

on board before the first passed, were held liable to duties subsequently imposed on the exportation of goods."

To shew that acts of this nature, although exceptional, are fully recognized in England, he quoted the law bearing on that question, *Dwarris 548*:

"By an Imperial Statute it is enacted that where any Bill shall be introduced into any Session of Parliament for the continuance of any act which would expire in such session, and if such act shall have expired before the bill for continuing the same shall have received the Royal Assent, such continuing act shall be deemed to have effect from the date of the expiration of the act intended to be continued—except it shall be otherwise provided in such continuing act—but nothing herein contained shall extend to effect any person with any punishment, penalty or forfeiture, by reason of anything done contrary to the provisions of the act continued, between the expiration of the same and the date at which the act continuing the same shall receive the Royal Assent."

Mr. McCLELLAN said as this was an important matter, they should not hurry it on, for the passage of this *export facto* act might lead to litigation instead of preventing it. The reason he asked for delay was that the legal gentlemen might incur in pursuing some definite course. He was ready to unite with the Government in remedying the evil; he did not impute improper motives to them, but thought it a matter of neglect, for which they were responsible.

Mr. GILBERT said that connecting the two Bills together might have the effect of preventing their receiving the Royal Assent.

Hon. Mr. SMITH said it was a matter of internal concern in our own jurisdiction.

Mr. McCLELLAN asked if any protests had been entered against the payment of these debts.

Hon. Mr. SMITH was not aware of any such case.

The resolution was then carried.

HOUSE IN COMMITTEE ON THE BILL.

Mr. WILMOT said he had had some experience in the Crown Land Office, having been in the office for a number of years, and he had no difficulty in collecting stumpage; he had given collectors a certain per-centage upon all lumber cut upon unlicensed land. They brought no bills, and the revenue increased.

Mr. FISHER said he had no faith in the white timber system. It had the effect to encourage inordinate lumbering. Every square mile they kept for lumbering on, brought them in four or five dollars a year for stumpage; but if they sold 300 acres, it brought them in a principal that pays £4 10s. a year for ever, and if the man who buys it does not use it, he pays the wild land tax besides.

It has been said, in regard to this Bill, that it is unconstitutional, and again, that it is constitutional. Every alteration made in the law, of any kind, alters the Constitution in that respect; for the moment a new law passes, it alters the Constitution to the extent of that law. We know, such is the power of Parliament, that it can pass any act it pleases, and that act becomes law; and when it comes into operation it changes, so far, the laws

that govern this country. The power of the Legislature is unlimited, and when it passes a law every one must obey it. My hon. friend spoke about the United States. There, the people reserve to themselves certain powers, and they communicate certain powers to the State Legislature, and certain other powers to the Federal Legislature. When an act infringes the rights of an individual he has a remedy. A gentleman in the United States undertook to run a steamboat on the Penobscot River; the Courts of the State of Maine decided against it. He took the case to the higher Courts, and they determined that the passage up and down the Penobscot River was free to every citizen of the United States, and there was no power in the State to limit that right. It is not so with Great Britain, or with us. The moment a law passes the Three Estates and receives the sanction of the Queen, it limits, controls, and amends the Constitution. That is the difference between the two Constitutions. He did not know whether to support the Bill or not. It would take a great deal to induce him to give up £15,000 of the public revenue; he must be perfectly satisfied it was doing right to the country, and that it was fair in principle before doing so. But, if on consideration of the matter, he should feel that he was adopting a principle that would do a great public wrong, this money would be no object in the matter. All he asked for was a little time, so that whatever they did should be the result of deliberation, irrespective of party, or anything else. He was prepared to pass a Bill perpetrating this act; but, as to the other, it appeared to him, they were going to pass it without common public decency, in regard to all the interests involved, and in regard to all who had paid money throughout the country. It might be, that, after due consideration of the matter, we might say, there was no sufficient reason to interfere to prevent this money being paid back. Common political decency demands us, before passing a law of this kind, to take time to consider and hear what every one has to say upon it. Why did not the Government call the Legislature together when they discovered this early in September? It appeared to him passing strange that they did not mention it in the Speech, or brought it up for consideration. They knew about it, but they thought they would slide along, and it would not be known, until the middle of the Session. He would now repeat: pass the act to impose this duty, but give a little more time to consider the retrospective act.

Hon. Mr. SMITH said, that, in considering a measure of so much importance to the country, they should have risen above all party feeling. In bringing this forward, the Government had no view of exculpating themselves, and they would not shrink from any odium that might be attached to them in consequence of this neglect; but it was unkind and ungenerous for his hon. friend to bring in politics in considering this question. When he says we should allow this thing to stand until the Session is half through, he is evidently trying to make use of it politically. He was surprised to hear that hon. gentleman state to them three or four times, that he had not made up his mind upon this question, when he knew of it last January. (Mr. Fisher—I did not say it—I said, a few weeks ago.) Well, a few weeks ago. Can you suppose that a man of his expe-

rience—when he sees that a great mistake has been made, involving the revenue to the extent of \$60,000, and has not arrived at any conclusion as to what should be done—has done his duty to his country? He saw that a large amount of revenue was involved, and he should have turned the thing in his mind and arrived at some conclusion about it. He (Mr. Smith) had no direct interest in this matter himself, but some persons connected with him had. His brother-in-law was interested to the extent of £600 or £700. The hon. member from the County of Kent (Mr. Desbrisay) had taken a different view of the matter, as his stumpage comes off private property. The principle is the same; for if he buys logs, or private property, he has in view the export duty, and he takes it from the man who gets the lumber. Therefore, it does not belong to him. He (Mr. Smith) could not see how the hon. member, who had last addressed them, could hesitate, in justice to the matter. He feared his mind was influenced by political considerations. This Bill, which is for the public interest, should pass speedily, and he trusted the House would support it.

Mr. FISHER said, that, although he had discovered it some weeks ago, he could not make up his mind; and it was only on Friday last he had looked over the acts to see if it was really so. Therefore, in all fairness, they should have more time to consider it.

Mr. McMILLAN said the proposition now before them had two points: one was to continue the export duty, the other was to withhold money received as export duty. He was not disposed to deprive the country of \$60,000 if it could be held constitutionally. He would vote for retaining this money in the Treasury, although it does not relieve the Government from the humiliating position they occupy before the country. This House and the country would still hold them responsible for allowing a law to expire, which was one of the most important means of collecting the revenues of the country. As to the principle of collecting this export duty, he did not endorse it entirely, although the results were very satisfactory. If they enacted a stumpage duty, a large portion of the lumber cut on the Crown Lands would be cut upon private property, causing the revenue to suffer largely.

Mr. L. P. W. DESBRISAY remarked that he did not intend to make any further opposition to the bill, as it seemed necessary for the interests of the country that this bill should pass, although he did think the rights and interests of the people ought to be provided for; but there seemed to be a majority in the House willing to ignore those rights to a certain extent in imposing this duty upon lumber cut upon private property.

Mr. GILBERT did not rise for the purpose of opposing the bill, but he rose for the purpose of expressing his regret that they had to resort to *post facto* legislation. He also regretted that it had ever become necessary that a revenue should be raised by taxing the products of the people, for hardly any civilized country ever resorted to such a mode of raising a revenue. He was not aware that it was so in any other part of Her Majesty's dominions. If this tax does press severely upon any portion of the inhabitants of this Province, it does so, more especially upon the constituency which he had the honor to represent, as the lands in that