

be found at any moment to have been a wrong principle or contrary to the practice heretofore pursued under our Constitution. I do not think that one could plead with much success before a court of law that thirteen-years acquiescence in an improper interpretation of the Constitution binds either any subject of the country, or any member of Parliament, or any functionary. It is not easy to point out the person upon whom should be cast the duty of raising a question of this kind. It is asking a subject to undertake a very serious and expensive process to settle a constitutional question, if there is a remedy in any other way; on the other hand, it may be a question of great political difficulty for a Minister of Justice of his own motion to raise such a question as the proper interpretation of the Constitution on points involving the authority of the Government of the Dominion and of the Provinces. We know that there are sectional jealousies, and that judicial decisions have already been given upon the constitutionality of powers exercised by the local authorities. Upon the question itself I have never felt much difficulty in arriving at the conclusion that it was not contemplated by the framers of the Constitution that the appointment of ordinary magistrates should be regarded as a prerogative right that could only be exercised by the Governor-General. I think, according to the clause that was read by the hon. member for Bothwell (Mr. Mills), it follows, as a necessary legal consequence, that the local legislative bodies are competent to frame laws for the administration of justice and the constitution of Courts, and we must remember that in the exercise of that legislative power, they are also able to provide for the mode of exercising these functions, and the further mode in which the administration of justice shall be conducted, and that, therefore, as a matter of reasoning, they have the appointment of magistrates of the ordinary class. We use the word magistrates with reference to the highest judge, as well as the ordinary police magistrate; but in the sense in which this word would be applied to those who are concerned in the administration of justice under legislation, enacted by the Local Legislatures, it does seem to me that no very violent presumption is required in coming to the conclusion that that includes the power of providing for officers who shall be called magistrates, and who shall perform the functions that are ordinarily attributed to magistrates who act in the lower ranks of the judicature. But if the question is to be raised, then it might perhaps be raised by the expression of opinion by Parliament, upon a motion brought forward for that purpose, authorizing a case to be submitted to the Supreme Court. I rise, Sir, to offer an observation on the present circumstance because I think the hon. leader of the Opposition, whom we all know to be a very distinguished lawyer, has propounded a doctrine which, as applied to other clauses of the Constitution and to other cases which may arise, may prove somewhat embarrassing in the future as tending to limit the powers of this Parliament.

Motion agreed to.

#### POST OFFICE AT LOWER CARAQUET.

Mr. ANGLIN, in moving for copies of all correspondence relating to the closing and re-opening of the post office at Lower Caraque, County of Gloucester, N. B., and the change of the postmaster at that place, said that some three years ago, after considerable correspondence on the subject, he succeeded in obtaining the establishment of a weekly post office at Lower Caraque in that county. The district contained a number of families who had not much communication with the rest of the world. He was surprised to find last year, at the time Parliament opened, that that post office was closed. He inquired as to the reason and found that it did not do sufficient business in the opinion of the Postmaster General to warrant the office

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being kept open. The revenue was unquestionably very much smaller than the expenditure. The opening of the post office could not on these grounds be justified; but there were other and higher reasons why it should be kept open. He appealed to the Postmaster General and placed before him the importance to these people of having postal communication even once a week, and asked that the office be re-established. He could ask no favor of the Minister; but he asked justice and fair play towards a large number of people. He was pleased to learn that the post office would be re-opened, the reasons having been found sufficient to justify that course; but he was surprised to find that although it had been found too expensive to run one mail weekly, yet under the new arrangement three mails were to be run every week. He was also surprised that the gentleman he (Mr. Anglin) had recommended in the first instance for the office had not been re-appointed. He (Mr. Anglin) wrote to the Postmaster General asking why that gentleman had been set aside, as he possessed an excellent character and a fair education, and was well qualified to discharge the duties. He, moreover, desired to know whether any charge had been preferred against this person, either of misconduct or incapacity, in order that he might have an opportunity of vindicating his reputation. The reply received was a somewhat curt one, and was to the effect that the postmaster having virtually ceased to be postmaster when the post office was closed, the department did not feel it necessary to re-appoint him. The whole circumstances give the proceedings the character of a petty political operation, which the Government should hesitate to carry out. He brought the matter before the House, because he wished it to be known throughout the country that that extraordinary course was taken to embarrass him politically in the country, and to encourage his opponents in the county. The present post office did not, moreover, so fully meet the wants of the district as did the former one. It was nearer to the main office at Caraque, and was not in the centre of the population for whom it was required. The new postmaster was a political opponent, but there was no objection, if a new appointment had to be made, that a political opponent should be selected. He would have said nothing whatever on that point, but under the circumstances the country would like to know why it was that at one time a weekly mail for that district was considered too expensive, and yet within a short time afterwards a tri-weekly mail was established; and why a man was set aside against whom no complaint was made, or against whom no complaint could be justly made.

Mr. LANGEVIN. This matter occurred under the administration of my successor in the Post Office Department, and when I observed the notice on the paper I obtained from the Postmaster General a memorandum, to the following effect: The Lower Caraque post office was closed in October, 1879, on account of the small amount of revenue only, \$6.27 being collected during the year ending 30th June, 1879, while the annual cost of maintaining the office was \$60. In April, 1880, it was represented to the Postmaster General that the small amount of business transacted at the office was mainly owing to the infrequency of the service—once a week—and an offer was received from John Young to convey the mail three times a week for the same price as was paid for a weekly service. The offer was accepted for one year as a trial; the post-office was reopened on 1st June, and John Young was appointed postmaster.

Mr. ANGLIN said the present post office did not accommodate the people whom it was designed originally to serve. It was now an office entirely for the accommodation of the postmaster himself, who was also paid for carrying his own mails; for that was what it amounted to.

Motion agreed to.