

# THE GLEANER.

And Northumberland, Kent, Gloucester, and Restigouche Schediasma.

Volume XII:1

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

Number 28.

Miramichi, Tuesday Morning, March 23, 1841.

## THE GLEANER.

### LEGISLATIVE NEWS.

NEW BRUNSWICK.

#### EXTRACTS FROM THE JOURNALS.

HOUSE OF ASSEMBLY, March 4.  
Continued from our last.

Observations on the Report of the Commissioners appointed to inquire into the Accounts of the Crown Land Office from 1831 to 1836.

Sir John Harvey, in a Memorandum addressed to the Colonial Secretary of New Brunswick, informs Mr Thomas Baillie that he is advised, 'that it is not competent to him to issue any public money to him in the face of the Report of the Commissioners of the House of Assembly, until the sum stated in the report shall have been paid in.' If this were done, the retired allowance assigned to him, as well as the arrears upon his full salary might then be issued to him. The Lieut. Governor then kindly states, that so confidently does he feel that Mr. Thomas Baillie is not the real defaulter, that if he had the means of doing so he would willingly assist him from his private funds. His Excellency feels the extraordinary hardship of the case, and to prevent the absolute ruin of a deserving public officer, subsequently, on his own responsibility, issued his retired allowance to him at the rate of £600 per annum, being the amount which he had himself guaranteed to Mr Baillie, previous to his conditional resignation of the office.

Against the cruel injustice of the Report Mr Thomas Baillie humbly and earnestly appeals to Lord John Russell. The proceeding is entirely ex parte, and without example in any other British Colony. He denies, in the first place, the accuracy of the Report, or that he owes a single shilling; but, on the contrary, believes the balance to be in his favor, and before he is considered to be guilty, demands a fair trial before a Jury, or that her Majesty will be graciously pleased to relieve him from further responsibility on accounts long since examined and closed. He denies, moreover, that he is responsible for the actions of other people, or for money which may have been carelessly paid to unauthorised persons in his name.

The Report consists chiefly of two parts; the first assuming that payment ought to have been made for 9,056 tons of Timber, which the Commissioners value at £1,341 17 9, and which they cannot discover as being 'credited and to account for which the Office is unable;' the other principal item is £1,514 15 10 for deposits paid into the Office, a very large proportion of the supposed deficiency having occurred during the absence of Mr Thomas Baillie in England several years ago.

It is here necessary to explain to Lord John Russell, that Mr Thomas Baillie was appointed Surveyor General and Commissioner of Crown Lands, without any pecuniary responsibility, to avoid which, he declined the office of Receiver General, which had been held by the former Surveyor General, and was then vacant. It was, however, afterwards thought the ten per cent. allowed to the Receiver General might be saved by the Commissioner of Crown Lands receiving the Timber money in the first instance, and lodging it to the credit of the Crown in the Bank of New Brunswick. By this arrangement £40,000 has been saved to the public—Mr Thomas Baillie having paid over about £400,000 without extra remuneration, nearly £200,000 being the produce of the Land Sales, a fund which may be fairly said to have been created by himself.

It is not pretended that he has ever misapplied a single shilling, or that he has received a farthing of the £3,200 for which it is attempted to make him responsible, but as the Commissioners do not find credit given for every log of Timber for which Licence has been granted, he is charged with the value,—although it is well known that the settlement on Timber Licenses is a complicated business, and a matter of subsequent arrangement, sometimes there being a deficiency and at others an excess on the quantity authorised; and this small deficiency on several millions of tons of timber is brought forward on a second investigation of the Office, years after the transactions took place, at a time when some of the parties are dead, and others have left the Colony. Mr Thomas Baillie denies that he is to be made responsible for others by mere inference or supposition, and in the absence of any clear and defined instructions to that effect. The Commissioners admit that Mr Baillie has cheerfully afforded them every information in his power, and feeling conscious of his own

integrity he presented the commissioners with a copy of all his private transactions with the several accountants in that Office since his arrival in the Province, thereby proving that there was nothing he wished to conceal, but on the contrary, he courted enquiry into every public and private act in any way connected with the business. Mr Baillie, in the sixteen years he has been in the Province, came to England, for a few months: once in affliction on the loss of his wife, and the second time chiefly on the public service—the New Brunswick Company, by which the Province has so largely gained, having been entirely arranged by him. During this period it is humbly conceived that he was relieved, both in law and equity, from every sort of responsibility connected with an Office, the duties of which he could not by any possibility execute or control. The government had accepted the services of Mr Beckwith, who had been for many years, and previous to Mr Baillie's appointment, the chief Clerk in the Office, and for the time the Governor was guided by his recommendations, yet it is now attempted to make Mr Baillie responsible not only for every shilling paid into the Office, but even for Logs of Timber cut during the time he was in England, receiving only a portion of salary, and employed nearly the whole time on the public service. On Mr Baillie's arrival in the Province in 1824, he found the office a perfect chaos, and almost past reform,—his insane predecessor having issued many grants without recording them, the plans mutilated and destroyed, the compilations neglected, &c. and every branch of the business greatly in arrear. It has now been restored to regularity by Mr Baillie's exertions, and yet he is called upon to explain after the lapse of many years, complicated transactions, many of which occurred in his absence, and arising out of an extra duty imposed on him, by which, as before stated, £40,000 has been saved to the public.

He feels therefore confident of receiving from Lord John Russell that justice and protection, under the extraordinary and cruel position in which he is placed by the Report of the Commissioners, to which he considers himself entitled.

(Signed) G. BAILLIE.

No. 2, Parliament Street,  
19th May, 1841.

Observations as to the right of Her Majesty to grant compensation to Mr. T. Baillie out of the Surplus of the Civil List Fund, on the abolition of the office of Commissioner of Crown Lands.

In the instruction to Lord Gosford and the Canada Commissioners of the 17th July, 1835, his late Majesty consented to 'abstain from demanding a control over any part of the Revenue of the Province for the purpose, either of relieving faithful public servants, when laboring under the pressure of old age or sickness, and incapable of performing their accustomed duties, or even of rewarding eminent merit; yet as often as such cases may arise, His Majesty will lay his commands on the Governors of the Province to prefer the claims of such persons to the justice and liberality of the House of Assembly.'

At the request of the House of Assembly of New Brunswick, His Majesty, on the 31st of August, 1836, was pleased to extend the instruction above mentioned to that Province. His Majesty at the same time surrendered to the Legislature the Casual and Territorial Revenues, for a fixed sum of £14,500 currency, granted unconditionally for the support of the Civil Government. In the negotiation on the subject with Messieurs Crane and Wilmot, the objects in which it was intended to apply this sum were clearly stated,—the salary of the Commissioner of Crown Lands being in the appropriation of £1750 per annum. The Secretary of State having instructed the Lieutenant Governor that it was of course understood that 'during the tenure of the present officers their existing emoluments shall be preserved to them, but whenever vacancies occur, His Majesty's Government will consider what reductions should be made in these emoluments.' The House of Assembly indeed asked no more. As the House accepted the Report of the Select Committee on Salaries, the suggestions of which were intended to take effect at the expiration of the tenures of the present incumbent of office; and the Delegates after perusing Lord Glenelg's Despatch, requested him to particularize the future reductions to be made, in order, 'that the successors to office may have due notice as to the salaries they shall receive;' and those Gents. proposed at the eighth interview with his Lordship, 'that a nominal reduction should at once be made to the amount intended to be given to succeeding Officers, and that the present incumbents should receive a compensation for loss of salary, which would make up the present amount of their annual income in the

same manner as compensation had been made to the Customs' Officers of New Brunswick.'

It is clear, therefore, that a positive pledge was given to Mr Baillie by both parties that he should receive his emoluments without reduction during his tenure of office, charged as before stated on the Civil List, but anticipating future reductions, which would have the effect of increasing the surplus at the disposal of the crown. Lord Glenelg made the following stipulations previous to the passing of the Civil List Act:—'In the case of some of the offices it has already been announced to you, by my predecessors that reductions will be made on the occurrence of vacancies, and therefore it is probable that the surplus may hereafter exceed the sum which I have stated. In anticipation of that event, His Majesty directs me to announce that whatever the amount of that surplus may hereafter be, it will be applied exclusively to objects connected with the Province, and with a view solely to public interests, and an account of it will be annually laid before the House of Assembly.' The reductions here alluded to referred expressly to the salaries of the Lieutenant Governor and Commissioner of Crown Lands; and it being now proposed to abolish an office which it was agreed should continue at the salary of £1,750 until a vacancy occurred, it is surely competent to Her Majesty to assign to that officer compensation for the loss of his office out of the surplus to be thus created, not only legally, but in perfect honor and good faith, the case having in fact been previously provided for, and the invariable rule in this country making a distinction between compensation and the abolition of an office and a superannuation pension or allowance; but in this case a saving of £100 per annum would arise after assigning to the Surveyor General the salary of £1600 currency or £900 sterling, recommended by the committee, and to Mr Baillie, 750l. sterling, which Lord John Russell considered him entitled to receive.

Colonial Office, 6th September, 1840.

[No. 78.]

Sir,—I have received your Despatch of the 29th July, No. 35, in which you report your proceedings with respect to Messrs. Baillie and Power, and I have to signify to you my approval of the grounds of your conduct towards these Gentlemen.

I have the honor, &c.

J. RUSSELL.

Travelling expenses to Members of Executive Council not resident at Fredericton.

Downing Street, 14th July, 1840.

[No. 69.]

Sir,—I have to acknowledge the receipt of your Despatch of the 5th June, No. 42, in which you inform me that the payments referred to in your Despatch of the 3rd April last, No. 22, related solely to the actual Travelling Expenses of the committee of the Council, constituting the Land Board, and that the Members of the Executive Council receive no salaries whatever for their general services.

The explanation which you have given is perfectly satisfactory and intelligible to me. As the Casual and Territorial Revenue is bound to defray the charges attending the management of the Crown Lands, there appears to be no reason for referring the question of the payment of these Salaries to the Law Officers for their opinion.

I have the honor to be, Sir,

Your most obedient servant,

J. RUSSELL.

### BYE ROAD GRANTS.

KENT.

40l for the road from Point Sapine to the Kouchibouguac.

15l for the road from Point Edward to the Shipyard.

10l for the road on the north side of the Kouchibouguac River, above the Post Road.

10l for the road on the south side of the Kouchibouguac River, above the Post Road.

30l for the road on the south side of the Kouchibouguac River, below the Post Road.

10l for the road from Kouchibouguac to the Little River.

10l for the road from Taddy Babino's lower line to the Post Road.

25l for the road on the north side of the Kouchibouguac River, above the Post Road.

15l for the road on the south side of the Kouchibouguac River, from the foot of the Rapids upwards.

20l for the road on the north side of the Aldoune River.

20l for the road on the south side of the Aldoune River, from Antoine Daigle's upper line, up stream.

20l for the Road on the north side of the Richibucto River, from John James' line upwards, and Hill at Mill Creek.

45l for the road from Mill Creek to Molas

River, to be expended upon that line which shall be adopted by the Commissioners.

18l for the road from Mill Stream to the Indian Line, two thirds of which sum to be expended above Carruthers.

50l for the Road from the Shipyard to the East Branch Bridge, and for the repairs of the Bridge over Child's Creek.

20l for the road from the Reserve to the Post Road, and to build a Bridge over Bell's Creek.

40l to Fiddle Casey, to pay the balance due on the contract for the bridge over Big Simon's Creek.

10l for a road from the mouth of the Gaspereaux Creek, on the south side to Atkinson's Mill.

20l for the road from little Chockpish to the great Chockpish river.

20l for the road from the lower Village to the new settlement in rear of the old French grant.

5l for the road leading to Galloway from the Cross Road.

20l for the road from James Pine's to the Coal Branch.

10l for the road from Jonathan Cail's up the Coal Branch.

15l to build a breakwater to the bridge on Coal Branch.

10 for the road from M'Grigor's line to the Church.

15 for the road and bridges from the Church down the Richibucto River.

50l for the road from the West Branch to the East Branch, 2l 9s. 8d. to be paid to William Doherty, being the balance due him for work done on south branch bridge, and the sum of 16l. 15 11 to be paid to Philip Markes for work done upon his contracts in 1839 and 1840.

15l for the road from the west branch to the town plot, two thirds of this sum to be laid out from the Chapel to David Mundell's lower line, 4l. of which sum to be paid to William Cammings for work done in 1839.

10l for the road on the east side of the south branch of St. Nicholas river.

5l for the road from the road leading up the river to the settlement at the Spring Brook.

10l for the road from Indian house Creek to Pott's upper line.

15l for the new line of road from Thomas Graham's to James Hayward's on St. Nicholas river.

20l for the road from Chockpish to Buctouche, by Oliver Myers'.

10l for the bridge over Black river, at the chapel.

30l for the road on the north side of Buctouche river to the shipyard.

20l for the road from the shipyard to Coates' mill.

40l for the road from Coates' mill down to Sonia's, opposite to the Shipyard.

12l for the road from the Glenelg settlement to the fourth tier of lots leading up to the mill on mill creek.

10l for the road on the south side of the Chockpish river, two thirds of which to be expended after the Post Road.

16l for the road on the north side of Little Buctouche river from the mills down.

15l for the road from the mills to the Thibedo settlement.

15l for the road on the south side of the Little Buctouche settlement.

10l for the road on the south side of little river of Buctouche to the settlement in the third tier of lots.

20l for the shore road from Buctouche to Cocagne, two thirds to be expended between Dixon's and the Cocagne Bay.

20 for the road from John Savoy's to the post road.

40l for the road on the north side of Cocagne river, and to complete the bridge over the creek below the mills.

20l for the road from Cocagne river to the Thibedeaux settlement.

10l for the road from Bourke's at the Surat settlement to the post road.

15l for the road and bridges leading up the Cocagne river, up the south side.

15l for the road leading from the road up the Cocagne river to the County line, near Dominick Gaugan's.

20l for the road from the bridge at Robicheaux's round Cocagne cape.

10l for the road through the cape at Robicheaux's.

GLOUCESTER.

90l from the Miramichi portage to Bass river through the Gould grant, out of which 8l to be paid Robert Eady for damage done by the road being carried through his garden.

40l for the big Nipisiquid road towards the Babino river.

10l for widening and improving the road from the big river road to little river bridge.

150l towards a bridge over the Tettagouche