

LEGISLATURE.

(CONTINUED FROM FIRST PAGE).

to the superintendent the option of making the road as wide as he desired.

Mr. Tweeddale—I find there are various opinions in regard to the right of the property being invested in the crown. If the right was in the crown I believe it would work injury to the farmers. One of the greatest troubles under the present system all over the province is that fences are put too near the road, causing dampness and mud holes and also snow drifts in the winter season. The difficulty in regard to the enforcement of the law is that the commissioners are appointed by the municipality and they are not inclined to enforce the law. The superintendents employed by the department can enact better conditions. The law should be that four rods are required for road purposes, and an amendment placed so that the farmers could cultivate up to the edge of the ditch. If the farmers thought the title was vested in the crown they would not be inclined to cultivate. I think fences are unsightly, and also shelter weeds which spread their seeds over the adjoining fields. There is often a second growth along the roadside which tends to keep the road muddy and in poor condition. I think that it is necessary to have the road four rods wide so as to keep it dry and hard. I think the bill should be made clear that the farmer has the right to cultivate to the roadside and the country will have a better appearance and better roads. I think the suggestion of the hon. member from Charlotte in regard to paying the superintendent by wages rather than salary would be most advantageous.

Mr. King—I do not agree with the member from Victoria. If you give the people a right to encroach on the road you will find your superintendent getting into trouble. This highway act will apply to all villages and small towns as well as to country roads and would you allow the people living in these places to utilize it in the same way? As to the size of the district it seems to be a question. How much can a man efficiently do? This will have to be decided by persons with some knowledge of the localities. Some parishes would be too large for one man to manage while in other cases he could do more than one parish. I think every road ought to be four rods wide and that encroachments ought not to be permitted. If the commissioner allows a man to cultivate up to the ditch, all right, but the law should not give him the right to do so.

Mr. Smith—I am in favor of making the road four rods wide, but it is not in the interests of the public that the owner of the land should be excluded from cultivating to its edge. Such cultivation is very useful by preventing the growth of noxious weeds. As to the number of superintendents there should not be more than one to each parish. There is no good reason why they should all be paid the same amount. There are large parishes in my county but I think one man could superintend any of them.

Hon. Mr. Hill—There is sometimes a difficulty in finding where the line of the road was where roads have been narrowed by persons encroaching upon them. I would suggest that the bill define this to be two rods from the centre of the drive way where there is no evidence to the contrary.

Mr. Smith—How is it intended to grapple with cases where the road is not four rods wide, where for instance a man has a lawn fence?

Hon. Mr. LaBillois—That would depend on conditions and we would leave them to the superintendent. In some cases two rods might be sufficient.

Mr. Osman—Some roads in Albert are only two rods wide.

Mr. Burden—Our bye roads are only two rods in width.

Mr. Hazen—There are roads like the one from Fredericton to Manguerville which are only half their original width in consequence of the river having washed one side of the road away. It would be an injustice to widen these roads with-

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Hon Mr LaBillois—It is not intended that all the existing roads that are only two rods wide shall be widened to four.

Hon. Mr. Tweedie—This section will have to be altered.

The word existing might be left out of the 7th section and that would seem to meet the case.

Mr. Hazen said section 8 provides that all salaries of superintendents shall be paid out of the public monies of the province. Does this exclude the monies raised by taxation from the municipalities?

Hon. Mr. Tweedie—The superintendents will receive their money by warrant. The money raised by taxation and in the hands of the secretary treasurer will be supplementary to this.

Mr. Hazen—By this bill the province takes all control out of the hands of the county council except to collect the money, the only other duty they are charged with is to keep the roads open in winter. That is the most radical departure from any previous legislation we have had. This is a feature of the bill that will cause much discussion and in regard to which I will have something to say.

Hon. Mr. Tweedie—There might be a clause that a copy of the accounts of the superintendent as filed shall be published in the newspaper in each county where there is one and where there is no newspaper it might be published in the proceedings of the municipalities.

Mr. Young—It should be published with the other municipal accounts.

It being six o'clock the chairman left the chair.

The committee resumed at eight o'clock.

Mr. King—The act does not lay down any form of application for laying out a road. It seems to me advisable that a form should be provided. At present applications cannot be made by any outside the legal profession. I think it would be advisable for the forms to be laid down in the act so as to make the application easy to all parties.

Hon. Mr. Tweedie—There is a great deal in what the hon. member says and there might be considerable difficulty in making proper applications for a road. Again in regard to the action of the jury it might be well to take such steps as to make that final. Another suggestion I would make is that the plan of the road

should be filed with the registrar of deeds.

Mr. Smith—I quite agree with the hon. Premier that the decision of the jury should be final.

Mr. King—As it stands today the municipal council are bound to make an assessment on the parish. It is very easy in the council for anyone to oppose the laying out of the road and defeat it. The council should have no judicial functions, but merely ministerial. I think the jury should have the final decision, since a large number of the council are not interested.

Mr. Allen—There is a law in regard to the county council approving or not the finding of the jury. The people of the parish might be opposed to the laying out of the road. The jury has the matter in their hands and no matter how exorbitant the damages may be their decision must go. Some little change is necessary in regard to the assessment of damages and the finding of the jury.

Mr. Osman—In my experience as councillor in Albert county, the wishes of the councillors from any parish are always regarded by the council. I think it is very wise to leave in the hands of the

[CONTINUED ON FIFTH PAGE]

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