

THE CARLETON SENTINEL.



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"Our Queen and Constitution."

WOODSTOCK, N. B., SATURDAY, MARCH 18, 1854.

By James S. Segge.

No. 38

Proceedings of County Council.

Continued.

COURT HOUSE, Woodstock,
March 13th, 1854.

On motion of Mr. Harding, seconded by Mr. Burpee,

Resolved, That the consideration of the foregoing resolutions be postponed until the next semi-annual meeting of the Council. Carried.

Mr. Kerr presented a petition from the inhabitants of Greenfield settlement, in the Parish of Wicklow, praying that no horses, bulls, goats, sheep or swine, may be allowed to run at large on any of the highways or commons in the following district, viz: From James Mackey's to Thomas Wakeham's, from thence to Andrew McMonagle's, from the first day of May, to the first day of November, in each and every year.

On motion—Ordered, That the petition be received and that a By-Law be prepared in accordance with the petition.

On motion of Mr. Harding, seconded by Mr. Gallop,

Resolved, That a Committee of three be appointed to procure 20 cords of wood, for the Court House and Jail. Whereupon the Warden named Messrs. Harding, Lindsay and Gallop, as such Committee.

On motion of Mr. Clouse, seconded by Mr. W. Hay,

Resolved, That the Secretary Treasurer apply to the Surveyor Gen. requesting him to order some one of his Deputies to survey or to define the division line between the Parishes of Northampton and Brighton, at least six miles back from the river, in order that the roads in dispute may be repaired by the party or parties properly entitled to do so. Carried.

On motion of Mr. Gallop, seconded by Mr. Harding,

Resolved, That a warrant of assessment be issued to tax the Parish of Wakefield £120, for support of poor for the current year.

On motion of Mr. Dibblee, seconded by Mr. Lindsay,

Resolved, That a warrant be issued to assess the Woodstock Road District (so called,) in the sum of £110 for repairs of roads for the current year.

On motion of Mr. Gray, seconded by Mr. J. Hay,

Resolved, That a warrant be issued to assess the Parish of Richmond in the sum of £40, for support of poor of said Parish for the current year.

Mr. Dibblee, by leave presented a petition from the Overseers of Poor for the Parish of Woodstock, praying that £77 11s. may be assessed in equal proportion on Woodstock and Richmond, being for a debt due when they (the overseers of Poor) came into office in January, 1853. Whereupon, on motion of Mr. Lindsay, seconded by Mr. Dibblee,

Resolved, That the Secretary Treasurer be authorized to issue warrants of assessment upon the Parishes of Woodstock and Richmond, to pay off the debt due by such Parishes when united, in such proportions as may be agreed upon by the Councillors of said Parishes.

On motion ordered, That the Warden and Secretary do draw on Commercial Bank for £10, to renew Insurance on County Jail, which expires on the first of February next.

Mr. Lindsay by leave presented a petition from sundry inhabitants of Woodstock, and Recommended by the Fire Wardens of the same, praying that a Warrant of assessment may be issued to assess the District defined by C. W. 4, Chap. 27, for £100 in aid of the purchase of a Fire En-

gine, that being the only amount that can be raised in any one year as prescribed by the 13th, Victoria Chapter.

On motion of Mr. Dibblee, seconded by Mr. Lindsay,

Resolved, That the prayer of the petition be complied with, and that a warrant be issued accordingly.

On motion ordered, That an order be drawn in favor of the Secretary Treasurer for £12 10s. for half years salary.

On motion of Mr. Dibblee, seconded by Mr. Kerr,

Resolved, That in the opinion of this Board, the contemplated division of the Parish of Brighton into two distinct Parishes, would be unjust towards other Parishes of larger population in the representation of this Council, and that a petition to that effect be prepared by the Secretary Treasurer and signed by the Warden and himself, be forwarded in time to oppose the said division. Upon which the Council divided as follows, viz:

YEAS.—Messrs. Dibblee, Lindsay, Carville, W. Hay, Gray, J. Hay, Harding, Craig, Kerr, Gallop.

NAYS.—Messrs. Clouse and Richardson.

Whereupon the question was carried in the affirmative.

On motion of Mr. Richardson, seconded by Mr. Kerr,

Resolved, That the words "neat or other cattle" in Section 5, By-Law No. 1, regulating the running at large of horses, swine, sheep, &c., in the Parish of Brighton, be repealed, and that a By-Law be prepared to that effect, and also making provision for the allowance of cows and young cattle of three years old to run at large within the district provided for in said By-Law. Carried.

Mr. Dibblee, from the Committee appointed to examine the Returns of Commissioners of Highways, Overseers of Poor, Collectors of Rates, &c., for the several Parishes, made a report in reference to Commissioners of Highways, (which is condensed as follows,) the Committee not having had time to complete the other duties assigned to them, but which it will be perceived in the records of to-day has been provided for by the appointment of a Committee to complete their investigation during the interim.

Returns of Commissioners for Woodstock reported satisfactory, showing a balance in Mr. Hay's hands of 5s. in District No. 2, and over expenditure of work by Mr. McLaughlan of £17 12s. 3d. in District No. 3, or what is called the money District.

Returns from Wakefield satisfactory, showing a balance in the hands of Commissioner, R. S. Clark, of 13s. 4d. in District No. 1, and that Asa K. Bayer, Road Surveyor, of said District had made no return.

Returns from Simonds satisfactory, showing a balance in the hands of Commissioner W. E. Palmer, of 26s. 8d. in District No. 1, and also showing that John Gray and W. P. Nicholson, Road Surveyors, did not act in such capacity, by which means no statute labor was performed on the roads within their supervision.

One return from Wicklow, from Commissioner William Elliot, who shows a balance in his hands of 18s. 9d. in District No. 1, received too late to be expended.

Mark Tracy and Thomas Wakeham, the other Commissioners for Wicklow, have made no returns.

Two returns from the Parish of Kent, from which it appears that Commissioner John Giberson, for District No. 1, has 11s. 3d. in hands.—and that Commissioner George M. Giberson for District No. 2, shows a balance on hands of 8s. 9d.

To be continued.

HOUSE OF ASSEMBLY.

[From the Head Quarters Extra.]

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

THE CODIFIED LAWS.

Pursuant to the order for the day, the House went in Committee of the whole on the codified laws, and passed from the 31st to the 41st Chapters (laws) inclusive. Some of these laws related to Salt Mines; Navigation of the River St. John, Insuring the Legislative Library, Payment of Interest on Treasury Warrants, Desertion from Her Majesty's Forces, Pension of Old Soldiers and their Widows, Post Office affairs, and Auditing the Public Accounts. All these passed with very little discussion, and without amendment. The Committee then proceeded to Chapter 42, page 100 on the book, which treats of

MUNICIPAL CORPORATIONS.

Mr. Needham said that the Law Commission had codified this law as they had done others, but as they were unanimous in the opinion that important alterations should be made, they had made several suggestions in the margin.

The law as it at present stood provided that upon the requisition of fifty freeholders and householders, being rate-payers, residents of the county, the Sheriff should call a public meeting, to be held in the shire town, where, if one hundred householders paying rates were present, he should proceed to take a vote whether they were in favor of being incorporated. Now this the Commissioners considered unfair towards distant parishes. How could the people be expected to travel to the shire town to give a vote? It was particularly hard upon the out-parishes of York and St. John, where the shire towns are incorporated cities, having but little interest in the matter. The law had been found to work bad in this respect, because people would not go to a meeting called at the shire town. This the Commissioners proposed to remedy by establishing the principle of simultaneous polling in the several parishes of a county. The next change the commission suggested, was that instead of a vote of two-thirds present at the meeting being necessary to obtain a corporation, the vote of a majority of the whole, present at the several parish meetings should be sufficient. They might turn the present provision round and look at it from every point of view, but this exacting of a two-third vote was nothing more not less than allowing the minority to rule the majority, for although nearly two-thirds of the inhabitants of a county might wish to be incorporated, one vote over and above one-third could prevent them from obtaining their desire. The other important question of the Commission was that instead of the present mode, a county deciding by a majority in favor of being incorporated may obtain a charter by making a declaration, in the same manner as the law provides for the incorporation of the Sons of Temperance. He was entrusted with a new chapter embodying these suggestions, which he then moved that the committee adopt, in lieu of the printed chapter.

The Hon. Attorney General said he approved of the first suggestion of the Law Commission, it would be much more convenient, and more just to have simultaneous meetings in every parish, than to compel the people who took any interest in the proceeding to travel to the shire town. And he admitted something might be urged in favor of a majority deciding. He did not know, however, that he would go that far,—he had not quite made up his mind on the subject.

Mr. Williston was in favor of establishing the principle of simultaneous polling in the different parishes. He was uncertain as to the propriety of

the second suggestion,—he did not know how it would work to allow a bare majority to decide; but the third proposition—that altering the mode of obtaining a charter—he thought was a great improvement, and he would support it.

Mr. Johnson was in favor of the new chapter. Surely if there was any principle to be observed at all in establishing municipal corporations when the people called for them, the majority should rule. To insist upon a two-thirds vote, as was the case under the present law, was to insist that the minority should rule; no sophistry could set aside that fact. The only excuse that could be made for having the provision on the statute book, was in the fact that the inhabitants were called upon to attend a county meeting, at the shire town, and as it was to be expected that the inconvenience would prevent many from attending, if they took the vote of the bare majority of those who did attend, there was no certainty that they represented the sentiments of the county at large.—This objection to a majority vote being taken would be done away with by having meetings simultaneously in the several parishes where the people could all meet. If Hon. Members contended that two-thirds of the votes of a county was necessary to effect any change, let them carry out the principle, and say at once that no Member ought to be in that House unless he received two-thirds of the votes of his county. That was the way to test their opinions. He believed that the proper principle was for the majority to rule. The elective principle, and the practice of self-government must advance hand in hand together; they must begin with the parishes, next with the counties, and extend it finally to the great object which should be sought after by all,—the Federal Union of the Colonies, (hear, hear.) Yes, that was the talk, as he had just heard an Hon. Member observe; that was the *ne plus ultra*—the only thing that could make us respected as a people, and ensure a career of prosperity. He was glad to see the law for establishing municipal corporations—so long and tedious—condensed down to five short sections. It was so long as it stood in the statute book that people were frightened at the Machinery; they very naturally concluded that there was so much machinery there would be much oil required to keep it in order, and a great deal of steam to keep it in motion.

Hon. Mr. Montgomery,—I suppose you are a high-pressure?

Mr. Johnson.—Yes, and the Hon. Member is if we may judge from his habits—a low-pressure; (laughter,) while the Hon. Attorney General is a *slow pressure*; (much laughter,) it takes a great deal of time and fuel for the Hon. Gentleman to get up the steam, and when it is once up it takes a long time to cool it down.

Hon. Attorney General.—You are always blowing off steam; (laughter.)

Mr. Johnson.—Yes, his steam was easily got up, when he immediately commenced blowing off, nor was the steam easily exhausted; while it took a long time to get up the Hon. Attorney General's steam, and perhaps he done no more execution than an engine more easily worked. He would support the amendment, nor did he see what fault any Hon. Member could find with it.

Hon. Provincial Secretary would oppose the adoption of the amendment upon the same principle that he had opposed other amendments while in Committee on the Codified Laws. The book before them contained the old laws codified and condensed, and the proper way for the House to deal with them was to pass them as they stood.

Segge.
No. 39.

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