

THE GLEANER.

AND
NORTHUMBERLAND SCHEDIASMA.

VOLUME III.]

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

No. 23

MIRAMICHI, TUESDAY MORNING, FEBRUARY 14, 1832.

THE GLEANER.

NEW-BRUNSWICK LEGISLATURE:

HOUSE OF ASSEMBLY, JANUARY 25.

CASUAL REVENUE, &c.

The House this day went into Committee on the several Messages of his Excellency the Lieut. Governor; (Mr. Hayward in the Chair,)—the debate on which took so wide and discursive a range; that we are enabled only to present an epitomised report. The Chairman read His Excellency's communications, comprising

I. A copy of the dispatch from Lord Goderich, in answer to the resolution of the House, last session, respecting the Casual Revenue, in which his Lordship briefly stated that he had received no commands from His Majesty on the subject; and that, as the resolution had been founded on erroneous information, his Lordship himself had it not in his power to authorize the Lieut. Governor to comply with the request therein contained:—

II. A copy of another dispatch from the same Minister, respecting the Inspecting Field Officer of the Province; stating that the House having omitted last session to make the usual provision, Lieut. Colonel Turner had represented to the government at home the extreme inconvenience he was in consequence sustaining and instructing His Excellency to intimate to the House by Message the necessity of reconsidering the subject, and making the usual provision for that Officer.

Mr SIMONDS said, in reference to the first dispatch, that it was a very extraordinary way of treating the House, and that they had no right to expect, particularly after the ample satisfaction lately given to the province of Lower Canada on a similar subject. How this province should be treated with neglect and indecency, he could not pretend to say. It was very extraordinary if we were to be governed by Lord Goderich alone. He hoped something would be done by the House, to ascertain whether the province was to be under the controul of Colonial Secretaries, or His Majesty King William IV. Was it possible that large sums were to be annually collected from the people of this province, and the Legislature to have no control over them? They were denied any satisfaction on the subject; yet they were at the same time very modestly called on to provide for certain officers, appointed by the home government, perhaps appointed by the Ministers. Now came out the secret as to the militia message. Its purport was to recommend, not a mode of making an effective force, but a provision for certain officers. The question then was, were the house prepared to vote large sums of money for such purposes, and yet to have no account of the expenditure of the Casual Revenue? He (Mr. S.) would never vote one shilling, so long as they were denied the justice they required. That was, to know what became of the casual revenue, and especially that part of it derived from the crown lands. That fund was paid by the poor lumberers, by the sweat of their brow; and was it to be squandered, and the country know nothing of its disposal? He would shut the public chest to any such application, until the required information was granted.—There was another very extraordinary fact connected with this subject. It appeared from the dispatches, that the resolution of the house did not leave this country until the middle of August. It ought to have been transmitted immediately. He did not know how it happened, but he thought it a very improper delay. He hoped there would be unanimity in the opinion of the house in these matters, and that they would endeavour to make such representations, with regard to the casual revenue, as would be sure to be laid at the foot of the throne; not such as would merely reach the Colonial Ministers. He thought it shewed, not good government, but misrule, when the communications of this province were treated in this way. He had no idea of being thus governed by Colonial Ministers, who might have private views to answer in keeping the information forwarded by this house from the knowledge of His Majesty. The house should now send an Address to the Commander-in-Chief of this

Province, with a request to transmit it forthwith to His Majesty himself. They would then know the result directly from His Majesty, and not merely from Lord Goderich.

Mr. END thought that the high character and the general conduct of Lord Goderich ought to have protected him from any imputation of indecency in this matter. He hoped no such expression would be adopted in any resolution of the house; particularly as culpable delay had certainly arisen here, in not transmitting the resolution of last session till the 14th of August last.—In his opinion, well might Lord Goderich imagine this to be an unimportant matter, if it was treated with contempt by any branch of the Legislature here. The fault laid in the Executive, and not in Lord Goderich. But there was nothing surprising in that. He (Mr. E.) could tell the house that communications from Lord Goderich, which effected the constitution of the country, which had relation to the 65th section of the royal instructions, had been violated by the late executive. They had been put where they had never been got at by Sir Archibald Campbell till very lately, till December last. The house should therefore put the saddle on the right horse.—That Minister, (Lord G.) who had taken abundant care to satisfy the Colony, ought not to come under the imputation of indecency. Common justice to Lord Goderich had led him (Mr. E.) to state what he knew.

Mr. SIMONDS disclaimed any wish to embody in an address of the house, any such expression as that alluded to by Mr. End.

Mr. CHANDLER was satisfied with the explanation of Mr. Simonds. Mr. End had taken it in a wrong light. It was merely an animated expression natural in the freedom of debate, and not of an address. As to the matter under discussion—No person felt more aggrieved than he (Mr. C.) on the subject of the casual revenue, but he would wish to do every thing in a proper manner.—The message now under consideration had arisen in consequence of the resolution of last year; (Journals, March 3d.) the whole of which resolution had been predicated on the principle that his Majesty had surrendered the casual revenues of the province. That, however, not being the fact, his Majesty not having surrendered those revenues to the Legislature of this country, it was the duty of Lord Goderich to undeceive us. When his Lordship found that we had proceeded on erroneous information, what indecency was there in his briefly telling us he had no commands from his Majesty on the subject? if the house had made a proposal to his Majesty's Government, to provide for the whole civil list themselves, on condition of having surrendered to their controul the casual revenues of the province, the case would have been different. The house should treat every thing with propriety. It should seek redress in a proper channel, and should hang on till it was obtained. But the present communication did not deserve censure, and he (Mr. C.) was not therefore disposed to join in any resolution to that effect.

Mr. SPEAKER detailed the history of the resolution of last session, and in reference to the erroneous principle on which it had been founded, observed, that in the first session of Parliament after the accession of his present Majesty, a similar misconception had appeared in the discussion of the subject there. In debating the matter also in this house, many members had been of opinion that the casual revenue of the province had been ceded by his Majesty. He (Mr. Speaker) however, had never been of that opinion, but he had not objected to the resolution, because he, as well as the rest, was anxious to get the controul of that revenue, and he thought that there could be no harm in sending home an intimation of that desire. On that ground the resolution was adopted, and it had brought the house to the present state of things. He believed, however, from the best information, that it had not been the intention of his Majesty to give up the colonial casual revenues to the controul of the local Legislatures. He (Mr. Speaker) understood those revenues to be absolutely the private rights of the crown. There was a difference of opinion in this respect; but he had taken pains to get information on the subject, on two grounds. First, because the interest of the colony was deeply affected by it; and secondly, because it was important to

get the revenues as soon as possible under the legislative controul, and, to that end, to obtain all possible preliminary information. He understood that these revenues formed a part of the private rights and prerogatives of the crown. He further understood, that it could not be considered unconstitutional, even if his Majesty were to withdraw the amount of money so raised, entirely from the Province, and expend it elsewhere. The government had, however, within some years past, signified their intention to expend the amount of those monies on such objects as they considered useful in the Province. And the house might therefore date the rise of the present College from that intention. Had it not been for that, the college would not now have been in existence. That was his opinion; and that he believed, was the principal inducement of the legislature in granting money towards its support. It was their natural object to get as much of the casual revenue expended in the Province as possible, and they had always been fearful that it would be spent otherwise. He also understood that his Majesty's communication to the Parliament in 1830, would give up the casual revenues of those Colonies where no local Legislature existed; that such revenues would be given up to the controul of Parliament. If that was the case, it was not intended that this Province should have the controul of theirs. But be that as it would, it appeared that as yet it was not ceded to them; and he (Mr. Speaker) was fearful that as long as it afforded patronage to Ministers, and enabled them to pay the civil list, it would not be given up. Any measure, however, to effect this desirable object, would have his hearty concurrence.

Mr. SIMONDS replied to Mr. Speaker, and in the course of his observations stated his opinion that the Crown had no such private rights as Mr. Speaker had alleged; that it was indebted to the House of Commons for its whole support; and that if it had any such private rights, and should at any time amass an immense sum of money by such prerogatives, it might render itself thereby independent of controul, and establish despotic sway.

Mr. SPEAKER replied to Mr. Simonds, maintaining the fact to be as he (Mr. Speaker) had alleged, and contending that the house had therefore nothing to do with what might be the consequences of such an extreme case as Mr. S. had supposed; that it now appeared that the colonial casual revenues were not given up to the colonies, but to the parliament; that without further information no satisfactory conclusion could be formed on the subject; that on similar applications being made to government by the legislature of Lower Canada, the subject of the Crown Lands was thought by government so important as to require a distinct communication; that if such communication had been made, this Province might have derived further information from it, and that till it was so made, the difficulty would continue to exist.

Mr. BROWN briefly noticed the occurrences of last session on this question, and expressed a hope that further information may be obtained by the house, and that it would get up something which would induce a satisfactory answer from the government.

Mr. KINNEAR contended that the house had no legal right to the controul of the lands spoken of in this discussion, and that Mr. Simonds, therefore, argued on wrong premises.—He (Mr. K.) agreed with Mr. Speaker, that the house should exactly know and understand the rights and privileges of the province, and that the public should be made fully aware of them. As to the matter in debate, he would not say that the house should not attempt to proceed in some way: but he feared, from the law of the land, they had no legal power in the case. If they had such power, how did it happen that grants of land to settlers never came as from that house, but that they were always granted in the name of his Majesty; or how was it that Parliament had never made such grants? If, therefore they came from the King, it must be by virtue of his prerogative. If it were otherwise, no subject in the Province now holding lands would have any legal right to those lands. This fact then was an unfortunate one, but it was most true; altho' none would like to see the consequences of that fact pushed as far as they might be pushed, even tho' they admitted them; that it was in the power of ministers to