

aman; but why high for that already? The careful that the and he will find barn in Digby a very evanescent when even he by many of his hat is to be the brone! He is Majesty's Govern- on a correspon- e tells the coun- he Prov. Secy., onths, have the you what will to the doors of ce, whether we calls with ram's hat the answer ok your consti- be infused into ve an immense hat a beautiful s to take place ms. Nova Sco- y as was never trade will be so ind a fifteen per etend, however, we were, our be raised.

ph of the Prov. in I should like ted delay, but I le hon. member to him to say es under which r was interrupt- ed by anything ut while adv- all earnestness, others made, and t of place. He as repeated by of England was nancipation and but that these es of the people. se in which the re the people of c Emancipation b had control of y public office, Sovereign could estants of Great there were no ne constitution. nized as a part ved of the rights , therefore, of extension of the a curtailment of n large additions cies, the powers d the franchise se who engaged than Burke and the measure to constitution as They carried the ver, in spite of people, who were

never asked to vote on the question at the polls. Parliament passed the Act and decided the question by opening their doors and every office in the kingdom save one to the aspiration of every honest Catholic subject. I deny most emphatically that these changes were referred to the people, and that they were not made in opposition to the feelings of the majority of the electors. A reference was also made to the Stamp Act passed to tax the American colonies, and while on that subject I wish to show the distinction between that Act and the Stamp Act recently brought into operation. The Attorney General and others attempted to show an analogy, and tried to make it appear that the existing Stamp Act was passed and enforced by a foreign Parliament. Such, however, is not the case. The first was passed by the Parliament of Great Britain to make the colonies pay a share of the expenses of the war which had just terminated between England and France,—a war in which the colonies had spent some of their best blood, and a share of their treasure. But the whole comparison is done away when we reflect that the existing Act was passed by a Parliament in which we have a voice. Gentlemen may say that it is a small voice and not worth having,—no matter how small it changes the constitutional rule relating to the whole matter. The objection was to "taxation without representation," but we have a representation.

From more than one member here, and over and over again in this discussion, we have heard that the scheme of Union was objectionable, because one of the delegates, while passing through Quebec, attached his name to it on Sunday morning,—it has never been pretended that more than one did it. The deed, of course, was to be regretted, but I can tell gentlemen that there has been more heavy sins than that committed round these benches within the past few days, and it would be well for us all if, when the time approached, for us to leave the world if we had no greater sin to answer for. I can appreciate a due regard for the Sabbath and the propriety of observing it with decorum, but I cannot appreciate this double refining, this straining at a gnat and swallowing a camel. Some of the gentlemen who made this objection committed a worse sin within half an hour afterwards by reviling their neighbors.

(The usual hour for adjournment having arrived, the debate was adjourned and the House adjourned.)

THURSDAY, Feb. 20.

The House met at 11 o'clock.

The adjourned debate was resumed.

Mr. BLANCHARD continued:—I would not, Mr. Speaker, have claimed so much time were it not for the peculiar circumstances in which I am placed. But of the number of gentlemen who spoke at the other side, a good many occupied more than an hour and a half, and to all who spoke I am called upon to reply. I will take care, however, that my remarks this morning shall be brought within a small compass, for I find that I have gone over nearly all that I desired to say. There were one or two points which I omitted yes-

terday in speaking of the finances, and these I will take up first. I shewed the House that the financial statement published yesterday morning, in answer to the calculations of Mr. Johnston, contained two or three gross errors by not taking into consideration the free goods that will be imported.

But there was another error which I omitted to mention, and which was one that such a gentleman as Mr. Jones should not have made. Referring to one item that he mentions, we find him stating that at the present rate of duty cotton warp will not be largely imported. Does not every one know that at this moment cotton warp is only half the price that it was last year? It has come down from 1s. 3d. to 8d. sterling per pound; and yet that gentleman, in charging the duty derivable at fifteen per cent., has not taken notice of the price. The same import of cotton warp that was made last year would cost just half what it did then, and therefore the duty, as compared with last year, will stand at 7½ per cent. Yet that gentleman, actuated, no doubt, by a desire to make the matter look as bad as possible, has calculated the duty as being payable on the same quantity and at the same price. There is also a very large reduction in the price of all cotton goods, and yet Mr. Jones takes no notice of this.

The hon. member for Colchester (Mr. Chambers), who dwelt upon the tariff, must have been aware of these facts. I have no doubt he does not like that the whole country should know them, and would prefer that his customers should not know that cotton and cotton warp has fallen nearly 100 per cent. It was said in course of the debate that it was never intended or expected that the delegates would have taken any action in England that would bind this country—that they were merely to have gone home for consultation, and to have returned with a scheme for ratification by this Parliament. That statement has gone from lip to lip, but I hold in my hand a public declaration made by the leader of the Government at the time when the resolution passed. In 1866, in reply to Mr. Annand, Dr. Trupper made this explanation, which is to be found on page 224 of the debates:—

"Hon. Provincial Secretary, in reply to a remark from Mr. Annand, said that the passage of the resolution would enable a scheme of Union to be given effect to by the Imperial Parliament, but that one of the conditions would be that the existing Legislatures would not be interfered with, and would continue to sit for the term of their election."

I ask whether, in the face of this declaration, it can be said that the country was deceived, and that the delegates were not given complete authority? The only reservation was that the existing Legislature should not be dissolved until the period of their existence had expired. In the face of this declaration given to the country, how can the complaint of deception be made? The resolution itself was as plain as it could be written; but to prevent the possibility of a misunderstanding, the leader of the Government, in distinct and unqualified terms, declared that the

delegates would ask the British Parliament to pass the Act. But we have heard that this Act of Union has never been recognized by this Legislature. What was the fact? Did not the delegates come back after the Act had received Her Majesty's assent, and give the country to understand that nothing but the Queen's Proclamation was necessary to carry the measure into effect. This Legislature, furthermore, by the first Chapter of the Acts of 1867, recognized the British North America Act as positively as if it had re-enacted it clause by clause, accepting entirely the condition of affairs.

Hon. ATTY. GENERAL:—The name of the Act is not on our statute book.

Mr. BLANCHARD continued:—What, then, is the meaning of the Act providing that the whole public system should be altered? What was the object in changing the members of the Legislature if the Act was not recognized? But the ninth clause of the chapter which I referred to mentions the British North America Act in terms recognizing it as the law of the country, and providing how the Legislature shall be controlled after it comes into operation. Notwithstanding that we have two laws of our own Legislature, based upon the Union Act, we are told that the country was deceived and betrayed, and never contemplated the passage of the measure. I shall wait with anticipation to hear what the Attorney General will reply to that branch of my argument. If time permitted, I should like to have gone into an examination of the amendments which I have laid on the table, because I believe them to contain a genuine exposition of constitutional law so far as I have been able to embody it in the advocacy of what I conceive to be the true state of the question. I prepared them with that view, and I invite the Attorney General to take them as a body or singly, and to show to the country where I have made a false statement, taken wrong views, or misstated the law. I will not go over them, because I have already occupied considerable time, and I do not believe in the advantage of very long speeches.

Some members have noted the despatches as though the Colonial Secretary had required the measure to be submitted to the people. That course, I venture to say, was never contemplated. The directions from the Colonial office were that the matter should be referred to the legislatures, and by the legislatures the scheme was passed. Whether the members of the Parliament of Nova Scotia betrayed their trust, or not, is another question. I am not here as their defender, but I might reply to the taunts which have been used by saying that the men who were here then were equal, if not superior, to those who are here now; not only in point of talent and ability, but in honor and patriotism. For my own part, I feel no reason to be ashamed of the position I occupied, for two reasons: I acted in accordance with the convictions of my mind, and I was associated with gentlemen for whose character, talents and opinions I had no reason to blush, however much abuse may since have been thrown on them by gentlemen who will sit here for many a day before they earn for themselves the name and fame possessed by them. The hon. member

for Sydney took delight in attacking Mr. Bourinot, who, when he was here, was well able to take his own part; and the hon. member for Colchester attacked his former colleague, attaching to him the name of "smooth bore." I cannot say that I admire either the good taste or delicacy shown by thus attacking absent men. Some men are very bold when the enemy is not in sight. But if we are to be bored by anything I should prefer that it be by a "smooth bore," rather than anything else, but Mr. Archibald's smoothness is of the kind of which I should like to see more here; and if bored at all that the operation should not be performed by such dull and worn out pod augers as we have here. The public character of those men is before the country, and they need not fear the verdict of futurity.—I therefore feel that to make myself their champion would be going beyond what is necessary. I wish, however, that some of them were here for a little while, for if they were, some of those who have been so free in talking of "treachery" and "smooth bores" and "wily men" would forbear, or if they did not, would receive such a castigation on the floors of this House, as in my opinion their conduct merits. They have gone elsewhere, however, some in the discharge of public duties, others into private life, and under all the circumstances it would have been better to have conducted this discussion without some of the unseemly references which were made.

It was said by the hon. member for Kings, the Provincial Secretary, and one or two others, that if we received \$500,000 from Canada it was in payment of the debt which Canada was bound to pay. It is most extraordinary that members will pervert the plain figures placed before them,—I showed the House that Canada had paid \$500,000 beyond and above the amounts collected,—it was not for debt, but \$50,000 was for the Annapolis Railway, and \$450,000 were for our current expenses. It is true that \$100,000 was for interest, but that is not debt,—it is a portion of what this Province would have to pay if it were not for Confederation. To all this there has not been a pretence at contradiction.

Hon. PROV. SECRETARY.—Is not the sum advanced to be added to our debt?

Mr. BLANCHARD continued:—We will see presently. Our debt, it is said, is up to eight millions and a half of dollars, and the General Government has paid the interest on the \$500,000, by which it exceeds the limited amount. If it is added to our debt it will be because we are not able to meet our current expenses. Let the Government bring down the proof to controvert my statements if they can,—it is impossible that they can do so, because leaving out the Annapolis Railway which may be considered debt, \$450,000 is the smallest sum paid to Nova Scotia in discharge of her *current liabilities*. The question is whether the moneys collected here were sufficient to meet those liabilities,—I assert that they were not, and if I am right we have not got the worst end of the bargain. When gentlemen come here and pretend to show that the new tariff will put into the Canadian treasury \$500,000 more than was ever

tacking Mr. re, was well and the hon. his former he name of hat I admire y shown by ome men are not in sight. y anything a "smooth se, but Mr. the kind of here; and if ould not be rorn out pod ublic charac- country, and f futurity,— myself their d what is ne- some of them if they were, o free in talk- ooth bores" r, or if they astigation on my opinion re gone else- discharge of vate life, and t would have his discussion ly references

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taken from Nova Scotia before, I reply that the proof of the pudding is in the eating, and the plain fact is that since 1st July we have gone behind hand about \$500,000. If an answer can be given to this assertion I trust it will be given, but none has been attempted so far. The hon. member for Kings was exceedingly anxious to make an attack on me, and I felt afterwards that I was less plucky than usual when I prevented him opening up a previous debate for the purpose of going into a criticism upon my remarks, but I thought that I and the House and the country had had enough of those attacks, and therefore resolved that if members were anxious to display their wit they should do so within the rules of Parliament. He, however, referred to some remarks of mine about my feelings after an encounter with Mr. Johnson. Sir, when I have a skin on which no lash will produce an impression I may be in the position of some who never feel a sting. He reminds me of the cattle in a particular part of Ireland, which, it is said, are a most convenient description of cattle, for when he wanted a hide he had only to whip him through a hedge,—that would take the skin off, but in course of the next week a new one would come on. I feel attacks that are made upon me and do not pretend that I am not sensitive, nor do I envy the man who does not feel them. But when the hon. member says that after the attack which he referred to I should have gone to my constituents and told them that I was unfit to represent them, he much mistook honorable and gentlemanly feeling.

We have been talked to about taxes and tariffs and some gentlemen with no bated breath, and one gentleman said that three-fourths of the people would prefer annexation to the United States to Confederation. It required all your vigilance, Mr. Speaker, to check these disloyal sentiments, but I should like to point them to the land of their delight, and show them that the greatest taxation ever dreamed of prevails there. I came yesterday across a statement compiled from statistics which shewed that the taxation of the United States amounts to \$22.07 for every man, woman and child within the Union per annum. Who will talk about annexation being preferable to Confederation after that? Who will say that it is better to go into the Democracy and pay a share of its war debt—better that our country should be ruined with all its interests than that we should be associated with our fellow-subjects in Canada? I conceive that the expressions which we heard upon that point were made in haste, and that there is hardly a man in or out of the House who would repeat them after an hour's consideration. Away, if you please, with all loyalty and attachment to the British Crown, decide if you like as to which country we are to join upon mere national considerations, but let us not forget that if we go under the stars and stripes, taking even the lowest view of the cases, we will be a hundred times more heavily taxed than we are within the Dominion. I feel in making these remarks at the close of the debate that I am not like a person passing through an arid desert, culling a flower here and there, because the subject

abounds with argument, and the only difficulty is in selecting which to give the preference to. I have already commented upon some peculiar and unnecessary statements and references that were made, but there was an expression used which I have not referred to, and which grated very harshly on my ear, it was the phrase "common drunkard." Applied as it was to a public man of high station, I feel the expression to have been one of which the gentleman using it should have been ashamed, as I know some of his friends were on account of his coarseness. The reference was either to Mr. McGee or to Sir John A. MacDonald—I care not to which of them; but I will tell the hon. member for Pictou that he should be a little more cautious before he ventures to throw stones. I am as sober a man as there is in the Province, but I should be very sorry to apply such a term to any one, and I would remind the hon. gentleman that there are some of his own house and of his own associates whom the phrase would suit as well as any of the public men of Canada.

Mr. SPEAKER said that this expression was out of order.

Mr. BLANCHARD.—I have no objection to withdraw it, but the remark was no more out of order than the language which I am replying to and which was used deliberately in reference to Mr. McGee, or Sir John A. MacDonald.

The SPEAKER.—It is not in my power to control members in speaking of persons elsewhere, but I cannot allow any offence, by implication or otherwise, to those over whom I am presiding.

Mr. BLANCHARD.—My remark had no reference to any person within these walls, and I should be sorry to retaliate in the style displayed by the hon. member for Pictou, but I repeat that there is hardly a man in Nova Scotia who, after sitting down and calmly reflecting upon those with whom he is connected, will feel himself in a position to throw stones at his neighbors; and I think that when any member so far forgets himself as to use the language which I referred to, he merits the answer which I have given. The same gentleman gave us another long discourse on the question of the lands at Pictou taken for Railway purposes. It is not denied that in being granted again, the late government restricted the lease to the right to use them for those purposes. Some of the leases of those lands were made by the government of which Dr. Tupper was the leader, and I and my colleagues issued others. If, however, they be unconstitutional and void, there is a way of arriving at that decision. The substance of the whole complaint seems to be that some one applied for a water lot on which to make a marine slip, and was informed that he could not get a grant of the water in front of the land of any person else. The land ceased to be the property of the projectors of the slip when it became the property of the government for public purposes. I do not feel in a position to say whether the quantity of land taken was too great or not, but I do say that the moment the land was dedicated to public purposes the Marine Slip Company and everybody else lost their rights

in it; but I take for granted that, if they had applied, they would not have been refused the lease.

The hon. member said also that we could have had Reciprocity without anybody being a bit the wiser, by means of legislation. If he understood the matter he would know that that is just what we have always refused on any terms. Legislative reciprocity means that the Senate and House of Representatives of the United States shall pass a bill for admitting certain articles duty free this year, and that the next year it may be repealed. No colony would accept such an arrangement for an hour, because the effect would be to build up interests and trades, and after we had got them in operation, three lines in an Act of Congress would destroy them utterly. The very fault that was found with the Canadian ministers was that they hinted a willingness to accept legislative reciprocity. We had once an Act of the Legislature of the United States by which ground plaster was admitted duty free; all around the Bay of Fundy, as if by magic, mills were erected to grind the plaster, but in a year or two after that industry was fairly under way the Senate revoked the Act, the mills went to ruin, and are lying there yet, monuments of the folly and danger of legislative reciprocity. Does not the hon. member know, furthermore, that we could not pass an act to admit free the goods of any one country alone? The policy of the British Government is that such arrangements are to be made only by act of the Imperial Parliament or by treaty. When he talks about the United States having reciprocity with one Province, he should know that the thing is impossible, and yet he talks as if Canada were the *bête noir*, and as if we could get a treaty without any difficulty if we were once rid of her. But if he will refer to his leader, the Attorney General, he will be told that, in his opinion, reciprocity is all a delusion—that we have no need for it at all, and would be far better without it—that we want protection, and should keep ourselves to ourselves.

The hon. member for Pictou was foremost among those who talked about treachery, and he went so far as to compare the men who voted for Confederation with Montieth and Lopez, the most contemptible characters that history has produced. I wonder that he did not compare us with Judas Iscariot, for he could only go that one step farther than he went. I was glad to hear him say that he had no personal acquaintance with the Senators, because, if he had, he could not have used such language as that they were "a disgrace to the country." Is John H. Anderson, T. D. Archibald, John Locke or Benjamin Wier a disgrace to the country? And who is this that has the coolness to come here and speak in that way of our public men? When it is in his power to boast of having done for his country one hundredth part of the good which some of these men have done for it, we might be content to listen to him. Some of those gentlemen have built up large fortunes by their industry and enterprise, and have done more for Nova Scotia than he and his friends will do in the next hundred years. I will say no more upon this point,

but leave it, trusting that the hon. member will reflect upon his language, and feel that it should be withdrawn. He gave us poetic quotations in any quantity in his speech, and quoted Shakespeare in reference to me. I recollect hearing Mr. Howe say that one could make Shakespeare and the Bible prove anything; but what quotation was selected for me? It was in relation to the man who never smiled. I did not think that such a description was applicable to me—that I was a cynic, who never enjoyed anything like a joke; but Shakespeare speaks somewhere of a man who does smile, and he says

"That one may smile and smile again, and be a villain!"

I feel that perhaps the best answer I can give to the hon. member is to repeat some of the language which he used, and leave it in the ears of the House and of the country. He said he would be afraid to meet me in a dark lane, or to have me behind him in such a place. When a member of this House would come up to another placed in my position, and use such language, I feel that he needs but little reply. I am an assassin, am I? He is much mistaken in my character. Whatever I have to say to a man I say it to his face—not in a dark lane or behind his back; but I can tell him that a man who would aim at another such a stab as he aimed at me, would do anything in a dark lane. The use of this language accounted for the nervousness of the hon. member yesterday, when it was agreed between the Atty. General and myself that our speeches should close the debate. He sprang to his feet and was most anxious to know whether he could not get an opportunity to reply. I am willing to hear him if the rules of the House will permit it. If we are to sit for a week or a month longer, by all means let us have the reply and the rejoinder which will follow. He said also that such language as I had used was only to be heard in the Police office, the fish market, and the back slums of the city. I ask if any member of the House is warranted in making such remarks as these? When he talks about the back slums I feel that others may be as familiar with these localities as I. He then went on to talk of my name and family. Of that name I have good reason to be proud, but when the hon. member undertakes to tell me that a brother, who has been dead for twenty-five years, would be ashamed of me if he were here, I ask him if he should not feel somewhat ashamed? The honor of my family is in my keeping, not in his,—if it were in his I fear it would be sadly tarnished. When next he talks to me about my family he had better beware of the retaliation which will be the result. I do not rely for my defence on the fame of my ancestors, but on my own right arm and on my own ability, and I repeat that when next the hon. member feels inclined to indulge in those attacks he must not forget that I will have an opportunity for reply. I regret exceedingly that he has driven me into a line which I would prefer not to have taken in closing this debate,—as I said before, I held out the olive branch in closing my last speech, and almost pleaded that we should have no more exhibitions

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of warm feeling, but that the public business should be carried on in a gentlemanly tone and manner. I rejoice that that appeal was responded to suitably by many members who have engaged in the debate. I now, in conclusion, thank the House for the patience with which my address has been listened to, and promise that unless circumstances require it I will not again occupy so large a portion of time.

SPEECH OF HON. ATTORNEY GENERAL.

HON. ATTORNEY GENERAL said:—I am happy that at last this debate, which is the most important that ever occurred in the Legislative halls of this Province, is about being brought to a close. In the remarks which it will be my duty to offer to the House I will not imitate the tempestuous oratory of the learned and honorable gentleman who has just resumed his chair, but I shall endeavor as calmly and coolly as is possible to review him and his discourse. I will not notice the amendments which he has offered, because in sustaining the resolutions which I submitted I must necessarily refute his, as they were introduced for the purpose of contradicting mine. I cannot of course admit the soundness of the constitutional law which those amendments embody, and I do not believe they are altogether accurate as to facts. I shall however treat the honorable and learned member with the utmost possible courtesy, and shall endeavor as far as possible to indorse his own estimate of himself. He tells us that he is a very profound lawyer—I intend to admit it;—he says he is very brave—the terror of all his enemies—I will admit that also,—he is a hero. But there is one perfection which I fear I cannot concede to the honorable gentleman, I am not prepared to admit that he is a very good logician. His dialectics are a little disordered, and I fear that in the multiplicity of his studies he has not paid a great deal of attention to the art of logic. The first of the resolutions which I laid on the table asserts the somewhat self-evident proposition that the Legislature of this country, having been elected to make laws, statutes and ordinances, under a written commission or charter, had no power or authority to effect an alteration or abridgement of the constitution. That was a proposition, one would suppose, that was too self-evident to be controverted, and I ask, Mr. Speaker, how the learned member from Inverness has attempted to controvert it? He has done so by referring to the Imperial Parliament, and saying in effect:—"Because the Imperial Parliament possesses the power to alter the constitution, therefore the inferior Parliament of Nova Scotia has the same authority." He need not have given himself the trouble to search for precedents and authorities to sustain his view of the power of the Parliament of Great Britain, for who ever doubted or questioned the extent of that power? The Parliament of that country is the supreme power in the land,—it stands above everything and can therefore do as it pleases. It is absolute within itself, and there is no power within the constitution that can review its acts and statutes. Consequently when the Queen,

Lords and Commons of England have determined to make an alteration in the constitution they were at perfect liberty to do so, for the simple reason that there is no authority superior to theirs that can question what they have done. But is that the case in this country? What sort of a constitution have the people of Nova Scotia? A written constitution and charter, given to them through the commission of the Governor of the Province in 1747, and composed likewise of a number of instructions in despatches, which I have carefully examined, but which I shall not read to the House. That charter defines the Legislature of the Province to consist of a Governor *quasi* king, a council *quasi* Lords, and a House of Representatives *quasi* Commons, and confers authority upon it to make laws, statutes and ordinances for the peace, order and good government of the colony.—This constitution is defined and written like that of the United States, and our Parliament consisting of Governor, Council and Assembly have no power to legislate beyond the authority conferred on them by the commission or letters patent. Therefore it is possible for a statute of this Legislature to be void and there is a power which can declare it so. In order to illustrate this position let us suppose that the Legislature of Nova Scotia passed an act authorising the Legislature of Prince Edward Island to tax the people of Nova Scotia. They would have the power practically and *de facto* to put such a law on the statute book, but I ask if that statute would not be void? I ask if the people of Nova Scotia could be taxed under an act passed in Prince Edward Island and by the authority of such a statute? Let us suppose for a moment that by virtue of the Legislative power conferred on them by this Parliament, the Legislature of Prince Edward Island imposed a stamp duty such as Canada has taken the liberty of imposing on us,—and suppose that a gentleman in Nova Scotia had given to another a note of hand which the law of Prince Edward Island declared void, unless stamped, and that an action was brought upon it,—the maker of the note pleads the statute of Prince Edward Island, and what would the Supreme Court say? Would not the Supreme Court have the power to decide that the Legislature of Nova Scotia had transgressed its authority in passing such a law, conferring on a foreign legislature the power to tax our people? Would not the judges refer to this charter and declare the stamp act void? That undoubtedly would be the decision, and if the judges did not decide so they would conduct themselves in opposition to the plainest principles of justice and common sense. If they did not decide so the party to whom the note was given would appeal to the Privy Council, and how long would such a law be allowed to disgrace the statute book of Nova Scotia. Therefore the comparison between the two Parliaments was entirely inapplicable. The Legislature of Nova Scotia as compared with that of Great Britain is like a mosquito compared with an elephant. There is a remarkable resemblance between them,—the mosquito has a long trunk, as we sometimes know when he penetrates our flesh and causes no little irri-

tation of our nerves, and so has the elephant. The elephant could take a man up on his trunk and pitch him on his back, and if I asserted that the mosquito could not do the same, following his process of reasoning in the present case, the learned gentleman would contradict me and refer to the elephant in proof of his opinion. The reasoning in the one case is as good as that in the other, and when the honorable gentleman undertook to cast a doubt on the authority of Lord Mansfield I am again involuntarily but forcibly reminded of the mosquito and the elephant. I think I have shown plainly that there is no comparison between the two Legislatures.—I have shown that it does not follow that because the Imperial Parliament can alter the constitution, the Parliament of Nova Scotia can do so too. But he has asserted that the Legislature of Nova Scotia had repeatedly altered the Constitution. There I am at issue again with the hon member as to the facts. This Legislature has in no single instance altered the constitution, but has always enacted its laws within the range of the constitutional authority conferred by the charter and the instructions of which I have spoken. "But," says the honorable member for Inverness, "has not this Legislature altered the polling districts throughout the country? Have they not increased the representation of one county and lessened that of another? and is this not an alteration of the constitution?" My answer is, no. These were no violations of the constitution. At the time when the Governor was ordered to call our assembly for the purpose of making laws there was no subdivision into counties, the country was sparsely populated, no survey had been made, and as a consequence the Province was as it were all one county. The instructions from the home government tell the Governor and Council, in calling together the Legislature, to make such distribution of the seats as they thought proper, so that they acted under the constitution throughout. When the country was subdivided into townships and counties, it became necessary to alter the representation, and thus the whole proceedings to which he refers are strictly within the limits of constitutional authority.

Then again the honorable member referred to the case of Cape Breton, and asked, "Did not the King in council by proclamation unite Cape Breton and Nova Scotia?" He did; and that circumstance goes to maintain the line of argument which I have adopted. What was the condition of Cape Breton? She was a conquered colony, and from the time of the conquest of Louisburg was held by the sovereign of England as his estate in fee simple. The King had the whole legislative power in himself and he chose to govern the colony, as a crown colony, under certain regulations made by himself, through a Governor and Council. The Parliament of England or that part of it consisting of Lords and Commons had nothing to do with the matter, for as I said the King was owner of Cape Breton. He did not give it the same charter as he gave to Grenada and the older colonies, but continued to rule it as sole legislator until he thought proper to confer the privileges that he had conferred on Nova

Scotia. The hon. gentleman will not pretend to say that Cape Breton ever had an assembly or any body resembling a legislature to make laws for the country. When the King thought proper to annex the island to this Province he did not infringe the laws of Nova Scotia but imparted the blessings of the constitution of Nova Scotia to his subjects in Cape Breton, and when the people of the island foolishly objected to the transfer and went home with their case to the Judiciary of England, they were told and told properly "the King knows you, and as he thought proper to dispose of you he had a right to do so, because he held you in absolute sovereignty." That illustration therefore goes to support my argument.

Then, again, the hon. member asked us if the Legislature of Nova Scotia did not confer universal suffrage on the people, and in doing so change the constitution? I reply, No. It was not a Legislature that gave universal suffrage; the original commission was to the "planters and freeholders," and they alone, in conjunction with the Governor and Council, could make laws. The Governor represented the Sovereign, and the Sovereign had retained in his hands power to abrogate any statute of the Legislature. He had retained all the powers which he did not confer on the people of Nova Scotia, and those powers were by no means inconsiderable. Having, then, given the privilege of legislation to the planters and freeholders, he had a right afterwards to give that privilege to the rest of the people. Therefore, without violating the constitution, but in the exercise of her Royal authority, by assenting to an act of our Parliament, the Queen extended the privilege, formerly limited to the freeholders and planters, to the householders and other inhabitants of the country. We were told that on another occasion the whole constitution was convulsed and overthrown by a sort of political earthquake—that the whole of the old Council of Twelve who exercised legislative and executive functions were dismissed by a single stroke of the pen of the Colonial minister, and thus a complete revolution was effected. In that statement of the case the hon. member is greatly mistaken. Whose Council was that? It was the same Council that the King had ordered to be summoned when he gave the charter to Lord Cornwallis. That charter ordered the Governor to select and choose a Council who should hold office at the will of His Majesty. These twelve Councillors were the legal successors of the first Councillors, and at the time they were dismissed were holding their seats at the Council Board at the pleasure of the King or Queen, and were liable to be called upon at any moment, as they were on the revision of our institutions, to resign their commissions and give place to substitutes. So that in no one of those cases was our constitution invaded.

But the argument of the hon. member assumed a position which is by no means granted, and that is that in case of Confederation our Constitution was changed by our Legislature. He assumed that to be a fact which is not consistent with the truth. The Legislature of Nova Scotia has never been a

will not pretend to had an assembly a legislature to When the King the island to this the laws of Nova Scotia of the constitution his subjects in people of the the transfer and the Judiciary of and told properly he thought proper a right to do so, the sovereignty." goes to support

member asked us if it did not confer power on the people, and in doing so? I reply, No. It gave universal assent was to the people and they alone, and the Governor and Council. The Sovereign had no power to abrogate any law. He had retained the power not to confer on the people those powers which were inalienable. Having conferred legislation to the people he had a right to exercise it without violating the exercise of her power to an act of extension of the privilege of the freeholders and other

We were told that the whole constitution was thrown by a sort of a coup d'état at the whole of the exercise of the power was dissolved. The pen of the historian a complete revolution statement of the matter was mistaken. It was the same as if the King had ordered to be a charter to Lord Cornwallis. The Governor and Council who of His Majesty's were the legal successors, and at the time holding their office at the pleasure of the King were liable to be removed as they were on commission, to resign place to substitute those cases was

The hon. member asks by no means the case of Confederation changed by our act to be a fact the truth. The case has never been a

party to the British North America Act, nor has it ever recognized that Act as having any force or obligation on the people of Nova Scotia. Upon that point our statute book is completely dumb—the British North America Act is not ratified or confirmed by any statute of ours, and without some such statute the people and Legislature could not have expressed a desire to be connected with Canada. These are arguments for the people of England, and for the constitutional lawyers of that great country,—they will pass from my lips to the Crown Officers of England. The constitutional officers of Nova Scotia have shewn themselves unable to deal with the question, and we would have supposed that when all the leading Barristers of Nova Scotia, as has been stated, are Confederates, it is strange that among them all there has not been a man able to produce anything in the shape of an argument, or bearing the slightest resemblance to an argument. I shall state the case most simply, so that it will be plain to the meanest understanding, and I assert that throughout the debate in the Legislature and throughout the press of the country with the immense array of professional talent which has been spoken of not a man has been able to state anything like a simple and reasonable proposition in favor of Confederation, and against the arguments which I have advanced. I will first turn attention to that great leading case which was decided, not by Lord Mansfield alone, but by the whole King's bench of England, and which stands on the books as an incontrovertible leading case on the subject. I mean the case of *Hall and Campbell*. The hon. member for Inverness talked of Lord Mansfield, and seemed to insinuate that his authority was not of the highest character, and when I heard him I was a little astonished I must confess. That astonishment is increased when I reflect who Lord Mansfield was,—that he was decidedly and without exception the greatest jurist who ever sat on the bench of England. Lord Coke was eminent in the Common Law like Lord Mansfield, but the latter had travelled much further than Coke,—he had gone on a voyage of discovery all around the world of jurisprudence, critically examining and mastering the systems of Rome, Greece and Palestine—he was a most accomplished scholar, a man of the finest intelligence and the highest integrity. There never was a magistrate on the Bench who discharged his duties more satisfactorily, and with greater credit, since the world began, and yet that is the man of whom the hon. and learned member presumes to speak slightly! Why, sir, as compared with Mansfield, the best lawyers in this Province are as the half-hatched eaglets compared to the full grown bird that soars almost to the limits of the atmosphere. To gaze with unflinching eye on the dazzling radiance of the meridian sun. What was that case of Granada in which the decision of the King's Bench was given? The king had conquered the country: Granada had yielded to the royal arms, and in April, 1764, the king, by a Commission, (the same, I believe, as that conferred on this country through Lord Cornwallis, for Lord Mansfield, in his

decision, cites the very words which conferred legislative powers on Nova Scotia, and the Charter to Granada has, besides, the words: "in like manner as we have conferred similar powers on the rest of our Colonies," or to that effect, showing that the Charters were all copied from one original,) under the great seal of England, conferred on the people of Granada the privilege of self-government. He had at that moment supreme legislative power over the country,—it was his own country in right of his sovereignty,—he was its supreme legislator, and, as Lord Mansfield says, could have put to death every inhabitant, or have given any kind of government he pleased. By that Commission, in April, 1764, he divested himself of his legislative power. The Sovereign, it will be seen, is, as regards her rights and property, no more than another individual,—she has her rights, the people theirs. These rights are perfectly distinct and well defined by the constitution, and the Queen can no more interfere with the rights of the Province than the Province can interfere with her prerogatives. The two are perfectly distinct and independent, excepting that the relations of sovereign and subject exist between them. In July, 1764, the same king undertook to exercise the legislative powers himself, by imposing a tax upon the trade of Granada. A merchant who had paid the tax came to England, and sued the Collector for money received to his use, or as for money illegally exacted. The action was tried in Westminster Hall, and after four most solemn arguments by the ablest constitutional lawyers, a decision was arrived at. And what was that decision? That the king, having put his seal to the commission of Governor Melville, and conferred legislative power on Granada, had deprived himself of the power of legislation,—that he had thereby irrevocably lost the power of legislation,—that therefore his subsequent act was void, and the plaintiff thereupon recovered his money. That was the decision arrived at after the fullest deliberation, after the most mature consideration, and after the exercise of the first constitutional talent in Great Britain. The tax was held void, and why was it void? Simply, because the King's seal estopped him from levying such a tax, they were declared void, because he was estopped by the first seal from issuing the subsequent letters patent. My argument, which I shall now commence, shall be succinctly stated, and I shall endeavor to make it as clear as possible. But wishing to argue logically, I shall take the liberty of making two postulates. I shall demand it to be admitted in the first place that the people of Nova Scotia were never consulted as to whether they would part with their constitution or not. That is the first postulate, and let any man deny it who dares.

In 1863 the last elections preceding those of 18th September, 1867, were held; at that time the Canadian Quebec Scheme was not concocted. Therefore the question of Confederation was not before the people, and they did not pass upon it. Now the hon. member for Inverness became angry with some one for using the term "blacklegs," as applied to some of the statesmen of Nova Scotia. I do not like calling names, but it is

singular that that very name has been applied by English travellers to the politicians of Canada. I think it is Mr. Trollope who has said that in that country the term "politician" is synonymous with "blackleg." As I said, I do not like to call names, but it is impossible to get on without calling things by their proper terms. How can I otherwise explain what I mean in referring to those Canadian schemers who stealthily concocted a plan for the subjugation of the people of Nova Scotia—the men who tried by bribery and corruption to jockey us out of our rights. Is the word inapplicable? I think not,—it is the most appropriate, and I say that the men who conducted these practices would be horsewhipped off any race course in England as blacklegs. Our political knaves are not entitled, sir, to have such mild language applied to them,—they deserve something worse. There may have been some excuse for the blacklegs of Canada to lay hold of the revenue of Nova Scotia, but where is the excuse for the statesmen of this Province, who aided and assisted those men in destroying the liberties of the people? How shall I characterize such men as these? Men who, keeping the people from passing on a subject of such vital consequence to their interests, had the wickedness and cruelty in the dark and behind their backs to destroy the rights of their countrymen. Political assassins would be the name for them, and when I heard the hon. member for Inverness mention the name of Judas Iscariot I thought the association was discreditable to the celebrated traitor. Judas brought back the money,—he was therefore an honest man when compared with them. We will never catch one of those men bringing back the price of his treason. Judas also repented and showed himself a considerate man when out of a due regard for the best interests of his country he went and hanged himself. Those politicians have not the manliness to imitate his example and to commit such an act of self-inflicted justice. That, Mr. Speaker, is my opinion.

The hon. and learned member cited the conduct and language of Sir Robert Peel as authority. I did not wonder at his doing so, for I do not wonder at anything, such amazing things do occur now-a-days, that wonders have ceased. The spirit of amazement died within me when I heard the hon. member. Who was Sir Robert Peel? He was a great scholar, an English gentleman, a highly educated man and an orator, but he was a rat. For thirty years he headed a party and then wheeled round and joined his adversaries. And are not the gentlemen whose conduct I have been criticizing all rats—political vermin? Was there one of them true to his political colors? I do not now, of course, refer to gentlemen present. It is said that birds of a feather flock together—animals of some species also become gregarious, and it is well known that rat does not dislike the smell of rat. Sir Robert Peel descended into the grave as damaged a statesman as was ever cited as an authority. But the reference was made to prove what nobody ever denied: that the Parliament can do as it pleases.

The next position which I take as a postulate is that we have on our Statute book no Statute

ratifying or confirming the British North America Act. With these two postulates I proceed to show that the British North America Act is unconstitutional and void and in no manner binds the people of Nova Scotia. And I may say that if we had had in our administration men of high principle—men having any consideration for the rights of the country, when the Queen's Proclamation made its appearance on the 1st of July, our public property would not have been handed over to Canada, our railroads would be still in our hands, our revenues would have been still collected by ourselves and we should not have had the disgrace of coming practically under the operation of that detestable statute. But the enemies of the country had paved the way for its introduction by putting into power just the men to accomplish their iniquitous design. That is the reason why we are placed under a dominion in which *de jure* we are not and do not intend to be.—My argument is this: in 1713, after a British General had conquered Port Royal, now called Annapolis, which means the city of Anne, the treaty of Utrecht was made between the Queen and Louis XIV, by which the King of France yielded the conquest to the Queen of England, and thus Nova Scotia became the absolute property of the Queen, and she and she alone could thereafter legislate for this country.

The House of Commons had no authority over Nova Scotia then or now. They represent the people of England,—not a part of them as was said, for it would appear by the argument of the hon. member that the Catholics were unrepresented before the Emancipation Acts were carried,—they were always represented,—the House of Commons represents every man, woman and child in the British Isles, even the cattle and horses—everything from the grass upwards. The representation in Parliament is complete and why? Because the members of the House of Commons are chosen by the people of England. But did they ever represent Nova Scotia? Never; because the people of Nova Scotia had no voice in their election. Did the House of Lords represent the people of Nova Scotia? No; they represented the landed and aristocratical interests of Great Britain, but they never represented the interests of Nova Scotia, and had no power or authority to make laws for us. The whole legislative power was in Queen Anne and her heirs and successors, under the title of Louis XIV. and the arms of the British soldiery. That Legislative power seems to have been unexercised until 1747, when George II., by his Royal Charter divested himself of his right of legislation. To the full extent to which the charter goes he deprived himself of the power to legislate for Nova Scotia. I do not say that by that act the King's whole legislative power ceased,—all the powers which he did not give he retained, but such as he did give his seal would not allow him to take back, binding him as the seal of any other man or any member of this House would, him and his heirs forever. All who are in privity of estate with him are bound and thus Queen Victoria is bound by it. Having transferred the Legislative power to the people of Nova

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Scotia he could not take it back. The case of *Hall vs. Campbell* proves that if the King had consequently attempted to legislate for Nova Scotia by letters patent—which is the most solemn deed of the Sovereign—the letters patent would have been void. Now, I contend that when the Queen of England attempted to legislate for Nova Scotia by Act of Parliament, that act is void. This is an assertion which I make in the face of the constitutional lawyers of Europe. If the Queen could not sign letters patent by way of legislation, she could legislate by Act of Parliament. The Lords and Commons had no part in the matter; what they did was nothing,—it did not alter the case, for they had no authority over the land, and never had and never will have until we are represented in their bodies. What did they do? They merely sat beside the Queen and assisted her in doing what she had no right to do. If she had the right to pass that statute, the Lords and Commons merely assented. As if I, being the owner of a lot of land in fee simple, and being disposed to convey it, asked you, Mr. Speaker, and the gentleman who sits beside me, to join in the deed, and I wrote it in this form: "This Indenture, made between the Speaker, my hon. friend, and myself of the one part, and the purchaser of the other part, witnesseth, &c." The deed transfers my land in fee simple, but have the other parties who were joined transferred the title? By no means; the title passes because I, the owner of the land, signed the deed. The signature of the others was a mere matter of form, and conveyed nothing. And so, if the Queen of England had had the power, when that statute was passed, to legislate for Nova Scotia, and the Lords and Commons joined her, it would merely have been for form's sake; and I wish it to be distinctly understood as part of my argument that the Lords and Commons had nothing to do with this country. The hon. member opposite has asserted the very bold proposition that no act of the Imperial Parliament was ever declared void. Here I join issue with him. I will show him that statutes of that Parliament have been declared void in the most solemn manner imaginable. In 1774 or 1775 the Parliament of Great Britain took the liberty to pass a Statute Act and a Tea Duties Act to bind the American colonies. Now, let it be borne in mind that if those Acts had been passed to bind England, no power could set them aside; but when they were passed to bind the Colonies, those statutes were declared void because they were void on the principles which I have stated. And who declared them void? The Thirteen Colonies of America declared them void, as the people of Nova are now declaring the British North America Act void,—the armies of Congress declared them void,—the King of France declared them void, and with his army helped to give judgment against the King of England,—the King of Heaven declared them void because they were void in truth and justice. Lastly, George III. was himself forced into the humiliating necessity of declaring them void by acknowledging the Colonies to be free, sovereign and independent States. In 1783 those statutes were

given up in the most formal manner by the King of England, and the whole world since has concurred in the opinion I have stated. No man with any regard for his character as a constitutional lawyer would assert that the decision was not a right one. What led to the great revolution in England and the decapitation of Charles I.? Was it not the violation of the principle which is violated by this statute? What is the proposition which the American people contended for? That, having a legislature of their own, they could be taxed by no other power on earth. Representation and taxation cannot be separated,—without representation there can be no taxation. On that principle Hampden refused to pay the ship money,—when the King said "Give me your ship money," he answered "No, go to Parliament,—that is the only power that can tax me; and if you force your hand into my pocket I will draw my sword," as he did, and he died nobly contending for the rights of his country.

(The usual hour for recess having arrived, the House adjourned and resumed at 3 o'clock, when Hon. Attorney General continued:)

I was discussing, at the time of the adjournment, the possibility of an Imperial statute being declared void, and I think I had shewn pretty conclusively that a very important Imperial statute had been declared void by the judgment of the first courts on earth, and that when Parliament undertook to violate the constitution by taxing the people of the Colonies whom they do not represent, their statutes and legislation may be void. No principle is so perfectly obvious to the common sense of the House as that if the acts of a Parliament are void, there must be on earth some tribunal before which the viciousness of such legislation may be declared. It is very seldom that that great legislature has attempted to trample on the rights of the Colonies,—its leading characteristic has been kindness,—it has always extended the right hand of fellowship to us, and has ever treated us with the utmost consideration and benevolence; but it might possibly on some occasions be tempted to infringe the rights of a Colony;—we contend that it has done so on the present occasion;—that when the Imperial Legislature passed a statute creating a Legislature in Canada to rule over and tax the people of Nova Scotia, silencing the Legislature of this country to a certain extent, depriving the representatives of the people of Nova Scotia of certain powers, and conferring unlimited powers of taxation on an alien parliament in Canada, that statute affected fundamentally the laws of the Empire by violating the vested rights of the people of Nova Scotia. I have stated and proved that Imperial legislation has been declared void,—not only by Courts of Justice to whom the question was referred, but by the armies of the United States, by the armies of France, and by the declaration of the King of England himself; but before that legislation was passed, and while it was passing, it was declared void by the first constitutional authorities in England. The famous Chatham heading the opposition to the bills, and every man following him in opposition were found

openly and publicly declaring the principle which must be admitted as sound: that the Colonies in British America, not being represented in the British Parliament, could not be taxed by that Parliament. What is the reason of this principle? What is Parliament? Parliament is the representation of the people of the country who own the Government. To whom does the country itself belong? To the people. The will of the people is the supreme law of the land. Not only in England, but in Continental nations the people are the source of all power,—every dynasty, every authority derives its power from the people themselves. The people, as I have said, own the country, and the government are their servants. Let us see how far this doctrine has been established. When France had completely gone mad, had dethroned the hereditary sovereign and murdered him and his family and established a new order of things, what did the British nation do? Did they refuse to treat with the *de facto* government? No, recognizing the sovereign principle that the government belongs to the people, the British government recognized the revolutionary dynasty which the will of the people had created. They recognized the usurper Buonaparte and treated him as the sovereign of France when, though a Corsican by birth, he had seized the throne of one of the greatest nations in the world by the force of the bayonet. The principle is recognised in every country that the government belongs to the people, and that the people mould it as they please. The Government and Queen of England belong to the people;—the Queen represents the majesty of the nation, and if the people of that country thought proper to-morrow to set up a different form of government,—if they were foolish enough to abandon the finely working and checking principles of their glorious constitution—to send adrift both the Sovereign and the House of Lords, and to form a republic, it would still be the government of England as it was during the Commonwealth. So that there is no principle more clear than that the people own the government and can do with it as they please. It is plain that the government can have no existence except by the will of the people,—that it cannot maintain itself except by their assistance and support, and that the taxes which the people of a country contribute to maintain the dynasty or government must be their voluntary gifts.

There is no power in the Constitution for taking a shilling out of a man's pocket;—he only parts with his money by his free will, and the process by which the maintenance of government is secured in the British Empire is this: that the people elect representatives with the power of levying taxes. There is no other power known to the constitution which can lay its hands on a man's property in this country. These are the sound principles of the constitution, and we find that in former times the taxes were called benevolences, subsidies, gifts, and a number of other expressions were used to imply, and which all implied that everything which the Crown demanded from the people was their voluntary gift for the purpose of maintaining and carrying on the government. Acting on these

principles such men as Chatham and the men of his country, and the Washingtons, the Madisons, the Jeffersons, the Hamiltons and the Morrisons of the United States—men who were political giants compared with the pigmy and crippled Statesmen of the existing colonies, contended with propriety that no Statute could impose a tax on the Colonies, because the colonies possessed legislatures of their own having the sole and exclusive right to levy taxes on the people. The contest for these principles was successful and will be so while the Empire remains. If these principles are sound, and I should like to see the man who can controvert them, what is the position of the British Parliament as regards the British North America Act? I have demanded that the postulate, that the people were not consulted on the question should be admitted,—I have demanded also that the postulate that there is no act of our own legislature to sanction that statute should be, and it is, admitted. What then has the Imperial Parliament done? Against the will and without the sanction of the people that Parliament has taken the liberty, not only of taxing us but of causing us to be taxed by another power. The complaint against England on the occasion of the Stamp Act was that the Imperial Legislature itself had taxed the people of the Colonies, without having power and authority. We have a worse complaint than that—ours is a much more aggravated case. What we complain of is not that that legislature has attempted to tax us, but that, what is ten thousand times worse, it has put us into the hands of other Colonies, larger, more populous, and more powerful and more extravagant Colonies—Colonies who have no feelings in common with us, who are alien to us, and authorized them to lay their hands on us and tax us at their pleasure. If the Parliament of Great Britain had no power to tax us *a fortiori* ten thousand times, it has no power to create a new legislature in any part of the world with that power. What it has not itself it could not confer on others. Therefore on British principles the act alluded to is void—it never was law because it violated the fundamental principles of the Constitution, because it imposed taxation on a people whom it had no right to tax.

The hon. member for Inverness looks us in the face, and, with an immense amount of assurance tells us that we are not taxed by a Parliament in which we are not represented, and he asks, "Are we not represented in the Canadian Parliament?" I ask what right had England to create any Parliament to tax us, giving us just such representation as she thought proper? Is not our representation in the Dominion Parliament an insult to, and a mockery of the people of Nova Scotia? Is not the man who would accept such representation, and be satisfied with it, fit for the Lunatic Asylum? How many representatives have the people of Nova Scotia to protect their interests against the Upper Canadians—against the Frenchmen of Lower Canada—the strangers and foreigners, whose names we cannot pronounce—in whose elections we take no interest—to whose returns to the Legislature we can make no objection? We have nineteen men also; if they were the

finest men ever produced on the face of the earth—the finest statesmen ever known—every one of them as fine an orator and as profound a politician as the hon. member for Inverness—their arguments would not stop the taxation of Nova Scotia as long as they would be talking. That is the way in which we are represented, and this is the constitution which the hon. member for Inverness has been laboring to defend. The people of Nova Scotia, if they accepted such a constitution, would be as abject slaves as the people of Turkey, the serfs of Russia, the fellahs of Egypt—the most degraded people on the face of the earth. Does the hon. member suppose that the people of free Nova Scotia will submit with the certain knowledge that the Statute is void. Why is the Imperial Statute void? Simply because its preamble is false. If that preamble were true, no man would be insane enough to dispute its validity. If the people of Nova Scotia desired Confederation with Canada on the conditions imposed by that Act, and the Queen of England were willing to confederate us, there would have been nothing improper or unconstitutional in the Act. It would not then have required the interference of the Lords and Commons, because the Sovereign, as I have shewn, was the original legislator of Nova Scotia. If the Queen then had expressed a wish to the people of Nova Scotia that they should join in a confederation with Canada, and the people of Canada had assented, and the people of Nova Scotia, on being consulted at the polls, had sent to this House a majority of representatives willing and anxious for the federal union, and a Provincial Statute had confirmed it, the British Statute would have been sound and constitutional.

But that has not been the case,—the Act passed against the will of the people of Nova Scotia. It was not simply passed without consulting them, but passed after insulting them, fraudulently, dishonestly, by falsehood, by misrepresentation, by intrigue, by deception, by every species of criminality, which politicians could commit against a country. It was known to the men who went to England on the delegation, that the people did not want Confederation, and that the majority of them were opposed to it. Corruptly undertaking to bind the people of Nova Scotia in that Confederation they went to England and falsely informed the Queen, the Government and the Parliament of that country that the people desired Confederation. A fraud was practised on the people and legislature of England to obtain the passage of the Act, and we know that in law there is a very wholesome principle, that "fraud vitiates all things." Ever since the commencement of the world fraud has vitiated every human contract and transaction into which it entered. There never has been a man who, having been defrauded out of his rights, would not at the first opportunity reinvest himself with those rights, because according to the laws of nature and reason, according to natural justice fraud vitiates every transaction. A statute is not exempt from this allpervading principle of equity. A statute, powerful as it is in England, is not, I say, exempt from that principle, and the

people of this continent and of the whole civilized world will instantly join in one loud chorus to pronounce that a statute obtained by fraud to be void. The advocates of Confederation will soon find the truth of the old saying "honesty is the best policy,"—it would have been wiser in them, if they expected to gain anything by Confederation, to have submitted the question to the people at once, instead of trusting to force it on us by fraud, deception and misrepresentation.—These men, however, performed an act of political assassination, and deliberately, in Canada and with Canadian sharpers, concocted a scheme to rob Nova Scotia of her independence. These statements are all true, and I am not ashamed of the truth. I know certain classes in Nova Scotia who are ashamed of the truth,—who have a strong aversion to it, who love the opposite of truth for its own sake and the sake of its expected fruits, but I am not afraid of the truth, and I say here, that these men wickedly, maliciously and dishonestly conspired to destroy the constitution of Nova Scotia, which the people rightfully prize above all things. If they had not been fools as well as something worse we would have been in an unpleasant condition to-day, but it has been wisely ordained that the rogue is always a fool. If it were not for the folly of the knave he would never be detected, and therefore it is that the maxim has arisen "honesty is the best policy." If heaven had not affected those men with judicial blindness, our liberties would have been lost, but we owe our salvation and the salvation of the constitution to the excessive weakness of the men who having banded themselves together for the purpose of aiding the conspirators in Canada in the destruction of Nova Scotia, were so silly, such inconceivable political nincompoops, as not to perceive that it required a statute of Nova Scotia to bind the people of Nova Scotia. The same men are unable to rake up a single constitutional argument in support of their position. To this utter ignorance of every principle of constitutional law Nova Scotia must ascribe her safety.

The gentlemen who did us this favor chose the Irish job as their model; they have not even the merit of originality, for their plot is a mere imitation of the other. They had not the wit to conceive a plot of their own, but borrowed from Pitt and Castlereagh. There was, however, only a certain portion which they were capable of borrowing; they could not borrow their wisdom, for as is generally the case with servile imitators of others, they only pick up the faults and defects, while they are unable to copy the perfections or merits of their models. The McCullys, the Archibalds, the Tupper and the Henrys, and such most worthy characters, in imitating Pitt and Castlereagh, were able to imitate them only in their vices; they were as corrupt, and even more so, because Pitt and Castlereagh pocketed nothing, while these gentlemen all managed to pocket something,—therefore they were wiser in their generation. They imitated, I say, the faults which rendered that Irish job contemptible in the eyes of the world,—which made one of the finest people in the world

the most unhappy people under the sun.—Observe now the vast distinction between the two jobs—Pitt and Castlereagh, after corrupting the Irish Parliament to transfer the legislative power to the English Parliament, did not satisfy themselves with an Imperial statute—they went further, and called for an Irish Act of Parliament, making the Irish Legislature itself confirm the Act of Union. Mr. Pitt, as we all know, was a great statesman, and although this Irish transaction was a blemish on his character, and evinced an error of judgment and a defect of morality in thinking that the end could justify the means, still he had great wisdom, and when he determined to accomplish the Union he did so effectually. When he had bound the people of Ireland hand and foot, and cast them into limbo, he took care to lock the door and to walk off with the key. But our jobbers had not sense enough to bolt the door; they were in such a hurry to enjoy the fruits of Confederation that they did not take time to think how the thing should be done, but after shutting us into limbo the arrant stupidities walked off, leaving the door ajar and the key sticking in the lock; we will certainly, therefore, open the door and walk out. By the mercy of Heaven we fell into the hands of men who did not know what they were about.

The hon. member for Inverness cited what I called a somewhat doubtful political character in Peel, who, as I stated before, had eminent qualities but the one terrible blemish which I mentioned. If he wanted to find a model I would recommend him to go to Ireland. England never was in the position of the Colonies; she never had such occasion to produce model statesmen of the cast of those I have referred to, but Ireland was in that condition—she had been robbed of her constitution, and had produced some men who were more worthy of imitation than Sir Robert Peel. If he had taken Daniel O'Connell he would have chosen for his model an honorable and patriotic statesman—a man who loved his country from his cradle to his grave, spending the whole of his most valuable life in contending to get back the constitution of which she was robbed, and a man who died advocating nobly the cause of Ireland's liberty. He was the equal of Sir Robert Peel in ability; as a man and a statesman he was his superior. He also was an orator, and as a patriot he had no equal, and he went down to an honored grave. If I were to make any man my model I would choose such a man as that, rather than one who, having forfeited the character of a steady and consistent statesman, descended into an inglorious grave. If this country were unsuccessful in obtaining Repeal she would be much in the condition of Ireland; I ask, does the hon. member for Inverness wish to see us in that position? Does he wish to see in Nova Scotia generation after generation of discontented subjects?

In reference to the treatment which we have received at the hands of the British Government I must draw a contrast by no means flattering to that Government. If we take up the file of the despatches, we shall see with what care, correctness and impartiality the

Ministers of George II. treated Nova Scotia when Governor Lawrence thought he could do very well without an Assembly. They said "the King had pledged his royal word to Nova Scotia that its people should have a House of Assembly on the model of the British House of Commons, and we command you forthwith to summon the House." The Governor made various excuses—he thought he could do very well without the Assembly; but they answer him, "We command you to execute the royal promises, because we will not have those promises forfeited." They told him that this command was the last instructions he was to receive. This is the way in which this country was treated in those days; but how have the Ministers of Queen Victoria treated this Province? I am sorry to say a word to the prejudice of those great men, and I am willing to believe that, being doubtful of the confidence of the House of Commons, they had enough to engage their thoughts at home without looking into the affairs of the Colonies. I am willing to make every excuse for the Imperial Ministers,—they were told, it is true, by persons from this country, whom they mistook for gentlemen, that Nova Scotia most anxiously desired to be confederated, and that the scheme would be satisfactory to all concerned. But I must pause here and make this observation. In a matter of such transcendent importance, involving the fate of this, the noblest portion of the Empire, these men are chargeable with gross negligence,—they should not have been satisfied with the word of any man, but should have so framed the Act of Union that the people and legislature of this country would have been consulted upon its details. They should have sent it out with a suspending clause to prevent its coming into operation until the people had been heard at the polls, and our Parliaments had ratified it clause by clause. They are chargeable, I say, with negligence in not doing so, and if they are compelled, from the necessity of their position, to draw back and revise their steps—to admit the soundness of the arguments which I am using to-day as to the invalidity and unconstitutionality of that Act, they must gee up in Parliament and state that they were wrong. I have such an opinion of the high-mindedness and integrity of that administration, that I believe they will embrace the earliest opportunity of making reparation to the people of Nova Scotia, whose rights they have treated with too much indifference.

Now, Mr. Speaker, let me ask what the condition of this country would be if we accepted Confederation? We would be absolutely at the disposal of the Canadian Parliament. They can tax unlimitedly the people of Nova Scotia, excepting that they cannot put a tax upon land. They took our railroads, our fisheries, our public buildings and our revenues, but were kind enough not to take Nova Scotia itself up to Canada—they had the kindness to make that exception. That would be the condition of this country; and let me ask, who are the Canadians that the noble and loyal people of Nova Scotia should be made subject to them? What temptation have we to enter into a Confederation with them? Has Nova Scotia ever for-

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feited her constitution by rebellion? Has the blood of Englishmen ever discolored her soil? Can Canada give the same answer to those questions that we can give? Did not Canada rebel against the British authority? Did not the Canadians slay British soldiers on their soil? Did they not stone, murder and mutilate a British officer while in discharge of his duty, and does not the innocent blood of that officer, like the blood of Abel, cry from the ground? Does it not loudly warn us to have nothing to do with such men? How long shall we be subject to that French population in Canada which has stereotyped itself as a separate nationality in the Act of Union? That is one of the greatest follies of the scheme. They have created an *imperium in imperio*—while power is given to the Canadian Parliament to trample on the rights of Nova Scotia and New Brunswick, the rights of the French Canadians are not to be touched. There is to be a French nation in our midst, controlling the loyal people of Nova Scotia. Is there a man in this House who would submit to such an indignity? I think there are hardly ten men in the Province who would willingly yield to such a degradation as that.

In this debate we have been asked a very serious and important question which I shall endeavor to answer. We were triumphantly asked, "suppose when you go to England with your address you fail of success, what then?" For my own part I see no difficulty in the question. In the first place we will call on the Queen of England, who is the first constitutional sovereign on the face of the earth, we will submit to her a statement of our case in which we will shew her that we have a right to have our constitution restored; and we will ask her to be pleased to recognize the simple unquestionable right of the people of Nova Scotia to enjoy their independent constitution as it was before the Act was passed. I know that a number of gabblers say "the British Government will not do this, that and the other." I am a reasoning man, and I know that the Queen and her ministers are reasoning people, and I believe that when we have submitted to the Queen the case which I have presented to the public to-day, she will not hesitate to say to the people of Nova Scotia, "you have been most grossly insulted and ill-treated—my ministry have been completely deceived—your constitution must be immediately restored." I have no more doubt that such will be Her Majesty's language than that I am addressing the House. But suppose that insanity should overcome Her Majesty, which God forbid, and that she should say to our delegates, "go back to Nova Scotia and tell your people that they have lost their liberties it is true, that they have been made the most abject slaves on the face of the earth, but it is one and cannot be helped." Then, sir, we will go immediately to the Houses of Lords and Commons, we will instruct our delegates to apply there and to employ the first counsel in Europe to appear at the bar of those houses there to advocate the unconstitutionality of the statute as was done in the case that I referred to in the King's Bench. We may fairly expect a favorable reply to such

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an appeal, for I do not think that the Lords of England—the high-minded noblemen who dignify the position of spiritual and temporal peers of the realm, will turn a deaf ear to the petition of the loyal people of Nova Scotia. Do you suppose that they have such things as McCullys and Tupper in that House? Will that House, which is the embodiment of honor, say "pooh, pooh, go back, you have got liberty enough, the French Canadians will take care of you?" No, sir; but rising with indignation the members of Parliament will say with one accord, "how dare you, Mr. Watkin, mislead the Parliament of England by saying that the people were consulted at the polls? Give your authority for the assertion."

But suppose that the Lords and Commons also became so far infatuated and intoxicated as under any circumstances to refuse to consider our rights, what next? I will tell the people what next: we will then try the Judiciary of England. I will get some gentleman to give me a note of hand for £300 sterling without a stamp,—if he refuses to pay the note because it lacks the stamp, I will sue him and take a special verdict setting forth the condition and constitution of Nova Scotia, the Governor's Commission or Charter, the Royal Instructions, the Imperial Statute,—setting forth also that the people of Nova Scotia were never consulted at the polls on the question, and that there is no statute in our Statute book referring to the union; and then if the judges of Nova Scotia place themselves in such a position that the gates of the Temple of Justice are closed against the plaintiff in that action by deciding that the note is not recoverable, I will appeal to the Privy Council, employing there the ablest counsel in Europe to advocate our rights. Poor as we are we will find the means to have our case thoroughly sifted before that high tribunal, and if that body should decide against us then we will go to the House of Lords as the highest appellate court in the Empire, and take the decision there of the ablest lawyers in the world. And then, sir, if our noble cause be rejected, what next? Will we rebel against the Queen of England? No, but when the Queen rebels against us and abdicates her authority over Nova Scotia by refusing to invest us with our rights, she will discharge us from our allegiance. But the act will be her own and we will be a free people. I do not wish to see such a state of things, and I hope that it may not occur, but if it should the Queen of England will have abdicated her Royal functions as far as this country is concerned.

Protection and allegiance are reciprocal duties,—if we owe allegiance to the Queen it is because she owes protection to us, and if she suffers our rights to be wrested from us, then, like James II, she will have abdicated the throne as far as we are concerned. The British Parliament pronounced that James, having violated the constitutional laws of the realm, had abdicated the throne, and if the Queen should place herself in that position what could we do? We must then become a republic or whatever other species of nationality we may desire to form ourselves into, and call upon the United States to guarantee

the liberties of Nova Scotians, the finest people on the face of the earth. The United States, France, even England herself, Italy, Russia, Prussia or Austria, would readily guarantee the independence of a country like this. I have not a shadow of doubt that our liberties would be guaranteed. But if it were not so, what then? Helpless, unable to protect ourselves against the surrounding nations, cast off by our rightful sovereign, rejected by her Parliament, destitute of any assistance from abroad we should have to yield to the inexorable decrees of fate; but we should do so with dignified resignation. We should then wrap around us the mantle of our rejected loyalty, our despised patriotism, and our injured and insulted rights, and if we must succumb to irresistible necessity, we will sink as Cæsar fell beneath the daggers of assassins at the base of Pompey's statue.

The House adjourned.

FRIDAY, Feb. 21.

The House met at 11 o'clock.

A call of the House was had, and the Repeal resolutions and amendments thereto were taken up.

On the resolutions being put to the House, the answer was in the affirmative.

It was moved that the vote be recorded in the Journals as unanimous.

Mr. BLANCHARD said that this was the first time he had ever heard of a member of the majority moving for a division under such circumstances. As the Speaker was aware—the voices decide and not the names. In the present case the voices had decided, and the House could not go beyond that. There was

only one way gentlemen could have a division, and that was by some one belonging to the majority calling "no" when the question was put; but whoever did so would be obliged to vote for the nays when the division took place.

Hon. SPEAKER said that the question had been put and decided in the affirmative, and now it was asked that a division be taken. He did not care to take the question in that way, unless it came from the minority. Parliamentary rules were made for the minority and not for the majority—in fact, they were intended to protect the weak. He would now, however, order that the vote be entered unanimously.

Mr. BLANCHARD would of course submit to whatever course the Speaker might adopt, but he would at the same time respectfully urge that no vote be entered unanimously except with the consent of the whole House.

Hon. SPEAKER said there were no negative voices, and therefore it was competent to enter the vote unanimously. He explained again, in answer to Mr. DesBrissay and others, that it was unparliamentary to take a division unless gentlemen answered "no" when the question was put.

Mr. BLANCHARD again contended that the vote could not be made unanimous except by general consent.

Hon. SPEAKER replied that silence gave consent, and the voices were unanimous.

Mr. MORRISON said the hon. gentleman was at last convinced on the question of Repeal.

Hon. SPEAKER hoped that gentlemen would not bring up such matters.

Mr. BLANCHARD did not require the member for Colchester to teach him his duty.