

report, that the said John Meahan and Robert Young are duly elected members of the said County in General Assembly. The Committee further unanimously report, that the said petition was frivolous and vexatious.

WM. S. CAIE,
Cassiman

Committee Room.
13th March, 1866. }

Mr. CAIE brought in a Bill to increase the representation of the County of Kent.

Mr. MEAHAN brought in a Bill to increase the representation of Gloucester.

Mr. OTTY brought in a Bill to increase the representation of the several Counties therein mentioned.

Mr. FRASER brought in a Bill to enable the City of Fredrickton to send a member to represent them in the House of Assembly; also, a Bill to incorporate the Provincial Oil Company.

Mr. COSTIGAN brought in a Bill to abolish the property qualifications of members of the House of Assembly.

AFTERNOON.

DEBATE ON THE AMENDMENT TO THE 4TH PARAGRAPH OF THE ADDRESS.

Mr. FISHER resumed.

Mr. FISHER, on re-suming, said, he would refer to the principal points put before the House yesterday, when he said, that the very fact that the Legislature had not been convened till one month after the usual time, showed an utter disregard of the wants and wishes of the people, and was in itself sufficient to condemn the Government before the country. The absence of the Attorney General at Washington was no sufficient excuse. He had referred to the vacillation of the Government, and their failure to fill up the public offices, as against the ends and spirit of the Constitution; that provided there should be a certain number of salaried and responsible officers; yet, during the time the Government had held office, there was hardly one to be found in his place—one officer was off to one place and another to another place. He had referred to the Government not filling up the office of Solicitor General. The Constitution demanded that the Governor should have the advice of hon. gentlemen to conduct the business of the country; while the Attorney General was off to England and to Washington the country had been without the advice of a Crown Officer. When he (Mr. F.) was Attorney General he never had left home for two days but he found that letters and documents had been flowing in continuously demanding his attention. Things must have marvellously changed since he was in power, if, with the advancing prosperity of the country, with the advancing tide of civilization, there was not still the same flow of business—the same need of the constant advice of the officers of the Crown. The Government had kept the office of Solicitor General dangling before the country because they could not find one man who was willing to take it, and run the risk of an election. That fact showed the Government was sinking, and since it had come into power, it had sunk lower and lower, till it was difficult to imagine it would sink any lower. And the salary of the Solicitor General had not been saved to the country. He knew

enough of the value of the services of legal gentlemen retained to do the business, to know that.

He had referred to the fact that there was not an efficient office of Audit. He had gone into the Audit Office and found that of all the entries, amounting to \$700,000, not one account had been legally audited. He knew that the office of Auditor General was one of the most important in the country. He had shown that it formed part of its Constitution; that among the arrangements made, when the Civil List was surrendered, was one that there should be an efficient Office of Audit; that it was in fact, the crowning consequence and result of that arrangement. Mr. Fisher quoted the dispatch of Lord Glenelg, of September, 1836, in proof.

“Among the objects,” His Lordship observed, “to which it is my purpose to devote a portion of this surplus, is the institution of an efficient Office of Audit within the Province for all the Revenues raised and expended in it. I am, of course, aware that, at present, it is the custom of the House of Assembly to appoint, from time to time, Committees of that Body to whom are referred such financial returns as are laid on the table, and, also, in fact, exercise the power of auditing the accounts specified in such returns. It is far from my intention to undervalue the labors of these Committees, or to question the advantage which must accrue to the public service from the rigid supervision, by the Representatives of the people, of the expenditure of the Executive Government; but, at the same time, Committees of a popular Body are but an inadequate substitute for a permanent and responsible officer whose duty it would be to inspect the accounts of the public departments. The experience and practical skill, the intimate and continuous knowledge which are necessarily acquired by such an officer, give him many advantages over any fluctuating body. It is also to be observed that the appointment of an Auditor immediately responsible to His Majesty, is more consistent with the Constitution and practice of the Kingdom than the consigning of the duty of examining the PUBLIC ACCOUNTS ALTOGETHER TO THE REPRESENTATIVES OF THE PEOPLE.

I will lose no time in communicating with the Lords of the Treasury to prepare in concert with them the necessary arrangements for the constitution of an efficient Officer of Audit.”

Mr. Fisher then went on to show what were the powers and duties of Auditor General. He was invested with judicial powers; he might require accounts on oath and witnesses, and books or papers to be produced, and if not within six months to disallow them. He had the power of Justice of the Peace, and might examine witnesses on oath; he was reviewer by certificate; no proceedings could be had for the recovery of any sums of money until the Auditor General had made a report on them. He might send his clerk abroad to examine into the facts of an account, and a verified copy of audit and order of council was evidence in all cases, and argued that the Government had been guilty of a violation of the law and the Constitution of the country in not appointing an Auditor General; they had been derelict in their duty, and did not deserve the confidence of the

House. He had referred to the legislation of the Government; the only thing they had done was to pass a Treasury Note Bill, which had not yet received the approval of Her Majesty. He had never thought much of paper money, and of assignments; he preferred the good old gold, or some solid equivalent, yet looking abroad at the tendency of the times, he was afraid the Province would be forced to adopt them. He had referred to the Post Office Bill, and must express his surprise that after the Bill had been thrown out in the Upper House, a gentleman of it at body who had been elected to fill the office of Postmaster General, He had referred to the Crown Land Office, and maintained that when the Government wished to break down regulations, in common justice to the country the repeal should have been notorious as the framing itself. He had referred to the despatch of the 12th of April, 1865, and he put it to the House if they would countenance a Government in keeping back despatches received from the Imperial Government. We had been talking very largely of the greatness of the Province, and of the humiliation of being connected with Canada and Nova Scotia; but was it consistent with that greatness that at the Province should receive the first news that such a despatch had been written through these sources?

[Mr. Fisher here quoted part of the said despatch, which expressed the approval of Her Majesty's Government of the Quebec scheme, on the ground that it was eminently calculated to promote effectual provisions for general defence, directing the Governor to bring the scheme before his advisers; showing that New Brunswick, as a separate Province, could make no adequate provision for its own defence, and that the Government should reasonably attach great weight to the views and wishes of England.]

He maintained no one could justify the Government in keeping back such a despatch; it was an infraction of the Constitution. Why was the despatch so important? Because, if laid before the House when it should have been, last session, there would have been a need to send a delegation home, which had, it was said, cost the country £800. In private life, suppose a case where one of the parties to a contract kept back an important paper, what would that be called? (Mr. Wetmore, —I might call it fraud.) What he (Mr. F.) complained of in the Government was, if they erred in small things, they would err, if occasion offered, in great. He had referred to the delegation, and he must say, after the glorifications of the press of the Government, he felt sorry, he felt humiliated, at the manner our delegates had been received compared to those of Canada. While the Canadian Ministers had been presented to the Queen, and had every honor paid them, our men had been snubbed. He had referred to the other despatch of the 23rd July, in the reply to the delegates, published in Canada but never in New Brunswick, in which Mr. Cardwell said:

“I have answered them in entire accordance with the dispatches I have addressed to you explaining the views of Her Majesty's Government on the subject of Confederation, and that no countenance would be given to a union of the Maritime Provinces, unless it contributed to the other.”

He had referred to the insulting minute of the 12th July, in answer to a despatch of Mr. Cardwell of the 24th June, on the subject of the conference between the Imperial Government and the Canadian Deputation, in which the advantages of union was discussed in its various aspects, and its absolute importance in a military point of view pointed out, and asserting the authority of the Imperial Government to urge upon the Province what they considered expedient for defence, and closing with the hope that, after a careful consideration of the subject, they would perceive the advantage of union. What was the answer to that despatch? What he condemned the Government for was that they did not clothe that answer to the communication to the Queen in gentlemanly, at least if not in elegant, language. He considered it also highly indecorous and unprecedented that, in a grave despatch reference should have been made to a newspaper article. He would read it, and ask the House if it was not an insulting document. For himself, he wished to relieve himself of the odium of it. Nothing he had found, the Government had done had roused such a feeling in his own country. He had been met by people from all parts, who said to him during the last election: You must, on the hustings, refer to and denounce that minute of council.

Mr. Fisher quoted from the Minute of 12th July:

"From the language of this despatch it would be natural to infer that it related to some scheme for effecting an entire legislative and administrative union of the United North American Provinces, which has not yet been made public; but words used in the concluding paragraph, taken in connection with various other circumstances, lead the Committee to conclude that it was intended to refer to the resolution in favor of a federation of the various Provinces of British North America, agreed to by the Canadian Parliament at its last Session. These resolutions have been submitted to the people of New Brunswick at the times and in the manner which the advocates of the scheme themselves selected."

Was there a boy in the Province, not fit man of intelligence, or grave member of the House of Assembly, but a boy, who doubted what the despatch of Mr. Cardwell, of the 24th June, referred to? Any person who wrote to him an answer to a courteous communication in the spirit of that Minute, he would put down as a low fellow.

Mr. Fisher criticised the Minute at length, characterising it as the most jesuitical despatch ever penned in this Province—one of the most insulting minutes that ever crossed the water.

[At this point, Mr. Cardwell said.—Mr. Cardwell had written an insulting and dictatorial letter to the Government, and that he would return an insulting answer to an insulting communication.]

Mr. Fisher defied his hon. friend to prove that; he defied him to point out any expression in the despatch of June 24th that did not show the utmost courtesy; that did not bear the impress of the parental and solicitous care of the Imperial Government for the welfare and advantage of the Province. It bore out the wise character of the Colonial Administration that had obtained under the rule of the Kings of England, and under the rule

of the Queen, who, more than any other monarch that had ever sat upon the throne, won the love and admiration of all her subjects. How could the House countenance such an insulting document? How justify such an answer to the communication of refined and educated men as were Her Majesty's Ministers? It would not be consistent with the honor and dignity of the House to do it.

Mr. Fisher quoted from another part of the Minute:—

"The Committee cannot suppose the British Government shares the ignorance of the history and character of the Federal scheme which pervades the British public, and which induces the *Times* newspaper of 24th June to observe that the two Canadas have put aside their ancient jealousies, and agreed to unite in a common Legislation, in apparent forgetfulness of the fact that they have so met for 20 or 25 years."

He (Mr. F.) had never heard anything like that before. He thought the country had occasion to know that the British Government knew better what was going on than we did ourselves. It was the people who wrote that paper—referring to the statements of a newspaper writer—that showed their ignorance. Was that a fair statement? Was the writer of the despatch conscious that the scheme proposed to restore to the Canadas their local institutions, and that in case of a failure to carry it out, its authors were pledged to restore to Upper and Lower Canada a great measure of the local independence surrendered in 1840.

He had referred to the Judicial appointments, and the evidence of an eminent legal gentleman on Judge Wilnot's ability as a lawyer, and said that the Government had weakened the administration of justice, and that a generation would pass away before the people would have the same confidence in it they had two months ago. He had referred to Judge Wilnot's two speeches on Confederation, and said that, surely; could not have been the cause of his rejection. It was nothing strange for a Judge to speak on the topics of the day. He had himself heard Judge Parker speak on a new School Law; he had referred to what Judge Colridge had done in England.—He believed that the matter of the appointment of Judge Ritchie to the Chief Justice had been arranged a year ago. He had heard so much to that effect, that he believed it.

(Mr. Anglin.—How did the Government know that Judge Parker would die?)

Mr. Fisher.—They could not know that; but they knew that Sir James Cartwright would resign. He (Mr. F.) had made some observations with regard to the Militia, in answer to what the Government had said last year regarding their irresponsibility in regard to Militia matters, and showed four transactions, during the administration of Lord Granville, that had taken place in England 60 years ago, that the control of all military matters, formerly in the hands of the King, were vested in those of the Executive Council, with the proviso that no change in the government of the army should be carried into effect without the knowledge and approbation of the King. It was the same in this Province, where the Constitution was a copy in miniature of that of the Imperial Constitution. The Governor acted, with

and by the advice of his Council—responsible to the Queen, but his every act the act of his Government.

He would ask the House to condemn the Government because they had made no sufficient preparations for the defence of the country. He knew that they had a lot of men in camp during summer, but that effected nothing. What he complained of in the Government was that they had not spent the \$30,000 voted for militia purposes, and that had been wasted with little purpose on the Camp of Instruction, in making arrangements for drilling men over the Province. If they had worked out such an arrangement in the month of March, some preparation would have been made for the defence of the country. If the present crisis passed away without difficulty, they would at least have a body of drilled men at an expense little above the sum that had been thrown away, he must say, upon the Camp of Instruction. He never had thought there was much good in the militia heretofore, but the times were changed, and the people now demanded that there should be a proper system of defence. Had the country a Government according to the Constitution,—had there been, as the Constitution demanded, gentlemen on the spot to give advice, the people would not have been crying out. Proper provisions would have been made for drilling men all along the frontier, and the people would have had assurance that something was being done. The feeling in the country was the same as it animated the Province in 1812, and the men of the Province this day were as willing to make sacrifices and undergo hardships, if occasions demanded, as then. What the country had reason to complain of, what he called on the House to condemn the Government for was, they had fled in their duty to the country at this time. But he did not surprise that the Government had not done anything; nor surprised that they had been scattered to the four winds of Heaven. He was not astonished that they had not used an Auditor General; he did not wonder they had not created a Solicitor General, because he believed they did not know where they were themselves.

He would now speak on Confederation. He would much like to know where the Government were. He should soon know, for he had written to a gentleman in Canada who had known pretty much all that was going on; he should know before this debate closed what the Government were doing. This Government was formed on an Anti-Confederate basis—but where were they now? We find that there was put in the Speech a paragraph on Confederation, and that involved a measure of Union to be submitted by them. A year ago, they argued that the country would be ruined by Confederation, and now they were ready to submit some scheme themselves. When Confederation was first mentioned in the Province, they found that opposition to it was a capital piece of political claptrap to hoist themselves into office. But where were they now? The Speech said that the Government were going to put forth a measure of Confederation. He would like to know some of the foreshadowings of that measure. He would like to know at what hour, what time of the day, in what particular place, they changed their minds, in order that they might hold on to office? But he could tell them they would not be allowed to hold on to office much longer.

As for the Quebec Scheme, the most objectionable part of it was certainly repression by population; but he would tell the Government that, as far as that scheme was concerned, that principle would never be changed. The leaders of Canada had avowed that that never can be receded from. He would very much like to know how his honorable friend (the Attorney General) had come to change his mind. He would quote from his (Attorney General's) address to his constituents:—

"This Union once accomplished and you are bound for all coming time. You cannot retrace your steps. There is no dissolving the compact; your only relief will be in rebellion after the example of the United States.

"Further, what will be our influence in the new Parliament? Fifteen out of one hundred and ninety-four members. Our voice will be feeble—Canada the controlling element—practically in a state of political vassalage for ever. We are proud to be a Colony of Great Britain; but I think you are unwilling to become a dependency of Canada."

The Anti-Confederates, in their canvass, denounced the inquiry of Canadian statesmen; but the course the Government have pursued here, showed that our politicians were not much to be proud of. He respected any man who, conscientiously, manfully changed his opinion, but he could not respect any man, or any set of men, who did so from merely selfish motives. Such he detested was the moral government of the world—that the honest man would come up all right in the end. You might cajole the people for a time, but sooner or later, when they found that they had been deceived, they would rise in their might and hurl the men who had gained power on false pretences from their places.

Mr. Fisher went on to show that the Government, by their Minutes, had expressed themselves strongly opposed to Confederation, and that up to the 14th of February they had evinced no symptoms of a change of opinion. Why? How was it that they come to change their mind? If they would not tell the House, he thought he would be able to do so in three or four days. It was an extraordinary circumstance that he should read the statement made by the Hon. J. A. McDonald, at a public dinner in Canada, that union would be effected in three weeks. He believed there was some connection between that statement and the avowed policy of the Government. If the Attorney General had made an arrangement with the Canadian Minister, he would like to know what the principal points of the arrangement were. What did they think of the statements the Government had made of the Canadian statesmen? He would tell the House that while these Canadian Ministers would be held in honor—would be famed and celebrated for all time to come—these men would be forgotten forever, or if ever remembered, it would be only to be mentioned with contempt, as men who, to hold on to power,—(no, they had peace, but not power)—forgot their principles and their honesty; if remember'd, it would be as the first of the Canadian statesmen of New Brunswick who had forgotten her interests and their own responsibility.

A great flourish had been made about a Railway contract. That was one of

the great matters that took a delegation of two of our members of Government to England. He was opposed to that contract, though he was not opposed to Railways. His objection was that the contract with the Company would never be carried out. His opinion was that the object of the Company was to lock up the road and make a handsome sum by selling out when the Inter-colonial Railway came to be built. All that the Government had done in the matter of this contract had been done for one shilling. All they had to do was to satisfy themselves as to the ability of the Company to build the Railway, and that they might have done by letter. They had agreed to give the Company a further facility by agreeing to pay land damages. Who authorised the Government to do that?—The Facility Bill only authorised the giving of a subsidy of \$10,000 a mile. He would like to know, since the Government had opened the door, could they refuse to give further aid to the St. Stephen, Woodstock and Fredericton branches, and to Western Extension? They transcended their power when they gave the Company that additional subsidy.

Then the Government had made a most extraordinary arrangement with regard to the North Shore Steamer. It went all the way to Boston. The Government had not shown much attention to the interests of the Province by that arrangement. (Hon. Mr. Halloway—it was made with the concurrence of every representative of the North Shore.) He had stated what was the fact.

Mr. Fisher then proceeded to speak of the reference made in the speech to financial matters.

"An account of the Income and Expenditure of the past year will be laid before you. Although the Revenue was considerably less than that received in 1864, it yet exceeded the estimate; and I am happy to inform you that since the close of the financial year, it has steadily improved. The estimates, which will be immediately submitted to you, have been framed with as close attention to economy as a due regard for the exigencies of the public service and the security of the Province would admit."

Was that the whole truth? People might suppose, by this statement, that the Revenue of the last year had exceeded the expenditure; but he had taken the trouble to inform himself on this subject. He had found that the receipts for the fiscal year, 1865, amounted to \$840,390.41, while the expenditure had been \$930,000, leaving a deficiency of \$90,000. Although the revenue had exceeded the estimate—the whole trouble had not been stated—the expenditure had exceeded the total receipts. He did not pretend to know much about financial matters, but what I have stated is the truth.

(Hon. Provincial Secretary—The statement in the speech is the truth.)

Yes, but not the whole truth.

Mr. Fisher went on to speak of his election, and the object he had been elected for, to oppose the present Government; how he had to fight the whole strength and influence of that Government—when he thought of all that the great constituency of York had done for him—he had never been an ungrateful man; he resolved in his mind what he would do to show his gratitude. He thought

of the country—what hardships the people in the back settlements were subjected to for want of roads—and he began to think if something could not be done for them. He remembered that the Province was full of new settlements; and he thought he would go to his friends in Sunbury and Queen's, and other Counties, and see whether they could not, by joining together, raise more money for road appropriations. That was his idea. He thought if he could go to the Government with such parties at his back he could break them down if they refused to comply with their request. He began to look through the public accounts to see where the money could come from. He found in the course of his researches that the Government had been collecting export duty to the amount of \$60,000; and he found, on turning to the Journals, that the Revenue Law expired on May 1st, 1865; and from that time until now they had been collecting duties illegally, and every dollar of that \$60,000 would have to be paid back. He fixed the blame of this gross neglect upon the Provincial Secretary and the Attorney General. He asked the House if there had been an Auditor General and a Solicitor General, could that have happened? A ministry in England that would be found out in so great a neglect of duty could not last an hour. He did not think that there could be found one representative of any constituency in the Province that would dare to go back and justify so great a neglect of duty in a Government. Here were \$60,000 of the public revenue lost to the country, not a dollar of it had been legally collected, and every dollar would have to be paid back. Mr. Fisher concluded by summing up his charges against the Government.

A TROUBLE GENERAL said,—From the position he occupied as the leader of the Government, he was called upon to answer the speech of the mover of the amendment. He had not been at all surprised at the course pursued by that gentleman, because he had heard of the way he had vilified and traduced the members of the Government at the time of the last election in York. He had waited to hear if the hon. member was prepared to make the same statements on the floor of the House as he had made on the hustings. He had waited to hear if he would dare say now as he said then, that the Government was a disreputable and disloyal Government, and that the traitor Anclin, the Roman Catholic, was its dictator. Would he dare make those statements now? He wondered how he (Mr. Fisher) had dared to make them; he wondered that he could reconcile them with his conscience. What had been the course that gentleman had pursued? It was said, and he believed it, that he had his emissaries out, and that from hamlet to hamlet, village to village, from school-house to school-house, they went, sowing the seeds of strife, awakening the elements of religious discord in the breasts of the people, stirring up sect against sect. What had been the political canvass throughout the country? How had he tried to frighten the people, excite hostility against him, (Attorney General) and poison their minds against the Government? What was the cry raised? Why, if the Government, it was said, was allowed to stand, if the man who held the reins were not ousted from power, the seat of Government would be removed.

Fredericton and York would be ruined; unless Smith was crushed, the seat of Government would be lost. It might be thought that from the position the hon. member had assumed in denouncing the Government, that he was one of the most extraordinary and inamenable men that ever lived. When he spoke of men holding on to office for merely selfish motives, he should have recollected that they had been in Government together, and he (Attorney General) thought that the course of his political life would contrast favorably with that of the member for York. He would ask him (Mr. F.) to point out one instance when he had left a Government voluntarily, for conscience sake. He could not. But he (Attorney General) could remember a time when he was ousted out of a Government. The mover of this amendment spoke of the Government as condemned before the country, and holding on to office against the wishes of the people. They could not if they would; they would not if they could. They were in the hands of the people; they must give a strict account of their administration. It was the privilege of the people to watch narrowly the acts of those in power, for tendency of power was aggressive, and it was their duty to look closely that these men who held high positions fulfilled their trust. If, when they had given an account of their actions, the people should pronounce a verdict against the Government, they would cheerfully resign office. But while it was the duty of the people to watch closely the acts of men in power, it was no less their duty, when it was sought to oust them out of office, to watch narrowly the motives of those men who were endeavoring to accomplish that object. He put it to the hon. members, he put it to the country, if the mover of this amendment was actuated by a spirit of patriotism, whether this was the time for him to take the course he had. If it was true, as he hoped to God it was not true, that the country was threatened with a hostile invasion, what would be the position of this House, what would be the position of the country, if this vote of want of confidence was carried? There would be only two ways to pursue; one was to dissolve the House, or a new Government would have to come in, and the House would have to be prorogued to allow members of the new administration to stand their elections. Was this the time to plunge the country into all the excitement of an election, or to leave the country without a Government when, as it had been said, the country was in a state of terror and suspense, in danger of invasion from lawless conspirators?

He had asked the mover why he had struck out that portion of the Amendment that referred to the lawless conspirators from the neighboring Republic, and he had given as a reason, because some friend was afraid that the allusion might give offence to the United States! Was there any one so weak and childish as to believe that? Where were the men who were afraid to give offence to the United States? No; that was not the reason. He had seen, when the member of Carleton (Mr. Lindsay) made last Saturday, that violent speech against the Government in which he pictured the terror and alarm in the country, and demanded to know what the Government were doing for its defence, what was the game that they were going to play.

They had shown their hands, however, too quickly. He (Attorney General) was satisfied that what he then stated the Government had done to meet any danger that might be threatened, had shown that they were thoroughly awake to the emergency and were prepared to do their duty.

The Attorney General then proceeded at length, to show that the authorities had kept a most careful watch over the safety of the Province; that the Governor had been in constant communication with the British Minister at Washington—Sir Frederick Bruce;—that the Government had signified their readiness to put the whole resources of the Province, at the disposal of the authorities, in case of actual emergency. A war steamer had been sent from Halifax, and now lay at the harbor of St. John; steps had been taken to distribute arms throughout the Province; that, in Carleton—one whose members had so fiercely denounced the Government—there were, at this present time, five hundred rifles and ten thousand rounds of ball ammunition; and that the Governor, acting in conjunction with Col. Cole, and General Doyle, were taking proper and efficient measures for the protection of St. John. He would ask the House, had the Government been recreant to their duty? He would ask any hon. member to point out what more the Government could do than they had already done.

The Attorney General went on to say that he did not intend, that afternoon, to occupy the attention of the House so long, but he intended, on another occasion, to take up the charges in the long bill of indictment preferred against the Government by the member of York, serially. After he had met and answered those charges, he would ask the House if the Government were not entitled to their confidence? He then proceeded to refer generally to some of the points he intended to take up, and alluded particularly to the question of Union and the Quebec Scheme.

(Mr. Desbriasse said he would like to know distinctly whether the Government had or had not a scheme which they intended to submit to the House?)

Attorney General.—If the hon. member of Kent had only asked that question before he had gone over to the other side, he might have answered him. It had been asked—he proceeded to say—if he was against a Union with Canada. He did not know that he was against Union, if an equitable arrangement could be made; but this he did know, that he was as strongly opposed to the Quebec Scheme as ever. He was opposed to building up Upper and Lower Canada at the expense of New Brunswick. He did not think it was right that they should surrender up their independence, deluding them with the idea of a grand nationality. He charged it against the Delegates who had gone to Quebec, that they refused to see any objection to the scheme, or to admit that it could be altered for the better; it was with them all "*coleur de rose*."

The House was then adjourned until to-morrow at ten o'clock.

to revive and continue an Act in the Revised Statutes concerning the Export Duty on Lumber, and said he was desirous that the Rules of the House should be suspended in order to enable them to go into Committee on this Bill, as there was no provision at present for collecting this duty.

Mr. McMILLAN said, although it was a matter of importance which should be attended to at once, yet they should not go into Committee upon it in the absence of so many of the legal gentlemen.

Hon. Mr. SMITH would be glad to see every member in his place.

Mr. WILMOT had very little doubt about the power of the Legislature, and he thought that it was absolutely necessary that this \$60,000 which they had collected since the old law had expired should not be lost. It was an oversight it should be brought forward and remedied immediately.

Mr. McCLELAN said this oversight had been brought to their knowledge yesterday by the hon. member for York, (Mr. Fisher) and as there were legal questions involved in it there should be a call of the House, or have the consideration of the Bill postponed until to-morrow morning, which would be rushing the Bill through very speedily.

Hon. Mr. SMITH said he hoped all political feelings would be thrown aside in discussing this subject, for it was desirable to pass this law as soon as possible, to prevent law-suits being entered into by persons desirous of getting this money back. His hon. friend, Mr. Cudlip, had paid during the past year £1100 as export duty on lumber, and another party in the County of Kent had paid £300. These men say that this money does not belong to them, although they paid that money down; but it rather belongs to every man who contributed to the production of the deals, because the price of deals was affected by it. This was not the first case of retrospective legislation. Some years ago three Commissioners were appointed in the County of Westmorland to construct a Canal, and these Commissioners, assuming they were properly appointed, went on with the work, and expended three or four thousand pounds; but, in consequence of some legal difficulty, the case was brought before Judge Parker, and he decided the Government had no power to appoint them. Therefore, every man upon whose land they had gone could bring an action for trespass against them, involving the whole country in trouble. To prevent this an Act was passed in this House legalizing the acts of those Commissioners. That was a case similar to the present, and although it was exceptional legislation, it should be adopted when it tends to the public interest. He would now move that the Bill be committed.

Mr. FISHER said, passing a law for the future is one thing, and passing a law to cover all the past is another. It would be better to separate these two propositions. They had better provide a law for the future and let the other matter stand over a few days, until we have more time to consider it, for it is a question of great importance, and will be a precedent for future legislation. If this was a case of so much emergency, why did not they call the Legislature together in September, at which time they state they first discovered it? They should have called the Legislature to-

A. A.

WEDNESDAY, MARCH 14th.

Hon. Mr. SMITH brought in a Bill