

The Gleaner

AND NORTHUMBERLAND SCHEDIASMA.

VOLUME V.]

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

[No. 30.]

MIRAMICHI, TUESDAY MORNING, APRIL 1, 1834.

THE GLEANER.

PROVINCIAL LEGISLATURE.

NEW-BRUNSWICK.

EXTRACTS FROM THE JOURNALS.

MARCH 19.—The Chairman reported, that the Committee had again under the consideration His Excellency's reply to the Address to this House relative to copies of Official correspondence on the subject of the Casual and Territorial Revenues and Civil List of Province, and he was directed to report as follows, viz:—

That in the Committee the following Resolution was moved:—

“Whereas, An humble Address was presented to His Excellency the Lieutenant Governor, praying his Excellency to lay before the House copies of all official Dispatches and Documents relating to the subject of the Casual and Territorial Revenues and Civil List of this Province, to which Address, His Excellency, in reply, was pleased to say, that this House had assumed a new and comprehensive right subversive of the principles and spirit of the British Constitution and a dangerous encroachment not only on the independence of the Executive of this Province, but upon the Prerogatives of the British Crown: And whereas, this House, in such Address, sought for information which they considered necessary in determining the great question of establishing a Civil List then under consideration, and not with a view of making any encroachment upon the rights of the Executive Department of the Province, or of the British Crown, as expressed by his Excellency in such reply; therefore

Resolved, That the language of His Excellency the Lieutenant Governor, in his reply to the Address of the House of the 10th instant, is at variance with all Parliamentary precedent and usage of this Province; and such as was not called forth by the said Address.

To which the following was moved as an amendment, to strike out all after the word ‘Whereas’ and insert, ‘The reply made by His Excellency the Lieutenant Governor to the Address of this House of the 10th instant, praying that he would be pleased to lay before this House copies of Dispatches alluded to therein, and upon subjects which this House had formerly under consideration, and upon subjects which this House at the present time were called upon to deliberate, states that this House had assumed a new and comprehensive right which appeared to His Excellency to be subversive of the principles and spirit of the British Constitution, and the right thus assumed, was a dangerous encroachment on the independence of the Executive of this British Province, and upon the Prerogatives of the British Crown, and that he could not hesitate to meet the same by a most decided and unqualified refusal; And whereas the said Address was couched in the most respectful language, and contained no Petition of right but merely a request that his Excellency would be pleased to lay before this House, copies of certain Dispatches and Documents therein alluded to: And whereas the reply of his Excellency was not conveyed in that courteous and respectful language which this House, as an independent branch of the Legislature, was entitled to receive, and which is so essential to the preservation of that good understanding between the different branches of the Legislature, at all times necessary for the public good: therefore

Resolved, That his Excellency has evidently misunderstood the said Address, and that the House deeply regret that His Excellency was pleased to make the said reply, which has a tendency to interrupt that good understanding which this House have always been most anxious to preserve with the Executive Government.

And upon the question for adopting the amendment, the Committee divided as follows:—Yeas 8. Nays 15.—And it was decided in the negative.

The question was then taken upon the original Resolution, when the Committee again divided.—Yeas 15. Nays 8.—And it was carried in the affirmative.

MARCH 20.—The Chairman reported, that having the Bill under consideration, in the Committee the following Resolution was moved:—

Resolved, That the sum of £247 8 1, being the amount of the Contingent expences of the Legislative Council, cannot be allowed at this present Session, the

House of Assembly not having been furnished with the particulars of this account, and consequently the House have no means of judging of the nature or propriety of such account, which is so far greater in amount than has ever before been allowed for like purposes.

Upon the question being taken the Committee divided.—Yeas 3. Nays 17.—And it was decided in the negative.

Read a third time as engrossed, A Bill to provide for opening and repairing Roads and erecting Bridges throughout the Province. Resolved, That the Bill do pass.

Mr Partelow gave notice that from the immense expences attendant upon supporting King's College, compared with the few Students availing themselves of the opportunity of obtaining Collegiate Education, which its establishment offers, and its consequent failure to answer public expectation, he would on an early day next Session, bring the then existing state of that Institution under the notice of the House, in order that if its inefficiency should still continue, to move the House to Address His Majesty's Government with a view of withdrawing all further annual support towards its maintenance, except so much as may be necessary to provide compensation for such of the Professors as may have peculiar claims.

Read a third time as engrossed. A Bill to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province. Resolved, That the Bill do pass.

The engrossed Address to His Majesty on the subject of the Casual and Territorial Revenues and Civil List, was read, and is as follows:—

TO THE KING'S MOST EXCELLENT MAJESTY.

“May it please your Majesty.

“We, the Representatives of Your Majesty's faithful and loyal subjects, the people of New Brunswick, beg permission to approach the Throne, reiterating those sentiments of loyalty and attachment to Your Majesty's person and Government, for which this Province has been so long and so especially distinguished.

The House of Assembly feel themselves under the imperative necessity of again bringing the subject of Your Majesty's Casual and Territorial Revenues in this Province under Your Majesty's most gracious consideration.

The great and lasting benefits to accrue to Your Majesty's Government, as well as to Your people in this Province, by the surrender of Your Majesty's Casual and Territorial Revenues, upon a permanent provision being made for the Civil List, to be secured by an Act of the Provincial Legislature, have already been submitted to Your Majesty in the month of June last, and were brought more immediately under the notice of Your Majesty's Government by a deputation from this House, and Your Majesty's Secretary of State for the Colonies was pleased, in accordance with the views and wishes of Your faithful subjects, by Dispatch, dated the third day of August last, addressed to His Excellency the Lieutenant Governor, to express the gracious determination of Your Majesty to give up Your Majesty's rights to these Revenues, but that as he was not then prepared to set forth the terms and conditions, he would, by another Dispatch, fully particularize the nature of those terms and conditions, upon which such surrender would be made.

That accordingly, Your Majesty's said principal Secretary of State by a subsequent Dispatch, being No. thirty, and dated the 30th September last, did particularly set forth the terms and conditions upon which Your Majesty might properly be advised to accede to the wishes of Your Majesty's faithful subjects as before expressed.

That at the present Session of the Legislature of this Province, a copy of the said last mentioned Dispatch, was laid before this House by His Excellency the Lieutenant Governor, by Message, dated the twelfth day of February last, by which it appeared that Your Majesty would consent to make the surrender on condition of the annual sum of £14,000 being permanently secured to Your Majesty, chargeable with the several heads of expenditure therein mentioned.

That although this House were clearly of opinion, that the sum of £14,000 was greatly beyond what was necessary for that part of the Civil Establishment of the

Colony as before mentioned, yet taking into consideration the assurance of Your Majesty's Government expressed in the said Dispatch, that the surplus would be expended on objects connected with the Colony, after full deliberation during the fourth and fifth days of March last, came to the following Resolution:—

That while it was the opinion of the House, that the sum of £14,000 required by Your Majesty's Government as a permanent grant for the surrender of the Casual and Territorial Revenues in this Province, is greater than the charges contemplated to be made thereon required; yet the great desire of the House of Assembly to have this important subject finally settled with the Government should, in the opinion of the House, induce the Assembly to accept of the proposal contained in the Dispatch from the Right Honorable the Secretary of State for the Colonies, as communicated to the House by the Message of His Excellency the Lieutenant Governor of the 12th February last:—and it was further resolved as the opinion of the House, that a Select Committee should be appointed to prepare a Bill agreeably to the foregoing Resolution, with suitable enactments, to ensure the full and efficient controul and management of these Revenues to the Legislature, as also over the disposal and regulation of the sales of Crown Land, and also the balance due and unpaid on all Crown Lands heretofore sold, with all other sources from which the Revenues have arisen, or may hereafter arise.

That in accordance with the said Resolution a Committee was appointed, and had proceeded to prepare a Bill, securing to Your Majesty the permanent annual sum of £14,000 chargeable upon all the Revenues of the Colony, with suitable provisions to invest the Legislature with the management and disposal of Your Majesty's Crown Lands and Casual and Territorial Revenues, from whatever source derived, and providing that the Commissioner of Crown Lands and Forests in the mean time should be governed by the present Royal Instructions, until altered or varied by future Provincial Legislative enactment, as contemplated by said Dispatch.

The House of Assembly would here beg leave to assure Your Majesty that the Resolution so entered into, was upon the full conviction that the said Rights and Revenues of the Crown were to be surrendered without any reservation of, or deduction from the Revenue arising from sales of Land already made, or to be made, or other resource of the Colony, but that early on the following day an Extract of a Dispatch from Your Majesty's said Principal Secretary of State, to the Lieutenant Governor of this Province, was communicated by His Excellency, and is as follows:—

Downing-Street, 4th January, 1834.

“In your Message, communicating to the Assembly the proposal contained in my Dispatch of the 30th September, you will take care distinctly to explain, that the payments expected from the New Brunswick Land Company are not included in the Revenues which is offered to the acceptance of the Assembly.”

“The House of Assembly having, previous to the receipt of the last mentioned Dispatch, been led to hope that a settlement of this long agitated and highly important question was about being satisfactorily accomplished, was much concerned and disappointed to find that such additional stipulations should afterwards be communicated to them as would tend to prevent the present settlement of this momentous question, the terms of which the House supposed to have been definitely stated by the Dispatch of 30th September.

“That the House, after full consideration of the last mentioned Dispatch, were compelled, by a due regard to the interests of Your Majesty's subjects in this Province, to discharge the said Committee from preparing a Bill upon the said Resolution, as before stated.

“The House of Assembly still anxious to accomplish an object of such great importance to the Province, again beg leave to Address Your Majesty, in the confident hope that when Your Majesty shall have taken the subject into Your most gracious consideration, Your Majesty will accede to this reasonable request of Your Majesty's faithful subjects, the House of Assembly of New-Brunswick; that the terms proposed by the said Dispatch, No. 30, may yet be considered definitive, and that Your Majesty will be most graciously pleased