

# THE SENTINEL.

**Provincial Legislature.**

**HOUSE OF ASSEMBLY.**

MONDAY, MARCH 2.

The Bill for the Naturalization of Aliens having been sent down from the Council, with an amendment disagreeing to Mr. End's Ryder; the House took the same into consideration.

Mr. END said he understood with surprise that the Council proposed taking off the Ryder; and which had been passed almost unanimously by the popular branch. Coming from such a quarter opposition was most extraordinary; he for one would vote against the amendment, and hoped the House would be unanimous in rejecting it.

Mr. BEARDSLEY did not object to the amendment; and did not see any good effect which would result from the operation of the Ryder.—He considered it as an absurdity; for if a man did not believe in the scriptures, he would as soon take the oath as not. Mr. WELDON said much error had prevailed with respect to the mode of naturalization; as several persons had taken the oath, where a certificate had been exhibited that the sacrament had been taken by Presbyterians, Methodists and Baptists; and if they felt desirous they could still do so under the imperial act. This was conceded in 1829, and the practice had continued ever since. He mentioned this circumstance with a view to correct erroneous impressions.

Col. ALLEN did not think it advisable to pass the Bill in the present posture of affairs in the United States. He did not think there was any desire on the part of its citizens generally to take the oath of allegiance; and if they did it would be impossible to make good subjects of them. He mentioned an instance of a man, who after a residence of seven years had been called upon for his tax, and who expressed his willingness to be naturalized; proceedings were stayed, and two months afterwards, he found the man had been before a magistrate for that purpose; and upon being informed it was necessary that he should make it appear to His Excellency that he had been seven years in the Province, and understanding that a fee was to be paid, he objected to do so, saying that it was something like paying to be banged. They would always find some objection, and he thought they had better remain citizens of their own country, than render a doubtful allegiance in this.

Mr. HILL presumed one objection with the Council was, that the Bill itself contained one oath and the Ryder another; they should both be embodied in one.—He always understood the imperial act to refer to any church, or place of worship.

Mr. END said since the Bill passed the Committee, he had made himself informed upon the subject, and he found the oath administered upon certificates being produced that the sacrament had been taken in any protestant church; and with the knowledge of that fact before their eyes, would the House pass the Bill. Col. Allen had mentioned one instance of a fellow who had compared taking the oath of allegiance to being banged; and he regretted that he had not furnished a proof of the sincerity of his expressions, in his own proper person. He would not open the door at the present moment; it would be a farther instance of John Bull's folly, another of which was his recently paying for slaves, who had become free, in consequence of having been brought under the operation of British law.

Mr. FISHER thought the object of the amendment, was to restore the Bill to what it formerly was, and he was glad of it, as the Ryder was not required; it would do no good and would not promote the end which its mover had in view.

Mr. HILL said the Imperial Act to which allusion had been made, went to affect Catholics; and to carry out a code of laws with reference to them, which does not at present exist in England. The learned member for Gloucester has said, that the difficulty had been removed, by persons being permitted to take the sacrament in any church; but the objection was to taking it at all.

Mr. L. A. WILMOT thought the Ryder a reasonable and proper one; and he would briefly state his reasons. The Bill was meant to apply almost exclusively to persons coming from the United States; and when he saw infidelity in that country stalking through the land, and supported by government;—when he saw it pervading all their institutions, and insinuating itself into their public schools, and that infidel works are every where disseminated; when he considered the tendency of the speeches lately delivered in the Legislature of New York, at its recent sitting at Albany; and when he knew that the genius of their constitution, fostered and encouraged such opinions; he felt satisfied that the Legislature of this Province, should erect a barrier against these people, and be careful how they admitted them to the rights and privileges of British subjects. When it should be found that they have the same guards as exist here, and when their government shall be found discountenancing infidelity, then those barriers might be removed. For these reasons he was opposed to the amendment proposed by the Legislative Council. It had been observed that a man who did not believe in the scriptures, would not hesitate to take the oath prescribed in the Ryder. But as the oath would be administered in open court, he thought a person of that description would hesitate, before he came forward, and openly testified his belief in that which he had before denied; at all events it would have some effect upon his future life and conversation; and would be a sort of check and guard upon his conduct. With respect to the United States themselves, he should not be astonished if their practical infidelity brought down upon them some national

judgment; and he believed the day was not far distant, when their neglecting to put down infidel principles, would call forth the vengeance of heaven.

Mr. HILL had not objected to the oath, but wished it included in that contained in the Bill. The learned member for Gloucester would not allow it to go where it ought, and the consequence was to defeat the Bill. The question was should foreigners be naturalized without taking the sacrament, or should they be forced to take it.

Mr. END denied that his intention was to disfigure the Bill; but to compel aliens to subscribe to some religious test.

The question was then taken, and the amendment was lost by a majority of 13 to 3. FRIDAY, MARCH 6.

The House resolved itself into a Committee of the whole, for the consideration of a Bill, for imposing a tax on wild lands in the Province.—Mr. BARBARIE in the chair.

Mr. FISHER, after a short pause, the Chairman at the suggestion of His Honor the Speaker, having read the first section, said he hoped the silence which prevailed was not to be deemed ominous of the fate of the Bill, or that there was any intention to throw it out. He said the Bill had been printed, and had been for some time before the House; he had always thought something ought to be done, to compel owners of large tracts of wilderness lands to improve them, in order that the settlement of the country might proceed. In the counties of York and Carleton in particular, there were extensive tracts remaining in an unimproved state, which retarded the settlement of those counties, and were extremely detrimental to the best interests of the Province. A law similar to the Bill before the Committee, had been introduced into Prince Edward Island and Upper Canada, and had been found to work well in those colonies. In the former of these places it met with much opposition from the large landed proprietors, but was ultimately passed and received the royal assent. He had a Report upon the subject; and the Legislature had endeavoured to pass a Bill, with the view of escheating lands, and thus compelling the owners to comply with the conditions of their grants. But they were unsuccessful; and Lord Glenelg advised them to adopt a measure of taxation, similar to that which had been introduced into Upper Canada, and which had been found to work well.—The tax being a penalty having the effect of a settlement or improvement condition in the grant, will operate beneficially for the Land holder himself, for to avoid it he will either cultivate or sell; in either of which cases, he will gain by the increased value of his remaining lands; and the country will also be benefited by the consequent improvement. The learned gentleman stated, that at the first settlement of the country, various conditions were imposed upon grantees to avoid the very state of things this Bill is intended in some measure to remedy, and all the lands in the Province were granted, subject to a quit rent. At the time of the commutation of the quit rent, the object the Legislature had in view, was the removal of a great public evil, and to secure the quiet and peace of the country. It was then distinctly avowed, that large Land owners who held their property in an unimproved state, obstructing the settlement of the Province, and depreciating the value of all lands in their vicinity, should not be exempt from quit rent; in any other state of things the commutation was unjust. The Bill therefore went to apply the quit rent principle to a certain extent, to individuals thus situated; whereas formerly it applied to all—the poor but industrious settler as well as the rich and useless land holders.—He therefore proposed that any person holding a grant of land and not improving five acres to the hundred, should pay a tax of five shillings per hundred, which sum was in every instance to be paid over to the Commissioner of the Roads, to be expended in improving the roads in their vicinity. The Bill he said further provides that all actual settlers, on lots not exceeding 200 acres, should be exempt from taxation.—This would be no hardship upon individuals who were hoarding up lands, till they became more valuable; and who in this way would be compelled rather to improve them themselves, or to permit other people to do so. At present the moment a line of road is laid off, persons come in and obtain grants of blocks of one and two thousand acres; and the actual settlers are compelled to proceed farther into the interior; this would be illustrated by reference to the St. Andrew's road, where the principle applies; and where the Province is expending large sums of money, in opening roads, and increasing the value of the lands of persons, who will do nothing themselves. This would apply to various other settlements, where individuals complain that in this way, they are benefitting absentees and large land holders in this Province.

It might be enquired, whether the evils alluded to were of sufficient magnitude, to call for the interposition of the Legislature; if the cases were only partial, there was no necessity for this Bill. Let hon. members examine this Book (here Mr. F. referred to the Book containing the Land Returns) and they would find a satisfactory and conclusive answer to the question. In all parts of the Province, vast tracts of land were held by persons, who had paid some 3s. an acre for it, and had only purchased it to make a profit by the increased value, the labour and improvement of the actual settler would give them; the price was a mere bagatelle, and would not pay a title of the expense of opening a road through those grants of land, they were a dead weight pressing upon the energies of the country—a complete incubus. Upwards of 30,000 acres had been granted since 1831 to retired naval and military officers; the whole or nearly the whole of which lay waste, contrary to the manifest intention of government. In the county of York and Carleton, where his

means of information was greatest, a large part of the most valuable land was held by individuals, who had made no improvements whatever; and almost every newspaper contained a notice from some of them cautioning trespassers, and offering the timber for sale; and some of these persons had received these lands since the passing the Civil List Bill, contrary to the letter and spirit of that Act, which required actual settlement from such grantees on the part of the applicant as a condition of the grant. All the land extending from the Big Presque Isle to the Restuc, between the River Lots and the boundary line, except about 4000 acres was held by non-residents; and thro' this we were shortly to be called upon to make a road, the land was of the first quality; part of it had been sold for about 3s per acre, 6,000 acres belonged to one family, 4000 to a mercantile house, 2500 was given to retired officers; and all the proprietors except one officer were in England. Add to which, other free grants of 3000 acres above the Restuc, about 5000 acres had been given to retired officers, all of whom with an exception were out of the Province. On the St. Andrews Road, there were upwards of 10,000 acres locked up in the same way. Then there was the late Chief Justice's 5000 acres or more on the river St. John, which had long been a subject of complaint; from what he knew of the representatives of that venerable man, they would cheerfully pay the tax. In Douglas there were various larger tracts, some of which were owned in England, and in every settlement of the country, there was more or less land held by non-residents, which formed a complete blank in the improvement. If an Act similar to that which he proposed were passed, requiring individuals to pay a reasonable sum, to be expended in a proper manner, there certainly could be no hardship; while it would be an act of justice to actual settlers in the Province. It would probably be said that such a law would interfere with persons who had lands granted to them at the first settlement of the Province; but if parties had held them for fifty years, it became high time that some improvements were made. There were a few individuals who procured allotments of lands on which to settle their families; but persons having that object in view would not obtain it at a distance from where they resided; having themselves commenced the world in the woods, and grappled with the difficulties and privations, incident to a new settlement; they aimed at a better lot for their children. It was their comfort and their pride, to settle those arid lands; instead of buying a lot of wilderness land, they purchased some pleasant spot in the neighbourhood, or that falling divided the homestead, which in such instances was generally ample, and there lived in the comfortable communion that every well regulated family desired to attain, enjoying in their own circle the sweets of domestic happiness; there might be now and then a great gambler, who after having purchased all the interval land in his neighbourhood and invested all the money in Bank Stock he dare trust; had bought a quantity of wild land. He is able to cultivate; and if he does not it is but just he should be taxed. If the evil complained of were partial, there might exist less cause of complaint; but it had become a great hindrance in the settlement of the country; individuals obtaining as he had already observed large grants of land, wherever roads were about being opened, and thus putting a stop to all improvement; by occupying the best tracts of land throughout the Province, and hoarding it up for sale at a future period, when the improvements of others, and the expenditures of large sums by the Province, shall have made it more saleable. He would not detain the Committee at that late hour, having explained the general principles of the Bill; the details of which might be taken up on a future day.

Mr. GILBERT said, it had been observed that a great change takes place every seven years in the human constitution; and the same remark would apply to political affairs. It was not more than three years since the quit-rent question was settled, by which the minds of the people had become tranquilized, and nothing remained to complain of. But it fell to the learned member for York to bring forth a measure, which had for its object to lay a tax on the wilderness land in New Brunswick; and which it would require a host of sentinels and tax gatherers to receive and collect; while the pulpit and the press must be put into requisition; and parties would be turned out of doors for non-payment, before they would be aware that any claim existed. How often he said it happen, that advertisements have been issued for months, of which those concerned had no notice, and which might be the case in the present instance; and in this way the fee simple would be changed, without the knowledge of the proper owner. He thought the learned introducer of the Bill, should have better grounds than the present measure would afford, by which to perpetuate his name.

Mr. WILMOT considered the Bill as a most important one; and that the committee should understand the question in all its bearings. He had always been favourable to the measure, but the machinery necessary to carry it into execution, had hitherto perplexed him; and if his learned friend had overcome that difficulty he must congratulate him. It would be proper therefore, to settle the principle of the Bill first, and then go into the details. He said he knew large tracts of land, which would at this time have become fair and cultivated fields, if they had not been engrossed by individual proprietors. This was the case more particularly on the St. Andrew's road. Capt. Campbell, son of Sir Archibald, had a large quantity shut up in this way, and which had increased four-fold within the last five years, in consequence of the expenditure of the Provincial funds; the

hard-working settler also has added to its value by his toil and struggling, while nothing had been done towards its improvement, by the persons to whom it had been granted. He would ask the Committee if it were right that this state of things should continue, and the Legislature not impose a tax, upon unsettled and wilderness land held in this way, to compel them to do something towards improving a part of it. It was the practice in Canada to require the owners of large blocks of land, to cut and make roads; and it had been found to work well. In this Province however they were made with the public funds, and in this way large proprietors were benefited without expending one farthing themselves. He thought it only right therefore that they should be compelled to pay towards the improvement of their own property. In looking over a book which he held in his hand, he said he saw some tremendous grants; and for which the payment of two or three shillings an acre was no equivalent; and it were better far to give away the lands of the Province than that the payment of the purchase money, should be an impediment to the settlement of the country. In looking over the list, he was surprised to find that the family of the late Lt. Governor had obtained about 7000 acres, and upon which they had not left a tenant. Capt. Campbell had received in this way 1000 acres, which is now worth four times the money he gave for it; next came Miss Helen Campbell, who obtained first 800 acres, to which 320 were afterwards added, making 1320 acres; then Miss Louisa Campbell had 1300 acres more; and altogether that one family had five or six thousand acres locked up, not a single one of which was improved. The learned gentleman said he admitted the Province received four shillings an acre for this land, but it were better to purchase it back, and throw it open for settlement, as the Campbell family had obtained the best lands in the country; and in that way shut out the native and emigrant settlers. There was a Mr. Fleetwood also, a gentleman whom he met in England, who had purchased about 8000 acres; that gentleman told him he had procured it, with a view to settle down his poor tenantry and operatives; but it still remained unimproved.—He would ask therefore, in view of these facts, if they should lie by, and hesitate to compel persons who, after a certain time, did not improve their lands, to pay a tax.—He felt satisfied that in refraining from passing some law upon the subject, the Legislature would not be discharging their duty to the people of the Province. It was not for the hon. member for Queen's to throw ridicule upon the Bill, but to meet it if he could by sound argument; and if his learned friend had mastered the machinery of the Bill, he might look back with pride upon the hour in which he introduced it. He hoped the principle of the Bill would be sustained, and he Mr. W. would render every assistance in making the machinery as perfect as possible. The time had arrived when the Legislature should speak out.

Mr. HILL was astonished to find the learned member for York so forgetful of vested rights, of which they heard so much, when they were considering in Committee the salary of the Clerk of Common Pleas in the Supreme Court. Here are individuals holding large blocks of land, against whom there are no complaints, except that the improvements that have been made in their neighbourhood, have rendered such lands too valuable; and yet the learned gentleman was not willing to reduce the salary of that officer, which had gone on increasing till it exceeded £1500. He begged to be informed where was the difference; in the one instance an office had become more valuable, and in the other lands had become so, owing to the improved state of the country.—In both cases he conceived the party possessed vested rights. He thought the Bill however was a good one, and that it was but fair, that persons holding large tracts of land upon which no improvement had been made should be taxed a reasonable sum, to be laid out on the roads in the vicinity. He agreed with the principle of the Bill perfectly, altho' there might be some objections as to its details.

Mr. WILMOT said it was not because the lands alluded to had increased in value, that it was proposed to impose a tax, but because they were preventing persons from settling on them. If the salary of the Clerk of the Supreme Court had increased, it did not prevent other individuals from making money. The Bill interfered with no vested rights, but went to produce a public benefit.

Hon. SPEAKER did not mean to make a speech; but fully approved of what had fallen from the learned mover and supporter of the Bill. They had expressed all he should say, were he to speak for half an hour.

Mr. WILSON thought the Bill would not answer the purpose intended; he found the college and church holding large tracts of land in Fredericton and elsewhere; the principle which it was meant to adopt towards individuals should apply to them.—There were persons who had obtained 1000 or 1500 acres of land, with a view to provide for their families, and the Bill would fall heavily upon them. He did not see why they should suffer, and corporate bodies be exempt. He repeated the plan proposed would not answer the purpose intended, unless it was general in its application. Mr. HANINGTON said much had been urged in favour of the principle of the Bill, and he had heard no argument advanced against it. After the principle was settled, the House could go into details. If large grants of land were yielding no benefit, but were impeding the settlement of the country, it should be taxed, whether it belonged to the church or not.

Mr. STREET was not in the House when the debate commenced, but on gleaning his eyes over the Bill, he saw it went to impose

a tax on all granted wilderness land, upon which no improvement had been made, and to a certain extent he would go with it. If the Bill meant to apply to speculators, it would be a proper tax; but if it was intended to tax all wilderness land, not in a state of settlement, he would not vote for it, he thought the tax should not be levied where parties had improved lands, either by themselves or their tenants.—He would not agree to tax lands so situated. He agreed however with the learned member for York, that where lands had been obtained for speculation, the Bill would have a good effect, as it would compel the owners to dispose of or improve them; and so far he would consider it an equitable tax, as the object is to encourage the settlement of the wilderness lands of the country; and where persons had settled or made improvements, they would be exempt from taxation. He liked the principle of the Bill, but would not pledge himself as to its details.

The first section was then passed, and the House resumed.

MONDAY, MARCH 9.

Mr. PARTELOW having obtained leave, brought in a Bill, having for its object, the payment of the Legislative Council.

Deck Load Law.

Mr. HILL called the attention of the House to a Message which was sent down from the Legislative Council, requesting the House to join that Body in an Address to Her Majesty, with reference to the operation of the above Law.

Hon. Mr. JOHNSTON said this was the first he had heard of the subject, having been out of the House when the Message came down. He did not think the House would consent to the Address until they had heard some explanation. The Act alluded to was passed for a limited period; and it was a subject for consideration whether it was at all necessary to address Her Majesty's government upon the subject. From his knowledge of the West India trade, he was satisfied vessels were often overset from being improperly loaded on deck.

Hon. Mr. WELDON said the object of the Address was to remove all ambiguity, with reference to what may be termed timber. In consequence of the construction given to it by the Crown officers in this Province, and also the officers of Her Majesty's customs, vessels going to the West Indies were not permitted to load with boards on deck; a different construction however had been placed upon it at Halifax; and it appeared necessary to place the trade of this Province on the same footing as that of Nova Scotia. There was a great difference in the nature of the cargo, as deals would not strain a vessel in the same manner as timber would, and the sea would wash them off deck. He thought therefore the Act was not meant to apply to deals. It should be more explicit however, and he thought the proceeding by address was a very proper course.

Mr. BOYD thought his learned colleague was rather premature in bringing the subject up, before he had presented a petition which he had received from his constituents; a similar one had been laid before the Legislative Council, and they had acted upon it. As the time for receiving petitions had gone by, he read that which he had received in his place.

Mr. BROWN pointed out the injury which resulted to the West India trade, from the construction placed upon it by the officers of the customs; the effect of which is to give vessels from Nova Scotia and the United States, a preference in the market. He was not much acquainted with the timber trade; but thought it should be placed upon an equal footing in all the British colonies.

Mr. McLEOD thought they had better leave the subject alone. The Act he believed was only for one year. It was passed for the humane purpose of saving the lives of seamen.—He was aware that the construction which had been placed upon the act would enable the Americans to carry on the West India trade with greater advantage than the people of this Province; still upon the whole he thought they had better wait. Parliament would be made acquainted with the discrepancy, and no doubt a remedy would be applied. Altho' the opinion prevailed generally that boards were safer to carry than timber, yet he did not think that was the case when there was the same weight, as the latter would lie more quiet; while on the contrary boards were piled very high, and being handled more easily, the aggregate weight placed on a vessel's deck was greater, than those who loaded them were generally aware of. Farmers would understand him when he told them it was like loading a sled with small stuff. So it was with deck loads, and he had seen vessels with cargoes piled on deck half way up to the main top, and it was shameful to send them to sea in such a state. He had no doubt but that an amendment would be made, and deck loads of boards might be limited to a certain height. He was convinced the law would benefit the Province, and save life; as it would require more ships to be wanted and more seamen to manage them, and the additional freight must be paid by the consumer.

Hon. Mr. CHANCE said the question was would the House communicate with the Council.—he hoped the motion would be sustained; and he could not agree with the hon. gentleman who spoke last; but felt satisfied the House was called upon to interfere. They must all agree in the necessity for an application to government upon the subject, and whatever it was necessary to say would come up more properly, when the instructions to the Committee came to be considered. Unfortunately for this Province, the collectors of the two colonies most interested in the West India trade, had placed a different construction. This was an inconvenience that was frequently experienced. He said he agreed with the hon. member for Kings that the act had for its object to save human life, and that it would operate beneficially, as it would certainly increase the number of vessels; but he tho't there was less loss of life in conveying deck loads to the West Indies than to Europe. Still it was of the greatest importance that this Province should be placed on the same footing as Nova Scotia; and he thought in the address to the Government that its attention should be called to the necessity of collectors being instructed to carry out alike in both colonies, the provisions of Acts of Parliament in all cases.

Mr. PARTELOW said the House might as well agree to the Resolution; and when the address came before the House, they would modify it as they thought proper.

It was then agreed to join the Legislative Council in an Address; and a Committee was appointed accordingly.