

If the right of nomination and removal were given to the Council, there was no means of knowing how far the civic elections might influence the position of the judge.

Mr. Tobin's motion passed.

The House then went into Committee on Bills, and passed the clause as amended.

Mr. WHITMAN presented a petition from inhabitants of Annapolis asking for a daily mail. Also a petition against trawl fishing.

CONSTITUTION OF THE LEGISLATIVE COUNCIL

Hon. PROV. SEC'Y said that the house was aware that under the Act of the Imperial Parliament which authorized the legislature to change the local constitution, the government had brought forward a bill to change the representation in the Assembly and in detailing to the house the whole scheme which had been devised he had felt it his duty to state the change which was proposed in relation to the Legislative Council. Three members of that body had seats in the government and he was quite sure that anyone who had listened to the discussion would acquit the government of any desire to invade the privileges of the Legislative Council. On the contrary when the gentlemen who had been opposed to Union proposed the abolition of that branch of the legislature the government resisted the proposal and laid themselves open to the charge of having made a more extensive change in the constitution of the Assembly than in that of the upper house. Though they were open to that charge the government felt that in standing by so important an institution and in maintaining the number of its members at eighteen, which would allow one representative for each county, they were only discharging their duty to the country. He had been one of the Committee appointed for the purpose of holding a conference with the Council; for it was desired that the proposal for a reduction of that body should be made in the most respectful manner; and instead of proceeding by bill a resolution had been introduced for a joint address. Under existing circumstances the upper house was entirely the creature of the prerogative, a despatch from the Secretary of State was sufficient to fix the number of its members. After proceeding in this the most respectful manner, as a member of the committee he had not attached the slightest importance to the verbal alteration made in the form of the resolution adopted by the Council, and as it fully carried out the intentions of the government, he had no hesitation in accepting it. His surprise might, however, be judged when he learnt from the report of the debate in the Upper house that such a statement as the following had been made by the hon. Mr. Almon the leader of the Opposition in that branch. He used the term "leader of the Opposition" because he did not wish the house and the country to suppose that that gentleman was in friendly relations with the government when he was actually a most determined antagonist of the administration.

He wished it to be understood that he was quite willing that every hon. gentleman who was called to discharge the high and responsible functions of a member of the Legislature, either in the one branch or the other, should at all times be able to give to the coun-

try the views and opinions he might entertain on all public questions; but at the same time it was due to the Parliament that it should be clearly known what position such parties occupied. If it should happen that an hon. gentleman was supposed by the house and country to have a connection with the Government of the day which he did not hold—if he was supposed to be friendly to the Government, whereas he was placed in the strongest possible antagonism to them, and wished to embarrass them on every possible occasion it was necessary that the position of a gentleman so situated should be clearly understood. Under these circumstances, he would have to refer to the action of the hon. Mr. Almon, in another place, as that of the leader of the Opposition. In the official report of the debates he found that hon. member reported as follows:

"Hon. Mr. Almon had expressed some doubts as to the propriety of this resolution when it was first introduced. He felt very much annoyed that such a resolution should come from the Lower Branch of the Legislature. He considered it very improper on their part, and wholly unjustifiable."

He had, for some time past, known the position of the hon. gentleman in relation to the Government, and he had a pretty accurate idea of the causes of this antagonism. He had certainly found with much surprise that the charge could be brought against the Government or the Legislature of having invaded the privileges of the Upper Branch. There was no member of the House but must feel, that so far from the House having invaded the privileges of the other Branch, they had only been discharging a duty properly devolving upon them as a portion of the Legislature.

It was only the other day that the Legislative Council, in their wisdom, thought proper to initiate a bill touching the franchise of the country. How came the Legislative Council into existence? By the action of the house. Who had changed the constitution of the Council? The house. Although nominated by the Crown, and holding its functions from the Crown, it was actually to the house that it owed its origin. By the house had it been touched, time and again, in order to bring it into unison with the views and sentiments of the people of this country.

He would only say, under all the circumstances, that he felt it would ill become him, maintaining as he must the privileges of the House, to proceed a step further in relation to this matter. The Government would not, therefore, ask the House to appoint any committee of conference in connection with the subject. The object in view had already been fully attained by the Government, and they would have the opportunity of placing before Her Majesty the views of the Legislature. Without any further controversy upon a question of privilege, the matter could be satisfactorily disposed of by the Government, and in such a way as to fully accomplish the object they had in view in introducing the resolution to the House. He would only suggest to those gentlemen who appeared to be desirous of giving the Committee of Privileges something to do, that they might more profitably employ their time than in troubling themselves about a resolution passed unanimously by the popular branch of the Legislature. They might much profitably occupy themselves in consi-