

## SECOND SITTING.

The SPEAKER took the chair at eight o'clock.

After routine,

The pilotage law amendment bill was read a third time and passed.

## THE GREAT SEAL OF NOVA SCOTIA.

Hon. Mr. SCOTT moved the second reading of the bill respecting the Great Seals of the Province of Canada. He said the necessity for introducing this bill arose from the fact of the legality of the Great Seal of Nova Scotia having been called in question. The advice of this Government had been asked in the emergency, and it was thought proper to pass an act to allow the provinces to alter their seals at will. Whether the Constitution conferred such power or not, he would not attempt to say. The bill was simply submitted with a view of relieving, as far as this Parliament could, the Province of Nova Scotia from its present embarrassment, and to authorize all the provinces to alter their seals at will.

Hon. Mr. DICKEY said this bill appeared to be based upon the opinion of the Law Officers of the Crown, who, evidently had not all the facts before them when they expressed it. The Minister of Justice when introducing this measure in another place, expressed doubts as to the power of this Parliament to deal with the question, and the preamble of the bill registered the same doubt. It was unfortunate that such important legislation came so late in the session. He would not oppose the bill, but he thought it unwise to pass it when such doubts were entertained as to the jurisdiction of this Parliament in the matter. When this subject was before the Senate early in the session, the Secretary of State expressed the opinion that this Parliament had nothing to do with this question, and, as would be seen by reference to the communication from the Lieutenant Governor of Nova Scotia, dated March 20th, that opinion was shared by Governor Archibald. Even the Government of Nova Scotia, who declined to solve the difficulty by an appeal to the people, declared that "the Dominion Legislature has clearly no power to rectify the mistake," and suggested that the only other course that seemed open was to invite the action of the Imperial Parliament. This legislation would, therefore, be futile. When the Law Officers of the Crown gave their opinion, they could not have had the despatch of Sir Hastings Doyle, of the 10th of December, 1869, before them, in which he acknowledged the receipt of the seal, and stated the directions of Her Majesty had been followed. No doubt the Government were desirous, when initiating

this legislation, to do everything in their power to solve the difficulty and remove the doubts existing with respect to the Great Seal of Nova Scotia. He was sorry that he could not congratulate his province that the measure would accomplish that object. However, he would not oppose the bill.

Hon. Mr. MILLER said he did not intend to oppose the bill, but he could not allow it to pass without expressing his opposition to the proposal now before the House. When this subject was before the House a few days before, he had given the opinion that this Parliament had no right to deal with it, and this opinion was strengthened by the doubts expressed by the Minister of Justice when introducing the bill in the other House. It was unfortunate that without further investigation this Parliament was asked to legislate in this direction. It would be much better, if the Dominion Legislature had no power to pass this bill, not to complicate the existing condition of affairs. In the face of the decision of the Supreme Court of Nova Scotia it would be unwise to pass this measure. The proper course to pursue would be to appeal the case to England for the decision of the Judicial Committee of the Privy Council. Of course, under the circumstances, he did not see that the Minister of Justice had any option but to introduce this bill. If it turned out that this legislation would meet the difficulty, well and good; if not, although it might complicate matters by having such a law on the statute books, it could do no harm.

Hon. Mr. KAULBACH said he was strongly impressed with the impropriety of the present hasty legislation proposed by the Government in the bill before them, based, as it appeared, upon the opinion and suggestion of the Law Officers of the Crown, who, from the correspondence before them, evidently were not vested with the whole facts and circumstances of the case, to enable them to form a correct opinion on the subject, and consequently the advice suggested by them through Lord Carnarvon in his despatch, failed in having that importance attached to it which it otherwise would have had, and it was further evident that opinion did not harmonize with the clear, unequivocal opinion expressed by the Dominion Government. The Hon. Secretary of State had, in this House, the other day, expressed his unqualified opinion, when a motion was made for the correspondence on the subject, that it was not a matter for the Dominion Government to deal with. As his honorable friends from Amherst and Richmond had just now fully given reasons for the like opinion on the subject, he would