

HON. ATTORNEY GENERAL'S SPEECH,

ON CLOSING THE DEBATE ON THE REPEAL RESOLUTIONS IN THE HOUSE OF ASSEMBLY, ON THURSDAY, 20TH FEBRUARY, 1868.

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 *defacto* 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

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