

COLONIAL.

PROVINCIAL LEGISLATURE.

TUESDAY, 4th February, 1834.

The following are the Documents submitted to the House of Assembly by the Deputation to England on the subject of Grievances:—

No. 1.

16 Norfolk Street, Strand,
June 19th, 1833.

Sir,
In bringing under your notice, for the consideration of His Majesty, the evils now unhappily existing in New Brunswick, and which have given rise to the Petition of the House of Assembly to His Majesty, with a view to redress; we propose in the first place, to confine ourselves to a few of the most prominent causes of those evils, in the expectation that if His Majesty be induced to accede to the reasonable proposals and suggestions we have to urge on behalf of the Assembly for their removal, we shall not find it necessary to enter into the discussion of many minor points in the Petition, thus avoiding much unnecessary discussion, and preventing the necessity of trespassing further on your valuable time, now so fully employed on other matters of high importance.

We beg leave to observe, that we are instructed to call the attention of His Majesty's Government to the present system of the management of the Crown Land Department in New Brunswick. It has long been a matter of public notoriety, that the expenses of this Department are far greater than they ought to be; the Assembly have, therefore, for several years past, turned their anxious attention to this subject, and by all constitutional means endeavoured to effect some change in this Department, but hitherto without avail: their many addresses to the Executive Government for accounts in detail of the receipts and expenditure of the Revenues, arising from the operations of this Department, have been rejected; and in a recent instance they have been denied in direct opposition, as the House of Assembly conceive, to the command of your predecessor in Office. Thus the House of Assembly, though fully impressed with the opinion that great defects and abuses exist in the management of this Department, in the collection and expenditure of the Revenues arising therefrom, are not enabled either to suggest or point them out in detail. The constitutional right to call for the fullest accounts of the receipts and expenditure of these Revenues—an opinion which has been fully confirmed by your predecessor the Right Honorable Lord Viscount Goderich, in a communication to the Government of Upper Canada on a similar subject, as well as by the Despatch of the 2nd January last to Sir Archibald Campbell.

These Revenues in New Brunswick, have now assumed a character of high importance, as, under the present system of management, they have the effect of increasing far beyond the permanent resources of the Colony, the annual charge of the Civil List;—Salaries are allowed to Public Officers far beyond a just and reasonable compensation for services performed; unnecessary offices are created, and the expenses of collecting swelled beyond all reasonable bounds; these the Assembly conceive are serious evils, even supposing that these Revenues should continue for a great length of time as productive as they now are—but it is clear that this cannot long be the case; a few years must exhaust the sources from whence they are principally derived; and the Parent State, or the Colony, will be burdened with an unnecessarily expensive Civil List.

The management of the Crown Land Department has in other respects lately become exceedingly obnoxious: the Commissioner in the opinion of the Assembly has assumed or exercised powers which never ought to be vested in any subject, and many instances have recently occurred of their abuse, calculated at once to excite the alarm and indignation of the Country—we allude particularly to the intention and attempts of the Commissioner to sell the Water Privileges of those persons whose Grants are bounded on Rivers, on the Sea shores, and to misapply the money arising from the sale of a part of the Town Common in Fredericton.

The injustice and impolicy of granting exclusive and extensive reserves to individuals, which form another feature in the management of the Crown Land Department, we trust will be so apparent to His Majesty's Government, that no further comment will be necessary.

The second point to which we would call the attention of His Majesty's Government is the recent determination to collect the Quit Rent, reserved in the Grants of Land made in the Province;—these Rents though trifling in amount, are, if enforced, of a nature exceedingly obnoxious to the people, who never, until lately, had the most distant idea that they would ever have been exacted—the reservation being considered as a mere acknowledgment of His Majesty's Sovereignty in the Lands granted; and this opinion was strongly confirmed by the circumstance of the claim being suffered to remain so long dormant, and that in all transfers of lands between individual grantees, have never been considered as an encumbrance or claim on the land. But independent of the confusion and litigation which their collection will now produce, the exaction operates as a peculiar hardship on the poor and remote Settlers, on whom the greater part will fall, and many of whom have not the means of paying, small as the individual claim may be; added to this, the loss of time and

expense incurred in travelling to the places appointed for their payment, renders the exaction extremely burdensome and obnoxious. But when, in addition to these objections, it is considered that a great proportion of the amount which could in any case be enforced, must be expended in the collection, the claim becomes an object of trifling consideration to His Majesty, when compared with the inconveniences which must result from its collection.

But as the House of Assembly have offered and are prepared to make a competent permanent provision for the payment of the Civil List of the Province, on receiving the control of these and all other sources of Revenue, which His Majesty may have in the Province, any necessity or objection there may be for recourse to this obnoxious demand, they humbly conceive can no longer exist.

The third point to which we wish to call the attention of His Majesty's Government, is the recent change in the constitution of the Province, by the formation of an Executive Council distinct from the Council which had existed since the first organization of the Colony. The House of Assembly conceive, that if no other objection had presented itself to this important measure, the circumstance of its having been advised, determined upon, and carried into effect without the knowledge, advice, or consent of the late Council, or the concurrence of the Legislature, forms, it is considered, an exceedingly strong ground of objection and complaint; and without at present entering into the question how far the established constitution of a Colony should or can be changed, altered, or modified by His Majesty's Government, without the concurrence of the Legislature, yet the Assembly conceive it must be apparent, and will readily be acknowledged, that in any Colony or Colony governed by British Laws and principles, the advisers of the Executive Government should be persons of competent knowledge, of the interests of the Country, and of such standing influence as will inspire and preserve public confidence, without which it is impossible the public business can be conducted with either satisfaction to His Majesty or benefit to the Province.

The principle objects which we have therefore to urge to His Majesty's Government are,
First.—The proposal of the Assembly to make permanent provision for the payment of the Civil List of the Province as now established (with but few exceptions as to objects or amount), on the condition that all His Majesty's Casual and Territorial Revenues be surrendered to and placed under the control and direction of the Legislature.

Secondly.—The reconsideration by His Majesty's Government of the late alteration in the constitution of the Province.

We have the honor to be, with the greatest respect,

Your most obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

No. 2.

POST OFFICE.

16 Norfolk Street, Strand,
June 27th, 1833.

Sir,
We are directed by the House of Assembly to state to His Majesty's Government, that it would afford great satisfaction to His Majesty's Loyal Subjects in New Brunswick, if instructions were given to the Deputy Postmasters in the Province, to lay annually before the Legislature, accounts of postage collected in the Province, and the charges on the same; and that the surplus of such postage, after providing for the several Mail routes now established, may be applied to the payment of Couriers in other parts of the Province, and that any balance after providing for such necessary objects, may be placed at the disposal of the Legislature, for the purpose of improving the several Post communications.

We humbly submit the foregoing in full confidence that His Majesty's Government will at once admit, that all net revenues arising from Postage of Letters within the Province, should be expended therein, and that they ought to be under the control of the Colonial Legislature.

We have the honor to be, with great respect,

Your obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

No. 3.

COLLISION WITH CUSTOM HOUSE AND PROVINCIAL REVENUE OFFICERS.

16 Norfolk Street, Strand, June 1833.

Sir,
We beg leave to call the attention of His Majesty's Government to the unpleasant collisions which take place in New Brunswick, between the Officers of His Majesty's Customs and the Provincial Revenue Officers. The Act of the Imperial Parliament of the 6 G. iv. cap. 114, for regulating the Trade of His Majesty's possessions abroad, provide that the proceeds of all seizures made by the Officers of the Customs, are to be distributed, one third to the Seizing Officer, one third to the Collector, and the other third to the Lieutenant Governor, or person administering the Government of the Colony.

The Revenue Laws of the Province provide that the proceeds of seizures be distributed, one half to the Officer making the seizure, and the other half paid into the Treasury for the use of the Province; consequently the distribution of the proceeds of seizures are, under the Provincial Revenue Laws, more beneficial to His Majesty than they are under the Acts of the Imperial Parliament.

The Revenue Laws of the Province provide also, that when any articles seized, condemned and sold for a breach of these Laws, are also liable to duties under the Acts of the Imperial Parliament, then, and in such case, the amount of such Parliamentary duty shall be first paid over to the Collector of His Majesty's Customs, and the residue only of the proceeds of such sale distributed as aforesaid.

Notwithstanding the last mentioned provision of the Provincial Revenue Laws, which was inserted for the express purpose of preventing any evasion of the Acts of the Imperial Parliament, we regret to say that collisions take place; instances occur of seizures by the Officers of His Majesty's Customs, of articles which had been previously seized by the Provincial Revenue Officers and condemned, and sold by them, immediately after such sale.

Unless a remedy be applied to proceedings of this nature, it is obvious that the Provincial Revenue Laws for the prevention of smuggling, must so far as they apply to articles which are liable to Parliamentary duties, be nugatory, as this interference of the Custom House Officers, effectually destroys all inducement in the Provincial Officers to be vigilant in the detection of the smuggler.

The evils therefore of this interference of the Custom Officers are so injurious and apparent, and appear to require so prompt a remedy, that we trust any further comment from us will be unnecessary. An instruction to the Officers of His Majesty's Customs, in New Brunswick, not to interfere with seizures made by the Provincial Revenue, would effectually put an end to them.

We are, with the greatest respect,

Your obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

No. 4.

DUTY ON TEA.

London, 27th June, 1833.

Sir,
The recent alterations which have been made by the Congress of the United States in the Import duties of that country, particularly on Tea will materially effect the Trade in this article, with His Majesty's Northern Colonies.

It is obvious that the cheap rate at which Tea can now be purchased in the American Market, when compared with the prices at which they are purchased from the East India Company, in Canada and Nova Scotia, with the great facilities there are for smuggling the article into the Northern Colonies from the United States, must immediately give rise to an extensive illicit Trade.

In order to remedy this serious mischief, we are directed by the House of Assembly of New Brunswick, to suggest the propriety and necessity of admitting the importation of Tea into the Northern Colonies from the United States, on the payment of an ad valorem duty. This would produce considerable Revenue, without being felt as an onerous tax, and at the same time prevent the introduction and practice of a contraband Trade.

We would beg leave to suggest, that the imposition of a duty equal to three pence a pound on all the inferior descriptions of Tea, and in proportion to the higher qualities imported from the United States into the Colonies, while it would operate as a sufficient protection in favour of the East India Company, or British Trade in this article, at the same time would materially lessen the inducement for, and practice of illicit traffic therein.

We have the honor to be, with the greatest respect,

Your obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

No. 5.

DUTIES ON WINE, MOLASSES &c.

16 Norfolk Street, Strand, June 1833.

Sir,
Duties are annually collected at the several Custom Houses in New Brunswick, upon Wine, Molasses, Coffee and Pimento, under the provisions of the Acts of Parliament of 6 G. ii. cap. 13, 4 G. iii. cap. 15, and 6 G. iii. cap. 52, an acting it is believed to upwards of One Thousand Pounds Sterling, annually, which are not accounted for to the Legislature, and it is not known to the House of Assembly, by whom, and to what purpose these Duties are applied.

The House of Assembly have charged us to bring this subject under consideration of His Majesty's Government, as they conceive that upon constitutional principles, they have the undoubted right to the disposal of these Duties; in the same manner as they have of the Duties imposed by the Act of the Imperial Parliament of the 6 G. iv. cap. 114, provision having been made by the House of Assembly for the payment of the Custom House es-

tablishment in the Province.

We have the honor to be, with the greatest respect,
Sir,
Your obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

No. 6.

DUTY ON BRITISH MANUFACTURES.

London, 27th June, 1833.

Sir,
Among the subjects that we are directed by the House of Assembly of New Brunswick, to bring under the notice of His Majesty's Government, is that part of the Royal Instructions relating to the imposition of Duties on articles of British Manufacture.

During the last Session of the Legislature, the House of Assembly had it in contemplation, (for the mere purpose of Revenue) to impose a small ad valorem duty on all goods of British Manufacture imported into the Province, but on reference to the Royal Instructions which accompanied the first constitution of the Province, doubts were suggested as to the construction which they might bear on this subject.

The House of Assembly conceive, that the only object of the Royal Instructions in this particular, was the protection of the Trade, and Manufactures of the Mother Country, and not with any view to prevent the imposition by the Colonial Legislature of reasonable Duties on articles of British Manufacture, for the purpose of local Revenue, operating only as a tax on the consumer, and having no object or influence in favour of Foreign rival or even domestic Manufactures: they are confirmed in this view of the subject by a reference to the Revenue Acts of Canada and Nova Scotia, which contain impositions of the nature now alluded to, and which have always had the sanction of His Majesty's Government.

If the view taken by the Assembly, should be confirmed by His Majesty's Government, we have to urge that the same may be expressed to the local Executive Government, in order that the different branches of the Legislature may be relieved from any doubts or embarrassments in regard to the Royal Instructions on this subject.

We have the honor to be, with the greatest respect,

Your most obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

No. 7.

KING'S COLLEGE.

16 Norfolk Street, Strand.

Sir,
We the undersigned beg leave to state, that we are instructed by the House of Assembly of New Brunswick, to bring under the consideration of His Majesty, the present State of King's College at Fredericton, and to urge that such alterations may be made in the Charter, as will make this Institution more generally useful, and in accordance with the wishes of the people.

The principle cause of the present unpopularity of this College, is the partial nature of its constitution, arising out of certain provisions of the Charter, whereby the Bishop of Nova Scotia is (ex Officio) Visitor; the Archdeacon of New Brunswick President, and the Members of the College Council and the Professors must subscribe to the Thirty-nine Articles of the Church of England, and further, the Professors shall be Members of the Council as they may be appointed, by displacing some other Member. Thus when the Charter is carried into full effect, the whole Council as they may be composed of Professors, all of the Established Church, having the entire management of the Institution, and the control of its funds, the regulation of their own salaries, and all other contingent expenses.—This tends to keep alive that jealousy which now unhappily exists with regard to this College, among a great majority of the inhabitants of the Province who are not of the Established Church, and who naturally think, that as they contribute to its support, they ought freely to participate in its benefits.

We are therefore instructed to pray, that His Majesty would be graciously pleased to recommend to the Chancellor and the College Council to surrender their present Charter, and that His Majesty would grant a new one more suitable to the present state of the Province by introducing into such new Charter, the following provisions in lieu of the objectionable ones in the present Charter.

First.—That the Chief Justice of the Province be perpetual ex Officio Visitor.

Secondly.—That the President of the College, the Archdeacon, the Speaker of the House of Assembly, the Provincial Secretary, and the Attorney General be ex Officio Members of the College Council, and that seven other Members be nominated by the Chancellor, five of whom shall not be otherwise officially connected with the College; that these seven Members hold their seats during good behaviour, and that any of them shall vacate his seat, who shall be absent from the meetings of the Council for twelve months together.

Thirdly.—That Religious tests be not required of any Member of the College, or University, except that the President and Professor of Divinity, previously to their

admission to their Offices, shall subscribe a solemn declaration of their belief in the Divine authority of the Christian Religion: that Public Worship in the Chapel be conformable to the Liturgy of the Established Church of England, but that Students be expressly permitted to attend any place of worship in Fredericton, which their principles may require.

Fourthly.—That the resident Head of the College be President, and that the President and Professors to be hereafter appointed, be nominated by the Chancellor, by the advice and with the consent of the Council, to hold the Offices during good behaviour.

Fifthly.—That any Registrar to be hereafter appointed be a graduate of some regularly constituted University, and resident in Fredericton.

Sixthly.—That the Salaries of the several Officers of the College, as established by the Council, together with an allowance for contingencies not exceeding £ per annum, be payable out of a permanent fund of £ per annum, to be provided by the Legislature in lieu of the present endowment. That any surplus Revenue be applicable at the discretion of the Council to the founding of free Scholarships, to be awarded to the best Scholars. That no other appropriation of any funds be made without the express sanction of the Legislature previously obtained; and that the Registrar's annual statement of the Accounts, duly audited by the Council, be annually laid before the House of Assembly.

We submit the foregoing for the consideration of His Majesty's Government.

And have the honor to be, with great respect,

Your most obedient
humble servants,
(Signed) CHARLES SIMONDS,
EDWARD B. CHANDLER.
To the Right Honorable E. G. STANLEY,
&c. &c.

The reply of the Right Honorable E. G. Stanley, will appear in our next Publication.

Address of the His Majesty's Legislative Council, in answer to His Excellency the Lieutenant Governor's Speech at the opening of the Session:—

"To His Excellency Major General Sir Archibald Campbell, Baronet, Knight Grand Cross the most Honorable Military Order of the Bath, Lieutenant Governor and Commander-in-Chief of the Province of New Brunswick, &c. &c. &c."

"THE HUMBLE ADDRESS OF THE LEGISLATIVE COUNCIL IN GENERAL ASSEMBLY."

"MAY IT PLEASE YOUR EXCELLENCY."

WE thank Your Excellency for your Speech at the opening of the Session. "We concur in opinion with Your Excellency that there are circumstances connected with the present condition of the Province, which demand, in no ordinary degree, the careful consideration of the Legislature."

"The financial difficulties of this Province, although of a temporary nature, have, from various causes, led to much inconvenience to those who have been accustomed to repose implicit confidence in Provincial engagements.—We shall cheerfully concur in all judicious measures of retrenchment and economy, in every branch of the Public Service, and in such revision of our financial system as will most effectually provide for the early liquidation of what remains unpaid of the Public Debt, and as will ensure prompt payment at the Treasury, by keeping the expenditure within the income of the Province."

"In selecting objects of retrenchment there can be no doubt that the general welfare should constantly be kept in view; and Your Excellency may rely on our willingness to support to the utmost extent that the wants and resources of the Country will justify, all those Institutions and Establishments that are actually required in this portion of His Majesty's dominions."

"The increased energy and spirit with which the Trade of this Province has of late been prosecuted, and the circumstances of its having opened new channels for the employment of our shipping, cannot but be highly gratifying to us all."

"It is consolatory to know that the Agriculture of the Province is progressively improving, notwithstanding the late unfavourable seasons."

"We learn with most grateful feelings that Your Excellency has received instructions to convey to us a statement of the terms upon which, in the opinion of His Majesty's Government, his Majesty might be properly advised to place the Casual and Territorial Revenues under the control of the Provincial Legislature, combined as we are of the paternal solicitude with which our Gracious Sovereign watches over the interests of all His Subjects, we feel assured that in the proposition to be laid before us, we shall fully recognize a disposition on the part of His Majesty, to accede to the wishes of the Representatives of His Majesty's faithful subjects in New Brunswick."

"Anxious that every encouragement should be given to the diffusion of useful knowledge, we shall gladly see our best exertions in devising, and carrying into effect, measures by which all our Schools and Seminaries of Instruction may become more extensively useful than they have heretofore been."

"We entirely concur in opinion with Your Excellency, that the subjects to be discussed by the Legislature, during the present Session, are of pre-eminent importance to this Province; and Your Excellency may be assured, that we shall give to them that calm and dispassionate consideration, which is most likely to lead to satisfactory results. In all our deliberations we shall bear in mind, that we shall best consult the true interests of this Province, as well as perform one of the most pleasing of our duties, by strengthening and consolidating the ties which bind us to the Parent State."

"As it is obviously the duty of all, and especially of those who have any share in the management of public affairs, to promote, to the utmost of their power, the public good, our best exertions, we trust, will always be faithfully devoted to the accomplishment of that great object; and we are happy in the assurance of Your Excellency's desire to promote the permanent prosperity and happiness of His Majesty's loyal subjects in New Brunswick."