

THE GLEANER.

AND

NORTHUMBERLAND SCHEDIASMA.

VOLUME III.]

"Nec aranearum sane texus ideo melior, quia ex se fila gignunt nec noster vilior quia ex alienis libamus ut apes."

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THE GLEANER.

(Continued from Supplement)

he considered an unimportant incident, and he only mentioned it to show how little was to be expected in any shape from the justice or generosity of those now at the head of the Crown Land Department, and how completely these principles, together with the public interest, the good of the province, and what ought to be prized highest, the character of the Government, as far as it then lay,—all were sacrificed to an insatiable thirst for money. Then what were the consequences arising from this state of things? He would mention those which began to be already felt, as well as others more remote, but equally certain. In the first place, distress and embarrassment among the manufacturers of lumber, by means of the enormous exactions to which they were subjected; a scarcity of money owing to the enormous sums withdrawn from circulation; if to be ultimately taken out of the province, then to its complete impoverishment? This was a point upon which some anxiety was entertained, and if it was to be the case, it would put the people in a little better situation than a conquered country. Dissatisfaction to the Government was also a natural consequence to be apprehended from the present state of things. If the house looked at the settlement of the country, that most important object, they would see that the country was continually losing effective settlers, for want of some efficacious mode of furnishing them with land.—Mr C. then entered into an argument to shew that the present mode of raising taxes, both in the Crown Land and Custom House Departments, was detracting so much from the privilege of the Commons in the province, and lessening their due weight in the Legislature, inasmuch as it made the higher branches of the Legislature, through the means of the revenues, in some measure independent of the House of Assembly for supplies.—Having gone through the above detail of grievances, the hon member then mentioned what he conceived to be a great aggravation of them; viz., the want of power in the Executive of this Province to afford redress.—Those [said Mr C.] who are loyal to the British Government, and serve the Constitution, were accustomed to look up to the person administering the Government, as the representative of his Majesty, one of the chief attributes of which was the power to redress grievances—the just prerogative of the Crown was necessary to the liberty of the subject, and sorry would they be to see it abridged.—How mortifying, then, to be told, as this house was upon addressing the late executive upon this subject, how disagreeable to that personage himself must it have been, to be obliged to return for answer that it was a thing in which he could not interfere. This was in effect the language that was used.—What; was it possible that the Executive could not interpose, when such oppression was going on; not even if the Officer in question should think proper, by his mere *"IPSE DIXIT"* to stop the settlement of waste lands and the exportation of lumber?—This was rather an alarming picture; even admitting that arbitrary power was to be the order of the day, no one would hesitate in opinion as to where they would rather see that power placed; viz. in the hands of the Executive, or in those of a Commissioner. Ever since the times of old, when the king of Persia used to send out his great men to rule over the 127 Provinces of his Empire, the Government of a Province had been a coveted sort of sacred trust, and its Governor an officer of high command and responsibility, intimately connected with the welfare of the people governed; and experience had shown that such a trust could never be more safely deposited than in the honorable hands of a British Soldier! But [said the hon. member] this Commissioner of Crown Lands; what was he? an officer of yesterday's creation; a "New thing under the Sun," a raiser of taxes in the glory of the kingdom! In such a one the house might search in vain for those considerations of self-respect, that pride of character, which should restrain from oppression, and the want of which were but ill supplied by the mere moral rectitude of an individual. He (Mr C.) doubted it there was even the obligation of an oath subsisting in that case; and yet was that individual entrusted with, perhaps, more real power than any other in the Province; if, according to the doctrine of an hon. member from St. John, money was power, for he had an unlimited commission to raise money! What then remained but that he should assume the form as well as the substance of power? Let him take the reins of government into his own hands; let proclamations run in his name,—and let the Province be governed by a Commissioner of Crown Lands! Then indeed the house might petition him for redress of grievances,—which they could not do now with any propriety. It was plain that such a state of things ought not to exist any longer, without some attempt to remedy them. The mode of petitioning his Majesty was in his (Mr C.'s) opinion, the best to which we could refer,—and even should not be inclined to surrender his Casual Revenues into the hands of the Legislature, as was contemplated, still it was highly proper that the Government at home should know what abuses existed in that Department,—for, at present, the system was such, that the great part of the Casual Revenue was swallowed up in fees.

Mr. KINNEAR observed that the luminous statement of Mr. Clinch must tend to confirm the views of hon. members respecting the propriety of these resolutions, although they might, perhaps be liable to amendment in form. He was entirely convinced of the necessity of the resolution, (the first,) tho' he was also thoroughly convinced that the House had no right to the controul of the offices or revenues in question. Yet there was a distinction to be drawn. A person might have no legal right to a thing,

in which, nevertheless, he might have such an interest, as might induce him to take all legal measures to attain that right. In this instance the House had no legal right; but the information they had just heard, and also the public impression as to the management of the Crown Lands, should satisfy the minds of hon. members as to what their interests were, and they should therefore come to some resolutions on the subject, to obtain what they required. This should be done in the form proposed by Mr. Simonds, with only one further guard, viz: an amendment, to express that the house knew exactly how they stood with regard to these matters. They would ask for information, predicated on the ground that they had no legal right to call for it; but, as they stood in the public guardians of the interests of all the people of the province, they should seek for the information to enable them to go with propriety to the foot of the throne; so that they might ask nothing but on correct and proper grounds. That was the object the resolution had in view and that was the reason why they should not wish to predicate the petition on public reputation or private information, unless they could get no other; but should rather wish to guard it on such proper facts as would come from a proper quarter. If the Lieut. Governor's answer should be that he had it not in his power to give the desired information, then the House should petition His Majesty on such facts as they could themselves collect, respecting the abuses complained of. If such abuses had taken place, they interfered with the vital interests of the Province. The hon. member was not then prepared with an amendment, but he would state what he contemplated as an improvement to the resolution. He thought there should be added to it a few words, such as these, "In order that this House might have such information, as to be enabled to lay a petition at the foot of the throne, founded on good and proper premises." The hon. member then made some further remarks on the address of last Session and the answer to it, and on the propriety of now proceeding on better information; in order that the House might get such an answer from the mother country as had been accorded to a neighbouring colony on a similar subject.

Mr S. HUMBERT commenced his observations by referring to some former collision between the House and the Lieut. Governor of that period, which had led to the dissolution of the House; but which remarks we could not connectedly gather. As to the right of the House to controul the offices and revenues in question, he (Mr B.) had not the least doubt. He had always been of opinion, and he still was, that the House fully possessed that right; but it would not of course legislate upon the subject, till it actually possessed the controul. As a precursor to other proceedings, he would be for the adoption of these resolutions, which might pave the way to a petition to his Majesty. He saw no reason, however, why Government should alter its usual mode of proceeding. He did not anticipate a compliance, but he would nevertheless hope for a favourable answer.

Mr TAYLOR said that according to his view, these two resolutions were so connected, that they might both be put together. But it appeared, hon. Members were to resolve in their own minds, on what principles they were to ask this information. When it had been sought last year, it had been likewise contemplated, that the House wished to provide for the civil list. Now the question was, whether the province was prepared to take on itself the payment of the civil list, on condition that the crown revenues should be placed under the control of the House; or, whether things should now remain as they are, and that at a future day, the House should be called on to make provision for the civil list, when those revenues might not be adequate to the payment. He (Mr T.) thought the province was now prepared to provide for the civil list, if the revenues should be given up; and therefore some preamble or amendment to the resolution was necessary, otherwise it would appear that it was merely an inquisitive matter, and His Excellency might ask why the House sought the information. He confessed himself not so sanguine as to get a favourable answer, as some were; neither was he inclined to think that his Excellency had any instructions to afford it, but it might happen that he had. It might appear from the resolution, that the House contemplated providing for the civil list, and on such grounds his Excellency might be instructed to furnish information.—The hon. member then read a preamble which he had prepared, as expressing his own views, but which he did not move as an amendment.

Mr. PARTELOW had been engaged in the Committee Room, and had only entered the house while Mr. Clinch was speaking. The arguments of that hon. member had been altogether founded on the abuses which he had enumerated; not on the resolutions. He (Mr P.) confessed himself at a great loss how to vote; but he agreed with Mr. Taylor, that the resolution at present appeared rather inquisitorial, and that there should be some preamble or amendment to it, to explain the reason for asking this information. Then, perhaps, his Excellency might return an answer to it. The hon. member then alluded to the erroneous assumption on which the address of last year had been founded; and observed, that he always was of opinion that the revenues in question belonged to the crown, and that the House had no right to controul them. Under

the present circumstances, he did not feel prepared to go with the first resolution; but would accord with a petition to his Majesty, founded on all the information the house could otherwise obtain.

Mr. CHANDLER thought this matter of such vast importance that he was at a loss what to say. As to the constitutional right; the resolution being brought in without any preamble, he thought that if it were to stand on the ground of right, the house would get no answer. If it were for the purpose of paying the civil list, he was not disposed at present to vote for it, on that account. He did not think the house was prepared to make any offer on that subject. If it referred to the abuses of office, that was not the proper mode of proceeding. They could be stated in the shape of a petition to the Throne at once. Abuses did exist, and hon. members must feel some delicacy in opposing a resolution, the professed object of which was to complain of those abuses. He (Mr C.) was not prepared to go for the resolution at present.

Mr. WELDON thought it improper to send any such address to his Excellency as now proposed. He had heard a long detail of grievances from the hon. member for Charlotte County, (Mr Clinch,) who, however, had not spoken to the resolution now before the house. If it was necessary to obtain information on the score of those complaints, it could not be by that address. Persons aggrieved should make application to the Executive, and they would no doubt then obtain redress. If the complaint were only against the land office and its system, a petition should be brought forward, to be laid at the foot of the throne. But it did not appear probable that there would be any answer to this address; not the least information would be derived as to that subject. There was no preamble to this resolution; but it was almost the same in substance with that of last year, and it seemed founded on a presumption of a right to controul the revenues in question. Any information given in answer to the address would be more a matter of grace on the part of his Majesty, than otherwise. As to what Mr Taylor had proposed; he (Mr W.) should be against that. It would require more consideration than had yet been given it. Whenever his Majesty should choose to call on the house to pay the civil list, he would undoubtedly give them all necessary information; and then would be time enough to consider the matter.—He (Mr W.) was against the resolution.

Mr. BROWN thought this resolution was following up the same course in which the house had been interrupted last Session.—The hon. member here referred to the proceedings of last Session, and defended the style of Lord Goderich's dispatch, on the ground that the house had proceeded on misinformation. The hon. member also observed, that from the style of the Petition intended to be forwarded to his Majesty, last session, it would be seen that it was contemplated to relieve the parent government from the burden of the whole civil list of the province. This was the view of the house last session, and he [Mr B.] saw no reason why it should now be departed from.—He thought also that the opinion was erroneous, that all the revenues of the province were subject to legislative controul. It appeared that the king was owner of all the privileges in the province which he had not specifically granted to the people; but he had no power to convey them or the proceeds of them to any other object but the general good of the people.—As to this resolution; he [Mr B.] thought there should be some explanatory preamble to it. His Excellency ought to be informed of the intentions and views of the house; and that they did not wish to pry into matters in which they had no business. Still he was inclined to follow up the former course of the house, and to offer to take the provisions