

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 Stamp 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 Scotia 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 are 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 which 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, the armies of France, and by the final 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 Imperial 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 derive 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, recognising the sovereign principle that the government belongs to the people, the British government recognised the revolutionary dynasty which the will of the people had created. They recognised 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