

A LIVELY SESSION.

Spirited Debate at the County Council Meeting Over Scott Act Matters

INSPECTOR COLTER TO BE PAID MONTHLY IN FUTURE

Will Have to Pay Counsel Fees Out of His Own Pocket.

COUN. GROSVENOR RESIGNS FROM SCOTT ACT COMMITTEE AS A PROTEST.

Other Important Matters Which Engaged Attention of Municipal Legislators

On account of the meeting of some important committee, it was after three o'clock when Warden Timmins called the council to order on Wednesday afternoon.

The report of the special committee of the board of health was read by Coun. Grosvenor as follows:

SPECIAL COMMITTEE'S REPORT

The committee met at 1.30 p. m., all the members present. G. J. Green, a member of the board of health, was heard. He said that the only item in the accounts submitted by him, that Mr. Skeene was informed as to his having to pay or being liable to pay, was that for the employment of a nurse, which amounts to the sum of \$65.50. That the secretary of the provincial board of health told Mr. Skeene that the law was clearly set forth, that if able to do so, he would have to pay this bill. Mr. Steen, in answer, admitted that he was liable to do so, but later informed them that he would not pay until compelled to do so.

On all other accounts nothing was said relative to payment.

The public health act makes it clear that Mr. Skeene is liable under the act, for the payment of the bill. Your committee asks to be continued after the adjournment of council with authority to direct the secretary treasurer to pay the undermentioned accounts, when the late chairman of the board of health makes a satisfactory report to this committee at the expenditure of the \$65.50 paid to him on January 27th, 1906, which has not been accounted for. The following are the accounts recommended to be paid:

Dr. Butler, \$ 27.55
Jerry Boone guard, 28.00
Alex. Skeene, 13.08
National Drug & Chemical Co. 16.69
G. J. Green, 45.51
Dr. Morehouse, 28.58
C. A. Estey, 3.30
J. G. McElman, 30.91
Meals for Nurse Laadry, 2.60

Mr. J. G. McElman, chairman of the board of health, asks for the sum of \$300 for future expenses of the board, and the committee recommends that this amount be passed by the council and paid when desired by this committee.

Respectfully submitted,
J. F. Timmins,
C. N. Goodspeed,
F. St. J. Bliss,
secretary treasurer.

On motion of Coun. Simmons, seconded by Coun. McMullin, the report was adopted.

Coun. Murray moved, seconded by Coun. Fox, the following resolution, which was unanimously adopted:

"Whereas, it has pleased Almighty God since our last meeting to remove from the activities of life Mr. Adington E. Cliff, for almost a quarter of a century a valued member of this board,

"And Whereas, The late Mr. Cliff by his diligence and extensive knowledge of municipal affairs rendered valuable service to the county and especially to the parish of Kingscliff, which so long honored him with its confidence,

"Therefore, Resolved, that we, the members of the York Municipal Council, in semi-annual meeting assembled place on record an expression of our deep sense of the loss sustained by the death of our former esteemed collaborer;

"And, Further Resolved, that this resolution be entered upon the minutes, a copy be forwarded to the bereaved family of the deceased and to the daily papers."

Coun. Fox moved, seconded by Coun. Brewer, an amendment to the by-law, relating to the running at large of cattle on Sugar and Shore Islands. The amendment substitutes May 1st and Nov. 5th for May 1st and Dec. 15th, and makes the tax 8 cents per head instead of 5 cents.

BUILDING COMMITTEE'S REPORT

Coun. Murray, for the building committee, reported that offices for the use of the secretary treasurer had been fitted up in the county court house and were a credit to the county. The installation of electric lights in the court house was referred to and it was recommended that the toilet room in the court house be removed to the eastern side of the building for sanitary reasons. The wood contract for the ensuing year the report stated, had been awarded. The committee asked authority to make such improvements in the county council chamber as will better fit it to be in keeping with the importance and dignity of the body occupying it.

The report was unanimously adopted.

Secretary Treasurer Bliss, in a few well chosen words, thanked the council for fitting up a splendid suit of offices in the court house building for his use. He paid a tribute to Coun. McFarlane for the interest he had manifested in the work.

THE DOG LAW.

Coun. Murray asked for some information in regard to the dog law. He thought that there were too many sheep killing dogs in the county at the present time.

The secretary treasurer, in reply, pointed out that the by-law exempted residents of the county of York from payment of taxes on one male dog and no more. The tax provided was \$1 for each additional dog and \$5 for each female dog. The exemption was granted on the petition of fifteen ratepayers of each parish. He thought the councilors for each parish could find a way of getting over the difficulty.

Coun. Murray said that sheep killing dogs did not confine their operations to one parish. He did not think the dogs should be exempt in one parish and taxed in another.

Coun. Goodspeed said that the amount collected on dogs went into a fund to reinforce the owners of sheep for losses caused by dogs. A man living in a parish where there was an exemption from dog tax would have a claim upon this fund.

Coun. Brewer thought that every dog should wear a collar with the owner's name stamped thereon.

Coun. Brooks wanted to know if any parish was exempted. If so, was going to keep up the fund to compensate owners of sheep.

Coun. Morgan said that no damage to sheep was caused in the parish of St. Mary's.

Coun. Scott thought the owner of the dog that killed the sheep should be made to pay the damage.

The secretary treasurer said that indemnification from the tax fund was only allowed when the owner of the dog could not be found.

L. C. R. EMPLOYEES AND TAXES.

Coun. Goodspeed moved, seconded by Coun. Fred Pond, the following resolution:

"Whereas in taking the valuation of the parish of St. Mary's the valuers took into account the income received by the employees of the L. C. R. (formerly the Canada Eastern) and the question has arisen as to the liability of such employees to taxation on such income on the ground that they are civil servants of Canada.

"Therefore Resolved, that the secretary treasurer be instructed to obtain a decision from the supreme court settling the question as to such liability to taxation, and that if the court decides that such employees are not liable to taxation in respect to income derived from their employment in this matter.

Coun. Goodspeed said that the employees of the L. C. R. before the road was taken over by the government, were assessed on their income. In Frederickton he understood that employees of the L. C. R. were not assessed. The amount involved was between twelve thousand and fifteen thousand dollars, and if it was not assessable, the parish should not be required to pay on that amount to the county.

The secretary treasurer said that the whole question turned on whether L. C. R. employees are civil servants under the act. If they are their incomes cannot be taxed. The question he said, could not be determined until an appeal was made to the supreme court.

In reply to Coun. McFarlane, Mr. Bliss said that as the county valuers were concerned, in the matter, the county would be liable for the costs of an appeal to the court.

Coun. Goodspeed's motion was adopted.

On motion of Coun. Simmons, Moses L. Palmer was appointed pound keeper for the parish of Oumfrides.

The secretary treasurer read a letter from J. S. White, secretary-treasurer for Sunbury county, enclosing a copy of a memorial passed by the county council on the question of purifying the St. John river. Mr. Bliss promised to procure a copy of the memorial on the subject adopted by the provincial board of health, and advise the council later on what action to take.

SCOTT ACT INSPECTOR.

The following resolution was moved by Coun. Goodspeed, seconded by Coun. Brooks, "That the sum of two hundred and fifty dollars be paid the

Scott Act Inspector, Rev. J. J. Colter, for six months' salary, including travelling expenses, for the year ending June 30th, 1906 and that in future said Inspector, receive the sum of \$11.66 monthly.

Further resolved that legal expenses incurred by the inspector during the past six months and those in the future be paid by the secretary-treasurer on the order of the Scott Act committee.

Coun. Scott said he understood when the appointment was made that the council was only to pay Mr. Colter's travelling expenses and not his legal expenses. He thought that the matter should be left until the year expired. It seemed to him that the resolution was a most unfair one.

Coun. Robison wanted to know what amount of legal expenses had been incurred by Rev. Mr. Colter.

Mr. Bliss replied that he had suggested to Mr. Colter that he submit a report to the council.

Coun. Fred Pond would like to hear a report from Rev. Mr. Colter.

MR. BLISS'S POSITION.

Mr. Bliss asked permission to address the council for a few minutes.

He said that as an officer of the county it was his duty to carry out the council's orders. He then read the resolution under which Mr. Colter was appointed which stated that he was to receive a salary of \$500, and pay his own expenses.

He said that he had no personal interest in the matter, but felt that under the resolution of council he could not take the responsibility of paying the inspector's salary monthly.

His view was that the \$500 was to cover all the inspector's expenses, but in this he differed from the inspector, who declared that it only covered his travelling expenses. He had written every member of the council for advice, and the majority had replied against paying the salary monthly.

Coun. C. W. Pond said that when Mr. Colter was appointed he understood that the \$500 was only to include salary and travelling expenses.

Coun. McNally said that his understanding was that the \$500, was to cover expenses of all kinds incurred by the inspector.

Coun. Goodspeed said he understood that Mr. Colter was to be paid monthly and pay his travelling expenses only. It would cost on an average of \$25 for every conviction obtained, and the council might expect the inspector to pay this. In the Scott Act fund at the present time there was between nine hundred dollars and one thousand dollars, which was a pretty good showing. If they expected the inspector to pay his own expenses, it would pay him not to incur any legal expenses but simply draw his salary.

Coun. Murray thought the Scott Act Inspector had altogether too much power. The council surely did not expect him to go outside of the county and bring in unprincipled characters to testify in Scott Act cases. If this was done there was no telling where the expense would stop.

Warden Timmins was opposed to the resolution. He had been given the resolution by Rev. Mr. Colter when appointed that the \$500 salary was to cover all of his expenses.

REV. MR. COLTER HEARD

Rev. Mr. Colter, who was given permission to address the council, said that Warden Timmins had certainly misunderstood him. The arrangement he made was that he was to pay his travelling expenses out of this salary and nothing more. He had an understanding of that kind with Couns. Pond and Goodspeed. During the six months he had held office he had secured ten convictions and paid \$500 into the county funds. Of that amount he would receive \$250 and surely the council did not expect him to pay his own expenses out of that and have all the worry, risk and anxiety.

In regard to the men employed as detectives they were recommended by Rev. Mr. Colpitts and during their stay in Frederickton had harmed nobody. Detectives were employed along the river to prevent logs from being stolen. Surely the council would not place a higher value upon logs than upon men's souls.

COUN. CARR'S PLEA.

Coun. Carr made a strong plea on behalf of the enforcement of the Scott Act. He had never seen its evil effects. They had four rum shops in Canterbury and they were poisoning the youth of that neighborhood. He was strongly in favor of passing the resolution. So far as he knew the men employed as detectives were good men and anxious to put down the sale of liquor.

Coun. Simmons wanted to know if Rev. Mr. Colter had ever learned that Crandell, one of the spotters he employed, had since his visit to Frederickton been fined in Maine for selling liquor.

Rev. Mr. Colter replied that he had not heard of it.

Coun. Grosvenor did not think that there was a man at the board who would take the job of Scott Act Inspector for two thousand dollars per year. The question, he regarded as a very important one and should be grappled with seriously by the council. The people who sold liquor did so in violation of the law, and were entitled to no consideration.

Mr. Colter had done his work and should be paid for it. He should also have his costs paid by the council. Rev. Mr. Colter had already paid \$250 into the county treasury and \$150 more was outstanding. He had virtually made the act self-supporting so far as he was concerned. There were men in Canterbury who had vilified and threatened him (the speaker) for his attitude on this question, but he was perfectly independent so far as they were concerned.

Coun. Brooks said that his view of the matter was that Rev. Mr. Colter was to accept \$500 salary and pay his own travelling expenses. Any legal expenses would come out of the fines. He would like to have a statement as to what expense had been incurred.

Coun. Morgan's understanding of the matter was that Rev. Mr. Colter was to pay his travelling expenses only. He had not, however, been

in favor of paying him monthly. He (Colter) was not to blame if the detectives brought here did not come up to the mark.

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sion to visit poor farms in St. John and Kings Counties. The report contained a lot of information concerning the institutions visited, and gave considerable data in regard to (Continued on third page.)

Coun. Fox said that the council had already passed a bill of \$125 in legal expenses, representing three days' work. It was hardly right in view of that for them to refuse to pay the legal expenses of the Scott Act Inspector. While the Scott act was on the statute books he was for enforcing it and compelling the rum sellers to keep up the fund for legal expenses.

Coun. Scott expressed himself as being opposed to the resolution as it gave the inspector and committee too much power. He remembered an occasion when a bill from this same inspector came before the council and payment was refused because it was not itemized. When the bill came before the council the second time it was not the same bill.

Coun. Cropley was for paying Mr. Colter's salary, but not his legal expenses.

COUN. MCFARLANE'S VIEW.

Coun. McFarlane said that as Mr. Colter was not a resident of the county, the Scott Act cases had been entered in the name of the Scott act committee. This was done to prevent any legal complications from arising. The inspector had to be paid and the only question before the board was whether he should be paid by the month or by the year. Under the law the inspector has no authority to employ counsel, as he is supposed to prosecute the cases himself. Rev. Mr. Colter had employed counsel, but now that he was schooled in the work it would be necessary for him to employ counsel no longer. He thought that the responsibility should be taken off the shoulders of the Scott Act Committee as much as possible.

Coun. McFarlane moved, seconded by Coun. Fred Pond in amendment that Rev. Mr. Colter be paid \$250 for six months' salary, up to July 1st and that in future his salary be paid monthly.

Rev. Mr. Colter said that he did not have any statement of Mr. Phinney's expenses for prosecuting the cases.

Coun. McFarlane said that under the law the council had no right to pay a lawyer in Scott act cases. It had been done in the past but only out of courtesy of the council.

Rev. Mr. Colter told of the difficulties he had experienced in getting counsel to act. The city clerk had been approached but would have no opinion to do with the cases. He understood that the council had paid a lawyer in the past and he thought they should do so in the future. They surely could not expect him to pay Mr. Phinney out of his salary. The amount of Mr. Phinney's bill to date he said was \$175.

The secretary-treasurer hoped the council would pass some resolution, so that the load would be lifted from his shoulder and he would know what action to take.

Coun. McFarlane thought that his amendment covered the ground fully.

Coun. Goodspeed did not think Mr. Colter should be asked to pay his legal expenses out of his salary. Rev. Mr. Colter had been employed for a year and should be paid a reasonable salary. The legal expenses should be paid out of the Scott act fund.

The secretary-treasurer, in reply to Coun. Brooks, said that \$250 had been paid into the treasury this year from the Scott act fines.

Coun. McFarlane was opposed to the resolution, as it gave the inspector too much latitude. It would be time enough to consider Mr. Phinney's bill when it came before the council in proper form.

Coun. Grosvenor thought that if the Scott act committee had no power to do anything it should be cut out. The warden had appointed him (Grosvenor) a member of the committee, but he did not want the job and was anxious to get rid of it. He did not see the sense of the council appointing committees and giving them no power to act. That sort of thing was in line with kindergarten work and made it appear that the councilors did not know very much.

Coun. Scott wanted Coun. Grosvenor to understand that other members of the council knew as much as he did.