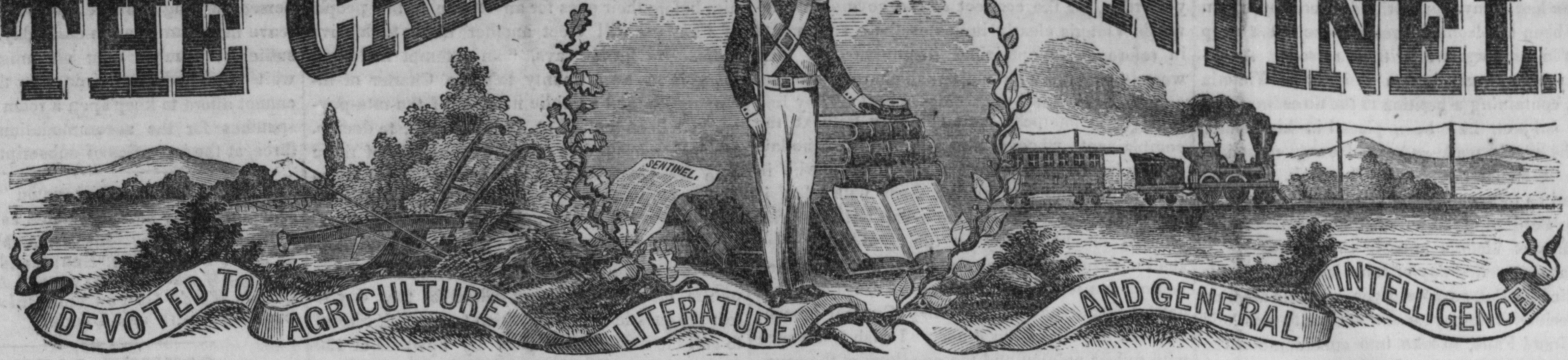


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By James S. Segee.

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HOUSE OF ASSEMBLY.

[From the Head Quarters Extra.]

FREDERICTON, N. B., Feb. 17, 1854.

Mr. Botsford appealed to the Hon. Member for Restigouche (Honorable Mr. Montgomery) if it were not so. He was not opposed to the principle of [allowing the majority to decide, because he had no dread of it being adopted by the majority of the people in the county he represented. Were an attempt made to introduce it there the question would be fully argued, and he had no fear of the majority deciding to adopt it. The amendment would not make it compulsory, but leave it to the free choice of the people, and therefore he would support it. The revenue of this Province was exceedingly large in proportion to the number of inhabitants, and the expenses of the Government were heavy because the Legislature sat there nearly three months in the year, managing the local affairs of the whole Province. But change the system—compel the counties and parishes to manage their own local affairs and the people would immediately cry out against the large revenue, and compel them to reduce it to the mere expenses of the Government, and all other expenses would have to be kept up by local taxation. It was all very well for the County of Carleton now, to manage her own local affairs, and come to the House and get her share of the public revenues granted her in gross, but let municipal institutions be once established over all the Province, and the people of that County would tell a different story. He had no fear of the amendment then before the Committee, however, because it did not embrace the compulsory principle, but left it to the people to decide for themselves. He had made those remarks to put himself right. His opinions upon Municipal Corporations had undergone no change since he had been a Member of the House, the theory was good, but they would not do in practice except in a populous community. Last year he was travelling in Canada West, and made remarks on different occasions about the bad state of the roads, when respectable and intelligent men ascribed it to the establishment of Municipal Corporations, since which they had not received any provincial aid for their roads, and the people could not be induced to tax themselves.

Hon. Mr. Montgomery said it had been agreed to by the Committee the other day to go through the codified laws as they were, and not to endeavor to affect any amendment in reference to the principle of any chapter, but, if any Hon. Member wished to amend a chapter he should try it in the usual manner by bringing in a bill. This was the understanding, and he did not wonder that Hon. Members who were absent when this debate commenced were surprised to find what was going on when they returned. He considered it a most extraordinary proceeding for the Chairman to fly out of the Chair, while the business was going on, and propose amendments. It was undignified, and he had never witnessed such conduct before since he had the honor to hold a seat in that House. It had been asked, why read the codified laws, if you make no alterations in them. His reply was, that it was necessary to read them to compare with the original acts, and to correct errors if any were found. The Hon. Member for Carleton (Mr. Connell) had advocated the establishment of Municipal Corporations in other Counties very strongly, because it worked well in Carleton, but, perhaps, the people of Carleton were more intelligent than other Counties,—indeed, one might safely venture to conclude that such was the case, since they had selected the Hon. Member to represent them; (laughter.) He

could corroborate what had been stated by the Hon. Member for Westmorland, who last spoke; that since the establishment of Municipal Corporations in Canada not one shilling had been granted to the County of Gaspé for roads and bridges, and they were going to ruin because the people would not tax themselves to keep them up. He hoped the Committee would reject the amendment brought up in this manner, and carry out the understanding entered into two or three days ago, otherwise they would never get through.

Mr. Jordan had been absent when the debate commenced; he had no idea that an amendment of this importance would be moved. The Hon. Members in charge of the book should be careful how they made any alterations from the old laws. The other day they made some alterations in the sections describing the boundary of the County of St. John, and the consequence was they had left out the Parish of Simonds altogether—it no longer formed part of the County according to this law—and they had placed the Parish of St. Martin's east of Partridge Island; (laughter.) They talk about establishing Municipal Corporations, and the people governing themselves; but he believed the people were too wise for that; (laughter.) It was all nonsense to suppose these Corporations would be carried on without direct taxation. Let them take the City of Fredericton for an example. They had got an Act of Corporation one year, and the very next Session the inhabitants came before the House by petition begging that the law might be repealed. The country was now in a very prosperous state; the lumbering business, and ship-building was flourishing, and everything was going on well, and he believed the people were rather too wise to wish for a change.

Mr. McPhelim said unfortunately he was unable to express himself so fluently as some Hon. Members, but he would endeavor to make himself understood. When the Municipal Bill came before the House in 1851, he had supported it in the shape in which it stands at present, and upon his return home, after the prorogation, he found that his constituents approved of his conduct. The County he had the honor to represent was not prepared for a Municipal Corporation, whatever might be the case with other Counties; if he represented another County he might, perhaps, advocate the passing of a law making it imperative on all the Counties to adopt it, although he did not think he should, for to judge by what had recently taken place, public feeling was rather retrogressing than advancing in this matter,—the County of Queen's had lately come before them, by her representatives, and asked for, and obtained, a repeal of the Act—so far as that County is concerned—enabling them to elect their own Parish Officers. It might be all very well for the people of Carleton County to be incorporated, but because Carleton approved of it, it would be wrong to force the measure upon the people of Kent; and as to the complaint that the magistrates in session were derelict in their duty, it might be the case in other Counties, but it was not so in Kent; he had never heard a complaint on the subject. Notwithstanding what had been said to the contrary, Municipal Corporations led to direct taxation. He did not contend that the people were not prejudiced upon this point; the theory of direct taxation was good, but the practice was onerous. When the people paid taxes by duties levied on goods, they neither felt it at the time, nor thought much about it, but it was far different when the Collector came to one's door, and said "Sir, I want your taxes!" The people did not like to be addressed in this way; it was the mode, and not the amount they objected to. It was the same with the old Colonies when the British Government imposed a duty on

tea; they would have gladly paid the amount rather than be forced into a war, but it was the manner in which it was done they objected to, and their resistance led to their independence. He would merely repeat that public feeling in the County of Kent was opposed to the granting of any greater facilities for establishing Municipal Corporations, and he should therefore oppose the amendment.

Hon. Attorney General said after what they had heard, every Hon. Member must know that the general feeling was against passing any important amendment while in Committee on the Codified Laws; and he fully agreed with that sentiment, for if they amended one chapter they would be called upon to discuss every other chapter in the Book, and perhaps many alterations would be made that had better not be made. He agreed with the amendment so far as simultaneous polling in the different parishes was provided for, and would support that principle in a separate bill, as he saw the inconvenience of calling upon those residing in remote districts to attend the meeting at the shire town. Further than this he could not go. He was not prepared to say that a majority should decide, nor did he see that any practical evil was likely to arise by leaving it to a two-third vote, as at present. The other amendment he was also opposed to, as it was not too much, he thought, when a County wished for a charter, to send the Sheriff's certificate to the Governor, and receive the charter under the broad seal of the Province, as the present law points out.—Having thus spoken to the amendment, he should before he sat down, reply to some observations that had been made by the Hon. Member for Kent, (Mr. Cutler,) and the Hon. Member for Carleton, (Mr. Connell.) The Hon. Member for Kent had challenged the Government with being insincere, when they brought in the present Municipal Corporation Bill, in 1851, and had attempted to prove it by the Bill itself. Now he cared very little about the Hon. Member's opinion, but if the Bill was calculated to retard rather than facilitate the establishment of Municipal Corporations, why was it not amended by the House? The same law was yet in existence, and what was there in its provisions generally complained of? Nothing but the inconvenience of the people in remote districts being required to attend meetings in the shire towns, and that objection the Government was willing to remove by establishing the system of simultaneous polling in the several parishes.—The Hon. Member for Carleton had gone farther, and stated positively that the Government was hostile to the principle of Municipal Corporations; (Mr. Connell,—“I did not state it positively; I said it was my opinion,—that I had reason to believe so.”) He (Mr. S.) had understood the Hon. Member to make a positive statement; but he that as it might, he denied that the Hon. Member had reason to believe the Government insincere, nor had the Hon. Member for Kent; and he must be excused if he expressed himself in strong language on this subject,—he must say that the assertions made by those Hon. Members were wholly unfounded,—they were not based on truth. As to the amendment before them, he had not moved it; it was moved by the Hon. Member for the city of St. John (Mr. Needham,) as coming from the law commission; he (Mr. S.) knew nothing about it,—he had never seen the manuscript before, nor had any Member of the Law Commission conferred with him on the subject.

(The Committee then rose and reported progress.)

WEDNESDAY, March 1.

The debate on Municipalities was resumed this morning at an early hour, after a brief preliminary discussion in reference to the Chairman's duties.

Hon. Provincial Secretary hoped Hon. Members would allow the Chapter to pass without amendment, and to bring in a separate bill to effect what alterations might be considered necessary. If they would, he would pledge himself to support the Bill as far as he could,—he would in all probability go as far as most Honorable Members. He made this proposition to avoid the all but interminable debates that must otherwise arise on almost every chapter of the Codified Laws. (Mr. Connell,—“The Hon. Secretary is out of order.”) The Hon. Provincial Secretary said he might be, but he was very seldom out of order.

Mr. Connell said he had a right to make a few observations after the attack made upon him last evening by the Hon. Attorney General. That Hon. gentleman had taken him to task for saying he did not think the Government was sincere when they introduced the Municipal Corporation Bill.

Hon. Attorney General,—No; I did not take the Hon. Member to task for that,—he is at liberty to think whatever he likes,—but I objected to his stating in positive terms that the Government was insincere.

Mr. Connell had merely stated it as his opinion but if he had made the statement in positive terms he thought the facts he could bring forward in evidence would go far towards bearing him out in the assertion. He would take, in the first instance, what had occurred in the County of Victoria. The law provides that on the requisition of one hundred freeholders, or householders being rate-payers, the Sheriff shall call a public meeting at the Shire Town, giving certain notice thereof, described in the Act, and at such meeting if two-thirds of the said freeholders and ratepayers vote in favor of being incorporated, the Sheriff shall certify the same to the Government and the Charter shall issue. Now all this was complied with according to law. The requisition was signed, the notice was given, the meeting was held, and there and then two-thirds of the persons qualified to vote did vote in favor of a Municipal Corporation. He appealed to the Hon. Attorney General if this was not all true? Let the Members of the Government correct him if he stated anything that was untrue. He also appealed to them whether the Sheriff did not state all this in his certificate forwarded to the Government? He had not the means of producing that document, but if any Member of the Government placed it in his hands he would show that what he had stated was the truth. Now if this certificate was received by the Government, and subsequently they were informed that a riot occurred on the day of polling,—and he believed no Member of the Government would deny but such was the case,—what right had the Government to withhold the Charter? He was yet to learn that the Members of the Government were the exponents of the laws, and that they could set themselves above the legal tribunals of the country. If a riot occurred, and thereby the people were prevented from giving their votes, it was for a legal tribunal to decide whether the validity of the election was affected by it or not. The Sheriff, he had been informed, certified that there were 380 persons present having a right to vote, out of whom 276 voted in favor of a Municipal Corporation. But notwithstanding this official return, instead of allowing the matter to be decided in a Court of Law, which the act itself points out as the proper course, and with which the people would have been satisfied, the Government placed itself between the people and the law, and sent one of their own Members to Victoria as Commissioner to investigate the matter, and had refused to issue the Charter. It might be asked why he