have given you what I consider to be a very high authority on the power of Parliament in connection with the passage of the Reform Bill and the Catholic Emancipation Act in Great Britain. What more? Who does not know that Great Britain, for many years, has been divided into two parties—that the Whig and Tory, or Liberal and Conservative parties, have been the two great contending parties? From time to time one of these parties has managed public affairs.

It is within the memory of everybody that very recently a Reform Bill was brought into the English Parliament That was certainly "a material change" in the constitution. How many tens of thousands did the measure add to the electors of Great Britain? That measure was brought into the Commons, but who, reading the records of that body, will find the argument used that an appeal should be made to the people? That bill was defeated by whom? By the Conservative party, Mr. Disraeli at its head They opposed it on the ground that it was too democratic and republican a measure The Ministry changed hands, and what then? Did the Ministry who came into power then dissolve the Parliament? No sir They said they would go on with the public affairs, and they did so What more? A few months ago we saw introduced into the House of Commons a Reform Bill, the democratic character of which was infinitely beyond that previously defeated Not a single word about a dissolution was said I ask the House and country, then, if I have not submitted authorities which fairly answer the resolutions which have been submitted? The Government may have made up their mind to pass these resolutions, but I trust there are gentlemen here prepared to deal with the question on its merits, and not willing to be led away by claptrap

I was unfortunately unable to attend yesterday, and therefore I hope if I misquote anything said by the Attorney General that you will allow me to be corrected through you, sir But having obtained notes of certain remarks that were made from the most reliable information, I shall endeavor to deal with the question as well as I can I understand that the Attorney General yesterday told the House that his remarks were made after the fullest deliberation. Under these circumstances we must expect that the hon gentleman would not make any statement that he was not able to defend One of his statements was, I am informed—one which went through the whole substratum of his speech—that this Colony is in a different position from any other in regard to its constitution

Hon. Attorney General—I did not say that.

Hon. Speaker—It would be better if the hon. gentleman would confine himself to what he has heard himself

Hon Attorney General—I may mention to the hon gentleman that my speech is now in press.

Mr. Blanchard—I cannot, however, resist the temptation of noticing one or two points in the hon gentleman's observations I think that I know something about the chartered constitutions of these countries—that I am aware of the differences between a conquered country and one settled originally by Englishmen When Englishmen settled in any country they carried with them the laws and constitution of the parent State—they continued to possess the rights and privileges of Englishmen. The Attorney General said that this Province was given to Queen Anne and her heirs forever What does that mean Was it given for her own use? No; all her rights were subject to the authority of the British Parliament and constitution. This Province belongs to Her Majesty, but no more than any county in England. The Queen alone, it is true, can give any authority over the lands of the country. By her royal authority and letters patent she confers upon any person whom she may choose any portion of the territory, subject to certain conditions. I unhesitatingly affirm, however, that this country is no more the property of Queen Anne than any part of England, Ireland or Scotland

But I admit this, and I would be sorry to deny it, that if the Sovereign choose to grant a particular authority to any part of the dominions to establish Courts of Justice or Courts of Parliament, that authority is irrevocable We have been told that with regard to a certain Island it was said that the King having given to a nobleman authority to govern by an Assembly, and the authority being altered, the Lords of the Privy Council decided the alteration to be void. Admitting for a moment, for I have been unable to find the case, that there has been a decision that some act of the King of England, in reference to the constitution of a colony was invalid, I ask the Attorney General to find me a case in which the Lords of the Privy Council ever dared to say that an Act of Parliament was void I challenge any lawyer in the country to find a case in British records from Magna Charter to the present hour, in which any Judge or any body of Judges ever dared to say that an Act of the British Parliament was void No such case can be found, for such a decision would strike at the root of the authority under which Parliament exists. When we go to the neighboring republic we see that in view of the democratic leanings, and a desire to avoid the extreme measures to which the legislature might be led, there is given to the Judges of the Supreme Court, when an Act is passed in direct contravention of the constitution, authority to say that that Act is void But not a line can be quoted from any British Judge or Court to show that an Act of Parliament is not binding on all the people in the country. I undertake, therefore, to say that the Attorney General put upon his resolutions a statement which all the Judges of Great Britain combined would not venture to make, for I repeat that no authority in the realm ever declared that any Act, no matter how tyrrannical and insulting to the feelings of the country was void. In every such case the people must submit until, by constitutional means, they obtain the repeal of the enactment. It was said that Nova Scotia was ceded to Queen Anne and her heirs forever. I recollect when I was a boy hearing that some gentlemen, calling themselves Baronets of Nova Scotia, had come to the British Parliament and said that Nova Scotia belonged to them because some Queen or King had given them a grant of this Province They were only laughed at for their pains, but there was about as much sense in those gentlemen saying that the country belonged to them, as to say that it belonged to the Queen or King in her or his personal right. This country is not the private property of the Sovereign. The Atty.

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. SECY. 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. SECY 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. KIDSTON 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 PINEO presented a petition from D McPhee, a ferryman, asking remuneration for boats which were lost in a heavy storm.

Mr. NORTHUP 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 Turner, 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. PINEO 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. Balcam 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.—