

THE SENTINEL.

Provincial Legislature.

HOUSE OF ASSEMBLY.

MONDAY, MARCH, 16.

Mr. WILSON moved that the House resolve itself into a committee of the whole, for the consideration of the Bill to divide the County of Westmorland.

Hon. Mr. WELDON moved that the consideration of the Bill be deferred till that day three months; as it was one which was not required. The county, he said, possessed no great extent of territory; and the population was not sufficient to call for a division. After a census of the Province should have been taken, the House would know better how to proceed. One object was to get an increased representation; and he wished to know if the House was prepared to add two representatives to the number at present in the House. Under that view of the case, it was quite unnecessary to take up time during the present session in discussing the Bill; and in order to prevent the debate which must take place on the details of the Bill, if it were referred to committee, where members would have an opportunity of speaking more than once, he made his present motion.

Hon. Mr. CRANE would like to know what there was in the Bill, to prevent it from having the usual consideration which was given to Bills that came before the House; and that the people of Westmorland should be shut out from the benefit of a deliberate discussion which was extended to other classes of Her Majesty's subjects. It was the most extraordinary proceeding he had ever heard of; and he trusted his constituents would not be deprived of their undoubted privileges.

Mr. WILSON did not know why there should exist such an unjust objection to the measure before the House; and should like to know what arguments could be adduced why the same rule should not apply to a Bill with reference to the county of Westmorland, which was extended every where else. He said when the proposal was made to divide the county of Gloucester, the same objection was not made; that was a county which had not near the population of Westmorland; and yet it had been found necessary to divide the former county. Should the Bill go into effect, it would be found that the population of that part which it was proposed to separate exceeded 4,500; that being the former population of that district, and which must have increased since. There were many reasons why the Bill should pass; it was one of great importance, as the inhabitants of that part of the county west of the Peticodiac river, are separated from the court house; which the committee must be aware is a great interruption to business, when they understand that it was impossible to cross to Dorchester from December to April, and persons are compelled to go round the head of the river, which requires them to travel a distance of nearly a hundred miles. In addition to that, great inconvenience is sustained in carrying on business, and which requires persons frequently to go to Dorchester; and he thought the separation would be better for both parts of the county. In that part which it was proposed to erect into a new county, there is all the material necessary, and men can be found competent to fill the situation of magistrates and to discharge other public duties; and it would be found that there will be a population to make it a respectable county. The hon. gentleman said there were other arguments which he might introduce; he trusted the present application would receive due consideration. He was certainly surprised at the motion of the learned member for Kent, the measure contemplated was a useful one, and he hoped it would receive the support of members generally, distinct from any selfish or local feeling. There was a time when a prejudice existed in the House against allowing any further representation to Westmorland, it being supposed that a coalition existed between gentlemen from that part of the county and those from St. John; but he believed that was not at present feared. It was not however worth while to take up the time of the House, the subject was well understood, and he hoped the Bill would be allowed to go to committee, and that it would have a respectful hearing.

Mr. PALMER said the present Bill was one that had long been sought for by a number of his constituents, and was founded on petitions numerous and respectably signed; and he believed had the concurrence of all in that part of the county. The district was extensive, and was inhabited by an intelligent, enterprising and industrious people, amounting in number to between five and six thousand; besides being as fine an agricultural section as any part of the Province, it had a considerable commerce, consequently had much public business to transact. It was separated from the remainder of the county of Westmorland, in part by the Bay of Fundy and by the large river Peticodiac; the Courts were held at Dorchester, and the public offices were in the eastern section, to attend which an extensive ferry had to be crossed, which was at all times difficult and expensive, and in the winter season impassable; and those who might have business with the public offices must travel round the head of the Peticodiac, making the distance so great that it would be more desirable to go to St. John. The great objection that had been urged against creating another county, was that it would require to be represented—that was a matter of course, but they only would ask for one member, although from their numbers they would be entitled to two if not three; and as to any expense for public buildings, that the people were able and willing to bear; as by their situation at present, they are put to far greater. He concluded by saying that their claims are great and urgent; and he hoped the committee would give the measure that consideration to which it was entitled; if they did he was not afraid of the result.

The question was then taken, and the motion to commit the Bill was carried; and the House resolved itself into a committee, Mr. End in the chair.

Mr. GILBERT said he did not know the merits of the Bill, but voted for its being committed because the hon. member for Kent had endeavoured to crush it. If there were any virtue in the Bill, he would also support it in committee.

Mr. BARBARIE said the hon. member from Westmorland had as usual taken Restigouche, as his starting point; and because the division of the county of Restigouche had taken place, then that for Westmorland should be carried. But there was great difference in the localities of the two counties; in one instance the difference between Dalhousie and Bathurst is sixty or seventy

miles; while the court house at Dorchester is in sight of Shepody, and is not more than six or seven miles distant. He had frequently left the court house at the former place, and gone to the head of Shepody in an hour. To be sure the river cannot be crossed in winter; but the courts are not held during that season, being held in June and November; and during these periods no difficulty is found in crossing the ferry; while in winter when there is not much business parties can go round. It had been said that the division of the county of Gloucester, placed 1500 inhabitants in the new one, and 2000 in the other; but population was not the principle why a county should be divided; but the extent of commerce and the administration of justice should be the principle. But these do not apply in the present instance; and if the measure possessed such a claim he would go with it.

Mr. HANINGTON said it was very extraordinary that the learned member for Kent should be averse to giving the subject a fair consideration, and had attempted to put it out of the House. The arguments of the learned member for Restigouche went to show the propriety of passing a Bill for the division of the county of Westmorland; as if there was a necessity for dividing Gloucester, it was more apparent for dividing Westmorland; and during the winter season persons had to go further to reach the shire-town, than the distance from Dalhousie to Gloucester, as they have to travel nearly one hundred miles. The hon. gentleman said no reason had been urged why the division should not be made. As to the importance of that portion of the county which it was intended to erect into a separate county, it stood high in an agricultural point of view; nor was it exceeded any where in wealth and intelligence. There was a quantity of deal exported from that part of the county of Westmorland; and in one parish alone there are 120 saw mills; and the consequence was much business is required to be transacted at Dorchester, which as he had already stated was attended with much difficulty owing to the natural disadvantages of the present county. With reference to the public buildings that might be required, he was authorised to say the inhabitants would cheerfully subscribe for their erection. He trusted the Bill would pass into a law, and yield the benefit that was expected; and if the committee were well acquainted with the localities of the county of Northumberland they would agree to it.

Mr. PARTELOW said the Bill had not been read in session. In 1838 the measure had been introduced, and upon reference to the Journals it would be found that the Bill was rejected by a large majority.

Hon. SPEAKER said he did not expect to be enlightened upon the subject; and thought any speeches that might be made, would only have the effect of taking up time. He considered it a very proper Bill to introduce either in the first or sixth year of the Legislature; but at present he thought it premature; and that it had better be postponed. He was prepared to vote upon the question, and should go against the Bill; the arguments that had been made in favour of which, were more feeble than usual, and members did not seem to be as zealous as formerly.

Mr. STREET thought they had better postpone the Bill for three months.

Hon. Mr. CRANE said he had already expressed his sentiments, when a motion was made to dispose of the Bill in a summary way. He hoped it would meet with general support, particularly when he heard the member for Queen's remark, that the opposition of the learned member for Kent, had induced him to vote for its being committed. The hon. gentleman said he did not intend to have spoken at length, and should not take up much time in giving information. The necessity of a subdivision of the county of Westmorland had been felt and repeatedly acted upon. The general principles of the Bill being admitted, it was only necessary that the Committee should be made acquainted with its local features, to ensure its passage; and first with reference to the population, he was satisfied that it amounts at present to more than 6,000; and as to the line laid down in the Bill, should it pass the Committee, it would require some slight alteration; as parties residing at the head of Peticodiac River did not desire to be separated from the present shire-town. The hon. gentleman said he was surprised at the opposition which the Bill experienced from the learned member for Restigouche, as the proposed county contains four times the population of that which he represents. Then he had talked about the distance, and had told the Committee that the Shepody mountains were in sight of Dorchester; but he had not told them that he could see the whole of the proposed county; nor had he told them that there was a difficult ferry, which at times is not passable; and which places the people of that district farther from Dorchester during the winter, than from Dalhousie to Bathurst. The hon. gentleman said he did not know whether the Bill would pass, or that there would be objections arising from a fear of increasing the representation. He hoped such would not be the case, but that the people of Westmorland would receive that justice to which they were entitled.

Mr. HAYWARD said the hon. gentleman from Westmorland, Mr. Crane, had said it would not answer to pass the Bill according to the division which it contains; and he was willing to go with him and not pass it. Let the people of Westmorland agree to the line among themselves, and then come before the House, and they would be attended to.

Hon. Mr. CRANE said he was pleased to hear the hon. member for Sunbury express himself in the manner in which he had done; it was more than he had conceded before. He said he had felt it his duty to place the facts before the Committee; he did not wish to keep anything back. The alteration he had proposed, would not affect the general principles of the Bill, or deprive the inhabitants who lived below of the remedy which is now sought for; as to those living at the upper part of the river, it was of no consequence to them which shire-town they went to. He hoped if the question was sustained that the Committee would allow the alteration to be made, which he had suggested.

Hon. Mr. WELDON took it for granted when the House decided to go into Committee, that the principle of the Bill was settled; and that the object of going into Committee was to make it perfect. With reference to the line alluded to by the hon. member for Westmorland, that could be easily altered, by taking it no higher than Coverdale; by which the County would be more equally divided. He thought however that it was not advisable to pass the Bill, until the population should have been ascertained; which

had induced him to move that it be deferred for three months, that the House might obtain information upon the subject; but if the Committee was desirous of passing the Bill, the line could be easily altered; as he took it for granted, the House would not go into Committee on it unless it was intended to pass it. The motion he had made he said was not a novel one, as he recollected an application from Charlotte county which was rejected in the same way. The Bill had hitherto been rejected almost unanimously, and he did not anticipate that any additional reasons would be urged, why it should be passed.

Mr. HILL said the only reason that had been urged why the County should be divided, was, that the river was not passable; he found the court was held at a time when that could have no effect; and if it had, the term might be altered. There was another reason which he had not heard urged in debate, the petitioners complain that they are neglected; that may be true or not. He did not think it was the intention of the Committee to pass the Bill.

Mr. PALMER said the opposition to the Bill was most extraordinary; but that which surprised him most came from the learned member for Restigouche; and who during the last session, when another subject connected with Westmorland was before the House, gave some most extraordinary reasons to satisfy hon. members that he was acquainted with the county. He had stated during the present debate, that he had gone from Dorchester court-house to the heart of Shepody in an hour; and he must have found out some short cut; and was more fortunate in that respect, than when he returned home, as instead of going direct from Fredericton, he travels round by the way of St. John to reach Restigouche.—He should merely state in conclusion, that petitions had been presented on the subject, numerous and respectably signed.—the people felt that they ought to be separated; the only difficulty that arose referred to the representation; and that was now removed.

Mr. McALMON said altho' he felt convinced the Committee were almost tired of the question, yet he must be permitted to state his views, as he was well acquainted with the county of Westmorland, and was in favour of the Bill; and he knew it was the general wish that it should be divided. The learned gentleman from Restigouche had said, that he had gone to the heart of Shepody in an hour, which he stated to be but six miles distant from Dorchester, whereas it was nearer 16 miles, including a ferry of four miles, which it was necessary to cross. He had been detained there 48 hours, and not been able to cross during that time, in consequence of the heavy sea which is always thrown into the Bay, during the prevalence of a south-west gale, when it is impossible to pass. There was another hardship;—persons from the western parts of the county, who came to attend court, have to remain there till the close of its sitting; and he knew a man, who had occasion for a witness, and who found it necessary to cross the ferry after midnight at the risk of his life. These things were a grievance, and ought not to exist. The hon. gentleman said he knew many of the persons who signed the petitions, and who would willingly pay for the public buildings, rather than not have a division of the county. He then referred to the statement of the learned member for Restigouche, and shewed that instead of the distance being six miles as described by that gentleman, it was sixteen; which proved that he was not so well acquainted with the county, as he pretended. As so much had been said he would not delay the Committee; he was in favour of the Bill and hoped it would pass. He thought the members of the county were sincere in their support of the Bill, and any difficulty about the line could be easily remedied when the details came to be considered.

Mr. WILSON said as he spoke at large when the question for postponement was made, he should not again go over the ground; he was pleased to have got the Bill before the Committee, and it now only awaited their decision.

The question was then taken, on the motion to postpone the farther consideration of the Bill, which was carried by a majority of 16—14.

THURSDAY, MARCH, 19.

The House was occupied during the most part of this day in Committee of Supply, during which a variety of votes were passed which did not call forth any regular debate, with the exception of one moved by his honor the Speaker for the payment of Capt. Priestly, who was employed with two non-commissioned officers in drilling the frontier battalions of militia during the last summer; and providing for that service for the ensuing year.

Mr. WILSON said he was in hopes they never should have heard of the Inspecting Field Officers; and thought the Committee would not tacitly pass the vote, which went to pay for a service similar to that of those officers; and which had caused more difficulty and annoyance than it was worth; and he considered that as the Province were well rid of them, it was improper again to agitate the country upon the subject. His Honor the Speaker was formerly opposed to the employment of the Inspecting Field Officers; and he hoped the arguments that had been so effectually advanced by him on a former occasion, would operate in the present instance; as he thought no necessity existed for incurring such an expense, and that there was nothing in the present posture of affairs to require the drilling of the militia in so expensive a manner. Besides, he considered it partial in its nature, as it had been chiefly confined to the upper part of the country and counties bordering on the river St. John. He did not think it necessary to take up the time of the Committee, and hoped they would act decidedly with reference to the Resolution. He would pay any expense that may have been incurred, but would give no pledge to the House to provide for its continuance; and was averse to anything like again introducing Inspecting Field Officers into the Province.

Hon. SPEAKER said the hon. gentleman was entirely mistaken with reference to the Resolution; and he would take that opportunity to state, that he was as much averse as ever to the employment of Inspecting Field Officers. The object of the present motion he said was quite distinct; the officer alluded to had been employed to drill the militia, and his services had been confined to the frontier battalions, because it was

deemed proper to put them in an efficient state; and expense to a certain extent had been actually incurred. He could not undertake to describe the services of Captain Priestly which could be better done by gentlemen from the counties where he had been; but he understood they were very valuable; and the House had pledged itself by its answer to the Lieut. Governor at the opening of the Session to provide for them. It was no favourite measure of his own; he had merely moved it; and the Committee might dispose of it as they pleased. About £190 had been incurred in actual expense, and a balance of £13 remained in the hands of Captain Priestly. He should content himself with making this explanation; and notwithstanding all that had been said by the hon. member for Westmorland, who certainly mistook the Resolution, he hoped it would be sustained.

Col. ALLAN said he was acquainted with the nature of the services which had been performed by Capt. Priestly, having witnessed their effects on the frontier; and was sorry to find the hon. member for Westmorland taking a wrong view of the question; and did not think he would be borne out by the people of the county whom he represented; he had recently been among them, and found them actuated by a fine martial spirit; and he thought the constituents of his hon. friend would deem the service a necessary one, whatever might be his own impressions. Why should Her Majesty's Government send out 15,000 stand of the best arms from the tower, if men were not to be instructed in the use of them. Without that they might inadvertently destroy each other, or perhaps themselves; it was therefore necessary that men should be taught the use of arms; and he believed a desire was very generally prevalent among the people of this Province, that they should be instructed; as it had been found necessary when the militia were embodied last winter, that they should undergo constant drilling. The gentleman who had been selected to perform this duty was formerly Adjutant of the 43d, one of the finest regiments in the service, he was very competent, took a great deal of pains, and conveyed a deal of useful information. The subject had been alluded to in the opening speech; and the House had responded to the sentiments of His Excellency, with which the hon. member from Westmorland unfortunately differed; but His Excellency had a right to infer that provision would be made. It was not intended to confine the valuable services of this officer to the frontier counties, he would go into other counties, and that of Westmorland, would have the benefit of his instruction. As Adjutant General of the militia, he might be permitted to give an opinion of the expenses that were incurred; and he must say that for an officer and two non-commissioned officers they were very moderate; and he hoped the motion would be sustained.

Hon. Mr. JOHNSTON said the question to be decided was as to the remuneration of an officer for his services as Staff Adjutant during the past year. He believed they had been performed faithfully, he had witnessed the exertions of Capt. Priestly in Queen's County assisted by two Sergeants, and considered them as highly beneficial; and so well pleased were the officers of Militia there, that they voted him an address of thanks. It would be for the House to say if those services should be continued; and if the Committee should be of opinion that such should not be the case, they had only to signify that determination, and the appointment would cease. But he thought there could be no question as to paying for the past services of that officer. He was satisfied the hon. member for Westmorland had entirely misunderstood the nature of those services, which were quite different from those of the Inspecting Field Officers. For his part he believed no better plan than the present could be devised for the instruction of the militia; and he hoped the Committee would not only vote a sufficient remuneration to Capt. Priestly, but that they would agree that this service should be continued.

Mr. BOYD could speak of the effects of the exertions of Capt. Priestly; and felt no hesitation in saying that he did more to benefit the militia in Charlotte County in three days than the Inspecting Field Officers, could accomplish during their lives. Not only did the militia of that County derive great benefit from the services of that officer, but they became extremely fond of him; he was most assiduous; and to show the estimation in which he was held by the officers they gave him a good dinner; and hoped he would visit them again.

Mr. L. A. WILMOT hoped the Resolution would be sustained, and that the past and future services of Captain Priestly would be provided for; and he was satisfied the better they became known, the less disposition would there be to dispense with them. He would call the attention of the Committee to that paragraph in the Reply to the Address which referred to the subject; as under the pledge there given the Lieut. Governor would feel himself authorized again to engage that officer; and he would do all that lay in his power to carry it into effect. He considered the opposition in the present instance, as very extraordinary, as the appointment had no resemblance to that of the Inspecting Field Officers. Capt. Priestly he said not only drills the privates, but he also drills the officers, and affords them most valuable information. It had been said the militia could not learn much in three days, but the improvement that had taken place under the instruction of that officer afforded a practical denial of the truth of such assertion. The system that had now been introduced was highly necessary, and he hoped would be pursued; and he trusted the necessary provision would be made.

Mr. CONNELL considered it a very different service from that performed by the Inspecting Field Officers; and that it was very useful. He hoped the service would be continued.

Mr. END said he was sorry to find the resolution made a subject of debate; he hoped it would not be mistaken by the public for any opposition of the measure to which it referred; and trusted there would be no dissenting voice.

Mr. BROWN stated that as he held a commission in the militia, he had had an opportunity of appreciating the services of a Staff Adjutant; who had been extremely zealous in the performance of his duty, drilling the men from morning till night; in consequence of which they had made astonishing progress; he said he considered the system as more efficient than any that had been in operation before, and was altogether different from that of the Inspecting Field Officers.

Mr. STREET should not object to the Resolution, but rose to ask for information.—He found that the service of Capt. Priestly, had hitherto been confined to certain counties on the frontier; and wished to know if it was contemplated to extend those services to other counties. He trusted other counties would be indulged in this way; and that the officer alluded to would communicate instruction more generally.

Mr. HANINGTON was about to make the same observation. The officers of militia as well as the men every where require instruction; and therefore it should not be a partial measure, but should extend to the Province generally. He hoped the militia would be put in an efficient state.

Mr. FISHER stated that he would vote for payment of any expense that had been incurred, but not for the future; he therefore differed from his colleague upon the subject. He must confess that he had been agreeably surprised with the small sum that had been expended, out of the vote for £10,000 which had been placed at the disposal of the Lieut. Governor. As he before said he would provide for the service already performed; and let an application, should the service be continued, come up next session.

Mr. WILSON felt that it was taking up time to no effect, as he felt he should not succeed. He did not oppose the present grant in itself, but because it would be continued; and would become a growing evil. Much had been said about this being a very efficient officer, but was he more so than the former Inspecting Field officers. That argument he said would not do, and was only meant to serve a purpose. He should like to know what had occurred to call for the services of a Staff Adjutant, in drilling the militia, whose attendance must be voluntary. He considered this only the renewal of the old system, which he was not willing to restore, having got rid of it. The hon. gentleman said he saw so many militia officers in the House, that it was impossible but the present application must succeed. The Resolution was a three-fold one and should be separated, as he would not vote against the first part of it, altho' he was opposed to the remainder.

Mr. END said the Inspecting Field officers had nothing to inspect but ignorance; but if the officer alluded to went round the country, there would be a great improvement effected. He was satisfied there would be a majority in favour of the measure; and thought any opposition would have a bad effect if the resolution should not pass. It would look as if the Legislature would do nothing when an opportunity occurred of placing the militia on a proper footing. He said he was satisfied that Gloucester would be neglected; but still he was willing to vote for the Resolution.—The learned gentleman said he hoped the country would not misunderstand what had taken place in the Committee, or suppose that any desire existed to oppose the effectual drilling of the militia.

Mr. JORDAN regretted that any opposition should have been manifested, as there was a great difference between the appointment of Capt. Priestly and the Inspecting Field officers. The Resolution contemplated the payment of expenses that had been actually incurred, when an enemy was on our borders. He hoped it would pass, and that a further grant would also be made of the same kind, and that they should show their loyalty and determination to defend the country.

The Resolution was then carried, and the blank filled up for £150 per annum, exclusive of expenses incurred in travelling.

FRIDAY, MARCH 20.

Immediately after the Journals of yesterday were read, Mr. End called the attention of the House to a grant of the sum of £800, passed in supply, "for the road from Burnt Church in Northumberland to Shippegan in Gloucester." He said that on speaking with one of the Northumberland members on the subject that morning, he learned with great surprise, that it was proposed to expend the whole of this sum, between Burnt Church and Tabisintac in the county of Northumberland. He begged the House to remember that the grant, when first moved by the members of Northumberland in his absence, had failed; and that it was only when he had returned to the House and moved the matter afresh and stated the numerous difficulties, which attend the formation of a road from Pokemoacke to Shippegan, that the House had consented to pass the grant; and it would be recollected that he had pledged himself, to ask for no further sum for the swamp between these places, by way of special grant; but that he would in future maintain the Road with the Bye Road monies. It was therefore perfectly well understood by the House, that the whole sum was to be appropriated in that manner, otherwise his promises on the subject must have been ridiculous and absurd. It was therefore with surprise, that he found it was intended by the Northumberland member, to expend the whole grant in Northumberland, on a short piece of road thro' a settlement, to the exclusion of that part of the line which especially required the money. This he said he could not submit to.