

1830, with the dreadful excesses of the former contest, had they forgotten that these excesses began Three Years after the establishment of the popular rule, and that, during the intervening period, the patriots presented the same amiable features which are so much the object of encomium at this time? Have they forgotten that the early leaders of the Revolution became, in a few years, the object of more violent hatred than the King or the aristocracy; that Lafayette, the moment he strove to control the populace, felt his rod of power break in his hands, and was compelled to take refuge from the fury of his countrymen within the Austrian lines; that, for the philosophic Bailly, the first President of the Assembly, the idol of France, the firm opponent of despotism, the author of the Tennis Court oath, was invented a new and unusual mode of death in Cham de Mars; that, for two long hours, he was laid on his face, with the guillotine suspended over his head, shivering with cold, amidst the severity of a December storm.

AMERICA.

New-Bruns-
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HOUSE OF ASSEMBLY, FREDERICTON;

Monday, March 14.

NEW CRIMINAL CODE.

The bill for improving the administration of Justice in Criminal cases, which came down from the Council, was committed, and agreed to without debate; it being stated by Mr. Chandler, that this bill was a copy of Mr. Peel's admirable act for the same purpose, lately passed in England, as far as the provisions thereof was applicable to this country, and that it contained nothing to increase criminal punishments, but rather to mitigate them in many instances.

REVENUE BILL.

After a few observations from Messrs Weldon, Partelow, Taylor, and Hayward, on the section added to the bill on Saturday last, imposing a duty on American timber coming down the St. John, the English Mail not having yet been received, and there being therefore no official intelligence before the house, on the subject of the Boundary Line, the said section was struck out of the bill.

Mr. S. Humbert moved an amendment to the bill to impose a further duty on all American manufactured iron and hard bread, according to the resolution passed in the committee of Ways and Means.

Considerable discussion arose on this question; but the arguments adduced partook so much of the nature of those in the committee of Ways and Means, that we do not feel it necessary to transcribe them.

Messrs S. Humbert, Cunard, Allen, and Mr. Speaker supported the amendment.—Messrs Simonds and Scott opposed it. The former gentleman thought it at all events advisable to postpone the measure another year, as the revenue would not require it this year; the latter opposed it altogether. Messrs Barlow, Ward, Partelow, and Slason opposed the additional duty on hard bread; but had no objection to a small increase on manufactured iron.—The amendment was negatived. The revenue bill was agreed to with amendments; and ordered to be engrossed.

CUSTOM-HOUSE AFFAIRS.

Mr. Wyer, by leave, presented a petition from the Merchants at St. Andrews, complaining of arbitrary, unaccommodating, and oppressive conduct, in the Officers of His Majesty's Custom-House at that port, and praying the House to take the premises into consideration.

The hon. member above named moved that the petition be received and laid on the table; and observed, that he trusted every member of the house would read it. They would then see that a more oppressive office did not exist in any free government, than the Custom-House establishment in St. Andrews. It appeared from the petition, that they paid no attention, either to the laws of the Imperial Parliament, or to those of the Province, as they seized articles, condemned, and sold them, under the pretence of their being perishable goods, without judge or jury. Thus a person stood no chance of getting a return of his property, when improperly taken from him. This was justice with a vengeance. Was this the way the rights and privileges of the people were to be trampled upon? No! He (Mr. Wyer), trusted that our glorious constitution would never be thus violated with impunity.—What did the House see by the returns of seizures made by the Revenue Cutter? Seizures to a large amount put into the hands of those gentlemen, for aught the House knew, of thousands of pounds, and of which the House had no account, as to the value of the articles seized; although that vessel was fitted out and maintained by the Province for the express purpose of protecting the Provincial revenue. If the Province had the proportion of the seizures made by that vessel, to which it was entitled, it would no doubt pay her expenses.—Then, also, the House should look at the Custom-House return from the port of St. Andrews, for the past year. The amount of revenue collected by those officers under the acts of the Imperial Parliament, was £2362 sterling; out of which sum they had retained £2434 for salaries, expenses, &c. There was no account of what those salaries and expenses were, but a gross sum was charged by the officers, and how it was expended he knew not; but one thing he knew, which was, that the sum was wrung from the hard earnings of the people, without any possible public benefit. He (Mr. W.) hoped, that before the House should rise, measures would be taken, to protect the rights and privileges of the subject from the vexatious and oppressive conduct of the Custom-House officers complained of by this petition.

Mr. Weldon did not know what the House could do with the petition, even if it received it and laid it on the table. They did not know what were the instructions under which those officers acted, and had no mode of ascertaining them. If the officers illegally exceeded their duty, they would be punished under the provincial laws, in common with other inhabitants of the Province; but as to boats arriving at the port of St. Andrews after 10 o'clock, and the arbitrary, oppressive, and unaccommodating conduct complained of, that could only be the case, but the House could not help it. It only showed that where power is

given, it will frequently be oppressively exercised. If those officers did not conduct themselves as gentlemen, and acted in a very arbitrary and oppressive manner, it showed that they greatly forgot themselves, and it was matter of very great regret. It only shewed that the Mother Country did not send out persons who could conduct themselves properly. But the parties aggrieved in this case should have petitioned the Government at home, who appoint those officers. He (Mr. W.) did not see what the House could do with the petition; he would therefore be against its reception; but he could not help expressing his regret, that those Custom-House officers did not know how to conduct themselves as gentlemen.

Mr. Simonds said that this could not be a question of much delicacy. The petitioners complained of great grievances, and prayed for redress. The House, must, therefore, receive the petition. He (Mr. S.) would be sorry ever to see the day when the House should refuse to receive a petition for redress of grievances. If this petition were received, it might furnish materials towards a petition from the House to His Majesty; because there the House had facts, not mere assertions. It appeared that these Custom-House officers carried matters with a very high hand, in St. Andrews; and that if respectable merchants speak to them of the laws of the Province, that they treat them with absolute contempt. Such conduct ought to be represented to His Majesty and the British Government. He (Mr. S.) thought the House could make good use of the petition, when a petition to His Majesty on the Custom-House question should be framed.

Mr. Allen concurred in opinion that the house was bound to receive the petition; but whether it was at present prepared in any way to remedy the evils complained of, he did not know. There did not appear to be any particular charges in the petition; only a charge of general arbitrary and insolent conduct, of unaccommodating behaviour, and of treating the laws with contempt.—The Petition certainly ought to be received.

Mr. Chandler observed, that there was no distinct fact alleged to the petition; but there was no question that those persons seem to annoy the inhabitants of St. Andrews very much in the discharge of their office. It was very greatly to be regretted, that, at the present time, when the feelings of the people are so greatly excited in regard to the Custom-House question, such measures were being talked of in that house for the purpose of procuring a remedy of the obnoxious grievances, that those officers should behave, to respectable merchants as they do. There was no kind of doubt among lawyers, or on the mind of any person who had properly examined the subject, that the salaries retained by those officers for their service was quite illegal. When, then, we find that they act as they do, what effect would such conduct have on the country at large? Much had been said lately about the unshaken loyalty of the people of this Province, on preparing an address to the Throne, respecting the Timber duties, and there was no doubt of such loyalty at present prevailing. But if a man had all the loyalty then spoken of, if any thing would have a tendency to shake it, it would be, in his (Mr. C.'s) opinion, the present Custom-House system and conduct. He felt convinced that the British Government were aware of all the grievances in this respect; it would soon, in some shape, be altered. He thought, that in a few years, if officers are still sent out from the Mother Country in the same way as they now are, and if they conduct themselves as they now do, the consequences will be very serious. As to this petition, it only shewed the truth of what had already been stated in the house, respecting the improper and contemptuous conduct of Custom-House officers. He (Mr. C.) hoped that when this discussion got abroad, it might have some good effect; but he certainly did not know what to do with the petition.

Mr. S. Humbert advocated the reception of the petition, which, he said, was one more evidence as to the conduct of these officers, and a very specific evidence.—St. Andrews was very particularly situated, and he had no doubt if Custom-House officers had instructions to be illegal any where, they would be instructed to be liberal there.—The hon. gentleman then made some remarks as to boats coming in late in the evening, and the hardships of their being obliged to lay un-entered till the next morning, and being served, that although it might not be the duty of the officers to open their doors after office hours, yet he felt convinced, the government of the mother country would expect them to do so. It had been said, that this petition contained no specific charges; yet it contained a charge that the conduct of the officers was very oppressive and arbitrary. Certainly, this would be one item of the complaint, when the whole question goes home for the consideration of the British government. But there was also another course which might be adopted. The House might prepare an address to His Honor the President, requesting to write home, and to send a copy of this petition, and to shew that it was an official communication from that House.—He (Mr. H.) hoped some measures would speedily be adopted to remedy the grievances.

Mr. Taylor thought the House should certainly receive the petition. It was a petition complaining of grievances, and the House should always receive petitions complaining of grievances. It was one great and especial duty of the House. He thought it not necessary then to discuss the Custom-House question; as he supposed, before long, the Hon. Member from St. John [Mr. Simonds] would according to his notice, introduce the subject before the house; when it would be the proper time to discuss the matter.—The hon. member said a few words further, which we could not hear.

Mr. Cunard was perfectly willing to receive the petition and to let it lie on the table; but he did not know what to do with it when there. He would, however, certainly oppose sending a copy of it to the mother country, without first arriving at full proof of the truth of its contents. The house would appear very ridiculous at home, if it sent home such things, unauthenticated, because it sent home more important and substantial communications on the subject. He thought, if such petitions were sent home and not substantiated, the home government would lose all respect for that house, because it did not send home sufficient facts, and such an event might prevent due attention being paid to a more important complaint.

The petition was received.

By the Journal of Thursday we find that the house was on that day employed in appropriating money for Bye Roads and Bridges: Queen's, Kent, Westmoreland, Gloucester, and Charlotte Coun-

ties were attended to.—The following sums were also granted:—To the Hon. Richard Simonds 600l. for his services from 1st Dec. 1829 to 1st Dec. 1830, and a further sum of 100l. to enable him to pay a clerk for the same period.—To his Majesty's Attorney General, the sum of 100l. for his services for the year 1830.—To his Majesty's Solicitor General, for his services for the year 1830, the sum of 50l. To the Clerk of the Crown in the Supreme Court, for his services for the year 1831, the sum of 100l.—To B. C. Chandler, the sum of 135l. 17s. for gauging and weighing at St. John, for the year 1830.

The following is from the Journal of Wednesday.
Mr. Partelow moved the following Resolution which was passed by the house.—Whereas a Resolution passed the house the 3d inst. that an humble address should be presented to His Honor the President, praying that His Honor would cause to be laid before the house, certain statements connected with the Civil List, Casual Revenue and the Custom-House establishment of this Province, which are to the said Address particularly specified; and whereas, the said Address has been so presented, and the wishes of the house have not been complied with; and whereas, the house deem the information thus sought for, to be of great importance, inasmuch, as without it, great difficulties exist in carrying into effect the objects contemplated by the house:—That a Committee be appointed to prepare the same.

Friday, March 17.

AUCTION DUTIES.

In discussing the Auction Bill,—Mr Slason thought it better to abolish Auction Duties altogether, and raise that much of the revenue in some other way, as they were so much evaded, and by no means collected to the extent they ought to be.

Mr Simonds said, the only way to ensure the collection of Auction Duties would be, to make the community interested in their collection. He thought all such duties should have a local application; they should be applied for the benefit of the place in which they were collected. He could not see why the Auction Duties paid in St. John should go to make or improve roads in other parts of the province; but thought such Duties always ought to be applied to the support of the poor, or other local purposes, in the place where the goods were sold. Such an application of the Duties would prevent the evasion of the law, as auctioneers would feel interested in giving a faithful account of Duties, knowing that they would be applied to the benefit of their own community. He (Mr S.) thought this the best way to dispose of Auction Duties; but if they were not applied in this way, but must go into the province treasury, he (Mr S.) would be quite willing that the Duties should be abolished altogether; and that the only imposition should be a charge for the auctioneer's licence. The more he thought on the subject, the more he felt satisfied, that goods sold by auction should not pay auction duties, having already paid such high duties to the revenue. But if the Duties could be applied to the local benefit of the place where they were incurred, he would have no objections to letting them remain.

Mr Chandler could not agree with Mr Simonds. It appeared to him, that whatever duties are imposed on goods, whether as auction duties or otherwise, they were always eventually paid by the consumer. Now the consumer of goods sold by auction in St. John, might live in Madawaska. On that principle, therefore, all such duties ought to go to the general benefit of the province.—(Bill agreed to, with amendments.)

His Majesty's Council have rejected the following Bills:—Bill to prevent Pedlars travelling and selling within this province, without Licence.—"Bill to alter and amend the Act made and passed in the fifth year of his late Majesty's reign, entitled, 'An Act to extend the Provisions of an Act to encourage the inhabitants of this Province, who are engaged in prosecuting the Cod and Seal Fisheries by granting Bounties on the same.'—"Bill for the encouragement of Parish Schools in this Province.

MONTREAL.—We have good authority to state that the Board of Trade have again forwarded a memorial to the Lords of the Treasury, and the Hon. the Commissioners of his Majesty's Customs, to allow the disjunction of the ports of Montreal and Quebec. From the liberal and enlightened views of the present head of the Customs' Department in this country, we have every reason to hope that this duly desired measure will have his support with the Commissioners of Customs.

A. C. Buchanan, Esquire, His Majesty's Resident

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