

Platform of the Opposition,
Moved by Mr. Hazen.Fired Out of the House by the
Government on a Strained
Technicality.

FREDERICTON, N. B., April 2.—The house met at 3 o'clock. Mr. Lawson gave notice of enquiry with reference to lands of the New Brunswick Railway Co.

On motion of the attorney general, rule 73 was suspended to enable the bill relating to the Royal Trust Co. to be introduced.

Mr. Barnes introduced a bill to amend the Kent Telephone Lines Company act, and on the ground of urgency it was read a second time.

On motion of Mr. Todd, the house went into committee on the bill to authorize the town of St. Stephen to issue debentures to retire certain old debentures which are maturing.

Hon. Mr. Hill proposed to amend the second section by making the bonds non-assessable in St. Stephen.

Mr. Hazen said he did not see how they could pass such an amendment after having refused to allow the bonds of the St. John municipality to be non-assessable. As the attorney general had stated, to do so would be to predate the credit of the province. The 1-2 per cent bonds of the city of St. John which were non-assessable were not practically as good as five per cent bonds which could be assessed.

The attorney general thought a great mistake had been made when the bonds of the city of St. John were made non-assessable. If every municipality obtained this privilege, the bonds of the province could not be sold at all. It would be a matter of serious consideration whether the law should not be changed with reference to future issues of St. John bonds.

The amendment was voted down and the bill agreed to.

On motion of Mr. Russell, the house went into committee on a bill relating to the building of wharves and warehouses at St. Andrews. The speaker explained that in 1891 an act had been passed authorizing the issue of bonds for the town of St. Andrews to the amount of \$20,000 for the purpose of building of wharves and warehouses.

Nothing had been done under the act and it was now proposed to issue these debentures on the credit of the parish of St. Andrews. The bill had been sent forward by the municipal council.

Mr. O'Brien (Charlotte) opposed the bill, which he thought would be unjust to the residents of the parish lying outside of the town. There was a petition against it.

Mr. Todd supported the bill, and the Hon. Mr. Hill opposed it.

Progress was reported with leave to sit again.

Hon. Mr. Pugsley introduced a bill respecting the proceedings of the supreme court in equity. Also a bill amending the district courts act. The object of the latter bill, he said, was to entitle attorneys to costs where the amount recovered in tort was \$3 and in debt \$20. Under the present act costs were not allowed where the amount recovered was less than \$40.

In reply to Mr. Hazen as to when it was the intention to bring into force the district court act passed last session, Hon. Mr. Tweedie said the government had the matter under consideration.

Hon. Mr. Tweedie introduced a bill amending the St. John graving dock act.

In reply to Mr. Hazen, Hon. Mr. Tweedie said: The lieutenant governor in council has not guaranteed the bonds or debentures of the company authorized to construct a line of railway from the terminus of the Central Railway at Chipman, in the county of Queens, to Gibson, in the county of York, but has entered into a contract for the construction of the railway with the New Brunswick Coal and Railway Co., and has agreed to guarantee the bonds of the company, subject to the provisions of the act of the legislature passed at the last session, and to contain modifications which the legislature will be asked to approve. The contract for the construction of the first 15 miles from Chipman to the Newcastle coal fields was let by the company to James Barnes, he being the lowest tenderer. The question of approving of the tenders did not come before the government and the lieutenant governor in council was not applied to for approval of the awarding of the contract and no order in council in respect thereof has been made. The names and amount of the tenders were not submitted to the lieutenant governor in council. The lieutenant governor in council has been satisfied by reasonable evidence that there can be mined at reasonable cost along or near the line of the said railway at least 150,000 tons per annum. The evidence produced to the government was the report of Dr. Gulpin, Dr. Bailey and Mr. Leckie on the coal areas of Queens and Sunbury. A sub-committee of the executive council also made a careful examination of the producing mines in the vicinity of the railway and made a very full and satisfactory report to the lieutenant governor in council, which will be submitted to the legislature. A provisional contract has been entered into between the company and the minister of railways for 60,000 tons per annum, as a minimum amount. This is the only provisional contract entered into, but the company has satisfied the government that the Canadian Pacific Railway Co., which was about 50,000 tons per annum on its eastern division will, by reason of the cheapness with which the coal can be delivered to that company at Gibson, become a customer for that quantity, and manufacturers and others in St. John, Fredericton, Woodstock and other towns in the western section of the province will, as soon as the line is in operation, take at least 50,000 tons additional. Arrangements have been made for the operation of the whole

road from Norton to Gibson as one system, by the New Brunswick Coal and Railway Co. proposing an option on the Central Railway, 45 miles in length, from Norton to Chipman, at the price of \$180,000, or \$4,000 per mile. The price is satisfactory to the lieutenant governor in council, but the arrangements which the company propose in connection with its purchase, while the best that can be made, are not entirely satisfactory. The company propose to pay for the Central railway by the issue of first mortgage bonds bearing 6 per cent interest. Should the contingency arise of the company defaulting in its interest upon the bonds, and the Central be sold under foreclosure, the two roads would necessarily be separated into two systems, and it has been a matter of much concern to the government as to how this could be obviated. So far no solution of the difficulty has been arrived at, and the lieutenant governor in council has not yet given his approval of the method of amalgamation proposed by the company. No money has been paid by the province since the last session of the legislature towards the extension of the Central railway from Chipman to Newcastle, or to the owners of the Central railway. The sum of five thousand dollars has been paid to the New Brunswick Coal and Railway Co.

Hon. Mr. Pugsley introduced a bill amending the act respecting conditional sales of chattels. Under the present act a lien note is void if not filed within ten days from the giving of the order. The government allows ten days from delivery of the goods. Mr. Hazen moved his resolutions, notice of which was given a week ago, and said that as it was near six o'clock he would defer making any remarks thereon until after recess.

(These resolutions have already appeared in the Sun.)

Hon. Mr. Tweedie said the motion was out of order, as under the rules of the house and British North America Act, such resolutions cannot be moved. The abolition of the office of solicitor general and the appointment of an auditor general were prerogatives of the crown. The amendment to the election act and the dividing of the province into ridings involved the expenditure of public money and must therefore have the consent of the governor in council. The government has not abdicated all its functions and is not prepared to let the opposition take charge of affairs at the present time.

Mr. Hazen said the premier's objection was a frivolous one and was not borne out by the authorities. He was confusing with the resolution a bill introduced by a private member, involving the expenditure of money, in which case his point might be well taken, but that a deliberative body has not the right to ask for legislation in the direction of a reform of any kind. The premier merely raised a point of order for the purpose of shelving the resolution so that supporters of the government will not have to express an opinion upon it.

Hon. Mr. Pugsley said such objection have been raised in the parliament of Canada and in this house against resolutions of a similar character. In 1883, Hon. Mr. Blair asked the concurrence of the house in a resolution respecting railway subsidies, and Mr. Hanington moved an amendment stating that it was not desirable for the house to concur until the claims of other companies could be considered. Hon. Mr. Blair did not consider it frivolous to ask the speaker that this amendment be ruled out of order, but the amendment being of a negative character, and not committing the house to the expenditure of public money, was allowed to stand. The resolution now before the house provides that the salaries of teachers in the public schools be raised, asks the house to declare that the lieutenant governor shall dispense with one of his advisers and proposes to divide the province into ridings. This is an interference with the prerogative of the crown, as according to the British North America act all propositions for the expenditure of money must emanate from the governor in council. If this were the privilege of private members it would be impossible for a government to carry on the affairs of the province, because the house would be continually asked to pass legislation committing it to the expenditure of large sums of money which it might not be possible to provide for. It has always been the custom for speakers to rule out or order petitions asking for the expenditure of money. Before confederation such resolutions and petitions were customary, but it was to guard against this injurious inconvenience to the province that the whole provision was embodied in the British North America act and made the rule of the parliament of Canada and of the legislature of New Brunswick. Private members were not debarred from expressing an opinion in regard to desired reforms, for on the motion to go into supply there is an opportunity to discuss questions of this sort. If this resolution is carried the result would be that this house, without the consent of the governor in council, would be irrevocably committed to the charges necessarily imposed upon the revenue of the country.

Mr. Hazen said that in 1881 Mr. Blair moved a resolution providing, among other things for the abolition of the legislative council, for a reduction in the membership of the executive, and for the doing away with government house as an official residence. This was not ruled out of order, which is a precedent in support of his (Hazen's) action in the present instance. Furthermore, it is not true that this resolution involves the expenditure of money. It merely suggests that when the finances of the province permit there shall be an increase in the salaries of the teachers in public schools, and that there shall be a better method of distributing the by-road money. It will thus be seen that the resolutions does not come within the language of the rule. It is suggested that the by-road money should go for some other purpose, or if it involved the expenditure of money in any way there might be some ground for objection to it. No authority in parliamentary procedure had been cited to justify the speaker in making the ruling asked for.

Hon. Mr. Hill said the resolution was out of order inasmuch as it interfered with the prerogative of the abolition of one of his advisers, in the change of the office of auditor and in the undertaking of certain reforms which involved the expenditure of money.

Mr. Fleming pointed out that in the session of 1900 resolutions were introduced calling upon the government to take over the telephone service of the country and favoring the reacquisition of certain lands held by the N. B. Lands Company. These resolutions were not ruled out of order, and it would be impossible to assume control of the telephone service and reacquire the lands referred to without the expenditure of money.

Hon. Mr. Tweedie was amazed that hon. gentlemen opposite should take a stand, which the leader of the opposition must know is an absurd position. His action can only be excused on the ground that he is desirous of getting the matter before the house for the purpose of making some sort of a display. The authorities do not sustain him. The resolution moved by Mr. Blair in 1881 to which no objection had been taken, did not establish a precedent. Because a point of order had not been raised on that occasion it was absurd to say that the house should pursue a course which was unconstitutional and against parliamentary rules. He wanted hon. gentlemen to understand that on no occasion had he taken frivolous objection to motions of any kind, nor did he intend to, but he did intend to teach the leader of the opposition something of parliamentary practice and fit him for the position he is so ambitious to fill.

It being six o'clock, the speaker left the chair until 7:30. The house resumed at 8 o'clock.

Mr. Hazen called the attention of the speaker to a resolution moved in the house of commons of Canada on the 28th March, 1898, that the government should assist in the development of the butter trade, and put a sum in the estimates for that purpose. No point of order was taken against the resolution and Mr. Sutherland, now a member of the government, moved an amendment to it. He also cited a resolution in favor of prohibition, which had been moved in the house of commons and not objected. Both these resolutions certainly affected the revenue of the country.

Hon. Mr. Tweedie said that where no point of order was taken they had no right to assume that a precedent had been created. If a point was not raised in a court of law against the admission of evidence, that fact did not change the rules of evidence. The leader of the opposition knew very well that on the government side of the house they had not been over particular, but when he undertook to lay down a platform and attempted to usurp the functions of the government, it was time for them to invoke the rules of the house.

The speaker then gave his decision, as follows: To my mind this resolution comes within the scope of motions which should receive the recommendation of the lieutenant governor, as

provided by rule 120 and sec. 14 and 30 of the British North America act, and as laid down by such authorities as Bourinot and May. Sec. 30 of said act provides that "the provisions relative to money votes, etc., shall extend and apply to the legislatures of the several provinces." Rule 124 of this house further imposes upon us "the rules, practice, usages, forms and authorities of the house of commons of the Dominion of Canada as in force at the time." According to Bourinot and May the obligation rests upon the executive government of alone initiating measures imposing charges upon the public exchequer, and this rule is observed with very great strictness and held to apply not only to motions directly imposing a grant or charge upon the public revenues, but also to such as involve such a grant or commit the house to a policy involving expenditure. I refer to Bourinot on Parliamentary Procedure, page 532, and May on Parliamentary Practice, pages 507 and 632. I do not think this house is bound to follow irregular proceedings which may have been allowed in the past for want of a point of order being raised at the time. This resolution, in my opinion, taken as a whole, in the light of the rules cited and the authorities referred to, is out of order on two grounds: 1st, because it involves interference with the patronage and prerogative of the crown under the decisions of the Speaker of the house of commons of 1890, at page 104, and because it involves a charge upon the revenue and requires the recommendation of the lieutenant governor, which has not been given.

The house in committee agreed to the bill relating to the town of Newcastle with amendments and an amended title.

The bill relating to the free public library in the city of St. John was also agreed to. This bill authorizes the city to assess \$5,000 yearly for the maintenance of a library which had been endowed by Mr. Carnegie to the extent of \$50,000. The bill further provides for the maintenance of the salvage corps of the city of St. John was agreed to. It empowers the city to assess the fire insurance companies \$750 annually towards the cost of maintenance.

Hon. Mr. Pugsley introduced a bill relating to the Royal Trust Co., and on the ground of urgency it was read a second time.

The order of the day for going into supply being called, the debate was continued by Messrs. Copp, Johnson, Blair, Todd, O'Brien (Northumberland), O'Brien (Charlotte), and McCain, and the house adjourned at 11 p. m.

FREDERICTON, April 3.—The house met at 3 o'clock. Mr. O'Brien rose to a question of privilege. He said a report of what had been done in the public accounts committee appeared in the Sun of today, which represented the auditor general as stating that he had no vouchers for Mr. Hickman's accounts except that they were ordered to be paid by the government. Such a report was entirely misleading. Vouchers had been shown for all the



charges and the accounts were fully illustrated by the vouchers. It was only recently that reporters had been admitted to the public accounts committee, and they ought to give correct reports.

Hon. Mr. Dunn introduced a bill to amend the General Mining Act. He explained that it enabled miners to take out a lease instead of a license, and authorized the government to fix the rate of royalty to be paid.

The attorney general, in the absence of Hon. Mr. Tweedie, introduced a bill to amend the act for the development of the coal areas of Queens and Sunbury. He explained that the object of the bill was to authorize the government to issue guaranteed bonds to the company, as the work on the railway was completed, in the same manner as railway subsidies were given. Under the act as it stood no portion of the bonds could be issued until the railway was completed. These bonds would be issued on the certificate of the engineer that the work had been done.

Hon. Mr. Tweedie presented the return of the debenture indebtedness and floating indebtedness of the county of Gloucester.

Mr. Copp introduced a bill relating to the marsh lands in Botsford; Mr. Shaw a bill to enable the city of St. John to operate a street railway in St. John and Lancaster; Mr. Robertson a bill to amend the St. John Graving Dock act; Mr. Young a bill to amend the law relating to peddlers in Gloucester Co., and Mr. Allen a bill to authorize the city of Fredericton to assess for agricultural purposes.

Mr. Russell submitted the final report of the committee on agriculture, as follows: "At the meeting of the committee held this day, the following resolution was unanimously adopted: Resolved, that in the opinion of this committee to improve the horses of the province on the lines demanded by the public, the government should import thoroughbred stallions, French coach, hackney and heavy draft horses. Your committee desire to place on record their appreciation of the services of Mr. Russell as chairman of the

committee for the past sixteen years." The bill incorporating Bath village for fire and water purposes was agreed to in committee, with an amendment moved by Mr. Appleby, requiring a two-thirds vote of the taxable property before it came into operation.

The bill relating to the Westmorland Mining Co. was agreed to in committee. Mr. Copp explained that it was intended to remove any doubts as to the validity of the letters patent under which the company had been incorporated.

The bill to incorporate the M. Welch Telephone Co. was agreed to in committee. This company is authorized to build telephone lines in Carleton Co.

On motion of Mr. Hazen the bill amending the act incorporating the Roman Catholic Bishop of St. John was considered in committee. He explained that this action had been made to extend to the diocese of Chatham, and under it the bishop of St. John and Chatham were authorized to hold lands yielding an income of \$20,000 a year in St. John and Chatham respectively, and \$5,000 a year in the other parishes.

On motion of Mr. Barnes, the bill to amend the act incorporating the Kent Telephone Co. was considered in committee.

Hon. Mr. Burchill said that this bill was hardly an amendment to the act of incorporation, because it allowed the company to extend its lines to Chatham, whereas the act limited it to Richibucto and portions of the county of Kent. He thought also there ought to be some time specified in which the county would be bound to construct their line.

Mr. Copp agreed with this and thought the time should be limited to two years.

On the suggestion of the attorney general progress was reported with leave to sit again.

On motion of Hon. Mr. Dunn, the bill to amend the St. John Prisoners' Mutual Relief Association act was considered in committee. Mr. Dunn explained that a new bill had been substituted for the one presented to

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