

# SUPPLEMENT to the GLEANER.

TUESDAY, FEBRUARY 28, 1832.

## NEW-BRUNSWICK LEGISLATURE.

HOUSE OF ASSEMBLY, FEBRUARY 4.

### CASUAL REVENUE.

Mr SIMONDS on moving the resolutions of which he gave notice on Tuesday last, commenced his observations by a reference to the history of the Address on his subject, last session, and of the consequent answer of Lord Viscount Goderich, which shewed that the House had acted under a misapprehension.—It appeared, therefore, that there was a good reason why the Government at home did not comply with the request of the House, which was, that by so doing, a tacit acknowledgment would have been made of the correctness of the assumption on which the House had acted. The object of these resolutions now would be, to ask information, on the assumption that the Casual Revenues of the Colonies had not been surrendered by his Majesty. The first resolution he (Mr S.) had prepared, was, for an address to His Excellency the Lieut. Governor, praying, that he would direct to be laid before the House, on account of all monies received on account of the Casual and Crown Revenues of the Province, in the years 1830 and 1831, and of the application of the same, and the amount remaining in hand on the 1st of January last. This information was very important and necessary; because, no estimate had passed the House of Commons for the civil list of this Province, the provision for which must come out of the casual revenues. If they always proved sufficient, it would be very well; but it might happen, that they would prove insufficient, and then the country might be required to make up the deficiency from the other revenues of the Province. It was highly important then that the House should have this information, in order that it might be prepared to make an offer to pay its own civil list. The object of the other resolution was, to ascertain the amount of the sinecures of all the officers in the civil department of the Province, derived either from salaries, fees, commissions, or any other sources whatever; in order that the House might judge how far it ought to vote other sums to those officers; which it now annually did vote. It was highly proper that the House should know the amount of those incomes, as it would not be proper to make grants to them, without knowing their exact situation. If it should appear, that any of them were not receiving a sufficient income, then it would be proper to vote them an adequate sum; if otherwise, if they were receiving more than their services entitled them to, then no further grants should be made, and some proper steps should be taken to reduce their emoluments, and the surplus might be beneficially applied to other provincial services. This last information, the hon. member thought would be cheerfully rendered. As to the first, he could hardly doubt that that also would be given, because it must appear so proper and necessary that the House should have it. The hon. member then read the two resolutions, and observed, that even should the desired information not be given, the resolutions could do no harm. The House could then address his Majesty on the subject; but he (Mr S.) did not contemplate a refusal. The resolutions could not create any collision between the branches of the Legislature.

Mr ALLEN thought the first resolution could not be complied with at present; because, from the tenor of His Excellency's message of the 24th January, it appeared that there was no chance of His Excellency's being able to give the desired information; otherwise the Colonial minister would have couched his despatch in different language. He (Mr A.) thought therefore this, as the House was not called on to make provision for the payment of the civil list, there would be great propriety in enquiring into the state and amount of the King's revenues in this country. It might produce an unpleasant collision between the different branches of the legislature. Whenever any communication should be made to the House as to the payment of the civil list, then the resolution would be very proper; but it would not be judicious in the House to ask his Majesty to give up his revenues to the disposal of the province. It was heard from all quarters that the Casual Revenue was in a declining state; that it was not sufficient to provide for the claims on it. An estimate had been brought forward in Parliament less than the amount of the year 1831.

Under these circumstances, he (Mr A.) moved the resolution.—The hon. member did not think the second resolution was a good one. Mr CLINCH observed that this was a subject which the house had taken up warmly at the last Session, and a resolution had passed, by a large majority, to petition his Majesty on the subject. That measure had been defeated by very extraordinary means, which he should not dwell upon; but would urge upon the house the expediency of taking a similar course this session; as the reasons which governed their former conduct still existed in their full force. The hon. member contended that if there had been any relaxation, any abatement whatever on the part of the Crown Land Office, of that oppressive system which had been so long pursued, he should be glad to notice it in his place, and it would have been matter of congratulation for the whole country; but that was so far from being the case, that fresh exactions, and impositions, had been practised, both in the Casual Revenue and Land Department; some of which had but lately come to his knowledge, and as they might not be generally

known, he would now mention them. The Tonnage duty had long been fixed at one shilling per ton; that was the point, beyond which, excepting a few minor instances of extortion, they were for a long time unwilling to venture. Lately, however, they had done it indirectly, by adding three pence per ton for Timber, and six pence per thousand feet for Logs, in the name of Surveyor's fees for laying out the Births. It ought to be recollected, that in 19 out of 20 cases, these births did not require to be laid out, and when they did, it used to be settled between the parties applying and the Deputy:—now, it seemed, they must pay, whether they want the survey made out or not, and pay before hand too; this additional three pence went directly into the pocket of the Commissioner, and with his former fee of 20s. would make £2 5s. on a Licence for 100 tons of timber, and more in proportion on a larger quantity. Some idea might be formed of what he derived from this one item of revenue, allowing the number of Licenses issued, to be at least 1000, which, from good information he [Mr C.] knew it to be. Another source of annoyance to the people of this Province, and as he suspected, of corresponding emolument to the office, was the setting off of certain reserves, which he was informed had been done lately in the Eastern parts of the Province. The ostensible reason, that of preserving the Timber for the use of Government, he thought quite a fictitious one and meant to cover some ulterior design. Mr C. here gave an account of the management of these reserves on the Magaguadavic for a number of years, and stated that during that time, they were continually trespassed upon by persons who found no difficulty in compromising the matter for a sum of money,—so that, judging of the future by the past, it appeared the intention of the office to draw an imaginary wall round their reserves of Timber, a line of circumvallation, fortified by pains and penalties.—Then like the Hesperian Regions of Old, they would be accessible only by those, who would take proper means to lull the Dragon that guarded them.—In fact one part of their policy seemed to be, in his opinion, to urge the people to trespass; by tying them down to rules and regulations ruinous to comply with;—not observing that rule which even the most arbitrary and oppressive governments are forced in some measure to adhere to, viz: that of laying no greater burdens on the people than they can bear. But the policy to which the hon. member alluded was, in his view, of a much more refined nature, being intended to cause irregularities, which are afterwards punished by heavy penalties in the shape of double and sometimes treble duties;—and the money thus paid instead of being lodged in the King's Exchequer, as a tribute to offended majesty, went to swell the pockets of the Head Officer and his myrmidons.—This might seem a hasty conclusion to form, but, as the house had no account to show either the receipts or the expenditure of the Casual Revenue, if the officers choose to involve every thing relating to them in mystery they (the House) had a right to form the worst conclusions.—Perhaps nothing could be compared to the oppression of the system, except the universal prevalence of it; by means of the money which the Casual Revenue brought in, they were enabled to employ Agents, who maintained a plan of espionage, extending itself to every part of the Province.—Wherever the lumberman, by his persevering exertions, had opened a way to the most inaccessible places in search of timber, either by cutting roads through the wilderness at great labour and expense, or by taking advantage of the freezing of the rivers, the same roads by which he drew his supplies to the scene of action furnished easy access for the emissaries of the officers, to follow in his rear; to count his logs, measure his timber, and unless he complied with every requisition, to seize and sell all in the name of the King.—So well organized was the system, as to have produced the most certain result, and it was now operating silently and quietly, causing a steady stream of money to flow in various channels from every quarter of the Province, until it was lost in one common vortex; the money chest of the Commissioner.

Here Mr C. discussed the question, as to the title of all land and timber in the provinces being vested in the King, and contended that it would only be viewed so, as a deposit in the hand of the Government, and not as belonging to the mere privy purse of the sovereign. (The hon. member,) seemed to be in favour of the more liberal administration of this Province. The lands were then granted at a moderate price, to promote the settlement of the country, and even encouragement was given to the erection of saw mills and formation of timber establishments, by allowing the pine trees to be cut in the forest, free of all restriction; and it was not until of late years, that the system of duties was resorted to, then, indeed, individuals, already embarked in the business, found it impossible to recede, without giving up all their establishments, which would have been more ruinous than complying with the exactness of Government.—With respect to Crown Lands, the subject was still more serious than that of the Casual Revenue; involving, as it did, not only the present, but the future prosperity of the Province. The case of the poor Lumberers caused but little sympathy in the minds of some hon. members who viewed their business as of some hon. members who viewed their business as of a more temporary nature. However, he (Mr C.) might differ with them on that point, still there was one on which he hoped they were all agreed, viz.

that the future prosperity of the Province, and the means by which it would permanently flourish, was the settlement of the now waste lands. At present, the subject was one of peculiar interest, when the tide of emigration was setting to our shores, together with the prodigious natural increase of our own population, were the means of bringing these waste lands into great request.—Great doubts and difference of opinion had arisen, as to the most efficacious mode of disposing of those lands. He would not pretend to solve those doubts, but would make a few remarks, obviously deducible from the subject before him.—Under the old system, the unfortunate applicant was induced, under the idea of a grant (a most delusive one indeed when applied to grants of land—a term which holds out the word of promise to the ear, and breaks it to the hope,) to go through all the tedious and expensive forms of office, paying dearly at every different stage of the process, wasting his time in journeys to the Seat of Government, until, if he succeeded at all, he found that what he expected as something in the nature of a free gift, was actually purchased at a double price!—Afterwards, another mode of proceeding was adopted; that of selling the land by auction. This might have answered better; were it not that the lands were set up at so high a price, that few could purchase, except at credit, by paying a part down, which part, together with improvements, in many cases, would be forfeited to the Government, in case the conditions of sale were not complied with.—Every one must be convinced how highly objectionable this plan was.—The present mode of proceeding at the office, the hon. member stated to combine all the disadvantages already mentioned. It was, indeed, hard to say what kind of system was in operation now, or whether there was any regular one at all, unless it was systematic plunder. Besides paying a most exorbitant price for the land, the applicant had to go through all the tedious and expensive forms of petitioning; taking out warrants of survey; waiting months, sometimes years, for his grants; complying with numerous exactions, or rather impositions, which even the junior clerks of the office now tried their hand at occasionally;—sufficient, altogether, to exhaust both the purse and patience of the most resolute.—He (Mr C.) did not make this statement on vague or uncertain grounds. He spoke of what was too well known and substantiated, for "these things were not done in a corner." Here he would, however, correct himself, and say, rather, in what part of the Province had they not been done?—Scarcely any part of it but could furnish some plain unvarnished tale of difficulty or loss incurred in transactions with the Land Office; some of them involving cases of real distress; for what could be imagined more distressing or more ruinous to a man's prosperity in life, than to find himself disappointed of a piece of land which he had set his hand upon, after spending as much money as ought in reason to have procured him the grant; and perhaps settled on it, to be at last turned off. To be sure, the adherents of the land office, never failed to lay it to the man's own fault; perhaps some particular form of office was neglected; perhaps he had paid his money to the wrong person; perhaps, which was not unfrequently the case, every form had been complied with, but the thing was delayed until the man's case was forgotten.—It was hard, indeed, to enter into all the minutiae of the matter, but one thing was obvious;—how easy would it be to avoid all these difficulties, by a plain, straight forward course on the part of Government; first laying out the land into lots, then fixing a reasonable price on them, suited to the quality of the land and the circumstances of the country; and then, by the simple mode of bargain and sale, the most satisfactory way of doing business in all ages, to make at once a transfer of the land to the purchaser. How much better that would be, than incurring, as they did, all the odium of land jobbing for that was the mildest term that could be applied to the transactions of that Office.

[Mr C. then related an instance of mismanagement in a certain County, which had been productive of serious loss to many individuals applying for land; and also adverted to an article in the last regulations respecting land, by which poor emigrants were allowed to have fifty acres of land by paying twenty shillings.]—This was cried up at the time as an uncommon instance of liberality on the part of Government. For his part he believed he was not the only one who felt dubious, and rather disposed to say with the old Trojan "Timeo Danaos"; as fearful that no good could proceed from that quarter;—and the event, as far as he could ascertain, entirely justified his suspicions. He would, for the information of the house, relate the result of an application, which he himself assisted in making. It was in favor of two men who answered the description in every respect, of such as were most fit to enjoy the bounty of Government in that way;—emigrants, who had been in the country several years, having families, poor but industrious, and of sober habits. In behalf of these men he wrote a petition, according to the prescribed form, praying for fifty acres each, in a place which they pointed out. In due time he received an answer from the Deputy Commissioner for Charlotte County, couched in the most correct, official language, in plain English to nothing more, than that the land was "to be chosen," and was most probably the form of a general answer to all such petitioners, and it must be owned was pretty well calculated to shock the feelings of any British subject, however poor or indigent.—But suppose the patient, the petitioner rather, should recover from this first rebuff, and proceed to enquire where the land was, that Government in its great munificence had provided for him; the answer to that was also contained in the same letter, and where would the house suppose it was? Not to be sure, exactly in the Moon, for he believed there was no Land Office established there yet; but it was in a place where those poor men would as soon think of taking up their abode, as they would in that Luminary. It was up the Digdeguash River (God knows how far from the Salt water,) at a distance of obtaining relatives, from their homes, and from any chance of obtaining work to support them during the first year or two of their operations on new land; and all this was because the land which they applied for was good land, that would bring half a dollar an acre while the other was comparatively worth nothing!—This might be said to be a very trifling matter, but it was not so. (See Gleaner.)