

treaty of Utrecht, Louis XIV. assigned Acadia to Queen Anne of England, and her heirs forever. I have before me the language of this treaty; it is striking and plain: "Yielded and made over to the Queen of Great Britain and to her heirs forever." From that time to this Nova Scotia has continued to belong to the British Crown, and the first inquiry we meet is this, What was the effect of that conquest and subsequent cession by Louis XIV. to Queen Anne? What was her title? Her title was absolute, in fee simple—higher than the title any man in England or America possesses to his estate—higher than the title possessed by the Prince of Wales when he purchased, the other day, a hunting-ground in England. The Prince of Wales holds his estate from the Queen, who is the lady paramount of all the lands in the country, and he may forfeit it to Her Majesty; but that was not the case with the gift to Queen Anne. She became the absolute owner of Nova Scotia. It did not belong to the people or Parliament of England, who had no more to do with it than the people of Turkey. It was properly transferred, and belonged absolutely to Anne, the Queen of England, and her heirs forever. For thirty-four years after this cession it remained the property of the Queen and her heirs, and she could do with it just as she pleased—just as any man in this House might do with an estate belonging to him. She might put a tenant on it, and regulate the covenants under which the tenant should hold it. In 1747 it came into the hands of George II., and he, being desirous of having it settled by English subjects, promised the people of England who would undertake the settlement of the country that he would give them the British Constitution in miniature. Accordingly he ordered a patent to be drawn up, with the Great Seal—a seal larger than the crown of a hat—for Lord Cornwallis, by which he granted to the people of Nova Scotia the constitution they were to possess. I shall call your attention briefly to the words of that part of the patent which refers to the establishment of a Legislative Assembly in the Province. He established by this patent a Governor in the place of King, a Council in the place of Lords, and a House of Assembly in the place of Commons, and made the constitution of the colony as nearly like that of Great Britain as he could. "And we do hereby (this Charter is dated 6th May, 1747,) give and grant unto you (Edward Cornwallis) full power and authority, with the advice and consent of our said Council, from time to time, as need shall require, to summon and call general assemblies of the freeholders and planters within your jurisdiction, according to the usage of the rest of our plantations in America, and that you, the said Edward Cornwallis, with the advice and consent of our House of Assembly or the major part of it, shall have full power and authority to make and ordain (here is power given to the Legislature) laws, statutes, and ordinances for the public peace and welfare and good government of our said Province, and of the people and inhabitants thereof, and such measures as shall tend to the benefit of us and our successors, which said laws and ordinances are not to be repugnant, but as nearly agreeable as possible to the statutes of this our said Kingdom of England."

This solemn deed and covenant cannot be repudiated. After Cornwallis obtained this patent in 1747, he and the other governors who succeeded him were very slow in calling together the freeholders in order to give the people the benefit of this Assembly, and accordingly in 1757, or ten years after the granting of the patent, a correspondence took place between the ministers of George II. and Governor Lawrence, in which the ministers called upon the latter to execute that deed, and give to the people their Legislative Assembly. Mr. Lawrence thought he could make as good laws as any Assembly, and he and his Council persisted in passing laws. From the time the constitution was given, instead of calling the Legislature together, he summoned the Council, and with them made laws for the government of the Province. In 1755 the subject was brought to the notice of the Crown Officers of England, for the people of Nova Scotia complained that their charter had not been carried into effect, and some of them refused obedience to the orders in Council, on the ground that no rules and regulations could be made for the government of the people except through the House of Assembly, after that charter had been given. The matter was referred to William Murray and Richard Lloyd, the Attorney and Solicitor Generals of England, the former of whom subsequently became Lord Mansfield, one of the most eminent of English jurists. And here is their opinion: "We have taken the said observations into our consideration, and we are humbly of opinion that the Governor and Council alone are not authorized by His Majesty to make laws." Here is the opinion of these distinguished jurists, that the king could not make laws for the Colony. The king having given the charter in question, had no power to make laws. Wherever a country is conquered, the conqueror to whom it is ceded has power to do as he or she pleases in its management. He may, if he chooses, allow the inhabitants of that country to make their own laws, or put them all to death, or he may send them a code of laws made by himself, and allow his Governors to execute them within the country. But if he confers upon the country any privileges, the deed is obligatory upon himself and heirs, and he cannot annul it; he is bound to submit to it. It is just the same with an individual: as soon as he signs and seals a deed for a piece of land to his neighbor, neither he nor his heirs can afterwards dispute the seal. The day the king signed