

party to the British North America Act, nor has it ever recognized that Act as having any force or obligation on the people of Nova Scotia. Upon that point our statute book is completely dumb—the British North America Act is not ratified or confirmed by any statute of ours, and without some such statute the people and Legislature could not have expressed a desire to be connected with Canada. These are arguments for the people of England, and for the constitutional lawyers of that great country,—they will pass from my lips to the Crown Officers of England. The constitutional officers of Nova Scotia have shewn themselves unable to deal with the question, and we would have supposed that when all the leading Barristers of Nova Scotia, as has been stated, are Confederates, it is strange that among them all there has not been a man able to produce anything in the shape of an argument, or bearing the slightest resemblance to an argument. I shall state the case most simply, so that it will be plain to the meanest understanding, and I assert that throughout the debate in the Legislature and throughout the press of the country with the immense array of professional talent which has been spoken of not a man has been able to state anything like a simple and reasonable and proposition in favor of Confederation, and against the arguments which I have advanced. I will first turn attention to that great leading case which was decided, not by Lord Mansfield alone, but by the whole King's bench of England, and which stands on the books an incontrovertible leading case on the subject. I mean the case of Hall and Campbell. The hon. member for Inverness talked of Lord Mansfield, and seemed to insinuate that his authority was not of the highest character, and when I heard him I was a little astonished I must confess. That astonishment is increased when I reflect who Lord Mansfield was,—that he was decidedly and without exception the greatest jurist who ever sat on the bench of England. Lord Coke was eminent in the Common Law like Lord Mansfield, but the latter had travelled much further than Coke,—he had gone on a voyage of discovery all around the world of jurisprudence, critically examining and mastering the systems of Rome, Greece and Palestine—he was a most accomplished scholar, a man of the finest intelligence and the highest integrity. There never was a magistrate on the Bench who discharged his duties more satisfactorily, and with greater credit, since the world began, and yet that is the man of whom the hon and learned member presumes to speak slightly! Why, sir, as compared with Mansfield, the best lawyers in this Province are as the half-hatched eaglets compared to the full grown bird that soars almost to the limits of the atmosphere. to gaze with unflinching eye on the dazzling radiance of the meridian sun. What was that case of Granada in which the decision of the King's Bench was given? The king had conquered the country. Granada had yielded to the royal arms, and in April, 1764, the king, by a Commission, (the same, I believe, as that conferred on this country through Lord Cornwallis, for Lord Mansfield, in his

decision, cites the very words which conferred legislative powers on Nova Scotia, and the Charter to Granada has, besides, the words: "in like manner as we have conferred similar powers on the rest of our Colonies," or to that effect, showing that the Charters were all copied from one original,) under the great seal of England, conferred on the people of Granada the privilege of self-government. He had at that moment supreme legislative power over the country,—it was his own country in right of his sovereignty,—he was its supreme legislator, and, as Lord Mansfield says, could have put to death every inhabitant, or have given any kind of government he pleased. By that Commission, in April, 1764, he divested himself of his legislative power. The Sovereign, it will be seen, is, as regards her rights and property, no more than another individual,—she has her rights, the people theirs. These rights are perfectly distinct and well defined by the constitution, and the Queen can no more interfere with the rights of the Province than the Province can interfere with her prerogatives. The two are perfectly distinct and independent, excepting that the relations of sovereign and subject exist between them. In July, 1764, the same king undertook to exercise the legislative powers himself, by imposing a tax upon the trade of Granada. A merchant who had paid the tax came to England, and sued the Collector for money received to his use, or as for money illegally exacted. The action was tried in Westminster Hall, and after four most solemn arguments by the ablest constitutional lawyers, a decision was arrived at. And what was that decision? That the king, having put his seal to the commission of Governor Melville, and conferred legislative power on Granada, had deprived himself of the power of legislation,—that he had thereby irrevocably lost the power of legislation,—that therefore his subsequent act was void, and the plaintiff thereupon recovered his money. That was the decision arrived at after the fullest deliberation, after the most mature consideration, and after the exercise of the first constitutional talent in Great Britain. The tax was held void, and why was it void? Simply, because the King's seal estopped him from levying such a tax, they were declared void, because he was estopped by the first seal from issuing the subsequent letters patent. My argument, which I shall now commence, shall be succinctly stated, and I shall endeavor to make it as clear as possible. But wishing to argue logically, I shall take the liberty of making two postulates. I shall demand it to be admitted in the first place that the people of Nova Scotia were never consulted as to whether they would part with their constitution or not. That is the first postulate, and let any man deny it who dares.

In 1863 the last elections preceding those of 18th September, 1867, were held, at that time the Canadian Quebec Scheme was not concocted. Therefore the question of Confederation was not before the people, and they did not pass upon it. Now the hon. member for Inverness became angry with some one for using the term "blacklegs," as applied to some of the statesmen of Nova Scotia. I do not like calling names, but it is