

DEBATE ON RESOLUTIONS

RELATIVE TO

REPEAL OF THE "BRITISH NORTH AMERICA ACT,"

IN THE

HOUSE OF ASSEMBLY OF NOVA SCOTIA,

SESSION 1868.

Hon. Mr. WILKINS, Attorney General, moved the following Resolutions on the subject of Confederation, in the House of Assembly, on the 5th February:—

"That the members of the Legislative Assembly of this Province, elected in 1862 simply to legislate under the Colonial Constitution, had no authority to make or consent to any material change of such Constitution, without first submitting the same to the people at the polls

"That the resolution of the 10th April, which preceded the enactment of the British North America Act, is as follows

"Whereas in the opinion of this House it is desirable that a Confederation of the British North American Provinces should take place

"Resolved therefore, That His Excellency the Lieutenant Governor be authorized to appoint Delegates to arrange with the Imperial Government a scheme of Union which will effectually ensure just provision for the rights and interests of this Province, each Province to have an equal voice in such delegation, Upper and Lower Canada being for this purpose considered as separate Provinces

"This was the only authority possessed by the Delegates who procured the enactment of the Act for the Union of Canada, Nova Scotia and New Brunswick

"That even if the House of Assembly had the constitutional power to authorize such delegation, which is by no means admitted, the foregoing resolution did not empower the Delegates to arrange a Federal Union of Canada, Nova Scotia and New Brunswick, without including in such Confederation the Colonies of Newfoundland and Prince Edward Island.

"That no delegates from the two last named Colonies having attended, and an unequal number from each of the others being present, the delegation was not legally constituted, and had no authority to act under the said Resolution, which expressly required each of the Colonies to be represented by an equal number of delegates

"That the delegates did not ensure just provision for the rights and interests of this Province, as they were by the express terms of such Resolution bound to do in arranging a scheme of Union, but on the contrary they entirely disregarded those rights and interests, and the scheme by them consented to would if finally confirmed, deprive the people of this Province of their rights, liberty, and independence, rob them of their revenues, take from them the regulation of their trade, commerce and taxes, the management

of their railroads and other public property, expose them to arbitrary and excessive taxation by a Legislature over which they can have no adequate control, and reduce this free, happy and self-governed Province to the degraded condition of a dependency of Canada.

"That no fundamental or material change of the Constitution of the Province can be made in any other constitutional manner than by a statute of the Legislature, sanctioned by the people, after the subject matter of the same has been referred to them at the polls, the Legislature of a colonial dependency having no power or authority implied from their relation to the people as their legislative representatives to overthrow the Constitution under which they were elected and appointed.

"That the scheme of confederating Canada, New Brunswick and Nova Scotia was never submitted to the people of this Province at the polls before the 18th day of September last, upwards of two and a half months after the British North America Act was, by the Queen's Proclamation, declared to be in force, when the people were thereby informed that they had been subjected without their consent to the absolute dominion of more populous and more powerful colonies, and had lost their liberty.

"That there being no statute of the Provincial Legislature confirming or ratifying the British North America Act, and the same never having been consented to, or authorized by the people at the Polls, nor the consent of this Province in any other manner, the preamble of the act reciting that this Province had expressed a desire to be confederated with Canada and New Brunswick is untrue, and when the Queen and the Imperial Legislature were led to believe that this Province had expressed such a desire a fraud and imposition were practised upon them.

"That the truth of the Preamble of the British North America Act, reciting the desire of Nova Scotia to be confederated is essential to the constitutionality of the Statute, and if the same is false the Statute is defective, because a Statute cannot be rendered constitutional by assuming as true the condition which is indispensable to its constitutionality.

"That from the time the scheme of Confederation was first devised in Canada until it was consummated by the Imperial Act in London, it was systematically

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kept from the consideration of the people of Nova Scotia at the polls, and the Executive Council and Legislature, in defiance of petitions signed by many thousands of the electors of this Province, persistently and perseveringly prevented the same from being presented to the people.

"That at the recent election the question of Confederation exclusively occupied the attention of the people who were then for the first time enabled to express their will on a subject of the most vital importance to their happiness, and the result has proved that this Province does not desire to be annexed to Canada, and that the people of Nova Scotia repudiate the enforced provisions of the British North America Act, which, for the reasons set forth in the foregoing Resolutions, they believe to be unconstitutional and in no manner binding upon the people of Nova Scotia.

"That the Quebec scheme which is embodied in the British North America act, imprudently attempted to be forced on the people of Nova Scotia, not only without their consent but against their will, has already created wide-spread irritation and discontent, and unless the same be withdrawn will, we fear, be attended with the most disastrous consequences, as the loyal people of this Province are fully conscious of their rights as British subjects, set an inestimable value upon their free institutions, and will not willing-

ly consent to the invasion of those rights or to be subjected to the dominion of any other power than that of their lawful and beloved Queen.

"That the colonies were politically allied to each other by their common relationship to the Queen and her Empire, in a more peaceable and less dangerous connection than under any scheme of Colonial Confederation that could be devised, even on the fairest, wisest and most judicious principles.

"That the people of Nova Scotia do not impute to Her Majesty the Queen and her Government any intentional injustice, as they are well aware that fraud and deception were practised upon them by those who misrepresented the public sentiment of this country, and who, for reasons we will not venture to describe, desired that Confederation might be forced upon this Province without the consent and against the will of the people.

"That an humble address be presented to the Queen, embodying the substance of the foregoing Resolutions, informing Her Majesty that her loyal people of Nova Scotia do not desire to be in any manner confederated with Canada, and praying Her Majesty to revoke her Proclamation, and to cause the British North America act to be repealed, as far as it regards the Province of Nova Scotia."