

been made to the town of St. Stephen putting their d-bentures in the English market. I do not think they will go beyond the river St. Croix, there being only \$160,000 required. Suppose the city of St. John had, by its Common Council, asked this Legislature to authorize them to take stock in Western Extension to an amount not exceeding \$400,000, and an "Act" for that purpose had passed without a clause submitting it to the people, would there be anything to prevent its being submitted to the people? They could say the law authorizes us to issue bonds to that extent. Now, shall we take stock to the extent of ten, fifty, or a hundred thousand dollars. It would be perfectly legal to do so, and the Legislature could not interfere with them. In like manner, if we pass this Bill without that section, it will be perfectly legal to refer it to the people.

Hon. Mr. HATFIELD.—Suppose they do not accept it?

Mr. HILL.—Then the law would become inoperative. We passed a law authorizing the Magistrates of St. Stephen to make an assessment, but they need not order that assessment unless they choose to do so. It has been said that "all power emanates from the people," but now it is stated that it is not constitutional, or in the power of the Legislature, to give back into the hands of the people any of that power. This is going back to the old doctrine of the "divine right of Kings;" that doctrine was held sacred, and it was contended that Kings had no power to divest themselves of this right, or delegate it to others. In this Legislature the doctrine is advanced that its powers are so sacred that we cannot delegate any part of those powers back to the people of Carleton, by accepting a Bill which allows them to decide whether they will tax themselves or not. It has been said that the members of the County of Carleton should represent the opinions of that County, they may represent their political views on Confederation, but may not represent the views of a majority of the County on finance; therefore, I should like to see this question submitted directly to the people in order to guard their interests, for I believe it is an important measure. This road will be a great benefit to the town of Woodstock and the surrounding country, by bringing them nearer to a market, and consequently enhance the value of Agricultural produce. As soon as Western Extension is built, it will bring them into direct communication with St. John, and this branch will be a feeder to that road. I believe the only way in which private enterprise can build railroads in this country, is by the assistance of counties and towns in the shape of guarantees.

Hon. Mr. ALLAN.—As this discussion is likely to occupy a great deal of time, and as the introduction of this dangerous principle is not fully understood, I intend to move that the Bill be referred to a Select Committee; if this is not done, I shall vote against the Bill. If we adopt the principle contained in the Bill, we could refer every measure involving a tax to the people—even to the building of any public building, court house, or gaol—and divest ourselves of all responsibility.

Mr. LINDRAY.—The building of a Court House or Jail is a necessity, and if we passed a Bill to provide for the erection of those buildings, we could issue a mandamus and compel the people to erect them.

Mr. CONNELL.—The whole population are interested in this road, except a few

in one Parish, and leaving this Bill to the people will remove their objections. In reference to the motion of the Attorney General, I would rather see the Bill postponed for three months than to have it referred to a Committee, for that would be evading the question and prevent us from getting a railroad at all.

Hon. Mr. SMITH.—I think we had better test the question whether this House will affirm the principle of referring these questions to the people, or not.

Mr. McMILLAN.—I do not see why, in a mere local matter, the people of Carleton should not be the best judges of whether they will adopt that Bill or not, as they have to pay the tax; we have established the principle in our School law, and in the construction of public works the Government often state that if the people will do certain things the Government will aid them; as for instance, the Facility Bill granted \$10,000 a mile for railroads, upon condition that Companies would build them. We have established the principle in the St. Stephen Branch Railroad, and why should we deal in a different manner with the people of Carleton? It is a charge made against their intelligence and common sense to say they should not have the liberty to tax themselves to carry on a certain work, and this argument put forth by some of the members of the Government, is a doctrine from which I entirely dissent.

Hon. Mr. GILLMORE.—We are charging the people of Carleton with a great amount of ignorance, when we charge them with having elected men who do not understand their wants. I do not see why they should not take the responsibility of this measure. I would make it imperative upon members representing localities to take the responsibility of their local Bills. In regard to the School law, that is not a parallel case; according to that law any particular locality can avail themselves of its provisions, but cannot disannul it; but I think we established the principle in the case of the St. Stephen's line, and it is a dangerous principle, and should not be carried out to any great extent, and only under peculiar circumstances. In this case a large majority of the people must be benefitted, and if they are willing to tax themselves, I will, under these circumstances, vote for the Bill, for I do not believe a few individuals should retard any great work.

Mr. CONNELL moved the following as the 6th Section of the Bill, "B-fare any bye-law passed under the authority of the Act shall be transmitted to the Provincial Secretary for the approval of the Governor in Council, it shall be published in a newspaper published in the County, and a copy sent to the Town Clerk in every town and parish, who shall call a meeting of the rate-payers on property for the purpose of considering the bye-law at the time and place to be prescribed by the County Council, by posting up notices in three or more of the most public places in the Parish, at least twenty days before the day appointed for the meeting. The meeting shall be organized and the votes taken for and against the bye-law, and certified by the Chairman of the meeting to the Secretary Treasurer of the municipality, in the same manner as in the case of the election of County Councillors, or Town and Parish officers. If it is made to appear that a majority of the rate-payers on property at such meeting vote for such bye-law, the Governor in Council is authorized to approve thereof, otherwise the said bye-law shall be made inoperative."

Mr. WETMORE read an extract from a

law passed in 1862 establishing municipal authorities, and proceeded to show that the people could take the benefit of that law if they thought proper, and he could not see the distinction between the principle of that and the measure now before them, authorizing certain parties to take advantage of the Facility Bill and tax themselves to construct this portion of Railroad.

Mr. NEEDHAM.—The hon. member who has last addressed you has mistaken the point; that law regarding municipal corporations is not disannulled; if the people adopt it in one County they can in another. The section introduced by the hon. mover of the Bill renders the whole law inoperative, provided the people reject it, and is an introduction of republican institutions.

Mr. CONNELL.—The vote on this section will either prevent the road being built, or aid and assist it.

Mr. NEEDHAM.—That is an unfair way to state it. I do not vote against the people of Carleton having the benefit of the Facility Bill, but I vote against the principle which it establishes.

Mr. CUDLIP.—The case is one of emergency; it is one of vital interest to the people, and not an every day matter; if it was an ordinary matter I should vote against it. The members of the County have made themselves responsible for the measure by advocating the principle that this Railroad is necessary, and are willing the people should be taxed for it. I shall take no vote as a precedent, and shall not be bound three years hence by my vote now, for I may change my opinions. I hold that a man has a perfect right to change his opinions when he sees they are wrong.

Mr. BEVERIDGE.—The hon. members for Carleton will be disappointed if the Bill does not pass, for two-thirds of the people of that County are in favor of it, and they have a right to be heard.

The House was now divided on this section, when there appeared 13 yeas and 14 nays.

Mr. CONNELL.—I move that the Bill be postponed for three months. If we force this Bill upon the people it will create a great deal of dissatisfaction. In Nova Scotia a Bill was passed to tax the people for the purpose of constructing a road from Halifax to Windsor, without the people being heard on the question. The consequence was that the people resisted the measure, and the difficulty was so great that it had to be abandoned. When the Liquor Law was first introduced, I understood it contained a clause to refer it to the people, and I was in favor of it. I believe if that clause had been in the Bill, a majority of the people would have sanctioned it, and probably now it would have been the law of the land. People have told my colleagues and myself that we were going to force this measure upon them. I said I never would give my consent to have a Bill of that kind pass without being referred to the people. There is hardly a place in Canada where this principle is not adopted. If the hon. members wished to prevent us from building this Railway, they have accomplished their object.

Hon. Mr. SMITH.—It is not our duty to deviate from a principle in order to make our legislation harmonize with the promises made at the hustings by the hon. member from Carleton. If the people of Carleton want this Bill, which is of so much importance, and a majority of the people of the County are in favor of it, the hon. member is recalcitrant to his duty.