

zatte, as a petitioner whose application was deferred. He said he should consider himself as neglecting the interests of the County which he represented, were he to allow the question to be decided, without expressing himself most fully in favour of the proposal to vest the Executive government with authority to dispose of 100-acre lots to actual settlers, upon paying for them by instalment.

Mr. L. A. WILMOT would trespass but a short time upon the attention of the Committee. He was decidedly opposed to the instalment system. If gentlemen were met for the purpose of proposing some gift of charity, or to show the extent of their benevolence; it would be very well to do it in this way. But they were about to pass an enactment which was to have effect for future years; they had a solemn trust to exercise, and they must legislate with regard to the exigencies of half a century to come. Suppose the present assembly were to squander away upon Emigrants who may arrive in the Province, those sources of revenue by which the country ought hereafter to be benefited; and say that whoever came first should have the lands of the country in the manner proposed; what would others say who might visit these shores when such indulgence could no longer be extended; or what would be the sentiments of those who might hereafter sit as members of the Legislature. They must not therefore legislate upon the mere principle of benevolence, but with reference to the exigencies of the Province; and if there were anything which could make an honest man swerve from the strict line of his duty it was that active benevolence that was implanted in the human mind, and against which in the discharge of the trust reposed in him by the public, it behoved him to guard.

The learned gentlemen who were in favour of the instalment system, had brought individual cases to show its utility; but he should oppose these by facts that would lead to a contrary conclusion, and which would be supported by the evidence contained in papers already before the House. He would not attempt to set the poor against the rich. It had been said by the learned member for Gloucester, that it was well known it was the poor who made the country; but there was too much gratitude manifested by those in the humblest walks of life, to encourage so invidious a distinction. They knew very well, that it was owing to the enterprise and industry of men of capital, that a market was afforded for the produce of their industry, and that a country prospered in proportion to their enlarged exertion.—All classes were dependant upon each other, the rich could not do without the poor, and the poor could not live without the rich. It was the great secret of the social system: they were all one family, and he repudiated such distinctions. He would tell his learned friend on the other side, that it would be better for the Province at once to give away the land than to grant it in the manner proposed. But the learned gentleman for Gloucester said he would not give the land. Was it intended therefore to enforce the payment of instalments. There was already proof before the Legislature of the difficulties and distress that would attend such a proceeding; and if it was not intended to enforce payment, then the requiring of payments to be made by instalments was giving unnecessary trouble. It appeared from the Royal Gazette, that there are 651 public defaulters in this way, some of them as low as £1 17s. 6d. and on the other hand £30,000 had been remitted, under the resolution of last year. It might be said that the whole of this sum was not due by poor persons, many of them being rich; but if wealthy persons choose to forfeit the sums that had been paid, rather than complete the terms of their agreement, £5600 had been given up in that way, could it be expected of a poor man. And if the disposal of lands in this manner had not been encouraged in 1835, so much injury would not have resulted to individuals and so much loss to the country. But the committee had been told that individuals pass on to the United States, who would remain here were the instalment system in operation. Was the land cheaper in the United States?—No—was it paid for by instalments? That he denied. It was dearer everywhere, and must be paid for with promptitude. It was the great number of public works that was going on in that country that enticed them away, and he had no doubt that thousands of those who had passed through St. John, would be found employed on the canals and rail-roads of the United States. Then the committee had been told that the members of the old counties, were strangers to the wants and requirements of those of more recent origin, but there was little difference in their respective ages, and less difference in their local capabilities for settlement.—If it were the opinion of the committee that lands should be given away, they had better at once say so; but if they manifested a due regard for the rights and interests of those who were to come after them, they would lay down a rule which would secure the future revenues of the country. The learned gentleman said, reference should be had to the state of the commercial metropolis of the Province, where the price of labour must necessarily be high, owing to the increased demand for it at stated times: and were a door to be opened and lands could be obtained for next to nothing, a number of persons would at once leave the city and seek to settle themselves down in other parts of the Province. The hon. member for Carleton had said there was a general outcry in his county against the instalment system;

but no one county in the Province had so increased in population within the last few years, but which the committee were now slyly told was owing to the number of squatters.—He thought notwithstanding all that had been advanced, the country was going on well under the present system; he admitted it was of great importance that settlement should be encouraged; but the committee must legislate carefully. He was disposed to let the 5th Section of the Bill therefore remain as it is, and had heard nothing advanced that was new, or calculated to alter the opinion he had formerly expressed.

Hon. Mr. CRANE said the committee must take care and not adopt a bill that would operate injuriously to the interests of the country, and produce no actual benefit to the settlers themselves; as a general rule he was opposed to the instalment system, which must operate unfairly. The supporters of the measure resided very generally in the lumbering districts of the Province; and there owing to the demand for labour, and the high price to be obtained by persons employed in lumbering pursuits, ample opportunity was afforded, of paying off the balance in this way; but such was not the case in the agricultural sections of the Province, where they did not enjoy these advantages, and where a poor man could not so readily accumulate the means of making good his subsequent payments. He thought a person so situated should seek employment, and in this way in a short time he would accumulate a sufficient sum to pay for his land. Yet something should be done to meet cases of difficulty that might arise, but what was best he was not prepared to say.—He thought however it would be better if the price were reduced.

One great difficulty he said, with reference to the instalment system was, that when a poor man had only paid the first instalment, if he met with any difficulty he became easily discouraged and dissatisfied, and felt little reluctance in leaving a place where he had not expended much labour, and for which he had paid less money. The hon. gentleman said he was desirous of filling the country with useful settlers; there might be cases where the instalment would operate beneficially, but still he thought the present plan of getting crown lands had better be continued. He had understood that the Agricultural Society of Northumberland had sent home an agent for the purpose of inducing a useful class of emigrants to settle in that part of the Province; and he should have no objection to receiving from a body of individuals so associated, payment in part at first, or in letting them have lands at a lower price; and he would also add an improvement suggested by the hon. Member for Charlotte county, that the payment of the balance might be made in the improvement or opening of roads. There would then be a reasonable prospect of settling the Province, particularly if other sections of the country would act as that of Northumberland had done.

Mr. McALMON was sorry to find all the members of the Executive Government adverse to the introduction of the instalment system; for his part he thought the best plan was to grant lands in that way, as a person having a large family and limited means, would in that way be enabled to procure for them employment.—Young men also if they could obtain employment in this way could also make a commencement in life. He spoke from experience, as he had 4 sons who might obtain lands on those terms. The learned member for York had spoken of failures, but all the cases that were referred to in the Royal Gazette were not failures, as payments had been entrusted to individuals who had not handed them over to the Crown Land Department, and who were prepared again to complete their engagements. Every year he was entrusted with receipts of monies paid to individuals in this way, and which the parties thought had been paid into the office, till they saw their names as defaulters in the Royal Gazette; and he thought a great many if they thought their land would be forfeited would pay up. He concluded by repeating that he was favorable to the instalment system, and he approved of the clause which went to enable the Executive to exercise a discretionary power. He agreed with the learned members for Gloucester and Northumberland in their view of the subject, and had known many valuable settlers, who had obtained lands in that way.

Mr. BARBARIE, who had just arrived, fully concurred in all that had been advanced in favour of the instalment system; and whatever might be the views of hon. members with reference to other counties, the plan had been found to work well, wherever his observation extended. The chief objections that had been urged, applied to speculators; but if it were understood that a discretionary power was to be exercised by the Executive, and that lands would be granted in this way, only to such persons as were deserving, it would have a beneficial effect. He knew several individuals who had been required to pay for their lands at once, could not have obtained them. He did not rise to make a speech, but as he before said, to express his hearty concurrence in all that had fallen from those gentlemen; and agreed with the learned member for Gloucester, that many valuable settlers would be lost to the Province, if the instalment system were not introduced.

Hon. Mr. WELDON said that after all the consideration he could give to the subject, he was satisfied that paying down the purchase money was the best. What was the operation of the system when applicants had nothing to

pay for their lands; they had however to pay down the fee for the security of the patent, which amounted to nearly as much as the price at present required for a hundred acres of land. From '32 to '37 the instalment system went into operation, and it had been ascertained that 1500 families, who were squatters, had set down on the domains of the crown, and he was satisfied that, if, down to the present time, parties had been required to pay promptly, there would not have been so many persons of this description in the Province. It must also be recollected that this mode of payment does not prevail in the N. A. Provinces. If the Committee thought three shillings too high, let a Bill be bro't in reducing that charge, as by the recent despatch. He doubted however if the assent of the government at home would be obtained to a measure, which would be at variance with the practice that prevails in Nova Scotia and Lower Canada, and certainly the Governor here could not assent to any such law, without the sanction of the government in England. It would be better therefore to pass the present Bill for two years, and then introduce another embodying the instalment system, with a suspending clause, which could be returned before the present Act should expire. It was not desirable he said, to create Crown debtors, and if an individual could not pay £15 for a hundred acres of land, if he went on lands under these circumstances, it would probably become a failure. He repeated, if the amendment should pass, it would alter the law of the land, and therefore must pass with a suspending clause, or it would become a dead letter.

The House resumed, and the Chairman of the Committee reported progress.

#### EXTRACTS FROM THE JOURNALS. HOUSE OF ASSEMBLY.

February 1.

Mr. HANNINGTON, by leave, presented a Petition from Wm. C. Smith, and 30 others, inhabitants of the Parishes of Shediac and Mencton, in the County of Westmorland, praying a continuation of the grant for the encouragement of the Packet plying between Shediac, in the said county, and Bedeque, in Prince Ed. Island: which he read. Ordered, That the said petition be received, and referred to the committee on Internal Communication, to report thereon.

Mr. STREET, by leave, presented a petition from Thomas Boies, of Ludlow, in the county of Northumberland, praying to be relieved by Legislative enactment from payment of the Tax imposed by the Militia Law upon Aliens; which he read. Ordered, that the said petition be received, and lie on the Table.

February 2.

Mr. END, pursuant to leave, brought in a Bill, to authorize her Majesty's Justices of the Peace of the County of Gloucester to contract for the erection of a new Gaol in the said county, and for other purposes therein mentioned: which was read a first time.

Mr. STREET moved for leave to bring in a Bill, in amendment of the Law for the establishing of Circuit Courts in this Province. Leave granted. The said Bill being brought in, was read a first time.

February 3.

Read a second time the following Bills, viz. —a bill to authorize her Majesty's Justices of the Peace of the County of Gloucester, to contract for the erection of a new Gaol in the said County, and for other purposes therein mentioned: and a bill in amendment of the law for establishing Circuit Courts in this Province.

Read a third time as engrossed, a Bill to authorize the Justices of the Peace in certain Counties in this Province, to exempt the French Inhabitants from the assessment of Poor Rates. Ordered, That the Bill do pass.

Read a third time as engrossed, a Bill to continue and amend an Act, intituled 'an Act to restrain the provisions of the Fifth Section of an Act, intituled 'an Act for the Civil Government in this Province,' and to sundry regulations for the future disposal of Crown Lands and Timber in certain cases.' Resolved, That the Bill do pass.

Read a third time as engrossed; a Bill to continue an Act to provide for the summary punishment of persons committing Trespasses upon Square Timber and other Lumber. Resolved, That the bill do pass.

Mr. STREET, by leave, presented a petition from George Taylor, junior, of Chatham, in the County of Northumberland, praying return of Duty paid on Flour imported from Halifax, in the Province of Nova Scotia, during the past year; which he read. Ordered, that the said petition be received, and referred to the Committee of Supply.

On motion of Mr. EAD, the House went into committee of the whole, in further consideration of a Bill relating to the Mines and Minerals in the county of Gloucester. The Chairman reported, that the committee having the Bill again before them, had made amendments thereto, and then agreed to the said Bill. Ordered, That the Report be accepted, and the Bill engrossed as amended.

Mr. RANKIN, by leave, presented a petition from Joseph Samuel, and Wm. Hamilton, Overseers of the Poor for the parish of Chatham, in the County of Northumberland, praying to be reimbursed expenses incurred in the support of Transient Poor during the past year, which he read. Ordered, that the said petition be received, and referred to the Committee of Supply.

Mr. RANKIN, also by leave, presented a petition from John Porter, Alex. Goodfellow and Alex. Foster, Overseers of the Poor for the parish of Newcastle, in the county of Northumberland, praying a like reimbursement of expenses incurred in that Parish, for the support of Transient Poor during the past year; which he read. Ordered, that this petition be likewise received, and referred to the Committee of Supply.

On motion of Mr. FISHER, the House went into Committee of the whole, in further consideration of a Bill to impose a Tax upon Wild Lands: and upon the question the Committee divided as follows:—Yeas, 10; Nays, 12: Whereupon it was decided in the negative. That the following was then moved as an additional Section to the Bill:—'And be it enacted, that the exception made in favor of the Land Company be extended to every individual under similar circumstances, and that is to all grants where the purchaser or purchasers have fulfilled the conditions of sale.' And upon the question for adopting this amendment, the committee again divided as follows:—Yeas 5, Nays 14. Whereupon it was decided in the negative. Ordered, that the Report be accepted, and the Bill engrossed as amended.

The hon. Mr. JOHNSTON, by command of His Excellency, delivered the following Message:

"In communicating to the House of Assembly an extract of a Despatch from Her Majesty's Secretary of State for the Colonies, in answer to the Resolution of the House of last Session, relative to the payment of the Salary of the Master of the Rolls, from the surplus of the Civil List Fund, the Lieut. Governor feels that he cannot employ any language which could so forcibly convey the sentiments entertained by her Majesty's Government, of the uniform conduct of the House of Assembly of New Brunswick, as that contained in Lord John Russell's Despatch. 'J. H.'"

The Despatch communicated by the foregoing Message being read at the Clerk's table, is as follows:—

'Downing Street, 29th April, 1840.

'I have received your Despatch of the 20th March, No. 13, communicating to me the copy of an Address to yourself from the House of Assembly of New Brunswick, of the 19th of that month, respecting the application of the Surplus of the Civil List Fund, for the Salary of the Master of the Rolls of the Province.

'In declining to acquiesce in this application, you will employ the most courteous and conciliatory style, which the occasion admits of; for the language of the House on the present occasion, and their habitual course of proceeding on all occasions, are such as to entitle them to the respect and confidence of her Majesty's Government, and it is right that those feelings should be distinctly indicated, in the terms selected, to convey a refusal of the present application, which they have perhaps made unadvisedly. I have, &c.

(Signed) 'J. RUSSELL.'

The hon. Mr. JOHNSTON, also by command of His Excellency, laid before the House—Communication from Abraham Gesner, Esq., Provincial Geologist, accompanied by a Catalogue of the objects of Natural History, contained in his Museum at St. John, and recommending that the Mechanics' Institute at St. John, should be enabled to acquire the same.

February 4.

Read a second time—a Bill to lay a Tax on Dogs in certain parts of the Parishes of Newcastle and Nelson, in the County of Northumberland.

Mr. RANKIN, by leave, presented a petition from the Hon. Joseph Cunard, Wm. Abrams, and Alex. Rankin, Esquires, Commissioners of Lights for the Gulf of Saint Lawrence, praying that a grant may pass to enable them to discharge the liabilities they have incurred in the erection and completion of a Light House at Point Escumicaz, at the entrance of the River Miramichi; which he read. Ordered, that the said petition be received, and referred to the Committee on Light Houses, to report thereon.

On motion of Mr. PALMER, Ordered, that the House do on Saturday next, the 6th instant, go into Committee of the whole, on a Bill to limit the duration of the Assembly.

Mr. RANKIN, by leave, presented a petition from Bernaby Julien and 16 others, of the Miramichi Tribe of Indians, on behalf of that Tribe, praying that a grant may pass to aid them in finishing a Chapel erected exclusively for those Indians at Burnt Church, parish of Alawick, in the County of Northumberland; which he read. Ordered, that the said petition be received, and referred to the Committee of Supply.

On motion of Mr. STREET, the house went into committee of the whole, on a Bill to lay a Tax on Dogs in certain parts of the Parishes of Newcastle and Nelson, in the county of Northumberland. The Chairman reported, that the committee had gone into consideration of the Bill referred to them, and agreed to the same. Ordered, that the Report be accepted, and the Bill engrossed.

Mr. RANKIN, by leave, presented a petition from John Wilson, of the parish of Nelson, in the county of Northumberland, praying aid for running a Team Boat and transporting the Mails over the Miramichi River; which he read. Ordered, that the said petition be received, and referred to the committee on Internal Communication, to report thereon.

February 5.

Read a second time, the following Bills,