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MR. PHINNEY'S SPEECH

On the Carleton Outrage.

Mr. Phinney said he was gratified to observe the deep interest taken in the resolution which he had moved, and the importance which it properly appeared to have in the opinion of members on both sides of the house. The discussion had been the means of bringing to their feet for the first time many of the new members, including his colleague, Mr. Goggin, whose practical and common sense remarks must have commended themselves to the favor of the house. The question undoubtedly was one of very grave importance, effecting as it did, not only Dr. Atkinson and the County of Carleton, but the constitutional government of the house, and parliamentary practice, so far as this legislature was concerned with reference to the trial and procedure in disputed or fraudulent elections. The Attorney General himself had admitted the gravity and importance of the question at issue, and as the leader of the house, for the time being, should have had the honesty and manliness to have dealt with it from a strictly parliamentary standpoint, guided by the well established and well recognized precedents in numerous cases in the British House of Commons, the Canadian Parliament and our own Legislature; but he had allowed his personal feelings and his desire to secure a discreditable party advantage to control him as he too often does. When the resolution was moved, he (the Attorney General) had attempted to defeat it by raising a point of order, one which he must have known was untenable, and which on a former occasion, in the debate on the Madawaska case in 1888, he had contended was untenable. Yet notwithstanding that, he had deliberately, as the leader of the house, urged the Speaker to rule that the matter was not one involving a question of privilege, and therefore required two days' notice of motion, and when the Speaker felt bound by the precedents to rule and did rule that it was one of privilege, and could be dealt with without the usual two days' notice of motion, then the ground was taken that the petition was informal because of alleged interlineations. Here again the authorities were against him, and thus, foiled in every technical attempt to burk the consideration of the question, he had now made an effort even more discreditable and vicious in its character, through which, in the teeth of every precedent, he sought to commit the house on a declaration such as had never been made by any legislative body under British constitutional government. As a matter of fact the so-called amendment was not an amendment to the motion at all, and should be ruled out by the chair, and if that point were pressed he (Phinney) felt assured the Speaker would have to so rule. The amendment was virtually an independent and substantive resolution, not applicable to this particular case, but laying down a general rule. But, admitting that the amendment was a proper one, it conceded that the proposition contained in his (Phinney's) resolution, that the conduct of the Carleton election should be enquired into before the privileges committee, was a correct one. There could be no possible doubt on that point. The Queen's County election case in the Canadian commons in 1867 had thoroughly settled that point. The committee which was charged with that case had appointed a sub-committee to search the precedents, and they had submitted a report collating all the cases and had clearly shown that parliament had never abandoned its jurisdiction or control, but still retained its original jurisdiction over such cases, and the only ground upon which the privileges

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committee in that case decided to recommend that Mr. Baird should be undisturbed in his seat was that Mr. King's case was then before the election court.

There was no suggestion that Mr. King should be required to deposit \$1,000 or any other sum, but the privileges committee were authorized to and did investigate his case on the mere motion that the return of the returning officer should be referred to them. This was the precedent followed by Mr. Blair in the Madawaska case in this House in 1888, the first case that arose here since the passage of the New Brunswick controverted elections act. That case was one in which a charge of misconduct was made against the sheriff of Madawaska of a false return, in that he had thrown out the return from one of the polls, which, if counted, would have given Mr. Nadeau the seat, and had counted in and returned Mr. Theriault. It was, therefore, exactly on all fours with the Carleton County case, in which Sheriff Dibblee, the relative of one of the sitting members, had illegally and without a shadow of justification discarded the return from Simonds by counting which Dr. Atkinson would have had an undoubted majority, and had returned his relative, a supporter of the government, at whose hands he (the Sheriff) holds his office. In the Madawaska case there was no suggestion by the Attorney General who was then seeking to seat Mr. Nadeau that Nadeau should make a deposit or give any security for the costs of the enquiry. The matter has gone to the privileges committee in the regular and customary way, and had been investigated by the committee. Why then should a different course be now adopted in Dr. Atkinson's case, unless it was to be declared by the House that a different rule should be adopted in the case of an opponent from that pursued in the case of a supporter. Were the friends of the government prepared to make such a declaration by supporting the amendment? If they did, a flagrant and gross wrong would be done and the public would rightly draw the conclusion that justice could not be expected for any petitioner from the legislature under its present leadership, but that well established rules and well recognized precedents could be unblushingly disregarded, when it suited Mr. Blair's purpose to do so in order to deprive an opponent of his constitutional and parliamentary rights. Then in the session of 1891 there was another case in this house, — the LeBlanc, Kent County case, which had been referred to the committee on privileges, and no deposit required — the province paying all the expenses, although it was apparent to every member of the house from the outset that LeBlanc had not a shadow of claim to the seat. He (LeBlanc) had accepted a nomination to the House of Commons, which by express enactment vacated his seat in the House, and yet upon a motion made for the issue of a writ to fill the vacancy the Attorney General had asked that the pretended claim of LeBlanc to the seat should be referred to the committee on privileges, and the province was thus put to a large and needless expense in order that an effort might be then made to foist LeBlanc into a seat, which every member of the House must have recognized he had no right to.

So far as the special facts and circumstances of the Carleton County election were concerned he (Mr. Phinney) did not think they should now be discussed; they should be brought out before the committee under oath, and he regretted that Mr. Dibblee had felt it necessary to support his pretended claim to the seat into which he had been placed by his relative, by making a statement as to occurrences in connection with the conduct of the election which, if his (Phinney's) information was correct, was not justified by

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Parliament

OTTAWA March 20.—Hon. Mr. Foster to-night in conformity with his statement of a few days ago brought down a further installment of the French treaty. Correspondence covering in part papers which Dickey, of Cumberland, acting on a cablegram from Sir Charles Tupper, had enquired about earlier in the day. To-night Casey gave notice that on the first opportunity he would bring the Clarke Wallace Kingston speech matter up again, requesting Hon. Mr. Wallace to be then in his seat. The Controller of Customs said he was prepared to justify his language whenever called upon in a parliamentary way. Davis brought up the personal explanation made in the house some days ago by Dr. Weldon anent an attack made on him by the Transcript and tried to read in a telegram from John T. Hawke but was reminded by the speaker that the rules of the house did not permit of the reading of telegrams or letters from outsiders relating to the conduct of members in their places in the house. Dr. Weldon replied by reading from the Hansard report when he said "against this very paper last year which has made a false charge against me I did bring an action and had the case tried by a jury of which seven were Liberals and got my verdict but I have not yet got my money." I think therefore my civil remedy as practicable against Mr. Hawke would be of very little service." This language was strictly accurate in word and substance. In justice to Mr. Hawke he would say that five days later he received a letter from his solicitor informing him that the money had been paid over. The illness of his solicitor accounted for his not having received earlier notice of the payment. The House sat in committee till 11.30 to-night on Dr. Weldon's bill to disfranchise voters accepting bribes and then adjourned. This kills the bill. OTTAWA, March 21.—The quietude of the session was rudely disturbed to-day by a resolution of censure on Hon. Clarke Wallace for his Kingston speech which was moved by Dawson, an Orangeman and a liberal from Addington, and was seconded by McMullen. The resolution, which was prefaced by a speech by Casey, in which he read a long extract of the report of Wallace's speech in a Kingston paper. Hon. Clarke Wallace informed those Hon. gentlemen who were anxious for information, that he was correctly reported in the News of the 15th as quoted by the member for Elgin and that he entertained the same views now. He repudiated the charge of disloyalty made against himself and the Orangemen of Canada and said he was following in the line laid down by Lord Salisbury when Premier of the British Empire, who held that parliament had no right to sell the people of Ulster into slavery. He denied all responsibility to parliament for his views on British politics and said he had only done as had his colleague Hon. Mr. Costigan, in expressing his views on the Irish question. He was an upholder of the unity of Great Britain, Ireland and Canada and was opposed to disintegration of the Empire. After some further debate Hon. Mr. Foster took the floor and showed that in the case of Huntington, who when a member of the Mackenzie Government, had on the stump in Quebec attacked a section of the Roman Catholic hierarchy, the liberal Premier had laid down a doctrine which the House then accepted, that the government was not responsible for the personal utterances of one of its members. He

asked the House to re-affirm this principle in the present case, and pointed out that there was no ground whatever for the charge that Hon. Mr. Wallace had incited or endorsed armed resistance against the Crown. In the event of Home Rule being granted to Ireland the Finance Minister urged the House to treat the question calmly and on its merits only. Cartwright held the Government responsible for Hon. Mr. Wallace's language and the warlike construction the opposition put on it. The debate thence forward rapidly grew in interest and excitement ran high when Mr. McInerney, Hon. Mr. Costigan and Hon. Mr. Curran announced that they would vote for the resolution on the ground that Mr. Wallace had reaffirmed his Kingston speech on the floor of the House, thereby incurring a responsibility in his capacity as a member. There were some sharp passages between Messrs. Costigan and Wallace before recess and when the house reassembled at 8.30 Hon. Mr. Foster in reply to Beergin, stated that if the resolution was carried it would not be by votes of friends of the government. The debate was continued till midnight by McNeil, Paterson of York, Hearn, Belly and Kenny; the latter making a personal explanation that as members of the Government had said it was not a matter of non confidence he would vote for the resolution. The house divided at 12, as follows: Yeas..... 74 Nays..... 105 Costigan, Curran, Kenny, Adams, Langevin, and McInerney, of Kent, with six other conservatives voted for the resolution. OTTAWA, March 22.—The house has not done much business to-day. It spent the afternoon on a couple of government bills, and the evening session was given over to debating the charges against Sir Adolphe Caron, which were brought up by Edgar, in a speech regarding the evidence taken by the Commission. Hon. Mr. Curran followed him. Davies moved the adjournment of the debate. The house will reach a vote on the question to-morrow afternoon. OTTAWA, March 23.—Hon. Mr. Haggart announced that he would bring up the railway subsidies resolutions to-morrow. In reply to Cartwright, Hon. Mr. Foster said he would bring down the supplementary estimates not later than Saturday on which day the house might meet from 3 till 6. Hon. Mr. Laurier agreed that it would be well to go on with business Saturday afternoon. At 3.40 Davies resumed the debate on the Caron commission and strongly supported Edgar's resolution that it was highly undesirable that Sir Adolphe should be continued in office. Cartwright and Davies continued the debate and at six o'clock the resolution was rejected by 119 to 69. Weldon, McCarthy, O'Brien and Calvin, voted with the solid opposition against Caron. The house then went into committee of supply on the estimates. Mr. Burns, M. P. for Gloucester, N. B., who is now in London, cabled to the St. John and Halifax members to day that several heavy transactions with French firms for Canadian lumber and lobsters were contingent on the ratification of the French treaty by parliament. Burns urges action this session in the interest of Canada's export trade. The house sat till a late hour to-night passing estimates. OTTAWA, March 24.—The House has been rushing through routine business all the afternoon and evening. There was nothing new brought up of a peculiar or local interest to the maritimes provinces. The railway subsidies resolution caused considerable discussion. They are all revotes of old grants. There is no truth in the stories being sent out from the capital that Sir John Thompson has cabled from Paris that the French treaty must be ratified this session. The house will sit on Saturday afternoon.