

about as much as some that we have had circulated here. It was said, we know, that hundreds of men of the first standing had forsaken us and joined the Anti-Confederate cause in Halifax, and yet we know that not a man of good position has left the ranks of the party. I assert that most emphatically, and should like to see proof to the contrary. I come next to the speech of the hon. member for Queen's, Mr. Smith, and of him I can say that he has not provoked retaliation by insinuations of motives, or by the use of violent language,—he will excuse me, however, if I say to him that I think the principles of constitutional law are utterly at variance with those he laid down. He spoke of the charter of George II., adopting the idea that that charter is inviolate and immaculate. I am old enough to recollect when Responsible Government was introduced—when the twelve gentlemen who sat in the Council exercising executive and legislative functions were, by an Act approved of in England, required to vacate their seats, and what was the argument then? Mr Cogswell raised the cry of "the charter, the charter!" But the Parliament and Government of England declined to say that the charter restrained the Legislature from passing such an Act. That was the great argument, however, then,—the Councillors said: "The King of Great Britain has by his charter appointed us, and no Act of your Parliament can touch us." That was the very same doctrine that we heard from the Attorney General the other day.

Hon. ATTY. GENERAL—The Councillors held office at will.

Mr. BLANCHARD continued.—That makes no difference,—they were appointed by charter, and did their objections avail them? No, they were swept off, the question of that charter was disposed of pretty quickly, and a Legislative Council was appointed in their place. But, says Mr. Smith, "here is an answer to all your black letter laws,—here is a confirmation by the Privy Council of the Queen's right to grant the mines and minerals of the Province?" Who denied the right? True, for a time there was a doubt about the matter, but the question was at length decided. Who denies that the Sovereign could grant the unoccupied lands of this Province, but all this does not affect the question of the charter in the smallest degree. The hon. gentleman told us that Catholic Emancipation did not pass against the will of the people. It is the first time that I have heard that assertion,—will anybody tell me that if the voice of the people of England had been taken on the question there would not have been an overwhelming majority to say "no"? It is to the everlasting credit of some of the best Protestants of England that they carried the measure against the prejudices of the majority of the people, and obliged the people to submit. Let me here contradict the assertion made by some one that this question and that of the Irish Union was referred to the people. The people of Ireland were opposed to the Union, but the Union was effected through the will of the Legislature.

We have been told that Prince Edward Island and Newfoundland have not been coerced

into the Union? Why is that? Because their Legislatures—the only true exponents of the wishes of the people—the only constitutional and regular channel through which their wishes can be made known, did not agree to the scheme. With reference to the Legislative power which Great Britain possesses over her Colonies, let me read from Blackstone, vol. 1, page 101:—

"When the sovereign Legislature sees it necessary to extend its care to any of its subordinate dominions, and mentions them expressly by name, or includes them under general words, *there can be no doubt but then they are bound by its laws.*"

That is the general doctrine, and as regards the prevailing practice, do we not, day after day, submit to laws passed just in the same way as that which united the Provinces? Whenever Parliament chooses to pass such an act the people must submit, and there can be no appeal. Let this House and the country bear in mind the great distinction between the British and the American rule on this subject. In the Republic, if any one is dissatisfied with a law which has been passed, he can bring it before the Judges of the Supreme Court, and if it be unconstitutional the Judges will not enforce it. Have we any such rule under the British Constitution? No, the Judges of England are as much bound as the meanest subject in the realm by any law that Parliament may pass. Let me here read from Kent, a most celebrated writer on American law and the constitution of the Union. In vol. 1, page 504, he thus says:—

"A case in Pennsylvania has been recently decided involving an important political principle—the Court held that a statute authorizing the citizens of certain Counties to decide by ballot whether the sale of spirituous liquors should be continued in said Counties, was UNCONSTITUTIONAL, as being a delegation of Legislative power not permitted by the Constitution, and contrary to the theory of Government. So in New York an act establishing Free Schools, which had been submitted by the Legislature to the popular vote, was declared to be not a law."

Now we have a law exactly like that in Nova Scotia, at this moment: that if any polling district should, by a majority of its voters, declare that they do not desire licenses to be granted, the licenses cannot be issued, and yet such an enactment in the United States has been pronounced unconstitutional. That is the distinction between this country and the United States. There is with us no power that can interfere with or dispute the authority of the law as declared by Parliament. The reverse is the case with the United States, and yet some gentlemen seem to desire connection with that country. We know that a great cry has been raised about the members who sat here two years ago, having forgotten their obligations to their constituents. Now upon that point let me read another extract from Blackstone, page 159:—

"The system of members being bound to obey their constituents is spoken of by De Tocqueville as one that would, in the end, render all the guarantees of representative Government *useless and vain*."

Upon the same point Smyth, in his lecture on the French Revolution, said:—

"How absurd to have a question decided by the constituents at one end of a country, and afterwards