

The Gleaner

AND NORTHUMBERLAND SCHEDIASMA.

VOLUME V.]

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

[No. 31.]

MIRAMICHI, TUESDAY MORNING, APRIL 8, 1854.

THE GLEANER.

TO THE HON. DENIS BENJAMIN VIGER.

SIR,—I have but just now been favoured with a perusal of your letter, as published in the *Montreal Gazette* of the 23rd of January ult. to Viscount Goderich, bearing date the 9th of last March, and take the liberty publicly to notice it through the same channel.

This letter, falsely representing the circumstances that gave rise to and attended the first vacation of my seat in the Assembly, you have addressed, uncalled for I apprehend, to his Lordship, on receiving, it seems by his Lordship's directions, copy of the despatch to the Governor in Chief of the 15th February, 1833, relating exclusively to the unconstitutional renewals of that measure, without the assignment of any new cause, and the eccentric resolves of the Assembly, of the 30th November, 1832, in reference to the Message on the subject, which, by His Majesty's desire, had previously been sent to the House.

You are not to be disregarded, Sir, as a common slanderer. As the acknowledged Agent of the Assembly of Lower Canada, you are in direct communication with His Majesty's Colonial Minister, and the wilful untruths you advance in that quality derive importance from this circumstance, and might, if uncontradicted after publication under the sanction of your name, in the public journals of the Province, pass for facts with those who of themselves know not to the contrary, or have not at hand the advantage of better sources of information.

His Lordship, in this as in his previous communication, has abstained from entering upon the causes, real or pretended, of the original expulsion by the late Assembly, "unwilling to assume," however undeniable the proposition is, "that the House had adopted so strong a measure without sufficient grounds," and confining his observations altogether to the illegal renewals of it by the present Assembly.

Instead of meeting his Lordship's objections, which, I believe, are unanswerable, and discussing them on constitutional grounds, the sole pretext which at that late stage if at all could afford a colour of excuse for your interference, you have unnecessarily recurred to the measure in its origin, entering upon the grounds assigned for it by the Assembly, proffering them as a justification of the repeated excesses of that body, at the same time falsely representing the case, as I shall presently show from authentic facts recorded on the Journals of the Assembly, and of which you could not be ignorant, being at the time alluded to a Member of it, participating in and actively promoting the measure.

I need not conceal my satisfaction that his Lordship, who, from the extraordinary nature of the facts disclosed, deemed the statement erroneous, which, through me, my constituents had transmitted him on the subject, and on which he first took up the question, has, notwithstanding the charge of falsity and malice imputed to it by the Resolutions of the Assembly of the 30th November, 1832, and the studied obscurity of terms in which these were couched, "now learned" through these same Resolutions, "that the Assembly distinctly asserts its right to expel one of its Members, on no other ground than that on which he was expelled by a former Assembly," and of which his Lordship previously had some doubts.

Though remonstrances, even from the King to the Assembly, in favour of a subject or portion of his subjects aggrieved by it, prove unavailing, and the wrongs they inflict remain continued and unredressed, it is, nevertheless, gratifying that the grievance has been acknowledged and attended to at home by the highest authority of the state, and that the weight of its disapproval is made to bear upon this body. It is some mitigation of it, to be at length convinced that there is an eye there wide awake and vigilant of the career of the Assembly, and that notes its excesses. Lord Goderich has now twice distinctly expressed himself on the subject, and Mr. Stanley's sense of it cannot be mistaken.

You state in reference to me, in your letter to his Lordship, that "servant of the Assembly, of which he was one of the first officers, Representative elect, besides the head of the Magistracy in Quebec, in quality of President of the Quarter Sessions, he successfully made use of the credit and influence attached to these important offices, to cause his confreres, who were at the time Members of the Assembly, to be deprived of their commissions as Justices of the Peace, on account of their opinions in the House;"—and again, "such was the description of facts with which the accused was charged. There was nothing complicated in them. They were simple, clear, precise, as was also the proof which supported them. It was never attempted to deny them, nor even to explain them, in order to diminish their gravity. These were the motives for the first expulsion of Mr. Christie, after he had been fully heard."

These are directly opposed to the facts and to truth, and you, Sir, must know them to be so. They are, however, the misstatement which your party, and that portion of the press in this Province devoted to it, agree in upholding, in order to palliate

those disgraceful proceedings of the Assembly, unworthy of a Legislative body, and compared with which the iniquities that have entailed infamy on the Spanish Inquisition are justice itself.

Contrary to your assertion, I maintain that the accusations, in so far as they comprehended any material allegation of fact, that could imply a supposed infringement, or culpable intent of the kind, by me, of the privileges of the Assembly, were pointedly denied—that I never was heard by that body in my defence against those accusations, but was absolutely refused a hearing, although petitioning for it—and, that there is in fact no just or legal proof in support of them, nor credible matter, taking all circumstances to account, that any unbiassed man, on his oath or his honor, would rely upon as evidence, to be found on the Journals of the Assembly or elsewhere. I proceed to substantiate my averments, by the facts as they stand recorded on those same journals. My petition, to be found on the printed Journals of the House for 1828-9, and to which, as authentic records, open to public inspection, any one may refer for full information on the subject, explicitly states the Report—i. e. the accusation of the Special Committee—to be "vexatious and unfounded," and "of a tendency, if adopted, to do great injustice to the petitioner"—and, "humbly and dutifully calls upon the House to afford him the advantage of an ample, open and public enquiry and examination at the bar of the House, of the witnesses"—witness who, without his knowledge, had previously been privately examined before the Special Committee consisting of five Members, and of such others as he should think proper to adduce "in refutation" of the evidence, and "generally" of the matters contained in the said Report.

If this were not a denial of the accusations or an "attempt to deny them," I am at a loss to conceive terms in which to effect either.—And what was the result of this denial of the accusations, and reasonable request to be heard in defence openly and publicly at the bar of the Assembly?

The Report (the accusations) being referred to a Committee of the whole House, without reference to me for explanation of the pretended evidence, such as it was, or for my defence, which, however, as a Member, it would have been but reasonable to expect, it was, in the first place, moved by the then Solicitor, now Attorney General of the Province, who, with characteristic fortitude, stood forward for a public enquiry and hearing at the bar of the Assembly, previous to a decision, that the petition be taken into consideration. An animated debate on the motion ensued, in which you, Sir, took a prominent part in opposition to it, and which, on a division, as you cannot certainly have forgotten, was negatived, and a hearing and defence, the Committee rising without reporting on the petition, thereby wholly precluded and refused. The Committee, however, reported a series of Resolutions it had adopted on the subject immediately after the rejection of the petition, and the House concurring in them, while still under the excitement occasioned by the debates, a vote of expulsion was culminated at the same sitting.

The Journals of the Assembly attest the fidelity of this statement. Yet, Sir, regardless of the recorded matter of fact, you have not scrupled untruly to assert, in a communication as Agent for the Assembly of Lower Canada, to His Majesty's Colonial Minister, that "it was never attempted to deny the accusations or even to explain them"—and that—"These (such as you have given them) were the motives for the first expulsion of Mr. Christie after he had been duly heard." More palpable untruths than those conveyed in the former quotation, and in the conclusion of the latter, and more complete proof that they are so, than the Journals of the Assembly afford, cannot be, as they who think it worth while to refer to them for the purpose, may easily satisfy themselves of.

I was indeed heard in support of my petition, on presenting it from my place in the Assembly—I was also subsequently heard (taking a part in the debates) in support of the Solicitor General's motion, that it should be taken into consideration, for it is not to be supposed that I could remain silent on the occasion. Every argument that occurred to me was urged, in support of my right to be heard in defence of the whole merits or demerits of the case. But a hearing in my place, in support of my petition to be admitted to a defence at the bar of the house against the accusations, was one thing, and to be heard at the bar in that defence, another. On the former, I was, as I could not be prevented, heard—on the latter, never, it being refused by the manner in which the petition was disposed of. You, Sir, whatever others less informed might plead, cannot pretend inability to discriminate between those very distinct things—the application, and the object of it.

I have said above, that there is no just nor legal proof nor even credible matter, taking all circumstances to account, in support of the accusations, to be found on the Journals of the Assembly. Evidence properly so called, to be entitled to full credit, ought to be on oath and above suspicion, openly and publicly given by disinterested and unprejudiced witnesses, the party accused present, confronting and cross-examining them,

if he think it necessary, or cited to attend for the purpose, and failing to do so, he must take upon himself the consequence.

The "proof" you are pleased to term "simple, clear, precise," let any unprejudiced man look into, examine the spirit that pervades it, observe whence it comes, and then say whether he can really and conscientiously think it pure and above suspicion, and such as to justify the excesses in which, under pretext of it, the Assembly has indulged. You, as a professional man, are aware of the extreme caution with which the rights of His Majesty's subjects are guarded by the proceedings observed in Courts of Law, and the scrupulousness with which testimony on oath is there looked into, before the very least of those rights can be touched.

Yet in my case all those precautions have been dispensed with and laid aside, and the most important and valued rights of a British subject retrenched, on *ex parte* pretended evidence the mere idle tales, and garbled reports of casual conversation, by informants, in some instances, it would seem voluntarily offered to the Committee by those thinking themselves aggrieved, or from other motives which it is unnecessary here to analyse; the whole to color a predetermined purpose, privately collected under a mock enquiry, and never, not even notice of it, in any shape or stage of the proceedings, communicated to me.

As well, Sir, might the reports of some of the insensate debates published in the newspapers, as having taken place in the Assembly of the Province of which you are the Agent, be taken in England as evidence of a reasonable intent on the people of Lower Canada, immediately to appeal to arms, and shake off their allegiance to the British Crown, and yourself be secured as a hostage on the strength of them, as those matters be deemed proof which you have termed "simple, clear, precise," and on which, unheard, the Assembly has condemned me.

I do not mean to be understood, from any thing said above, as admitting, even if the matters imputed to me by the Assembly to the fullest extent were true, and irrefragably proven, that they would amount to any offence defined by or known to the laws. This offence is of a novel nature, created by and resting solely upon a vote of the Assembly, of itself constitutionally incapable of creating such by resolve, and as alien to the laws, as the whole mass of absurd matters brought forward in proof of it, as to the true character of evidence.

It is with unfeigned concern that I have found myself obliged to resume again this subject before the public, which I am sensible must be tired of it, but I cannot in silence submit to the accumulated injury and injustice, renewed in the false statements of the Agent in London of the Assembly of Lower Canada, ushered into notice through the medium of the public newspapers in the Province. I have in conclusion only to express my hope, that in common justice such papers, especially in the other Provinces, as misled by the misrepresentation of your party and its press in this, have taken up and given currency to erroneous notions on this subject, will, by way of contributing to remove them, as readily give circulation to this letter. I am, Sir, your most obedient servant.

ROBERT CHRISTIE.

Restigouche, Gaspé, 15th Feb. 1834.

PROVINCE OF NEW-BRUNSWICK.

An Act to continue and amend the Act for raising a Revenue, and for the increase of the Revenue of the Province.

Passed 22nd March, 1834.

WHEREAS it is deemed expedient to continue and amend the Act for raising a Revenue, and to increase the Provincial Revenue by a small additional duty on British Manufactures;

I. And be it enacted by the Lieutenant Governor, Council and Assembly, that an Act made and passed in the third year of His Majesty's Reign, intituled, "An Act for raising a Revenue," be and the same is hereby continued and together with this Act declared to be in full force until the first day of April, which will be in the year 1835, excepting so much of the same as is hereby repealed, altered and amended.

II. And be it enacted, That in addition to the rates and duties imposed in and by the herein before recited act, intituled, "An act for raising a Revenue," there be and are hereby granted to the King's most Excellent Majesty, His Heirs and Successors, for the use of this Province, and towards the support of the Government thereof, the following rates and duties; (that is to say,) upon all articles of British Manufacture imported into the Province, for every hundred pounds of the real value thereof, the sum of two pounds ten shillings, excepting, nevertheless, Mineral and other Salt, Coals, Fishing Nets, Hooks, Lines and Twines, Steel, Bolt, Square, Flat, Pig and Sheet Iron, Spikes and Sheathing Nails, Bolt and Sheet Copper, and Copper Spikes and Nails, Bar and Sheet Lead, Canvas, Cordage, Anchors, and all Tackle and Apparel for Ships or Vessels, Steam and Mill Machinery of all kinds, Zinc, and all articles imported expressly for the Whale and deep sea Fisheries, and Loaf Sugar, which is otherwise charged with a duty of one penny a pound, by the act to which this act is an amend-