

THE HIGHWAY ACT PUT THROUGH COMMITTEE STAGE

Discussion on the Measure was of an Interesting and Helpful Nature---A Few Sections Held Over by Hon. Mr. Veniot For Further Consideration---Suggestion to Levy a Special Tax on Cities and Towns for the Upkeep of Roads.

The House met at 3 o'clock. Bills authorizing a loan to the Board of Public Utilities and to authorize the cancellation of a certain grant were read a third time and passed.

MR. KING, in the absence of Mr. Burchill presented the report of the Committee on Standing Rules.

MR. LeBLANC presented the report of the Committee on Municipalities.

The following Notices of Inquiry were given for Tuesday next:

By MR. HUNTER as to the amount of money expended last year on the aHrvey-McAdam road.

By MR. PECK as to the dismissal of J. Wesley Doull, stipendiary magistrate of Sackville.

By MR. SMITH (Albert) as to the total cost of permanent roads constructed in Albert county last year.

Time Wanted.

MR. MURRAY (Kings) stated that he thought considerable time could be saved if the hon. ministers would refrain from reading inquiries and answers. He thought the same purpose would be served by submitting a copy in writing and suggested that it might be well to amend the rule along that line.

HON. MR. FOSTER said he quite concurred in the remarks of the hon. leader of the opposition. Although some of the questions were important there was no doubt that considerable time was wasted in reading the answers to them. He had no objection to inquiries, but he thought some arrangement might be made by which the reading of the answers could be dispensed with.

MR. TILLEY said that he was unable to agree with either of the hon. gentlemen. The privilege was a time-honored one and should not be taken away from the House. The questions should be answered publicly in the presence of members and the spectators in the gallery. He would admit that quite frequently the answers gave no information, which only necessitated the asking of further questions.

HON. MR. FOSTER said it was customary for the House to follow the rules in vogue at the House of Commons at Ottawa. He could say that at Ottawa answers to inquiries were not read, but that written copies were brought down. He believed the public was entitled to all information, but the purpose would be served just as well by submitting written answers.

Unfair Allegations.

HON. MR. FOSTER rose to a question of privilege. He said that when he entered public life he had resolved not to pay any attention to statements made by the press concerning himself, but he felt he should refer to an article which had appeared in one of the Fredericton evening papers. The article in question involved the good faith of the resident manager of the Bank of Montreal, as it accused him of having supplied information to the government to be used for political purposes. He wished to give an emphatic denial to the statement. The information, which had been supplied to the government was in the form of a letter from the general manager of the Bank of Montreal, congratulating the administration on the success of its recent bond issue. The allegation in the newspaper was therefore both unjust and unfair.

MR. TILLEY introduced the petition of the City and County of St. John for an act to amend Chap. 182 of the consolidated statutes relating to the said city.

HON. MR. MURRAY introduced a bill to amend the Schools Act.

MR. MICHAUD introduced a bill relating to the Fraser Companies, Limited.

HON. MR. SMITH presented a bill to facilitate the collection of stumpage. In explanation he stated that it was to take the place of an act passed last session which had been incomplete. The bill required holders of timber licenses to furnish their department with a statement showing lumber cut on crown lands as well as granted lands. It also required shippers of pulpwood to furnish a statement showing the quantity shipped and where cut.

HON. MR. SMITH introduced a bill respecting the taxation of wild land. He explained that this measure would take the place of act of last session, which had not given the results looked for.

MR. POTTS for Mr. Campbell introduced a bill relating to St. Paul's Church, St. John.

MR. HETHERINGTON, for Mr. Burchill, introduced a bill to amend an act incorporating the Northwest Boom Company.

Mr. Baxter Explains.

MR. BAXTER said that he would crave the indulgence of the House for a short time, in order to refer to a matter dealt with by an answer to an inquiry by the hon. member from St. John (Tilley). He had reference to an agreement made by the former government with the St. John Railway Company. The matter had come before the House in the form of a bill during the session of 1913. The bill which professed to ratify an agreement got no farther than its second reading. One clause proposed to ratify the franchises hitherto enjoyed by

the Company and another provided that the law did not contemplate given during the life of the agreement. He had pointed out at the time that the law did not contemplate giving the Company any greater rights than it then enjoyed. He had made strong representations to the government of the day on the matter, with the result that the bill had not been further proceeded with. One of the conditions upon which he had entered the former government was that the agreement with the Company should not be ratified. His object in making the statement was that the government having accepted money for the use of the bridge probably would be asked to confirm the agreement. He hoped that the government would not confirm any portion of it, excepting that which had reference to the amount already paid.

Private Bills.

HON. MR. BYRNE presented the petition of a number of residents in the City of St. John for the passage of a bill relating to the incorporation of the Sisters of Charity of the Immaculate Conception, and also introduced a bill to amend the Act for the suppression of the traffic in intoxicating liquor. In explanation of this bill he stated that Chief Inspector Wilson had seized a large quantity of liquor of the value of about \$10,000. This bill would authorize the Chief Inspector to dispose of this liquor by sale to any wholesale licensed house in the province at current rates, returns to be made to the province. The bill also provided that the Chief Inspector should have the power to cancel the license of any retail or wholesale licensed dealer who sold inferior liquors or charged extortionate prices.

MR. McGRATH introduced a bill to amend the Act incorporating the Bartholomew Boom Company and amending Acts.

HON. MR. ROBINSON introduced a bill to incorporate the Women's General Patriotic League of Moncton and suburbs.

The Highway Act.

The House then went into Committee on the Act respecting Highways, Mr. Leger (Westmorland) in the chair.

MR. SMITH (Carleton) speaking to the section concerning land damages suggested that means should be provided to permit of assessment for such damages at any time without waiting for a meeting of a Municipal Council.

MR. DYSART expressed a like opinion. He remembered one instance of a road being held up for several months. He believed the persons to whose advantage the road was, should be allowed to advance money for the land damages.

HON. MR. VENIOT said that if such was done that means for recouping should be provided. A municipal council might refuse to make assessment. He had known of such an instance. A secretary-treasurer or warden might be authorized to issue a warrant, or it could be made imperative that the council assess after a secretary-treasurer had paid the money.

MR. SMITH (Carleton) said that that would be better.

The section was stood over. MR. YOUNG speaking to the section on Private Roads asked how application would be made for such a road. He knew of instances when the laying out of lumber roads might be delayed.

HON. MR. VENIOT replied that a lumber road was not a private road.

MR. SMITH (Carleton) said the matter was covered in the section relating to winter roads.

HON. MR. TWEEDDALE expressed the opinion that provision should be made for consultation with the councillors for the parish in which the road was located in connection with the laying out of a new highway.

MR. SMITH (Carleton) said that

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there should be no possibility of interference on the part of municipal councillors for the parish in which the road was located in connection with the laying out of a new highway.

Winter Roads.

HON. MR. VENIOT, speaking to the section relating to the breaking of highways in winter, said this was a troublesome matter. In many sections of the Province few men were at home in winter time and the breaking of the roads was a heavy burden. Heretofore there had been no provision for the actual payment of wages for breaking roads, and there had been much complaint on that account. He had inserted a clause covering this matter but was not satisfied with it. Provision for the payment of wages might result in abuse, and the expenditure of too much money in the winter time. Public spirit should keep the winter roads open. On this account he proposed that a sub-committee of 5, 6 or 7 from both sides of the House consider this matter and devise a system which would be satisfactory to the people of the province in the matter of breaking winter roads.

MR. SMITH (Carleton) said this subject had been a bone of contention for years. He was doubtful if the best interests of all sections of the province would be served by the appointment of a sub-committee. Every member of the House should be given an opportunity to express his views.

The section was stood over. MR. SMITH (Carleton) stated that the Act should make it imperative that sleds be four feet in width. In many sections of the province sleds were too narrow. Uniformity was desirable but an exception might be made in Kent or other districts where one-horse sleds were in general use.

MR. MICHAUD concurred in that opinion. He had noticed that the width of winter roads varied greatly according to county and parish. New Brunswick roads were narrower than those. The provision making the width of sleds four feet would be excellent. Supervisors should also be compelled to break roads not less than four feet wide, and single sleighs should be compelled to have a width of eight inches.

HON. MR. VENIOT said that he had discussed this matter with the hon. member, but could not meet his views in the matter of making a rule to break the roads double. He knew that in the upper St. John valley that was done, but that section should not seek to force its views on other parts of the province. He intended later to introduce a provision empowering the municipal councils to act in this matter. The matter of uniform width of sleds had not been considered by him, but he could not see how a rule could be imposed without working hardship and entailing expense upon many of the people.

MR. McGRATH said most sleighs were imported and could be widened.

MR. SMITH (Carleton) pointed out that only team sleds were concerned by the suggestion.

MR. McGRATH said that in his part of the country the single sled was the more common. The team sleds used in lumbering did not use the main highways. It had been his experience that supervisors took little interest in winter roads.

Obstruction of Highways.

HON. MR. VENIOT, speaking to the section relating to obstruction of highways, said that he had added the subsection concerning the penalty of \$20 fine or thirty days in jail for piling wood, logs, lumber, stone or refuse on the right of way of any highway and leaving it there longer than 24 hours. All over the province he had found that small lumbermen and manufacturers of sleepers and other products were in the habit of leaving loads along the highways. He thought it wise to take action to put a stop to this practice.

MR. SUTTON—"Would it apply to snowplows and road machines?"

HON. MR. VENIOT—"It would. I noticed when I was campaigning last winter that plows and road machines frequently were left at the roadside."

MR. SUTTON—"I noticed that last summer."

HON. MR. VENIOT—"They were probably left over from the preceding winter. Any supervisor who persists in doing that will be removed."

MR. YOUNG said that this would be a hardship on the small mill operators. Often loads for job sawing were left at a mill and could not be removed in 24 hours.

HON. MR. VENIOT said his attention had been called to an instance within a few miles of Fredericton on the road leading to Burt's Corner.

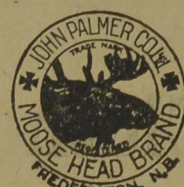
MR. YOUNG—"That was probably at a place called Estey's mill."

HON. MR. VENIOT, continuing, said that in June last at that place, near a small mill, he had seen not only logs, but also manufactured lumber, piled in the ditches of the highway. In that case the owner had removed the obstruction when his attention had been directed to it, but in many other places the speaker had seen roads washed out and new work destroyed because the ditches had been obstructed. If the practice were not discontinued he would have to tell the people in such sections that they could maintain the roads themselves.

Encroaching on Roads.

HON. MR. VENIOT, speaking to the section prohibiting the disturbing of the soil by planting crops within four feet of the ditch, said the matter was most important, as in numerous cases the highways were being obstructed and the ditches filled as the result of the desire of the farmers to cultivate out on the right of way.

MR. SMITH (Carleton) said this was a most unfortunate practice. The farmers had persisted and did persist in violating the provision of the Highway Act prohibiting cultivation to the edge of the ditch. It would be difficult to overcome, and stringent regulations were required and should be



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enforced if the proper drainage of the roads was to be maintained.

HON. MR. VENIOT informed the hon. member from Carleton that on one occasion last summer he had compelled a supervisor to prosecute for violation of this provision, and the prosecution had had a most marked and desirable effect.

MR. HETHERINGTON said that the farmer might be permitted to plow the ditch, but compelled to clean the ditch out after he had finished plowing. Such a regulation could be

enforced if the supervisors were not afraid of causing ill feeling. What was wanted was officials who would enforce the law no matter what their neighbors thought. A four foot margin on either side of the highway, abandoned to weeds, would not add to the appearance of a country side.

HON. MR. VENIOT said if the hon. member for Queens would guarantee that the ditches would be clean, he would consent to the amendment.

MR. McGRATH said he was opposed to permitting the farmer to plow to the edge of the ditches and so fill them up.

It being six o'clock, the chairman left the chair to resume at 8.30.

Evening Session.

The Committee resumed at 8.30 p. m. and went into further consideration of the Highway Bill. Sections 48 to 60, which the hon. minister explained were practically the same as in the old act, were passed without discussion.

HON. MR. VENIOT on section 61, which provides a penalty for defacing or injuring a bridge, said that river drivers often made use of bridges for tying up rafts. Frequently when a strong wind came up, injury resulted to the structure and he thought that the practice should be stopped.

MR. McGRATH said that lumbermen and fishermen felt that they had special privileges in the case of a storm. He thought they had the right to save their property.

HON. MR. VENIOT said that it should not be done at the expense of the bridges.

The section was carried.

Section 66 of the bill empowers supervisors in the river parishes of Sunbury and Queens to apply part of the road tax to the defense of the highway against spring freshets.

MR. MICHAUD did not think there should be a diversion of road money in a case of that kind.

HON. MR. VENIOT said that the section was taken from the old act and he thought it a good provision. In the section of the province referred to the St. John river ran very close to the highway and caused much damage to the roads. Only last season the department incurred heavy expense in repairing the road bed in the parish of Manguerville.

MR. MURRAY (Kings) approved of the section and felt that it would not be a diversion of the road money. He said that in some sections of his own county the roads were damaged by freshets.

HON. MR. ROBINSON thought that the provision might be made general for the province.

HON. MR. VENIOT pointed out that the cases dealt with by the bill were the worst in the whole province. He did not think it was necessary to make the provision apply to the whole province.

MR. MERSEREAU said that conditions in the parishes of Manguerville and Sheffield were peculiar, the soil was a soft loam and spring freshets

worked great injury to the road, which was close to the river bank. In no other section of the province did similar conditions prevail.

MR. DYSART said that the road-way along the bank of the Cocagne river in Kent was washed away last season when it was too late to get a special grant to have it repaired. He thought the provision relating to Sunbury and Queens could also apply to Kent county. In that county some of the roads skirted the ocean and suffered more or less damage from tides.

HON. MR. VENIOT said that the suggestion if adopted would give too much power to the supervisors; he would rather have the act amended so that places where conditions complained of existed would be covered by the bill.

The section was allowed to stand over, as also was section 68.

For Mining Companies.

Section 75 of the bill provides that in cases where damage to highways is caused by the operations of mining companies, repairs shall be made by the Department of Public Works, in case the companies fail to act, and make a charge upon said companies.

(Continued on page 5.)

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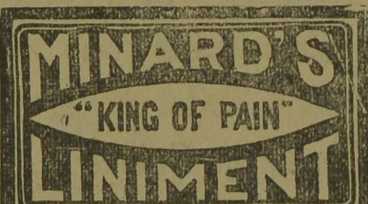
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