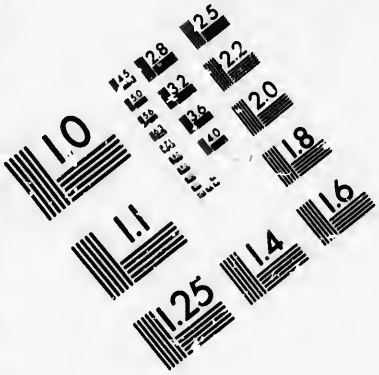

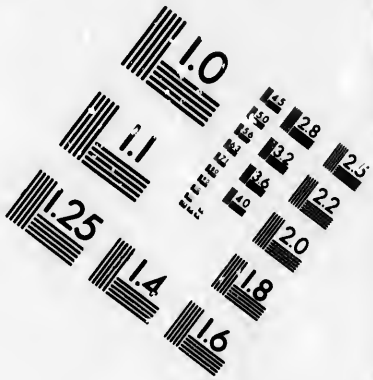

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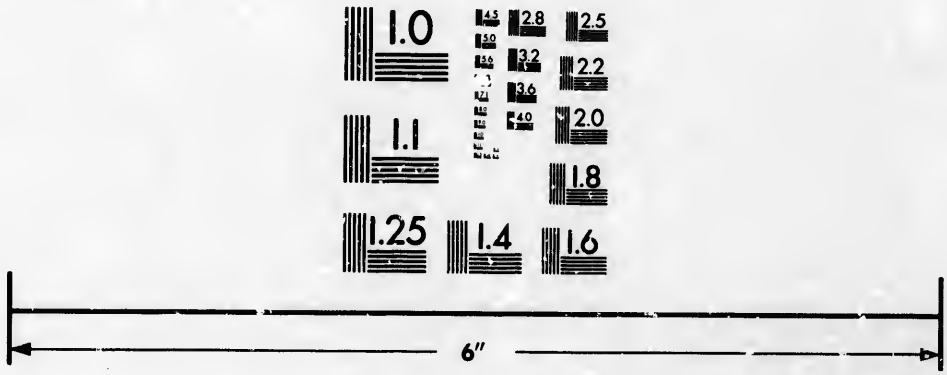

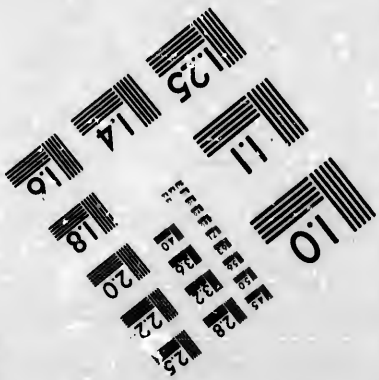

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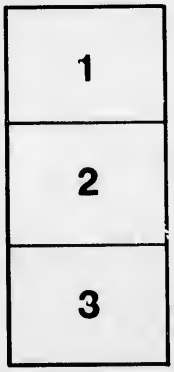

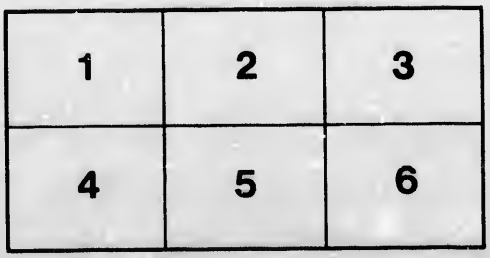

SPEECHES

DELIVERED BY

HON. MARTIN I. WILKINS,

(ATTORNEY GENERAL,)

IN THE

HOUSE OF ASSEMBLY OF NOVA SCOTIA,

SESSION 1868,

ON RESOLUTIONS RELATIVE TO REPEAL OF THE "BRITISH NORTH AMERICA ACT, 1867."

HALIFAX, N. S.
PRINTED AT THE MORNING CHRONICLE OFFICE,
1868.

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RESOLUTIONS

LAID ON THE TABLE OF THE HOUSE OF ASSEMBLY OF NOVA SCOTIA, BY THE HON. ATTORNEY GENERAL, ON THE 5th FEBRUARY, 1868.

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1. That the Members of the Legislative Assembly of this Province, elected in 1863, simply to legislate under the Colonial Constitution, had no authority to make, or consent to, any material change of such Constitution, without first submitting the same to the people at the Polls:

2. That the Resolution of the 10th April, which preceded the enactment of the British North America Act, and is as follows:

"Whereas, in the opinion of this House, it is desirable that a Confederation of the British North American Provinces should take place;

"*Resolved therefore*, That His Excellency the Lieutenant-Governor be authorized to appoint delegates to arrange with the Imperial Government a scheme of Union which will effectually ensure just provision for the rights and interests of this Province—each Province to have an equal voice in such delegation, Upper and Lower Canada being, for this purpose, considered as separate Provinces,"

was the only authority possessed by the delegates, who procured the enactment of the "Act for the Union of Canada, Nova Scotia, and New Brunswick";

3. That even if the House of Assembly had the constitutional power to authorize such delegation, which is by no means admitted, the foregoing resolution did not empower the delegates to arrange a federal union of Canada, Nova Scotia, and New Brunswick, without including, in such confederation, the Colonies of Newfoundland and Prince Edward Island:

4. That no delegates from the two last named Colonies having attended, and an unequal number from each of the others being present, the delegation was not legally constituted, and had no authority to act under the said resolution—which expressly required each of the Colonies to be represented by an equal number of delegates:

5. That the delegates did not "ensure just provision for the rights and interests of this Province," as they were, by the express terms of such resolution, bound to do, in arranging a scheme of Union, but, on the contrary, they entirely disregarded those rights and interests, and the scheme by them consented to would, if finally confirmed, deprive the people of this Province of their rights, liberty, and independence,—rob them of their revenues,—take from them the regulation of their trade, commerce, and taxes, the management of their railroads and other public property,—expose them to arbitrary and excessive taxation, by a Legislature over which they can have no adequate control, and reduce this hitherto free, happy, and self-governed Province to the degraded condition of a dependency of Canada:

6. That no fundamental or material change of the constitution of the Province can be made, in any other constitutional manner than by a statute of the Provincial Legislature, sanctioned by the people after the subject matter of the same had been referred to them at the Polls, the Legislature of a Colonial Dependency having no power or authority, implied from their relation to the people, as their legislative representatives, to overthrow the constitution under which they were elected:

7. That the scheme of confederating Canada, New Brunswick, and Nova Scotia, was never submitted to the people of this Province, at the Polls, before the 18th day of September last, upwards of two and a half months after the British North America Act was, by the Queen's Proclamation, declared to be in force, when the people were thereby

informed that they had been subjected, without their consent, to the absolute dominion of more populous and more powerful Colonies, and had lost their liberty:

8. That there being no statute of the Provincial Legislature, confirming or ratifying the British North America Act, and the same never having been consented to, or authorized, by the people at the Polls, nor the consent of this Province in any other manner testified, the preamble of the Act, reciting that this Province had expressed a desire to be confederated with Canada and New Brunswick, is untrue; and when the Queen and the Imperial Legislature, were led to believe that this Province had expressed such a desire, a fraud and imposition were practised upon them:

9. That the truth of the preamble of the British North America Act, reciting the desire of Nova Scotia to be Confederated, is essential to the constitutionality of the statute; and if the same is false, the statute is defective, because a statute cannot be rendered constitutional, by falsely assuming as true the condition which is indispensable to its constitutionality:

10. That from the time the scheme of Confederation was first devised in Canada, until it was consummated by the Imperial Act in London, it was systematically kept from the consideration of the people of Nova Scotia at the Polls; and the Executive Council and Legislature, in defiance of petitions signed by many thousands of the electors of this Province, persistently and perseveringly prevented the same from being presented to the people.

11. That at the recent Election, the question of Confederation, exclusively occupied the attention of the people, who were then, for the first time, enabled to express their will on a subject of the most vital importance to their happiness; and the result has proved, that this Province does not desire to be annexed to Canada, and that the people of Nova Scotia repudiate the enforced provisions of the British North America Act, which, for the reasons set forth in the foregoing Resolutions, they believe to be unconstitutional, and in no manner binding upon them:

12. That the Quebec Scheme, which is embodied in the British North America Act, imprudently attempted to be forced on the people of Nova Scotia, not only without their consent, but against their will, has already created wide-spread irritation and discontent; and unless the same be withdrawn, will, we fear, be attended with the most disastrous consequences, as the loyal people of this Province, are fully conscious of their rights as British subjects, set an inestimable value upon their free institutions, and will not willingly consent to an invasion of those rights, or to be subjected to the dominion of any other power, than their lawful and beloved Queen:

13. That the Colonies were politically allied to each other, by their common relationship to the Queen and her Empire, in a more peaceable and less dangerous connexion, than under any scheme of Colonial Confederation that could be devised, even on the fairest, wisest, and most judicious, principles:

14. That the people of Nova Scotia do not impute to Her Majesty the Queen, and her Government, any intentional injustice, as they are well aware, that fraud and deception were practiced upon them, by those who misrepresented the public sentiment of this country, and who, for reasons which we will not venture to assign, desired that confederation might be forced upon this Province, without the consent and against the will of the people:

15. That an humble address be presented to the Queen, embodying the substance of the foregoing resolutions, informing Her Majesty, that her loyal people of Nova Scotia, do not desire to be in any manner confederated with Canada, and praying Her Majesty to revoke her Proclamation, and to cause the British North America Act to be repealed, as far as it affects the Province of Nova Scotia.

HON. ATTORNEY GENERAL'S SPEECH,

ON MOVING THE REPEAL RESOLUTION IN THE HOUSE OF ASSEMBLY ON MONDAY, 10TH FEBRUARY, 1868.

HON. ATTORNEY GENERAL addressed the House as follows: I regret proceeding to the debate on these resolutions in the absence of the hon. member for Inverness, but having been informed that he is not likely to be in his place for some days, I find it necessary to go on with the discussion. I do so with the less regret because I know that this debate will be reported with accuracy, and that consequently that learned and honorable gentleman will be put in possession of the arguments which I and my friends on this side of the House intend to use. I am about to lay before the members of the House, before the people of this country, and probably before the people of England, the facts of one of the most important political cases that ever arose in the Colonies, and in order to do so satisfactorily, I shall endeavor to shew the true condition in which this country was placed before certain political changes took place in its constitution. I shall endeavor in the first place to show that Nova Scotia was a well-governed and law-respecting, a contented and happy country. She was well-governed, because her institutions were constructed in miniature on the model of the British constitution, which is the finest political system by which any nation was ever governed—a system calculated to maintain order and harmony among all orders of people—a system under which obedience to law, and the necessary result of obedience to law, liberty, have been better maintained than in any other country; for, sir, however paradoxical it may seem, it is a literal truth that the highest degree of freedom consists in obedience to law. It is obedience to law which preserves to me my rights and liberties, my property and my life; and therefore, however inconsistent it may seem, it is a literal truth that the highest degree of freedom consists in obedience to law; and that country which possesses institutions calculated to produce that result in perfection must be the happiest nation on the earth. Now the constitution of Nova Scotia was based upon the principles of the British Constitution—those principles which best suit the genius of the people. Its whole condition was different from those of any other country on the Continent of America, and the constitution which was granted to the people of this province by King George II, and which had been enlarged and greatly improved by his successors on the throne of England, was a well-working constitution. It was as much like the British constitution as it was possible to make things which are different in their nature. There were some defects in it, among which the greatest certainly was the want of a court for the impeachment and punishment of political offenders. That was a deficiency in our system,—without it no system of Responsible Government can be perfect, and it is certainly curious, but by no means very remarkable, that the great statesmen who have originated this splendid constitution for the confederation of Canada have taken precious good care in its manufacture,—whilst they have established courts for the administration of ordinary justice, as well as courts of appeal—to leave out the court of impeachment, which, considering the nature of the men who formed that constitution, and who are likely to be instrumental in carrying it out, would be the most desirable court of all.

When we compare our constitution in Nova Scotia with that of the Great Republic, the contrast must be favorable to this province. We admire the people of that country, we have sincerely sympathised with them in their recent distress and troubles. We feel towards them all the emotions of fraternal affection, but we do not approve of their constitution. We consider that their institutions are possessed of two fatal defects—the one is democracy, the other confederatio... We consider that having our little constitution moulded upon the monarchical institutions of England makes it infinitely superior to that of the United States, although the latter is a master work of human hands, and the finest piece of composition ever prepared by men for political purposes. It was manufactured by men who were really statesmen—by men who loved their country—by men who had

been educated in an English school—by men who had sense enough to perceive the beauties of the British constitution—by men who endeavored with the utmost imaginable pains and skill to apply the principles of the British constitution to a democratic system and form of government; but the people of the United States were unfortunate, after having separated from England in 1783, in the political system which they instituted. Had they combined in a legislative union—had they incorporated all the States under one Legislature, having one set of laws and revenues, they would undoubtedly, at this time, be the greatest nation upon the earth. They certainly would not have been second to any other; but, unfortunately, they chose Confederation, and that Confederation has resulted as every Confederation must result, for it is impossible so to adjust the rival and discordant interests of different countries under a confederation as to maintain permanent harmony. It is not in the nature of things that they should continue as separate and individual countries, having separate legislatures and individualities, without clashing with one another at some time or other. We have seen, notwithstanding the skill with which that famous constitution of the United States was made—notwithstanding the intelligence of that people, that great evils have made their appearance already. The Confederation was broken, an internecine civil war deluged their land with blood, and they expended in three years more than probably three times the amount of the national debt of England, in money, and the destruction of their property; and, sir, at this moment there is no man on earth who is able to say what is to be the result of the political affairs of that great country. An earthquake is growling under their feet, and no man can tell when and where the volcano is to burst, bringing with it destruction and ruin. I make these observations with the greatest possible regret, for I believe that every man in Nova Scotia wishes well to the people of the United States, although the people of this province have no desire to be connected with them. They are too wise, too sensible to desire for a moment to part with their own well-working public institutions, and enter into union with the States.

I shall now turn your attention to another Confederation—the Confederation of Canada—and contrast it with the United States, and show you that if it be not desirable to enter into Union with the United States, Confederation with Canada is absolutely hateful and detestable to the people of this country. We object to a union with the American States, because we disapprove of *Democracy* and *Confederation*, but there is a worse political combination, that is *Oligarchy* and *Confederation*. If we dislike the constitution of the United States we are bound to hate and detest the constitution which the Confederation act has prepared for the people of these fine colonies. If we were to join the United States, Nova Scotia would possess all the freedom that every State in the Union possesses. We would have the choice of our own Governors, of our Senators, of our Legislators; we would have the power of self-taxation and self-government in the highest degree; but what would be our position if we suffered ourselves to be dragged into this hateful union with Canada, where would Nova Scotia's freedom be? Before the British America Act was imposed upon us Nova Scotia was as free as the air. How could the people of this country be taxed? There was no power to tax them except this House, their own servants, whom they commissioned to tax them. Is that the state of things now? Have we any power over the taxation of this country? Does not the Act in question confer upon Canada the fullest power of taxing all the property of Nova Scotia at their arbitrary will? What is our control over that Legislature? We have but a paltry voice of 19 members in the popular branch, not a single one in the other. We have, therefore, to protect the rights of this country from spoliation, only 19 members out of 253. If we should continue in Confederation we should not be governed by the people, as is the case in the United States, but by a little knot of Executive Councillors in Canada. Therefore we have no disposition to unite with one or the other—neither with the United States nor with Canada; and, sir, if we were driven to the necessity of making a choice between the two calamities, we would be bound to choose the least, and that would be, to join the United States of America, and participate in their liberty and prosperity rather than submit to the tyranny of Canada. We would have to prefer the democratic tyranny of the one country to the oligarchical tyranny of the other, and there would be no difficulty in making a choice; but thank heaven we are not called upon to choose between them. We have a constitution of our own, and that belongs to the people of Nova Scotia; and I am going to show you that the constitution they enjoy is their own property—that the Parliament of England had no power to take it away from them—that the British North America Act is entirely unconstitutional—that Nova Scotia has never been legally confederated with Canada—and it rests with her to say whether she will ever be so or not.

Before I come to look at the constitution of this country, I must make a few remarks with regard to England. We intend to send to the mother country certain gentlemen authorized to present to the Queen our humble address, praying Her Majesty to relieve us from this Confederation with Canada. We go in the most perfect confidence that our prayer will be heard. We know to whom we are going to appeal. We are not placed

in the condition that the old thirteen colonies were in under King George III. We have a very different person to deal with in Queen Victoria. We have to approach ministers very different from those of the last century. We have no stubborn King George III.; we have no prejudices of the royal mind to counteract; we have not the infatuation of his ministers to meet. We have the greatest princess that ever adorned a human throne, a most virtuous Queen, who, when she accepted the sceptre, took an oath that she would rule the country according to the laws, customs and statutes of the realm. She has most nobly fulfilled her obligations, and, in answer to the prayers of her own church, "has been most plenteously endued with heavenly gifts." In her person she is an example of every virtue; her obedience to the laws exalts her above all other monarchs. Her personal virtues are brighter than all the gems which adorn her Imperial diadem. It is to a Queen like this that the people appeal. Have the people no right to present themselves before their Sovereign? Has not this ever been the most loyal portion of her dominions. Did not our forefathers flee from their country because they would not participate in rebellion! Did they not leave their property for their king's sake? I have seen a resolution passed by the Legislature of Nova Scotia at the time the thirteen colonies rebelled actually petitioning the King to impose taxes upon the Province to assist the Empire in its extremity. From that time to this the people of Nova Scotia have been the most loyal that ever dwelt in any part of Her Majesty's dominions. They will have confidence in presenting themselves before the Queen, and asking to be restored—to what? To any thing that they have no right to demand? Simply to their own. Can any man suppose for a moment that they will be rejected by a Sovereign like ours? We need be under no apprehension. We are pursuing the proper course to obtain a legitimate end, and there is no power on earth that can prevent the people from being restored to their rights but downright tyranny, and that we cannot expect from the hands of the Queen and her Government. Do not let the loyalty of Nova Scotia be suspected. Has any one a right to suspect it! Look at the injuries done to the people of this Province within the last six months. See their liberties taken away; see them taxed by a foreign and alien Legislature; see their property taken from them; all their customs handed over to others, collected by strangers before their very eyes. See stamp duties and tea duties imposed upon them. Those very acts which forced the old thirteen colonies to rebellion have been imposed upon Nova Scotia with the same extraordinary fatuity. And yet have the people rebelled? I have heard of no movement of agitation on the part of the people beyond the simple burning in effigy of one of the delegates. If that delegate had belonged to the United States, instead of being burned in effigy, he would have been burned in reality. If men commissioned by any State in the American Union to negotiate any arrangement affecting the constitution returned with such a bargain as these men returned with, they would not have been permitted to live. The slow process of justice would not have been extended to them, but that has not been the case in Nova Scotia. This law-respecting people have made no movement, but they are going to submit no longer. The time for forbearance is at an end. They had no means of constitutionally speaking until now, and they intend to make use of it. If it should be unsuccessful, I may be asked what will be the consequence? I am hardly going to anticipate that the appeal of the people can be unsuccessful. I deny the possibility of failure, but then I assert on the behalf of the people as long as the Queen of England extends to the people of Nova Scotia her protection so long will the people refuse to withdraw their allegiance. So long as they are protected they will be loyal and faithful; and, sir, let it happen that the Queen of England and her ministers in Parliament, regardless of the past, regardless of the loss of the old colonies, shall determine to trample on the rights and liberties of this country; if they should do so, then it will indeed be a dark and gloomy hour. Sir, when by the decrees of inexorable fate the flag of England and the name of Englishmen shall be taken away from the people of Nova Scotia, and the flag and name of any other country substituted, then I prophesy that this Province will be turned into a house of mourning, and every eye will shed hot burning tears of bitter regret and inexpressible woe.

Now, having made these preliminary remarks, I shall call your attention to the history of our Constitution. I have heard men assert that we have no valid constitution—that it is made up of despatches. I have been at the pains of examining into this question, and can show you that Nova Scotia has had a chartered constitution, an irrevocable constitution — one that no power on earth can take away except by force or violence. Neither the Queen nor Parliament of England has any right to touch or abrogate that constitution. This country was originally known by the name of Acadia, and was in the possession of the French at one time, and in that of the English at another—was long, in fact, debateable ground. The French at last made the settlement of Port Royal, at present called Annapolis. They fortified it in the early part of the 18th century; but an expedition was fitted out by a person of the name of Nicholson, from Boston, who came over and forced the French garrison to capitulate. Consequently the Province was at this time conquered by the British. In 1713, soon after the conquest, by the

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 Britian 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

that deed, and appended the seal to the commission of the Governor, he conceded the power to make laws. Both his Attorney and Solicitor Generals tell him, we have looked at Lord Cornwallis' patent, and you have not the power to make such laws. No law can be binding upon the people of Nova Scotia, except such as are passed in accordance with that charter. To show how completely irrevocable these charters are, I will briefly call your attention to a case which arose many years after, in 1774. Lord Mansfield then delivered the opinion of the Court of King's Bench upon a case which had been a number of times solemnly argued. After the conquest of Grenada, the King of England gave a commission to a gentleman of the name of Melville, almost identically the same as that he gave to Cornwallis. This deed was signed in the month of April, 1764, but Governor Melville did not proceed to take charge until the following December. In the meantime the King issued letters patent under the great seal, on the 20th July, 1764, laying a tax upon the people of Grenada—performing in fact an act of legislation. The case was brought up for argument; the merchant who had paid the tax having come over to England, and having been allowed to try it by the Attorney General. The judgment of the Court was that the tax was illegal, because the King, when he signed that Commission to Melville, ceased to have any power over Grenada. Here are some of the observations made by Lrrd Mansfield: "After full consideration, we are of opinion that before the letters patent of the 20th July, 1764, the King had precluded himself from the exercise of the legislative authority over the island of Grenada." Again he said: "We therefore think that after the two Proclamations, and the Commision of Governor Melville, the king had immediately and irrecoverably granted to all who are or shall become inhabitants of Grenada, the right of having their legislation exercised by an Assembly and a Governor in Council."

Now, Mr. Speaker, I shall endeavor to bring this argument to a close by inviting the attention of the House, and of the people of England, to whom I am speaking at this moment, to the great importance of Nova Scotia to the British Empire. This is a subject which has never been well considered. The old colonies are the most valuable portion of the earth—by the stubbornness of a British King, and the stupidity of his Ministers, they were lost to the Empire; and that dismemberment was the most serious that ever befell the British nation. Lord Chatham actually died protesting against it. Nova Scotia stands in the front of the American continent, just as England does in that of Europe. She possesses great mineral wealth, the source of England's greatness. Her coal and iron, with the energy of her people, have brought the mother country to her present proud condition. We possess the same advantages—we, too, are almost an island. If Nova Scotia were lost to England she might bid adieu to New Brunswick, to Prince Edward Island, and to Newfoundland. These four Maritime Provinces together have a territory similarly situated to the British Isles, and are capable of sustaining a population equal to theirs. Now Great Britain has been to Nova Scotia a very affectionate parent. She has been most kind to us, but we sometimes hear the statesmen of England grumbling a little about the expense incurred in defending these colonies. I must confess I cannot see what that expense is. Great Britain is a maritime nation and a military power. She must have the best navies on the ocean, and one of the strongest armies in the field. Where could she maintain her troops and navy more economically than in these Colonies? The climate is a very healthy one; the statistics show that the mortality here is less than in any other part of the world. The people of England would never consent to a standing army remaining in their own country. Therefore the scattering of the troops through these Colonies has been a kind of necessity, and so far from these Colonies costing England anything, they are little or no expense to her. She was always a kind mother, although not a wise one at times. When she adopted her trade policy in 1848 she left these colonies entirely unprotected. She left the trade of Nova Scotia to be managed by people who knew nothing about it. She had up to that time managed our trade herself; she withdrew her fostering care, and left us to walk alone.—We have managed to live very happy and contentedly, but she did not act wisely towards these colonies. Since 1848 no less than six millions of people have left England, Ireland and Scotland; where have they gone to? They have gone directly past us into the United States. If England had been a judicious foster-mother she would have diverted the emigration into these colonies. If she had encouragsd the commercial advantages of Nova Scotia, and the agricultural capabilities of Canada, we would now be a strong nation, instead of having only four millions of souls in our midst. We would have a population of nine or ten millions, and instead of being afraid of invasion, the people of the United States would be pleased to think, during their internecine war, that such was the peaceful character and orderly disposition of Her Majesty's Colonies in America that there was no danger to be apprehended from them.

I believe there is no time that a parent knows the value of the child he loves until he hears the cold earth falling upon the coffin, and the sad words, "earth to earth, ashes to ashes, dust to dust." Let England transfer this little province to the United States, and she will, after a few years' time, wake up to the loss she has sustained. If the people of

the United States succeed in restoring the union, in healing the differences between the North and the South, and in concentrating their tremendous energies, she must become one of the greatest powers of the world. She is now a great naval power, but give her the harbour of Halifax,—which in her hands could be made just as impregnable as Gibraltar. Give her the coal, iron, and fisheries of Nova Scotia, and her power will be largely increased, and millions of people will pour into this country. The fisheries alone of these provinces would be to the United States a nursery for a million or a million and a half of seamen. How long would England then boast of her maritime supremacy? When the Americans had only a few miserable chips they brought more disgrace upon the British flag than any other nation ever succeeded in doing. What would they be if, when challenged to the test by Great Britain, they had possession of the Colonies in addition to their ordinary strength? Suppose in the order of things France, another great naval power, should combine her energies with those of the United States, against England, in what position would the mother country be? How could she contend with such maritime nations as these? Therefore the loss of these Colonies might lead to the degradation of England, and instead of standing at the head of nations she might be lowered to the condition of a secondary state, if indeed she were not converted into a province of France.

I shall now very briefly call the attention of the House to the resolutions before it. They develope the arguments on which we ask for a repeal of the Union. The first clause contends that the Legislative Assembly of Nova Scotia had no power to change the constitution; they had none except what was given them in the charter. Parliament had no power over this country—it never had any. This country belonged to the Queen of England, and our Assembly had no constitutional right to consent to or make the slightest alteration in the constitution under which they were elected to make laws. That is the position which we take, and I would like to see the British constitutional authorities examine this subject, for I am convinced they will acknowledge that I am correct. The second resolution is to the effect that the only authority which the Delegates had was derived from the Assembly, who had no power to give any such authority at all. Even this authority, however, they disregarded. Their authority simply extended to the negotiation of the terms of a Federal union between all the British North American Colonies. They had no power to select three provinces and confederate them, and therefore in that respect they did not act up to their authority. Then, sir, their delegation was not legally constituted. If I gave a power of Attorney to A. B. and C. to transact business for me, A. and B. cannot do it without C., unless I make it optional for them to do it jointly or severally; but if I authorize three men jointly to execute a deed for me, or do any other act, any two of them cannot legally perform the duty. If the House of Assembly authorized a delegation to be constituted, consisting of an equal number of men from Upper and Lower Canada, New Brunswick, Prince Edward's Island, Newfoundland, and Nova Scotia, the delegates had no power to act unless this stipulation was carried out. No constituent assembly was constituted—it could make no constitution, or do any act until all the delegates were present. If there were 5 from one province and 6 from another, the whole proceeding was a nullity, because the delegation was not constituted according to their instructions. Then again they were told that they were to make just provision for the rights and interests of Nova Scotia. How did they do that? They gave the whole province away. We had a well-working constitution; we made our own laws, raised our own revenues, and taxed ourselves. We owned railways, fisheries and other public property but they gave them all away for nothing. We can at any moment be taxed to any extent arbitrarily by an oligarchy in Canada.

The sixth resolution states that no change can be made without an appeal to the people. Here is a self-evident proposition. The constitution belongs to whom? To the House of Assembly? No. To the Legislative Council? No. It is the property of the people of Nova Scotia—every man, woman and child are the owners, and it cannot be taken away from them without their consent. Even the arbitrary monarchies of Europe admit that principle. When Napoleon seized upon the Empire what did he do? At all events he went through the ceremony of sending around the ballot box, and asking the people whether they were willing to change their constitution. The other day two States of Italy, Nice and Savoy, were transferred after the Austrian campaign, and what was done? Did one king sit down and cede the country to the other? No; the people were called upon to decide whether they were prepared to accept the change of constitution or not. No constitution can be lawfully and constitutionally taken away without consulting the people who own the constitution. This is a self-evident proposition—just as evident as the fact that no man can have his farm taken away from him without his consent.

These resolutions go on to argue that the people of Nova Scotia were never consulted until the 18th September, 1867, after the British North America Act had passed the Parliament, and the Queen had given it force by her proclamation. They were then for the first time asked whether they were willing to accept the change of constitution. Then did the people answer emphatically that they would have nothing to do with it. These resolutions state that the preamble of the Imperial Statute is false, and I believe that when the Quebec scheme went home no such words were in it. But no sooner did the crown officers cast their eyes over it than they, knowing the constitutional course in all such mat-

ters, perceived that it was impossible for the Imperial Government to legislate upon the question without the consent or request of the people of these colonies. Accordingly they added the preamble declaring that "whereas the people of Canada, Nova Scotia and New Brunswick desire to be federally united, &c." That statute could not have been placed before the Imperial Parliament unless it had these words in it, for it would be unconstitutional unless the people of these colonies had testified their assent to it. Therefore the preamble being false, the statute is unconstitutional and falls to the ground.

The resolutions go on to say that the people were not only not consulted, but that they were purposely and designedly prevented from being consulted. Is not that a true statement? What did the House of Assembly, who recently sat upon these benches, with no great credit to them, do in the month of March last? When it was moved that the people of Nova Scotia had a right to be consulted at the polls, whether they would consent to be confederated or not, that resolution was negatived by 32 against 16 representatives of the people. Whose servants were these 32 persons? The servants of the Executive Council; they ignored the authority of the people, and said that the constitution of Nova Scotia belonged to Dr. Tupper and a few others. Then I think we have asserted strictly in accordance with the fact that the people of Nova Scotia were systematically and perseveringly kept from passing upon the subject of confederation. We have also stated with truth that the last election turned entirely upon confederation. I have heard men venture to assert that other issues entered into that election, but men who say this will state anything. No man living before or during the election, can venture to deny the fact that confederation was the great question which excited the people from one end of the province to the other. Now there is another clause which tells us that these colonies were, in the opinion of the people of Nova Scotia, united to each other by a connection better and superior to that of any confederation that could be devised even upon the fairest and wisest terms. I believe that to be literally true. It is a matter of political opinion. I have always thought that the system of confederation was the worst by which we could be united. It is impossible so to regulate the conflicting interests of the different countries in a manner that will prevent conflicts and difficulties arising. If you leave to the several countries their individuality and allow them to retain their local legislatures whilst you attempt to combine them at the same time under one general head, the experiment will be fatal—in time it must and will end in civil war and the shedding of blood. I believe that has been the experience of the world with respect to confederation. The provinces have now five governments instead of three. If they were really united they would be stronger, inasmuch as the whole is stronger than the parts, they would have one head, one legislature, one revenue, one set of laws, one tariff. On the other hand, for the reasons I have previously given the system of confederation is, in reality, the worst that could be devised for these Colonies, if the wish is to promote harmony and prosperity among them.

We shall pass these resolutions, and we may, if necessary, add one or two more; and when we have done so, it is the design of the Government and House to send Delegates to England as soon as we can, to submit to the Queen an humble Address, embracing the substance of these resolutions; and I have much pleasure in announcing, so far as I am able to judge, my belief and conviction that the Delegation cannot possibly fail of success.

HON. ATTORNEY GENERAL'S SPEEECH,

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

Nova Scotia could be taxed under an act passed in Prince Edward Island and by the authority of such a statute? Let us suppose for a moment that by virtue of the Legislative power conferred on them by this Parliament, the Legislature of Prince Edward Island imposed a stamp duty such as Canada has taken the liberty of imposing on us,—and suppose that a gentleman in Nova Scotia had given to another a note of hand which the law of Prince Edward Island declared void unless stamped and that an action was brought upon it,—the maker of the note pleads the statute of Prince Edward Island, and what would the Supreme Court say? Would not the Supreme Court have the power to decide that the Legislature of Nova Scotia had transgressed its authority in passing such a law, conferring on a foreign legislature the power to tax our people? Would not the judges refer to this charter and declare the stamp act void? That undoubtedly would be the decision, and if the judges did not decide so they would conduct themselves in opposition to the plainest principles of justice and common sense. If they did not decide so the party to whom the note was given would appeal to the Privy Council, and how long would such a law be allowed to disgrace the statute book of Nova Scotia. Therefore the comparison between the two Parliaments was entirely inapplicable. The Legislature of Nova Scotia as compared with that of Great Britain is like a mosquito compared with an elephant. There is a remarkable resemblance between them,—the mosquito has a long trunk as we sometimes know when he penetrates our flesh and causes no little irritation of our nerves, and so has the elephant. The elephant could take a man up on his trunk and pitch him on his back, and if I asserted that the mosquito could not do the same, following his process of reasoning in the present case, the learned gentleman would contradict me and refer to the elephant in proof of his opinion. The reasoning in the one case is as good as that in the other, and when the honorable gentleman undertook to cast a doubt on the authortiy of Lord Mansfield I am again involuntarily but forcibly reminded of the mosquito and the elephant. I think I have shown plainly that there is no comparison between the two Legislatures,—I have shown that it does not follow that beeause the Imperial Parliament can alter the constitution, the Parliament of Nova Scotia can do so too. But he has asserted that the Legislature of Nova Scotia had repeatedly altered the Constitution. There I am at issue again with the honorable member as to the facts. This Legislature has in no single instance altered the constitution but has always enacted its laws within the range of the constitutional authority conferred by the charter and the instructions of which I have spoken. "But," says the honorable member for Inverness, "has not this Legislature altered the polling districts throughout the country? Have they not increased the representation of one county and lessened that of another? and is this not an alteration of the constitution?" My answer is, no. These were no violations of the constitution. At the time when the Governor was ordered to call our assembly for the purpose of making laws there was no subdivision into counties, the country was sparsely populated, no survey had been made and as a consequence the Province was as it were all one country. The instructions from the home government tell the Governor and Council, in calling together the Legislature to make such distribution of the seats as they thought proper, so that they acted under the constitution throughout. When the country was subdivided into townships and counties it became necessary to alter the representation and thus the whole proceedings to which he refers are strictly within the limits of constitutional authority. Then again the honorable member referred to the case of Cape Breton and asked, "Did not the King in council by proclamation unite Cape Breton and Nova Scotia?" He did; and that circumstance goes to maintain the line of argument which I have adopted. What was the condition of Cape Breton? She was a conquered colony, and from the time of the conquest of Louisburg was held by the sovereign of England as his estate in fee simple. The King had the whole legislative power in himself and he chose to govern the colony, as a crown colony, under certain regulations made by himself, through a Governor and Council. The Parliament of England or that part of it consisting of Lords and Commons had nothing to do with the matter, for as I said the King was owner of Cape Breton. He did not give it the same charter as he gave to Granada and the older colonies, but continued to rule it as sole legislator until he thought proper to confer the privileges that he had conferred on Nova Scotia. The honorable gentleman will not pretend to say that Cape Breton ever had an assembly or any body resembling a legislature to make law for the country. When the King thought proper to annex the island to this Province he did not infringe the laws of Nova Scotia but imparted the blessings of the constitution of Nova Scotia to his subjects in Cape Breton, and when the people of the island foolishly objected to the transfer and went home with their case to the Judiciary of England, they were told and told properly "the King owns you and as he thought proper to dispose of you he had a right to do so because he held you in absolute sovereignty." That illustration therefore goes to support my argument. Then again the honorable member asked us if the Legislature of Nova Scotia did not confer universal suffrage on the people and in doing so change the constitution? I reply no. It was not a Legislature that gave universal suffrage; the original commission was to the

"planters and freeholders," and they alone in conjunction with the Governor and Council could make laws. The Governor represented the sovereign and the sovereign had retained in his hands power to abrogate any statute of the Legislature. He had retained all the powers which he did not confer on the people of Nova Scotia, and those powers were by no means inconsiderable. Having then given the privilege of legislation to the planters and freeholders he had a right afterwards to give that privilege to the rest of the people. Therefore without violating the constitution, but in the exercise of her royal authority, by assenting to an act of our Parliament the Queen extended the privilege, formerly limited to the freeholders and planters, to the householders and other inhabitants of the country. We were told that on another occasion the whole constitution was convulsed and overthrown by a sort of political earthquake,—that the whole of the old council of twelve who exercised legislative and executive functions were dismissed by a single stroke of the pen of the Colonial minister, and that thus a complete revolution was effected. In that statement of the case the hon. member is greatly mistaken. Whose council was that? It was the same Council that the King had ordered to be summoned when he gave the Charter to Lord Cornwallis. That Charter ordered the Governor to select and choose a Council who should hold office at the will of his Majesty. These twelve Councillors were the legal successors of the first Councillors, and at the time they were dismissed were holding their seats at the Council Board at the pleasure of the King or Queen, and were liable to be called upon at any moment, as they were on the revision of our institutions, to resign their Comissions and give place to substitutes. So that in no one of those cases was our constitution invaded.

But the argument of the hon. member assumed a position which is by no means granted, and that is that in the case of Confederation our Constitution was changed by our Legislature. He assumed that to be a fact which is not consistent with the truth. The legislature of Nova Scotia has never been a party to the British North America Act nor has it ever recognised 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 lawyers 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 Confederate, 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 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 round 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 intellect 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 slightingly. Why, Sir, as compared with Mansfield, the best lawyers in this Province are as the half hatched eaglets compared with the full grown bird that soars almost to the limits of the atmosphere to gaze with unflincing 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, shewing 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 sovreignity,—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 betwe n them. In July, 1764, the same king by letters patent 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 irrecoverably 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. He had in April sealed a commission authorizing the people to tax themselves, and in July, when he issued his letters patent to levy the 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 singular that that very name has been applied by English travellers to the politicians of Canada. I think it is Mr. Trollope who has said that in that country the term "politician" is synonymous with "blackleg." As I said, I do not like to call names, but it is impossible to get on without calling things by their proper terms. How can I otherwise explain what I mean in referring to those Canadian schemers who stealthily concocted a plan for the subjugation of the people of Nova Scotia—the men who tried by bribery and corruption to jockey us out of our rights. Is the word inapplicable? I think not,—it is the most appropriate, and I say that the men who conducted these practices would be horsewhipped off any race-course in England as blacklegs. Our political knaves are not entitled, sir, to have such mild language applied to them,—they deserve sometning worse. There may have been some excuse for the blacklegs of Canada to lay hold of the revenue of Nova Scotia, but where is the excuse for the statesmen of this Province, who aided and assisted those men in destroying the liberties of the people? How shall I characterise such men as these? Men who, keeping the people from passing on a subject of such vital consequence to their interests, had the wickedness and cruelty in the dark and behind their backs to destroy the rights of their countrymen. Political assassins would be the name for them, and when I heard the honorable member for Inverness mention the name of Judas Iscariot I thought the association was discreditable to the celebrated traitor. Judas brought back the money,—he was therefore an honest man when compared with them. We will never catch one of those men bringing back the price of his treason. Judas also repented and showed himself a considerate man when out of a due regard for the best interests of his country he went and hanged himself. Those politicians have not the manliness to imitate his example and to commit such an act of self-inflicted Justice. That, Mr. Speaker, is my opinion. The honorable and learned member cited the conduct and language of Sir Robert Peel as authority. I id not wonder at his doing so for I do not now wonder at anything,—such amazing things do occur now-a-days that wonders have ceased. The spirit of amazement died within me when I heard the honorable member. Who was Sir Robert Peel? He was a great scholar, an English gentleman, a highly educated man and an orater, but he was a rat. For thirty years he headed a party and then wheeled round and joined his adversaries. And are not the gentlemen whose conduct I have been criticising all rats—political vermin? Was there one of them true to his political colors? I do not now of course refer

to gentlemen present. It is said that birds of a feather flock together,—animals of some some species also become gregarious, and it well known that rat does not dislike the smell of rat. Sir Robert Peel descended into the grave as damaged a statesman as was ever cited as an authority. But the reference was made to prove what nobody ever denied: that the Parliament of England can do as it pleases. The next position which I take as a postulate is that we have on our Statute book no Statute rarifying or confirming the British North America Act. With these two postulates I proceed to show that the British North America Act is unconstitutional and void and in no manner binds the people of Nova Scotia. And I may say that if we had had in our administration men of high principle—men having any consideration for the rights of the country, when the Queen's Proclamation made its appearance on the 1st of July our public property would not have been handed over to Canada, our railroads would be still in our hands,—our revenues would have been still collected by ourselves and we should not have had the disgrace of coming practically under the operation of that detestable statute. But the enemies of the country had paved the way for its introduction by putting into power just the men to accomplish their iniquitous design. That is the reason why we are placed under a dominion in which *de jure* we are not and do not intend to be. My argument is this: in 1713, after a British General had conquered Port Royal, now called Annapolis, which means the city of Anne, the treaty of Utrecht was made between the Queen and Louis XIV, by which the King of France yielded the conquest to the Queen of England, and thus Nova Scotia became the absolute property of the Queen, and she and she alone could thereafter legislate for this country. The House of Commons had no authority over Nova Scotia then nor now. They represent the people of England,—not a part of them as was said, for it would appear by the argument of the honorable member that the Catholics were unrepresented before the Emancipation Acts were carried,—they were always represented,—the House of Commons represents every man, woman and child in the British Isles, even the cattle and horses—everything from the grass upwards. The representation in Parliament is complete and why? Because the members of the House of Commons are chosen by the people of England. But did they ever represent Nova Scotia? Never; because the people of Nova Scotia had no voice in their election. Did the House of Lords represent the people of Nova Scotia? No; they represented the landed and aristocratical interests of Great Britain but they never represented the interests of Nova Scotia and had no power nor authority to make laws for us. The whole legislative power was in Queen Anne and her heirs and successors under the title of Louis XIV. and the arms of the British soldiery. That Legislative power seems to have been unexercised until 1747, when George II., by his Royal Charter divested himself of his right of legislation. To the full extent to which the charter goes he deprived himself of the power to legislate for Nova Scotia. I do not say that by that act the King's whole legislative power ceased,—all the powers which he did not give he retained but such as he did give his seal would not allow him to take back, binding him as the seal of any other man or any member of this House would, him and his heirs forever. All who are in privity of estate with him are bound and thus Queen Victoria is bound by it. Having transferred the Legislative power to the people of Nova Scotia he could not take it back.

The case of *Hall* vs. *Campbell* proves that if the King had subsequently attempted to legislate for Nova Scotia by letters patent—which is the most solemn deed of the Sovereign—the letters patent would have been void. Now, I contend that when the Queen of England attempted to legislate for Nova Scotia by Act of Parliament, that act is void. This is an assertion which I make in the face of the constitutional lawyers of Europe. If the Queen could not sign letters patent by way of legislation, she could not legislate by Act of Parliament. The Lords and Commons had no part in the matter; what they did was nothing,—it did not alter the case, for they had no authority over the land, and never had and never will have until we are represented in their bodies. What did they do? They merely sat beside the Queen and assisted her in doing what she had no right to do. If she had the right to pass that statute, the Lords and Commons merely assented. As if I, being the owner of a lot of land in fee simple, and being disposed to convey it, asked you, Mr. Speaker, and the gentleman who sits beside me, to join in the deed, and I wrote it in this form: "This Indenture, made between the Speaker, my hon. friend, and myself of the one part, and the purchaser of the other part, witnesseth, &c." The deed transfers my land in fee simple, but have the other parties who were joined transferred the title? By no means; the title passes because I, the owner of the land, signed the deed. The signature of the others was a mere matter of form, and conveyed nothing. And so, if the Queen of England had had the power, when that statute was passed, to legislate for Nova Scotia, and the Lords and Commons joined her, it would merely have been for form's sake; and I wish it to be distinctly understood as part of my argument that the Lords and Commons had nothing to do with this country. The hon. member opposite has asserted the very bold proposition that no act of the Imperial Parliament was ever declared void. Here I join issue with him. I will show him that

statutes of that Parliament have been declared void in the most solemn manner imaginable. In 1774 or 1775 the Parliament of Great Britain took the liberty to pass a Stamp Act and a Tea Duties Act to bind the American colonies. Now, let it be borne in mind that if those Acts had been passed to bind England, no power could set them aside; but when they were passed to bind the Colonies, those statutes were declared void because they were void on the principles which I have stated. And who declared them void? The Thirteen Colonies of America declared them void, as the people of Nova Scotia are now declaring the British North America Act void,—the armies of Congress declared them void,—the King of France declared them void, and with his army helped to give judgment against the King of England,—the King of Heaven declared them void because they were void in truth and justice. Lastly, George III. was himself forced into the humiliating necessity of declaring them void by acknowledging the Colonies to be free sovereign and independent States. In 1783 those statutes were given up in the most formal manner by the King of England, and the whole world since has concurred in the opinion which I have stated. No man with any regard for his character as a constitutional lawyer would assert that the decision was not a right one. What led to the great revolution in England and the decapitation of Charles I.? Was it not the violation of the principle which is violated by this statute? What is the proposition which the American people contended for? That, having a legislature of their own, they could be taxed by no other power on earth. Representation and taxation cannot be separated,—without representation there can be no taxation. On that principle Hampden refused to pay the ship money,—when the King said "Give me your ship money," he answered "No, go to Parliament,—that is the only power that can tax me; and if you force your hand into my pocket I will draw my sword," as he did, and he died nobly contending for the rights of his country.

(The usual hour for recess having arrived, the House adjourned and resumed at 3 o'clock, when Hon. Attorney General continued:)

I was discussing, at the time of the adjournment, the possibility of an Imperial Statute being declared void, and I think I had shewn pretty conclusively that a very important Imperial statute had been declared void by the judgment of the first courts on earth, and that when Parliament undertook to violate the constitution by taxing the people of the Colonies whom they do not represent, their statutes and legislation may be void. No principle is so perfectly obvious to the common sense of the House as that if the acts of a Parliament are void, there must be on earth some tribunal before which the viciousness of such legislation may be declared. It is very seldom that that great legislature has attempted to trample on the rights of the Colonies,—its leading characteristic has been kindliness,—it has always extended the right hand of fellowship to us, and has ever treated us with the utmost consideration and benevolence; but it might possibly on some occasions be tempted to infringe the rights of a Colony. We contend that it has done so on the present occasion; that when the Imperial legislature passed a statute creating a legislature in Canada to rule over and tax the people of Nova Scotia, silencing the legislature of this country to a certain extent, depriving the representatives of the people of Nova Scotia of certain powers, and conferring unlimited powers of taxation on an alien parliament in Canada, that statute affected fundamentally the laws of the Empire by violating the vested rights of the people of Nova Scotia. I have stated and proved that Imperial legislation has been declared void,—not only by Courts of Justice to whom the question was referred, but by the armies of the United States, the armies of France, and by the final declaration of the King of England himself; but before that legislation was passed, and while it was passing, it was declared void by the first constitutional authorities in England. The famous Chatham heading the opposition to the bills, and every man following him in opposition were found openly and publicly declaring the principle which must be admitted as sound: that the Colonies in British America, not being represented in the Imperial Parliament could not be taxed by that Parliament. What is the reason of this principle? What is Parliament? Parliament is the representation of the people of the country who own the government. To whom does the country itself belong? To the people. The will of the people is the supreme law of the land. Not only in England but in Continental nations the people are the source of all power,—every dynasty, every authority derives its power from the people themselves. The people, as I have said, own the country, and the government are their servants. Let us see how far this doctrine has been established. When France had completely gone mad, had dethroned the hereditary sovereign and murdered him and his family and established a new order of things, what did the British nation do? Did they refuse to treat with the *de facto* government? No, recognising the sovereign principle that the government belongs to the people, the British government recognised the revolutionary dynasty which the will of the people had created. They recognised the usurper Buonaparte and treated him as the sovereign of France when, though a Corsican by birth, he had seized the throne of one of the greatest nations in the world by the force of the bayonet. The principle is recognised in every country

that the government belongs to the people, and that the people mould it as they please. The government and Queen of England belong to the people;—the Queen represents the majesty of the nation, and if the people of that country thought proper to-morrow to set up a different form of government,—if they were foolish enough to abandon the finely working and checking principles of their glorious constitution—to send adrift both the Sovereign and the House of Lords and to form a republic it would still be the government of England as it was during the Commonwealth. So that there is no principle more clear than that the people own the government and can do with it as they please. It is plain likewise that the government can have no existence except by the will of the people,—that it cannot maintain itself except by their assistance and support, and that the taxes which the people of a country contribute to maintain the dynasty or government must be their voluntary gifts.

There is no power in the Constitution for taking a shilling out of a man's pocket;—he only parts with his money by his free will and the process by which the maintenance of government is secured in the British Empire is this: that the people elect representatives with the power of levying taxes. There is no other power known to the constitution which can lay its hands on a man's property in this country. These are the sound principles of the constitution, and we find that in former times the taxes were called benevolences, subsidies, gifts, and a number of other expressions were used to imply, and which all implied that everything which the Crown demanded from the people was their voluntary gift for the purpose of maintaining and carrying on the government. Acting on these principles such men as Chatham and the men of his country, and the Washingtons, the Madisons, the Jeffersons, the Hamiltons and the Morrises of the United States—men who were political giants compared with the pigmy and crippled Statesmen of the existing colonies, contended with propriety that no Statute could impose a tax on the Colonies, because the colonies possessed legislatures of their own having the sole and exclusive right to levy taxes on the people. The contest for these principles was successful and will be so while the Empire remains. If these principles are sound, and I should like to see the man who can controvert them, what is the position of the British Parliament as regards the British North America Act? I have demanded that the postulate, that the people were not consulted on the question should be admitted,—I have demanded also that the postulate that there is no act of our own legislature to sanction that statute should be, and it is, admitted. What then has the Imperial Parliament done? Against the will and without the sanction of the people that Parliament has taken the liberty, not only of taxing us but of causing us to be taxed by another power. The complaint against England on the occasion of the Stamp Act was that the Imperial Legislature itself had taxed the people of the Colonies, without having power and authority. We have a worse complaint than that—ours is a much more aggravated case. What we complain of is not that that legislature has attempted to tax us, but that, what is ten thousand times worse, it has put us into the hands of other Colonies, larger, more populous, and more powerful and more extravagant Colonies—Colonies who have no feelings in common with us, who are alien to us, and authorized them to lay their hands on us and tax us at their pleasure. If the Parliament of Great Britain had no power to tax us *a fortiori* ten thousand times, it has no power to create a new legislature in any part of the world with that power. What it has not itself it could not confer on others. Therefore on British principles the act alluded to is void—it never was law because it violated the fundamental principles of the Constitution, because it imposed taxation on a people whom it had no right to tax. The hon. member for Inverness looks us in the face, and, with an immense amount of assurance tells us that we are not taxed by a Parliament in which we are not represented, and he asks, "Are we not represented in the Canadian Parliament?" I ask what right had England to create any Parliament to tax us, giving us just such representation as she thought proper? Is not our representation in the Dominion Parliament an insult to, and a mockery of, the people of Nova Scotia? Is not the man who would accept such representation, and be satisfied with it, fit for the Lunatic Asylum? How many representatives have the people of Nova Scotia to protect their interests against the Upper Canadians—against the Frenchmen of Lower Canada—the strangers and foreigners, whose names we cannot pronounce—in whose elections we take no interest—to whose returns to the Legislature we can make no objection? We have nineteen men also; if they were the finest men ever produced on the face of the earth—the finest statesmen ever known—every one of them as fine an orator and as profound a politician as the hon. member for Inverness—their arguments would not stop the taxation of Nova Scotia as long as they would be talking. That is the way in which we are represented, and this is the constitution which the hon. member for Inverness has been laboring to defend. The people of Nova Scotia, if they accepted such a constitution, would be as abject slaves as the people of Turkey, the serfs of Russia, the fellahs of Egypt—the most degraded people on the face of the earth. Does the hon. member suppose that the people of free Nova Scotia will submit with the certain knowledge that the Statute is void. Why is the Imperial Statute void? Simply because its preamble is false. If that preamble were true, no man would be insane enough to dispute its validity. If the people of Nova Scotia desired Confederation with Canada on the conditions imposed by that Act, and the Queen of England were willing to confederate us, there would have been nothing improper or unconstitutional in the

Act. It would not then have required the interference of the Lords and Commons, because the Sovereign, as I have shewn, was the original legislator of Nova Scotia. If the Queen then had expressed a wish to the people of Nova Scotia that they should join in a confederation with Canada, and the people of Canada had assented, and the people of Nova Scotia, on being consulted at the polls, had sent to this House a majority of representatives willing and anxious for the federal union, and a Provincial Statute had confirmed it, the British Statute would have been sound and constitutional.

But that has not been the case,—the Act was passed against the will of the people of Nova Scotia. It was not simply passed without consulting them, but passed, after insulting them, fraudulently, dishonestly, by falsehood, by misrepresentation, by intrigue, by deception, by every species of criminality, which politicians could commit against a country. It was known to the men who went to England on the delegation, that the people did not want confederation, and that the majority of them were opposed to it. Corruptly undertaking to bind the people of Nova Scotia in that confederation they went to England and falsely informed the Queen, the government and the Parliament of that country that the people desired confederation. A fraud was practised on the people and legislature of England to obtain the passage of the Act, and we know that in law there is a very wholesome principle, that "fraud vitiates all things." Ever since the commencement of the world fraud has vitiated every human contract and transaction into which it entered. There never has been a man who, having been defrauded out of his rights would not at the first opportunity re-invest himself with those rights, because according to the laws of nature and reason, according to natural justice fraud vitiates every transaction. A statute is not exempt from this all-pervading principle of equity. A statute, powerful as it is in England, is not, I say, exempt from that principle, and the people of this continent and of the whole civilized world will instantly join in one loud chorus to pronounce a statute obtained by fraud to be void. The advocates of Confederation will soon find the truth of the old saying "honesty is the best policy,"—it would have been wiser in them, if they expected to gain anything by Confederation, to have submitted the question to the people at once, instead of trusting to force it on us by fraud, deception and misrepresentation. These men, however, performed an act of political assassination, and deliberately, in Canada and with Canadian sharpers, concocted a scheme to rob Nova Scotia of her independence. These statements are all true, and I am not ashamed of the truth. I know certain classes in Nova Scotia who are ashamed of the truth,—who have a strong aversion to it, who love the opposite of truth for its own sake and the sake of its expected fruits, but I am not afraid of the truth, and I say here, that these men wickedly, maliciously and dishonestly conspired to destroy the constitution of Nova Scotia, which the people rightfully prize above all things. If they had not been fools as well as something worse we would have been in an unpleasant condition to-day, but it has been wisely ordained that the rogue is always a fool. If it were not for the folly of the knave he would never be detected, and therefore it is that the maxim has arisen "honesty is the best policy." If heaven had not affected those men with judicial blindness, our liberties would have been lost, but we owe our salvation and the salvation of the constitution to the excessive weakness of the men who having banded themselves together for the purpose of aiding the conspirators in Canada in the destruction of Nova Scotia, were so silly, such inconceivable political nincompoops, as not to perceive that it required a statute of Nova Scotia to bind the people of Nova Scotia. The same men are unable to rake up a single constitutional argument in support of their position. To this utter ignorance of every principle of constitutional law Nova Scotia must ascribe her safety. The gentlemen who did us this favor, chose the Irish job as their model,—they have not even the merit of originality, for their plot is a mere imitation of the other. They had not the wit to conceive a plot of their own, but borrowed from Pitt and Castlereagh. There was, however, only a certain portion which they were capable of borrowing, they could not borrow their wisdom, for as is generally the case with servile imitators of others, they only pick up the faults and defects while they are unable to copy the perfections or merits of their models. The McCullys, the Archibalds, the Tuppers and the Henrys, and such most worthy characters in imitating Pitt and Castlereagh were able to imitate them only in their vices,—they were as corrupt and even more so, because Pitt and Castlereagh pocketed nothing, while these gentlemen all managed to pocket something,—therefore they were wiser in their generation. They imitated, I say, the faults which rendered that Irish job contemptible in the eyes of the world—which made one of the finest people in the world the most unhappy people under the sun. Observe now the vast distinction between the two jobs:—Pitt and Castlereagh after corrupting the Irish Parliament to transfer the legislative power to the English Parliament, did not satisfy themselves with an Imperial statute,—they went further and called for an Irish Act of Parliament, making the Irish legislature itself confirm the Act of Union. Mr. Pitt as we all know was a great statesman, and although this Irish transaction was a blemish on his character, and evinced an error of judgment and a defect of morality in thinking that the end could justify the means, still he had great wisdom, and when he determined to accomplish the Union he did so effectually. When he had bound the people of Ireland hand and foot and cast them into limbo, he took care to lock

the door and to walk off with the key. But our jobbers had not sense enough to bolt the door,—they were in such a hurry to enjoy the fruits of confederation, that they did not take time to think how the thing should be done, but after shutting us into limbo, the arrant stupidities walked off leaving the door ajar and the key sticking in the lock,—we will certainly, therefore open the door and walk out. By the mercy of Heaven we fell into the hands of men who did not know what they were about. The hon. member for Inverness cited what I called a somewhat doubtful political character in Peel, who, as I stated before had eminent qualities but the one terrible blemish which I mentioned. If he wanted to find a model I would recommend him to go to Ireland. England never was in the position of the Colonies,—she never had such occasion to produce model statesmen of the cast of those I have referred to but Ireland was in that condition,—she had been robbed of her Constitution and had produced some men who were more worthy of imitation than Sir Robert Peel. If he had taken Daniel O'Connell he would have chosen for his model an honorable and patriotic statesman—a man who loved his country from his cradle to his grave, spending the whole of his most valuable life in contending to get back the constitution of which she was robbed, and a man who died advocating nobly the cause of Ireland's liberty. He was the equal of Sir Robert Peel in ability; as a man and a statesman he was his superior. He also was an orator, and as a patriot he had no equal; and he went down to an honored grave. If I were to make any man my model, I would choose such a man as that, rather than one who having forfeited the character of a steady and consistent statesman, descended into an inglorious grave. If this country were unsuccessful in obtaining repeal, she would be much in the condition of Ireland; and I ask, does the hon. member for Inverness wish to see us in that position? Does he wish to see in Nova Scotia generation after generation of discontented subjects?

In reference to the treatment which we have received at the hands of the British Government I must draw a contrast by no means flattering to that Government. If we take up the file of the despatches, we shall see with what care, correctness and impartiality the Ministers of George II. treated Nova Scotia when Governor Lawrence thought he could do very well without an Assembly. They said "the King had pledged his royal word to Nova Scotia that its people should have a House of Assembly on the model of the British House of Commons, and we command you forthwith to summon the House." The Governor made various excuses—he thought he could do very well without the Assembly; but they answer him, "We command you to execute the royal promises, because we will not have those promises forfeited." They told him that this command was the last instruction he was to receive. That is the way in which this country was treated in those days; but how have the Ministers of Queen Victoria treated this Province? I am sorry to say a word to the prejudice of those great men, and I am willing to believe that, being doubtful of the confidence of the House of Commons, they had enough to engage their thoughts at home without looking into the affairs of the Colonies. I am willing to make every excuse for the Imperial Ministers,—they were told, it is true, by persons from this country, whom they mistook for gentlemen, that Nova Scotia most anxiously desired to be confederated, and that the scheme would be satisfactory to all concerned. But I must pause here and make this observation. In a matter of such transcendant importance, involving the fate of this, the noblest portion of the Empire, these men are chargeable with gross negligence,—they should not have been satisfied with the word of any man, but should have so framed the Act of Union that the people and legislature of this country would have been consulted upon its details. They should have sent it out with a suspending clause to prevent its coming into operation until the people had been heard at the polls, and our Parliaments had ratified it clause by clause. They are chargeable, I say, with negligence in not doing so, and if they are compelled, from the necessity of their position, to draw back and revise their steps—to admit the soundness of the arguments which I am using to-day as to the invalidity and unconstitutionality of that Act, they must get up in Parliament and state that they were wrong. I have such an opinion of the high-mindedness and integrity of that administration, that I believe they will embrace the earliest opportunity of making reparation to the people of Nova Scotia, whose rights they have treated with too much indifference.

Now, Mr. Speaker, let me ask what the condition of this country would be if we accepted confederation. We would be absolutely at the disposal of the Canadian Parliament. They can tax unlimitedly the people of Nova Scotia, excepting that they cannot put a tax upon land. They took our railroads, our fisheries, our public buildings and our revenues, but were kind enough not to take Nova Scotia itself up to Canada, they had the kindness to make that exception. That would be the condition of this country, and let me ask who are the Canadians that the noble and loyal people of Nova Scotia should be made subject to them? What temptation have we to enter into a confederation with them? Has Nova Scotia ever forfeited her constitution by rebellion? Has the blood of Englishmen ever discolored her soil? Can Canada give the same answer to these questions that we can give? Did not Canada rebel against the British authority? Did not the Canadians slay British soldiers on their soil. Did they not stone, murder and mutilate a British officer while in the discharge of his duty; and does not the innocent blood of that officer, like

the blood of Abel, cry from the ground? Does it not loudly warn us to have nothing to do with such men? How long shall we be subject to that French population in Canada which has stereotyped itself as a separate nationality in the Act of Union? That is one of the greatest follies of the scheme. They have created an *imperium in imperio*;—while power is given to the Canadian Parliament to trample on the rights of Nova Scotia and New Brunswick, the rights of the French Canadians are not to be touched. There is to be a French nation in our midst, controlling the loyal people of Nova Scotia. Is there a man in this House who would submit to such an indignity? I think there are hardly ten men in the Province who would willingly yield to such a degradation as that.

In this debate we have been asked a very serious and important question which I shall endeavour to answer. We were triumphantly asked, "suppose when you go to England with your address you fail of success, what then?" For my own part I see no difficulty in the question. In the first place we will call on the Queen of England, who is the first constitutional Sovereign on the face of the earth, we will submit to her a statement of our case in which we will shew her that we have a right to have our constitution restored; and we will ask her to be pleased to recognise the simple unquestionable right of the people of Nova Scotia to enjoy their independent constitution as it was before the act was passed. I know that a number of gabblers say "the British Government will not do this, that and the other,"—I am a reasoning man and I know that the Queen and her ministers are reasoning people and I believe that when we have submitted to the Queen the case which I have presented to the public to-day, she will not hesitate to say to the people of Nova Scotia, "you have been most grossly insulted and ill-treated—my ministry have been completely deceived—your constitution must be immediately restored." I have no more doubt that such will be Her Majesty's language than that I am addressing the House. But suppose that insanity should overcome Her Majesty, which God forbid, and that she should say to our delegates, "go back to Nova Scotia and tell your people that they have lost their liberties it is true, that they have been made the most abject slaves on the face of the earth, but it is done and cannot be helped. Then, sir, we will go immediately to the Houses of Lords and Commons, we will instruct our delegates to apply there and to employ the first counsel in Europe to appear at the bar of those Houses there to advocate the unconstitutionality of the statute as was done in the case that I referred to in the King's Bench. We may fairly expect a favorable reply to such an appeal, for I do not think that the Lords of England—the high-minded noblemen who dignify the position of spiritual and temporal Peers of the realm, will turn a deaf ear to the petition of the loyal people of Nova Scotia. Do you suppose that they have such things as McCullys and Tuppers in that House? Will that House, which is the embodiment of honor, say "pooh, pooh, go back, you have got liberty enough, the French Canadians will take care of you:" No, sir, but rising with indignation the members of Parliament will say with one accord, "how dare you, Mr. Watkin, mislead the Parliament of England by saying that the people were consulted at the polls? Give your authority for the assertion." But suppose that the Lords and Commons also became so far infatuated and intoxicated as under any circumstances to refuse to consider our rights, what next? I will tell the people what next: we will then try the Judiciary of England. I will get some gentleman to give me a note of hand for £300 sterling without a stamp,—if he refuses to pay the note because it lacks the stamp, I will sue him and take a special verdict setting forth the condition and constitution of Nova Scotia, the Governor's Commission or Charter, the Royal Instructions, the Imperial Statute,—setting forth also that the people of Nova Scotia were never consulted at the polls on the question, and that there is no statute in our Statute book referring to the union; and then if the judges of Nova Scotia place themselves in such a position that the gates of the Temple of Justice are closed against the plaintiff in that action by deciding that the note is not recoverable, I will appeal to the Privy Council, employing there the ablest counsel in Europe to advocate our rights. Poor as we are we will find the means to have our case thoroughly sifted before that high tribunal, and if that body should decide against us then we will go to the House of Lords as the highest appellate court in the Empire, and take the decision there of the ablest lawyers in the world. And then, sir, if our noble cause be rejected what next? Will we rebel against the Queen of England? No, but when the Queen rebels against us and abdicates her authority over Nova Scotia by refusing to invest us with our rights, she will discharge us from our allegiance. But the act will be her own and we will be a free people. I do not wish to see such a state of things, and I hope that it may not occur, but if it should the Queen of England will have abdicated her Royal functions as far as this country is concerned. Protection and allegiance are reciprocal duties,—if we owe allegiance to the Queen it is because she owes protection to us, and if she suffers our rights to be wrested from us, then, like James II, she will have abdicated the throne as far as we are concerned. The British Parliament pronounced that James, having violated the constitutional laws of the realm, had abdicated the throne, and if the Queen should place herself in that position what could we do? We must then become a republic or whatever other species of nationality we may desire to form ourselves into, and call upon the United States to guarantee the liberties of Nova Scotians, the finest people on the face of the earth. The United States, France, even England herself, Italy, Russia, Prussia or Austria,

would readily guarantee the independance of a country like this. I have not a shadow of doubt that our liberties would be guaranteed. But if it were not so, what then? Helpless, unable to protect ourselves against the surrounding nations, cast off by our rightful sovereign, rejected by her Parliament, destitute of any assistance from abroad we should have to yield to the inexorable decrees of fate; but we should do so with dignified resignation. We should then wrap around us the mantle of our rejected loyalty, our despised patriotism, and our injured and insulted rights, and if we must succumb to irresistible necessity, we will sink as Cæsar fell, beneath the daggers of assassins at the base of Pompey's statue.