COMMUNICATIONS.

[FOR THE COURIER.]

THOMSON versus HUGHSON.

No. II.

In my last number I promised to inquire whether the Jury were bound by the Law, as delivered to them by the Judge: I shall now proceed with the enquiry. But before I consider the point generally, I propose to make a few observations upon the particular case which has given rise to these remarks. In doing this, I think it will be easy to convince even the Jury themselves, that their verdict should have been for the Defendant. They were sworn to try the *issue joined* between the parties, and to give a true verdict *according to the evidence.* What then was that issue? It was a fact affirmed on the one side and denied on the other: the Plaintiff says, I put repairs on the schooner *Friendship*, and the Defendant promised to pay me for them; the Defendant replies that he did not promise to pay the Plaintiff for those repairs. This is the substance of the issue, tho' upon the record it is set out in legal phraseology; and then follows upon the record the agreement of the parties, that the truth of this issue shall be ascertained by a Jury. Now the first thing for the Jury, after they had left the box, was to determine whether, *according to the evidence*, the Defendant had promised or not. If they should find that the Defendant did not promise, then their oaths bound them to give their verdict for the Defendant; if, on the contrary, they should find that the Defendant did promise, then, and not till then, should they enquire what damages the Plaintiff had sustained by the Defendant's not performing his promise. For if the Jury had come into Court and said that they found that the Defendant did not promise to pay the Plaintiff for those repairs, but that notwithstanding, they thought, under all the circumstances, that he ought to pay the plaintiff, and had accordingly found a verdict for the plaintiff for the amount of those repairs, the Court would have recorded the fact found by the Jury, that the Defendant did not promise, and, rejecting the rest of the verdict, would have given judgment for the defendant: for the Law is, that if the Jury find the fact, and conclude contrary to law, the Court shall record the fact and reject the conclusion.

Now this being a plain statement of the case, can it be said that there was one tittle of evidence to show a promise on the part of the Defendant? Most certainly it cannot. On the contrary there was the clearest evidence that the Defendant was not even known in the transaction until after the repairs were made. It is impossible, therefore, to doubt what the verdict should have been.

But suppose the Jury had not been bound by their oaths to find the issue according to the evidence—suppose they had been at liberty to erect themselves into a Court of conscience, and consider what was equitable between the parties, (and this is the view of the case which some of the Jury seem to have taken,) still they must either give a verdict for the defendant, or for the plaintiff to the amount of the repairs; and it certainly admits of great doubt whether the latter verdict would not be more unjust than the former. It is a principle of Law, which, like every other principle of law, is founded in reason, that no man shall be made chargeable without his consent; but here, by a part of the Jury, the converse of this principle is contended for, and the monstrous proposition is advanced, that a man shall be made to pay £400 for repairs which he never ordered—for repairs made pursuant to a bargain of which he had no notice, and over which he had no controul. Nor is this all: it appears by the evidence, that the repairs have cost more than a new vessel of the same dimensions would cost. If this be so, the Defendant by being made to pay for those repairs, would lose, not only the value of his former security, but also the difference between the amount of those repairs and what a new vessel of the same dimensions would cost; thus being made to suffer by the imprudent bargain of a third person. All this is manifestly unjust; and besides, the hardship of the Plaintiff's case arises in some degree from his own negligence in not ascertaining, before he made those repairs, to whom the vessel actually belonged, or whether there was any mortgage upon her. If, indeed, it could be ascertained what the real value of the Defendant's security upon the old vessel was, substantial justice would perhaps be done between the parties, by the Plaintiff's paying that amount to the Defendant, and taking the vessel; but this is what no Jury could direct. It appears, therefore, that the *justice* of the case required that the verdict should be for the defendant.

I have been the more lengthy upon this case in order to show, that when a Jury depart from the Law, it is not quite certain that they are making any advances towards justice. The law, indeed, is general justice; and though a hard case does sometimes arise, yet it is almost invariably owing to the negligence of the party.

The general question will be considered in our next number.

January 25. STUDIOSUS.

[FOR THE COURIER.]

Dear Mr. Editor,—I am in a fearful passion with the people of Gloucester County—what do you think they have done?—but I will not take the trouble of giving you particular information on the subject. Look at the last number of the Miramichi Gleaner, and you will observe a number of Resolutions passed at a Meeting of the Inhabitants of Bathurst, in relation to the land and timber systems;—thus have they anticipated John Gape, and maliciously, wrongfully, & despitefully wrested from him the ingredients from which he purposed to compose a most delicate dish for the public. Really, dear Mr. Editor, I am *annoyed beyond measure*, to find them snatching a *subject* from me in this manner.—John Gape was reserving the matter of the *great Gloucester Timber Monopoly* for this letter, but he is now perfectly at a loss how to act. I had intended to show the public that there are various ways of securing a friend at Court; and I would have proved that the entire controul of all the Timber growing upon an immense tract of land in one of the best lumbering Districts in this Province, at the present day, might well be put in the scale against the obsolete (or exploded) virtue of Patriotism.—I also had designed to prove that such a monopoly was something like suborning a witness, or corrupting a juror; and I also intended to surmise that a similar system of secret bribery had prevailed to some extent in some Office; but in all this I am anticipated by the officious people of Bathurst;—and the worst of the business is the probable sequel to these proceedings. *They* have set an example, which I fear, will be too generally imitated; *they* have broken down the barriers, and numerous foes to the Department will doubtless follow up the attack,—*they* have shewn that the *fortresses* of the Department are not impregnable (*it is said that some of the Commanders are treacherous*) and many will be found to unite in the common assault. John Gape fears that the inhabitants of Miramichi will *resolve* that the Water Lots in Chatham ought not to be sold. The people of Fredericton will resist the disposal of their Promenade, &c.; the aggregate population of the Province will exclaim against the most iniquitous measure of selling the Lands which were reserved for *public uses;* and perhaps some factious spirits may be found, who will declare not only that it is unjust, but ridiculous to grant the (*nominal*) Principal Officer in a certain Office £2000 per annum for doing nothing, while his predecessors received scarely one third of that amount, although they were compelled to perform a considerable part of the active duties of that office;—but it must be remembered that times have changed, that Reform has enlightened our political understandings; and that some people have rendered mighty services to the Province of New-Brunswick, such for instance as composing Topographical, Geological, and Geographical Histories of the Province, *in which but very few errors of magnitude may be found;*—procuring an increased tide of pauper emigration to set in upon our shores:—securing great quantities of our best and most valuable lands, to be granted to *them* as a reward for *military* and other services—Truly, dear Mr. Editor, I fear that my countrymen are ungrateful in the extreme, when they desire that such labours should not only be suffered to go unrewarded, but that they should even be reluctantly acknowledged.—We should remember that *if some people do receive princely incomes, they spend them as Princes do;*—and this in itself should reconcile us to *small* innovations upon the Constitution; but, dear Mr. Editor, there is another reason why we should rejoice in our good fortune. The expences of Clerks, &c. in the Surveyor General's Office in Upper Canada is £1,111 annually, while in New-Brunswick the little expences amount only to £1000:—will you believe me when I assure you that some people are not quite satisfied even with this explanation, and tell me that Upper Canada is thrice as extensive as this Province, and that its population is three times as great as ours;—but I tell these grumblers, Sir, that an Office is an Office, and that all Officers of the same denomination should receive equal salaries;—I tell them also that as the doctrine of *unaccountability* is a very ancient doctrine, it ought not to be exploded in modern days; I tell them likewise that Despotism is the most ancient form of Government;—that the Law of Might existed before that of Right was known;—that it is natural for man to ask for every thing which he has any prospect of receiving, and that it is well "*to make Hay while the sun shines*"—yet still they murmur about sinecures and such nonsense.—I have a strange way of illustrating my arguments—by adducing *palpable* facts—for instance, when I say that Power is never sought but with a desire to use it, I mention the fact of a certain Officer snatching a petition out of the hand of another Officer, who was about to present it to the Governor; and when they enquire from me the nature of that Petition, I explain to them that it was the Petition of a Mr. M'PHERSON, who had deposited a sum of money with an accredited agent of the Surveyor General, for the purchase of a piece of Land, which not being granted, the money, after many fruitless endeavours to obtain it, was *ordered* to be returned to the applicant, the sum of *ten* dollars being retained by way of commission; that the Petition also set forth the fact that Mr. M. had applied and paid for two several pieces of marsh land, both of which were entered upon the plan to his Grant, but only *one* of them was conveyed to him by the Patent;—that when he represented these matters, with others of a less oppressive nature, to a certain officer, his remonstrances were received with the utmost contempt, and his requests dismissed with perfect contumely;—and that he eventually presented a Petition to the Governor, after he had rescued it from the grasp of one who was the subject of its prayer, and who had snatched it from the person whose duty it was to hand it to the Governor,—that the Governor upon reading the Petition, compassionating the peculiar hardships of the Petitioner's case, directed him to prepare a petition for a quantity of land, which would be given to him free of expence; and that when he did prepare such petition, and present it at the proper office, it was refused, and he was threatened with imprisonment for his insolence. When I desire to persuade my friends that cupidity is an universal virtue, I tell them of a certain person, who, having on or about the 3d day of the current month, applied at a certain Office to ascertain the number and situation of a lot of land, was charged 2s. 6d. for the search, and on paying that sum, requested a *Clerk* to mark down for him the *number* of the said lot, but was told that *2s. 6d. more would be charged for that service;*—here my friends always doubt my veracity, declaring their belief that such outrageous practices *could* not be tolerated in an office where JUSTICE *seems* to have enthroned herself. But I could tell them something of a more equivocal nature, were I not apprehensive that I would thereby secure to myself the reputation of an unblushing liar—so true is it, dear Mr. Editor, that facts are oftentimes stranger than fiction.—Sometimes to diversify the scene I give my friends a history of the *rise* and *progress* of the tonnage duty; telling them that at first the amount demanded from the lumberman was only about 25s. for what timber might be cut during the season—next came the demand of 4d. per ton, which was a perquisite of the Deputy Commissioner of Crown Lands; then followed a larger sum of tonnage for which Bonds were taken, and subsequently cancelled by direction of His Majesty; next followed the demand of 1s. per ton for all kinds of timber, and soon after an additional 6d. per ton on red pine; and lastly, (though perhaps not *finally*) comes the 2s. 6d. for timber upon certain spots.—Then I tell them of the Survey money: that in 1824, and for some time previously, the Deputy Commissioners received a specific sum for their services in laying out births of certain quantities, and that new systems have since been continually adopted and relinquished, each *improving* upon the absurdity of its predecessor, until by the present mode, the old and faithful servants of the public will be jostled out of office to make room for a swarm of obsequious flatterers, and fawning sycophants, "*who bow submissive to the Despot's will.*" But I tell them, dear Mr. Editor, that when an Officer can secure a friend by a slight stretch of his prerogative, he should be permitted to prove the elasticity of his own conscience. As an offset to all these arguments, &c. I am told that the prosperity of the Province is sacrificed at the shrine of ambition and avarice; that the most pernicious measures are devised to gratify the cupidity of individuals; that salaries are granted which far exceed the true measure of justice; and that the pecuniary *donations* to certain officers are unexampled in their extent, and disproportioned to the resources of the Country; that unjustifiable schemes have been adopted to increase the Crown Revenues, and that those Revenues are not appropriated in the manner which must have been intended by our gracious Sovereign; that by the admission of the Attorney General, the exaction of Quit Rents is an act of *mere* necessity to replenish the *sinking fund*, which admission is equivalent to a declaration, that *the Quit Rent clause was inserted in the Grants as a mere formality;*—that pure Justice is not the attribute of His Majesty's Attorney General; and this they pretend to prove by reference to a fact connected with the collection of Quit Rents, viz:—Dr. DEWOLF was compelled, or was so very foolish as to pay about £7 of costs upon the Commission of Inquiry about his lands; but that on the 3d of January instant, certain delinquent Grantees, whose cases were then about to be brought under Inquisition, tendered the amount of their Quit Rents alone, *without costs*, which, after some hesitation, *was received, and the Commission discharged;* to which I add—*Mem.* Wonder whether Dr. Dewolf's costs will be returned—guess not; although by every principle of justice, he is entitled to have the money refunded.—It is also argued that the Sheriff of York, in not receiving a special verdict, when tendered to him by the Jury of Inquest, did encroach upon the acknowledged privilege of Jurors, whose right to give a special verdict in *all cases*, has long been a part of our Constitution;—the verdict offered to the Court was, "The Jurors are satisfied that "the letter of the Grant, as far as relates to Quit "Rents, has not been complied with, *but they "are fully of the opinion, that the true inten-"tion of the same has been performed.*" This was refused, and they were reluctantly *compelled* to find a categorial verdict, "that the Quit Rents "had not been paid." But, dear Mr. Editor, these are things of little importance to the country: the establishment of improper precedents does not affect the people. If a mere Jury of Inquiry are threatened to be confined like a Petit Jury in civil actions, until they agree upon their verdict, if the Judge thinks proper to remain in the room while they are deliberating upon their verdict:—if he refuse to receive a kind of verdict, which they are fully justified in finding; if they be not *all* Freeholders, although the Crown Officer *officially* declares that they *must* all be Freeholders; I say, Sir, that if these proceedings receive the sanction of the powers that be, it matters nothing to us that they have taken place. But as I have said a great deal upon irrelevant subjects, I will now give you a few more

EXTRACTS FROM MY JOURNAL.

Hear that the day for the Inquisition upon the subject of Quit Rents, is again postponed.—*Mem.* Wonder whether the learned Attorney General has discovered a flaw in the proceedings, or whether the conduct of the last Jury of Inquiry has given him a surfeit of *Inquests of Office;* guess another Jury would insist upon recording a very different verdict.

Hear that the principal officer in the Colony is desirous to receive special and correct information of the doings in a certain office. Heard that he has even demanded that proper accounts of the receipts and expenditure of all monies passing through that Office shall be laid before him.—*Mem.* Think he will discover that Survey monies are not *always* paid for surveying, and guess that some other little matters may also be disclosed which will startle him. John Gape does not travel much in the regions of Romance; £2400 will pay for 2400 days Surveying, according to the late mode, or 3200 days by the present mode; and taking 300 as the number of working days in a year, and supposing the entire sum of Survey money to be laid out for its proper purpose, *Eight Surveyors* must have been *constantly* employed in the year 1831: a most preposterous conclusion! How then has this sum been expended?—Altho' the public may be said to have no right to an explanation of the manner in which the tonnage money has been appropriated, the rule stops before it reaches to the survey money; and John Gape requires in the name and on the behalf of the Lumbermen of New-Brunswick, to be informed why they are caused to pay for a duty, *which has not in one single instance been performed during the present season.* John Gape puts the question, *has one single Timber Birth or Licence been laid out this season by any Deputy Commissioner, who was paid for so doing, by the Crown Land Office?* If not, what has become of the money paid into that Office under the name of Survey money?

Hear that a certain person justifies a transaction about made Islands, by declaring that the deed was to be given, *only* upon payment, by the Lawyer, of Five Pounds, to be laid out on a certain road. *Mem.* This was a generous sacrifice; the Grant fees would be about £12 11s. 8d.; this sum would be paid by the Grantee, and he would convey away the property for £5, leaving him a loser to the amount of £7 11s. 8d.—would have thought that the question of *Right* might have been decided by His Majesty's Council (if required) without such a display of generosity by an individual.—*Mem.* If the Lawyer had an equitable claim to the Islands (see Blackstone, book 2nd, cap. 16: "If an Island arise in the *middle* of a "*River*, it belongs in common to those who have "lands on each side thereof, *but if it be nearer "to one bank than the other, it belongs only "to him who is proprietor of the nearest "shore.*") John Gape thinks he would scarcely consent to pay a sum of money to have his own property assured to him; and if he had no legal claim, methinks that the Grantee would hardly divest himself of his title without a fair equivalent for the loss of the Grant.—Perhaps John Gape can solve the mystery by putting a case:—Suppose then that an officer of this Colony had once served His Majesty in the *Army*—that being placed upon half-pay, he receives (*no matter how*) a most lucrative civil appointment in this Province;—suppose he shall avail himself of the peculiar influence of his office, and of the liberality of his Monarch, by applying for Grants of sundry pieces and parcels of Land, AS A COMPENSATION FOR HIS MILITARY SERVICES!—Suppose also that he alone has the certifying, whether the land applied for by himself is vacant, uncultivated, and unapplied for; and that one of the petitions thus strangely certified, should prove to be subject to a prior and legal claim of some other individual, and that such claim is made known *privately* to the said Officer, it would be a natural inference in such case, that the officer being solicitous that he may not be found to have indorsed an erroneous certificate, would promise at once, and unconditionally, to transfer the title, provided the Grant were suffered to pass according to the prayer of the petition. John Gape does not assert that such a fact did occur, but he thinks that something very similar to the case noted may have happened.

Hear that a certain great Officer has suggested that a petition be prepared to the Colonial Secretary by the inhabitants of Fredericton, praying that the money received for the sale of the water Lots may be *returned* to them out of the Casual Revenue; *and that he would recommend the prayer to be granted.*—*Mem.* Wonder whether our Governor is indeed the ruler of this Province, if so, think the suggestion ought to have come from *him*, and think *his* recommendation would be the more eligible one! Wonder how the Colonial Secretary knew that a paltry sum of £300 or £400 was in the hands of the County Treasurer of York, being the sale money of a few *town lots*—guess he did not discover it by intimation; and think the foregoing suggestion comes with a peculiarly bad grace from the person who procured the order that it should be paid into the Casual Revenue.—*Mem.* If the people of Fredericton do forward such a petition, will not that act amount to an admission that the order for payment was correct, and that they had no right to the money; guess they had better *pause* before they determine to subscribe to such pernicious doctrines.—It was declared by Governor Douglas, by several Members of His Majesty's Council, and by the late Attorney-General, that the money to be received for the water lots, was to be at the entire and exclusive disposal of the Magistrates of Fredericton, or at all events to be wholly laid out in the improvement of the Town;—but in open violation of that pledge the money is taken from the people of Fredericton, and ere it will be returned to them, they are required to acknowledge the justice of that act of authority by which they were deprived of their own money!—Will they quietly submit to the insult thus offered to them. If our Governor procure the order for repayment, by his own free act, the people of Fredericton will doubtless receive that instance of his beneficence with true gratitude; but if they are required to submit to the humiliation of suing for their rights at the foot of their oppressor, being a subordinate officer, John Gape thinks they will scarcely consent to the proposition.

COPY OF AN OLD LEAF.

Heard that the water lot or public landing in Saint Stephens, was offered for sale by the Commissioner of Crown Lands, although it had been for a very great number of years reserved for the public accommodation. Heard that the principal inhabitants on learning the decision of the Commissioner to sell the land, and foreseeing the great inconvenience and injury, which would result to the public generally, by suffering the *public Landing* to become private property, did open a subscription for raising the sum demanded for it; which sum being raised, was paid to the Commissioner, and the landing is still used for a public wharf.—*Mem.* If this fact should come to the knowledge of the Commissioner, wonder whether he would not feel himself justified in taking advantage of the circumstance that the Land was not purchased by an individual, and sell it again,—would like to be informed of the mighty difference between such a proceeding, and the seizure of the sale money of the market lots in Fredericton, and the water lots in Bathurst: *Nullum tempus occurrit Regi*, says our Law, and its import seems to be too well understood in this Colony.

John Gape has now resolved to rest for a season; but as, in addition to his Ring, he has lately procured the famous Carpet of Solomon, which transports him instantaneously whither he pleases to go, he will frequently pay a visit to the Seat of Government; and the rapidity of his journey will prevent his absence from being discovered,—he will on these occasions keep a *sharp look out* upon the proceedings of the Legislature:—the order of the day will not have the effect of excluding him from their deliberations; and he assures the world, that if he detect the slightest deviation from the plain principles of duty in that august Body, *the Assembly*, he will speedily let *the world into the secret of their recreance;*—he will not decide upon impulse; he will discover the secret springs of action, and if he finds that an apparent political crime is the result only of an error in judgment, he will exhort, but not punish,—but if he shall at any time discover that a professing Patriot is a secret Traitor to his country's cause; and that he is bribed either to secresy, or to *support* illegal and unconstitutional measures—John Gape will visit him with the utmost terrors of his vengeance, *the scorn and contempt of the People and the Press!*

The country demands an investigation, an impartial and minute scrutiny into various matters, which have lately been agitated in the public prints; it desires a redress, an unqualified redress of grievances; a removal of abuses, and the establishment of a system of Political Economy, instead of the present system of singular prodigality.

John Gape may probably next week address a few more remarks to the good People of New-Brunswick, and to their Representatives;—but he has already done his duty—let others finish the task which he began, and has executed to the extent of his power; he has recorded the acts of misrule, it is for others to prevent their recurrence.

I am, dear Mr. Editor, your admirer,

JOHN GAPE.

To the Editor of the Courier.

Sir,—Permit me to offer a few plain and impartial observations on the pertinacious attacks with which some of your correspondents assail the Commissioner of Crown Lands and his subordinate officers.

With that office I have no connection, nor more than a general acquaintance with any of the gentlemen who conduct its affairs. This acquaintance, however, has left on my mind an impression, that the Commissioner himself is of too frank and generous a character, to approve any measures of an unfair or oppressive description; and whatever I have seen or known of his assistants, would lead me to regard them as persons of irreproachable conduct, diligent in their duties, attentive and obliging.

Am I bound therefore to relinquish the pleasure which I derive from entertaining these favorable opinions of my neighbors, in consequence of the crimninations to which your pages have afforded publicity? As a man of equity and candour, I cannot admit the obligation: on the contrary, I consider myself bound to withstand their influence.

The mere circumstance of the accusers concealing their names, would not of itself require me to disregard its pasquinades and complaints. But, Sir, I do hold myself not at liberty to pronounce any man guilty, until his offences have been distinctly specified; until persons, places and times, have been accurately stated and described; and until credible and conclusive evidence has been adduced. Now in every one of these essential requisities your GAPES and MENTORS, with the whole of their confederates, seemed to have egregiously failed.

For the most part they deal in *insinuation;* a mode of attack which a crafty person might at any time employ, against the most virtuous; an art, by which actions perfectly innocent and upright may be at pleasure assigned to the most criminal and iniquitous motives.—They present extremely *partial and colored representations* of things; selecting for exhibition just so much as may appear likely to answer their purpose, and painting it after their own imagination; means, by which the most honourable conduct may easily be made to look base and detestable.—In most cases they ground their charges on nothing more substantial than vague *suspicions and conjectures*; which they have clearly no right to indulge, and which may be totally at variance with facts. In one instance only have they ventured upon a direct and tangible indictment; and in this one their allegations were immediately contradicted by the individual principally concerned. Let the MERCHANT's coadjutors come forward as boldly as he did; and for ought that hitherto appears, they might be as manfully encountered and repelled.

Would any of your readers, would these writers themselves, but reflect how *they* could endure the test which they so assidiously employ to the disadvantage of others, they could scarcely fail to perceive the injustice of the course pursued. Let none of your readers think of imitating their example by supposing *their* proceedings actuated by motives to which they *may* be strangers. Possibly a patriotic zeal for the public good has alone induced them to assail and asperse private character. Possibly a pure and cordial love of their neighbour has stimulated their indefatigable endeavours, to drag forth every circumstance in his life which could be made to appear odious to the world, and unamiable in the eyes of his friends and connections; to point the finger of scorn as he passes along the street, and plant with thorns the pillow of his domestic peace. Possibly an unmixed anxiety for the correction of great and wilful wrongs has compelled them to emblazon inadvertencies amended as soon as known, and practises which had been abandoned when their questionable tendency was perceived. All these concessions I would be willing to make. But could a person allow himself to take these writers for his model, how plausibly might he substitute disappointed cupidity for their glowing patriotism, envy or jealousy for their kind solicitude, and the malignity of insatiable revenge for their honest indignation! Let me not however be understood to adopt either of these extreme representations. Desirous of restraining my thoughts within the limits of moderation, and inclined to think good rather than evil of every man, I consider them to have been influenced by a mixture of motives; some good and creditable, and others which they dare not confess even to themselves. Men have often believed that they were looking with a single eye to the general good, while they were secretly biassed, if not altogether instigated, by lower and more selfish feelings.

Of the system pursued by His Majesty's Government respecting the territorial rights of the Crown, I have nothing to say: that, I fully admit is a subject worthy of our best consideration. If real improvements can be suggested, whether by our Provincial Legislature, or by individuals, I have sufficient confidence in the benevolence and integrity of Government, to believe that the suggestion would be thankfully received. But is it not obvious, that the more free such a question can be kept from all personal implications, the less difficulty is likely to be experienced, as well in arriving at truth, as in satisfying others of the correctness of our views? I am, Sir,

Jan'y. 19th. A FRIEND TO JUSTICE.

[FOR THE COURIER.]

MR. EDITOR.—I will tell you a thing or two, if you will promise never to mention it to your "*admirer;*" for should he get a hint of it, he would publish it to the world at once—he cannot keep a secret! I am induced thus to put you on your guard, from knowing, by my experience with the foibles of *real admirers*, that they are fond of amusing each other with such little stories as would appear ludicrous if published to the world.

Went to the Crown Land Office, to apply for a Timber Licence on a small stream some distance from Fredericton—was informed by one of the attendants of the Office, that licences would be granted to cut Pine Timber on certain vacant lands near the Main River, at present known as the Hannawell Settlement. Was induced, by this information, to abandon the situation I had first in view, and apply for the one described to me. Lodged a petition in the Office—paid the fees, forty-five shillings—and, after making the necessary arrangements for my winter's work, called again at the Office, and was then informed, to my great surprise, that the Commissioner had concluded to sell the land for which I had applied, and that I could not be allowed to cut the Timber. Being at that time unacquainted with the regulations of the Office, I supposed that the forty-five shillings which I had actually paid in, would be immediately returned to me, but venturing to suggest an idea to that effect, soon learned that the practice of returning money, however unjustly received, formed no part of the regulations of that Office, as not one shilling of the money was ever returned to me; and was informed, for my consolation, that several other persons had shared the same fate as myself.

I assure you, Mr. Editor, that the many abuses connected with the Crown Land Department, which have since come within my knowledge, have convinced me, that the small imposition practised upon me, bears no proportion to those practised on many others, a specimen or two of which I will give you the outlines of—Happened to be in Fredericton a few days since—saw a very creditable man, who informed me that he had, some years ago, been induced to settle on a Glebe Lot in the upper part of the Country, at present the County of Carleton, under the impression that he would, at some future time, be able to procure a title of the same, on reasonable terms, or otherwise receive a fair remuneration for his improvements—but had recently received a notice from the Crown Land Department, "that he must pay the sum of One Hundred Pounds for a title of the said lot, or leave the same without delay." The individual alluded to, having had a large family to support, had not been able to save a sum of money equal to that demanded of him, although he had ever been a very industrious and prudent man; he was therefore driven to the necessity of sacrificing his improvements, by disposing of them, for about one-fourth of their real value, to a person who was able to pay the sum demanded for a title. Thus, Mr. Editor, are worthy settlers who assisted in reclaiming a portion of the Province from its original wilderness state, driven from the enjoyment of the fruits of their industry, by the oppressive acts of those, who, I unhesitatingly assert, fearless of refutation, possess no principle of regard for the welfare of the country.

During my stay at Fredericton, I received some information respecting the sale of several Lots in the front part of that Town: said lots were ordered by His Majesty's Council, a few years since, to be sold, and the proceeds expended on the public works at Head Quarters;—a small portion was so expended; but ere long an order was received from the Colonial Secretary, (at whose instance we need not be at any loss to determine,) directing the money to be safely deposited in the Casual Revenue. Heard that the public in general were very much dissatisfied with this *official manœuvre*, and that the Magistrates had recently petitioned His Excellency on the subject, but received no reply, and are therefore determined to lay the whole affair before the Representatives of the People at the approaching session of the Legislature. The Commissioner, for reasons best known to himself, now informs the inhabitants of Fredericton, if they will write and forward a petition to the Colonial Secretary, praying that the money may be returned, that he will recommend the same. Now, Mr. Editor, can you discover the policy of this *liberal* offer? Does not a fear exist to have the thing appear in its real shape before the House of Assembly?—or is it hoped to satisfy the people by persuading them to petition a quarter, where, notwithstanding the expressed pretensions of recommendation, sufficient influence might be exerted to cause it to be rejected? I hope that the inhabitants of Fredericton will so far anticipate the scheme, as not to suffer themselves to be duped by any intrigue.

Really, Sir, when I call to mind the very extraordinary manner in which our Provincial Revenues have been squandered away, and the impolitic measures resorted to, in order to increase the same, to the great injury, if not to the total ruin of the Province; I am not led to inquire, "Why is the public mind excited?" but am induced to exclaim, "Why have the people so long submitted to the oppressive measures of some of those into whose hands the principal Revenues of our Province have been entrusted, and who seem to possess no other principle to guide them in their public career, but their own sordid interests?"

The time is now near at hand when the wise men of our land will have assembled together in their Legislative capacity. The important question is, Will they devote their time and talents, with spirited determination, to those topics which agitate the public mind, and to those abuses which threaten to destroy the vital interests of our Province?—or, will they be content with making a feeble effort, as they have done for the two or three past years, and allow themselves to be baffled by the impertinent reply of a Colonial Minister, or by some other like trivial occurrence? The Representatives of the People should be firm, and not lose sight of the interests of their constituents as soon as they lose sight of their persons. Should the attention of the House be directed to those subjects at an early period of its sitting, we may reasonably hope that something effectual will be done; for we are convinced, if a suitable Committee were appointed by the House, who would lay the several matters before our most gracious Sovereign, in a proper shape, free from that improper influence with which a petition would be likely to become contaminated, that those grievances, of which we now so justly complain, would be immediately redressed. But, should the consideration of those subjects be deferred until the latter part of the session, the consequences may be feared;—for, although residing in a remote part of the Province, I have not failed occasionally to attend the debates of the House, and I have frequently observed Members, at the commencement of the session, apparently fired with patriotic zeal for the public good, and seeming determined to redeem some of their former pledges; but, Sir, I have often been much amused with the singular method which a sage old Gentleman, *in his homespun*, has, of tempering the zeal of those persons, by slyly passing into their hands occasionally, a small card or parchment—after which their zeal gradually abates, and they often assume quite a different position from that maintained by them before.

There is something, Mr. Editor, so mysterious in the above manœuvre, that I have not, as yet, been able to solve it; but am determined to leave my business during the approaching session, and attend the House regularly, to find out the enchantment, if possible, and, should I succeed, will *report* to you immediately.

I am, Sir, your and the public's friend,

21st January, 1833. A LUMBERMAN.

FOR THE COURIER.

"*The rogue and the fool go together.*"

I have often heard this old saying repeated, but I never remember to have met with a more complete illustration of it than that furnished by your unworthy correspondent JOHN GAPE. Why, Mr. Editor, the strange creature has been all along practising on our credulity; and so plausible were his insinuations, that you and I, and doubtless numbers of your readers, have been taken in. Week after week has he excited and agitated us by his representations of abominable things, in a certain *Department*; promising us yet worse matters in store, and a "recapitulation" which was to convince us all of the utter impossibility that such a mass of corrnption and abuses could continue to exist among us. Thus he "played the rogue," and really performed his part so well that I confess I had no idea he would so soon change his character, and conclude with the antics and grimaces of "the fool." But so it has been. For what are his two last communications? The first of them a poor attempt to deprecate the hostility of "MR. KNOW NOTHING," a no very formidable antagonist; and the second, a yet weaker endeavour to unsay almost all that he himself had said.

A "*Recapitulation*" forsooth!—a *recantation*, he should rather have called it a pitiable display, either of the remorse of a guilty conscience, or of the terrors of a wretch who would if possible beg off the consequences of detected defamation. For what does he recapitulate? Three or four little matters, which manifestly want but a few words of explanation, out of I know not how many or how great enormities which we *were* to have seen incontrovertibly established! And then all the exasperating allusions to "weeds," and "bullies," and "scorpions," &c. &c. &c. are whined away amidst a flood of penitential tears! Indeed, indeed, the excellent and candid gentleman assures us, he has been quite misunderstood—his honorable soul recoils from the thought that he should have been suspected of such villainy!

We must learn to be more cautious, Mr. Editor. A great question is at issue between this Province and the Government—a question which may be settled to our great and permanent advantage; but this settlement is too likely to be retarded, and cannot possibly be advanced, by such break-down coursers as "JOHN GAPE." If I could believe a tenth part of the insinuations which this provoking writer threw out against the private acts and public character of the officer at the head of "the Department," I should be inclined to conclude that, like a well known champion of Reform, at home, means had been found to induce him to *play false* just at the time when his services would have been most valuable to the cause he professed to advocate. But being assured that the man is actually unknown, and therefore could not have been tampered with, I think we cannot do better than dismiss him with the contempt which his absurd and unaccountable tergiversation deserves.—The Representatives of the Province need not such monitors to stimulate them to their duty. They are loyal and patriotic; and without the aid of scandalous tirades against respectable individuals, they will know how to do justice to the sceptre which protects us, and the people who love and value its protection.

I am, Sir, Your faithful servant, M. H.

MR. CHUBB.—Having observed in the *City Gazette* of the 24th inst. a caution to the public, against the imposition daily practised on them, by publishing false certificates of almost miraculous cures made by the various Quack Medicines offered to the public, and alluding particularly to a certificate given to the Agent for vending "*Morison's Pills*" in this place. Knowing the origin of that certificate, and that it arose merely out of a joke, by a few Gentlemen who never expected it would have been made use of; I now, on my own part, beg to give my testimony, *as a genuine Certificate*, of the very great benefit that I have derived from the use of them in acute Rheumatic Pains, under which I had been long suffering. WM. SCAMMELL.

St. John, 26th January, 1833.

BOARD & EDUCATION.

MR. PATERSON'S domestic arrangements enable him to announce, that he can receive three or four additional pupils, as Boarders. Young gentlemen under 14 years of age will be preferred. December 29, 1832.

SCHOOLMASTER WANTED.

A PERSON capable of taking charge of a School at Dipper Harbour, in this County. Application to be made to G. C. CARMAN, or A. MENZIES, Trustees of Schools for the Parish of Lancaster, or at the *Courier Office.*

January 12th, 1833.

FIRE INSURANCE STOCK.

FIFTY SHARES of the Capital Stock of the New-Brunswick Fire Insurance Company, for sale. Apply at this Office.

Dec. 15, 1832.

Dancing Academy.

MR. REID begs most respectfully to acquaint the public, that he has opened his Dancing School for Young Gentlemen, and would request those who intend to join his Classes, to favor him with their names as early as possible.

Mr. R's School for Young Ladies will open on Tuesday next the 15th instant, at 3 o'clock, in the Masonic Hall. *January* 5, 1833.

CLOTHS & CASSIMERES.

Just received per Barque Wm. Ewing:

OLIVE, Blue, & Brown PETERSHAMS; Ladies' and Gentlemens' superfine Olive, Blue, Brown, Adelaide, and Claret *CLOTHS* and *CASSIMERES.*

Dec. 15, 1832. J. GALLAGHER.

The Courier.

SATURDAY, JANUARY 26, 1833.

Agreeably to our promise, and in conformity with the fashion of the times, we this day present our patrons with the first number of an enlarged series of "THE COURIER." This change would have taken place at the commencement of the present volume, had we not been disappointed in receiving a supply of paper of the requisite size, at the time; as it is, our present importation, in point of quality, is not such as we could have wished, and our next supply we expect will be of a better texture. By this enlargement, we will furnish additional matter equal to nearly one of our former pages, which, while it will enable us to accommodate our advertising friends and correspondents, (to whom we would take the present opportunity of returning our best thanks, for the decided preference given to our Journal,) without curtailing too much the space devoted to general intelligence and light reading, will also afford room for the extension of our Shipping and Commercial List, and for the insertion, occasionally, of a short Price Current.

Our readers must be aware that the improvements we have made, could not be effected without considerable additional expence, to which we will also be subjected for the future; this, however, we are contented to bear, without any increase of our former price, viz. 15s. per annum; confidently anticipating, through the exertions of our friends in various parts of the Province, a considerable accession of names to our present list of subscribers, which, we trust, we shall ever continue to merit.

For the convenience of intending subscribers, and in order, in future, to afford an opportunity for the more regular payment of dues, we have been induced to appoint the following gentlemen Agents for the Courier:

Mr. ROBERT GOWAN, *Fredericton.*
Mr. HENRY T. PARTELOW, *Oromocto.*
Mr. WM. F. BONNELL, Jr. *Gagetown.*
R. ENGLISH, Esq. Postmaster, *Woodstock.*
G. F. CAMPBELL, Esq. P. M. *St. Andrews.*
G. KNIGHT, Esq. Postmaster, *St. George.*
T. ARMSTRONG, Esq. P. M. *St. Stephens.*
THOMAS KEILLOR, Esq. P. M. *Dorchester.*
JAMES CAIE, Esq. P. M. } *Miramichi.*
WM. CARMAN, Jr. Esq. }
Messrs. BALDWIN & WHEELER, *Bathurst.*
ASA DAVIDSON, Esq. P. M. *Kingston.*

QUIT RENTS.—*The Die is cast*, and His Majesty's Officers in this Colony appear conscious that the Game is *not won.* The late Inquisition at Fredericton has given to the world a conclusive proof of the spirit which animates the people of this Province:—the decision of that Jury has gone abroad and is circulated with unexampled celerity; the fact is universally known: that Twelve respectable and intelligent men, to whom was submitted the insidious question "whether certain Quit Rents had been paid according to the tenor of *certain Grants*," did, after *six hours* anxious deliberation, agree that "*they had not been paid.*" We scarcely can find language to express our surprise at the infatuation which will impel officers to a repetition of the Drama, the ridiculous Drama, that was acted on *that* occasion. Is not the mere fact of a moment's deliberation being thought necessary by the Jurors, a most palpable evidence of the opinion generally entertained in this Country, *that the Quit Rent Clause was never intended to be enforced;* to the kindness of a Correspondent in Fredericton, we are indebted for the substance of these remarks:—he tells us, that on the 3d of January, an Inquest of Office was held before the Sheriff of York, to enquire *by virtue of a Commission read in Court by the Attorney General*, whether the conditions of a Grant to Wm. F. Odell, and others, had been complied with:—In the course of his address to the Jury, explanatory of the object for which they were impannelled, the Attorney General took occasion to declare that the Quit Rents had not been demanded until they were absolutely required to make up the sum required for payment of the Civil List, that although many of the Lots noted in the Grant may be forfeitable by the non-performance of the other conditions, yet His Majesty's Government did not think expedient to institute an enquiry into any condition of the Grant *except the simple question of Quit Rent!* that the variation in the account of Quit Rents in the several Grants throughout the Province, might be explained by the difference in their relative local value; that the demand of Quit Rent was as equitable as the demand of any other *debt* due from one man to another; *that* the Grantees were as justly liable to the payment of that sum, as was the obliger of a Bond to pay the amount of his obligation; that the collection of Quit Rents was not confined alone to this Colony, but was in progress throughout all the British American Provinces; that the verdict of *this* Jury did not produce the Escheat of the Lands; (and our Correspondent adds that he understood the Attorney General to say, *that the King did not intend to procure an Escheat,*) for that any of the delinquents, who believed that His Majesty had not a legal right to demand the Quit Rents, would have an opportunity of bringing the question before the Court of Chancery upon the return of the Commission; and that although the Public Officers had been abused in the public prints, and held up as rapacious and unjust persons, yet he believed that in the Chancery Court, an equitable decision would be obtained, even where the King was the Prosecutor. These were the principal heads of the Attorney General's charge to the Jury: the fact of non-payment of Quit Rent upon *four* of the Lots was proved by the Receiver General, and about half-past two o'clock in the afternoon the Jury retired to consider upon their verdict, at half-past eight o'clock they unanimously agreed to the verdict mentioned by our friend *John Gape*, which was refused, the Attorney General declaring that the *fact alone* was to be found: with this answer they again retired, and found the verdict which was dictated by the Attorney General. As our friend John, has, with his usual tact, commented severely upon this attempt to curtail the Privileges of Jurors, we refrain from saying any thing upon the subject; and we will only remark that the conduct of the Jurors, in suffering themselves to be cajoled into a partial surrender of their rights, must have been the result of their ignorance of the powers entrusted to them: we will further remark, or rather predict, that a second trial, before the same, or any other equally intelligent Jurors, would not eventuate in a similar verdict. It is laid down in our Law Books, that "the Jury may find a special verdict, or a general verdict, *or they may take upon themselves to determine at their own hazard. the complicated question of fact and Law:*" Can language be plainer than this? Is it possible by the instrumentality of conventional terms, to express more fully the right of Jurors, in all cases, and on all occasions, to return a special verdict.—We have no desire to figure at the Bar of our Supreme Court as a Libeller of the Government, but we say that the Learned Attorney General owes it to his country, to shew cause for refusing the verdict of the Jury of Inquest. If no plea of Justification be set up, we take it for granted that Judgment will go against him by default,—the matter is of paramount importance, and we trust that it will be subjected to due investigation. Our Correspondent also mentions the facts related by John Gape, about the previous tender of Quit Rent, and their rejection unless the Costs were paid, and of their subsequent receipt without Costs;—this fact involves a curious question, and we are at a loss to understand the design of the Government Officers in thus suddenly altering their position. The haughty tone of Plenary Power, which seemed the result of anticipated success, is in a few short hours exchanged for the conciliatory and gentle language of concession.—We would like to have an explanation of these mysterious proceedings: and also would we be glad to be informed *why* the other *offices* have not been held? Is there some apprehension of the event? But we are done with this matter for the present. We would request the particular attention of our readers to the several communications of "*Mentor*," and "*A Native*" which have lately appeared in our columns: we have no means of proving the accuracy of *A Native's* quotation from the Parliamentary Reports in our last number, but we confess ourselves somewhat startled by the expression "*Enfranchisement*" in the extract. Is it then true that nine-tenths of the Grantees of this Province, and in fact, all the other Provinces of North America, are not in reality Grantees, but Lessees? Is the continuance of their Tenures dependent upon the payment of an annual rent? Have the oppressive requirements of the Feudal System, descended in full force to us?—Will His Majesty's Government risk the probability of losing the affection of the British American population by the stern decree which dooms us to virtual slavery? Will the paltry, the contemptible sum of £2000 annually, be a compensation for the discontent which will be produced by its collection? How rash, how dangerous, how criminal is the policy which creates the murmurs of complaint in every section of the Province, gradually but too surely eradicating our inherent principles of Loyalty, and insensibly laying the foundation of a spirit of hostility to our Parent State; planning and executing its own schemes of aggrandizement and pecuniary emolument; without appearing to bestow a passing thought upon the inevitable consequences of its measures: and we do think that the experience of forty years unabated resistance to the collection of Quit Rent in Nova Scotia, ought to have taught a lesson of prudence to the Imperial Cabinet;—however, as experience in this case, seems to have failed in producing the usual effect, we trust our Legislature will not suffer one week of the Session to elapse, ere they adopt some means for procuring the abolition of this badge of slavery—inherited from the Norman tyrant. It has been proposed, we hear, by a gentleman, that the Legislature shall offer to make a permanent grant of about £2000 per annum, in lieu of Quit Rents; Sir George Murray demanded only £1500, but perhaps the amount of Quit Rents has increased since that proposition was submitted to the Legislature. When we inform our readers that a report is now in circulation, "that a certain great Officer was offered an annual pension of £1000, provided he would retire from his office, to make room, we suppose, for some other Ministerial protege, we need not be astonished at the alacrity which is exhibited in the collection of the Crown Revenues, nor at the strange means which are devised to increase the receipts of that Revenue."

The session of the Provincial Legislature commences at Fredericton on Tuesday next. The Representatives of this City and County, accompanied by Lieut. Colonel WYER, one of the Members for Charlotte County, who arrived in town on Thursday evening from St. Andrews, intend taking their departure early on Monday morning for the Seat of Government.

To the liberality of a number of our spirited citizens, in a great measure, is the whole Province again to be indebted for a Report of the Debates in the House of Assembly. On ordinary occasions, the employment of a Reporter might not be a matter of much consequence; but at a time like the present, when so much is expected from the Representatives of the People, a faithful report of the *sayings* and *doings* of the Members is all-important to their constituents—and such, we know, Mr. BLATCH has been instructed to furnish.

We have, however, confident hopes, that in the other Counties of the Province, the amount that may yet be raised, with the sum already subscribed in St. John, will be sufficient to reimburse the former Committee, for advances made by them last season, and to defray all the expenses of the present.

SIR HOWARD DOUGLAS.—We have much pleasure in announcing that this eminent statesman, brave soldier, and sincere friend of the Colonies, has been put in nomination, by a large and respectable body of Merchants and others connected with the shipping and Colonial interests, as one of the candidates for the representation of Liverpool, in the Imperial Parliament. He has our best wishes, and we may add, those of every inhabitant of this Province, for his success. His administration of the Government of this Province gained for him general approbation; possessed, as he is, of an intimate knowledge of its resources and capabilities, and having its real interest and advancement, (with which are blended those of the whole British dominions in this hemisphere,) at heart, we know of few persons who would be better able to give that information on Colonial affairs which, judging from many of the acts of Ministers, appears to be much needed, than Sir HOWARD. We are aware that our countryman, (HENRY BLISS, Esq.) was a candidate at the last election; and we trust he will again be brought forward, and be more successful on a second trial. His high standing as a lawyer, public speaker, and writer, added to the practical acquaintance he has with the land of his birth, would render him an able advocate in our favour. From the exertions of two such gentlemen in Parliament, although opposed to great odds, the ruinous anti-Colonial measures in contemplation by Ministers, we confidently expect, would be forever thwarted.

We had intended to have given Sir Howard's address to the electors, with the remarks of the Liverpool *Standard*, for which we are indebted to a friend, but our previous arrangements prevent our doing so this week.—The following is from the correspondent of the *Boston Courier*, dated

LIVERPOOL, *December* 3.—"We are upon the eve of a general election—there will be a severe contest between the Tories and Radicals. If the former succeed, the present ministry must *abdicate*, as by their extraordinary coalition with France, they have lost many friends who think the interference with Holland unjust. In this place there will be a desperate contest: the candidates are the old members, Mr. Ewart and Lord Sandon, Mr. Thos. Thornley and Sir Howard Douglas. It will be a sharp affair, and all parties are equally *sure.* I wish it was over, for it interferes much with the business of the place."

"This Belgian affair hangs heavy over our cotton market, which is dull, stale, and *unprofitable*—our present stock, 40,000 bales less than at this time last year—the dealers and spinners *quite bare:* in fact, if there was any inducement for speculation, the market is quite within the control of such an operation; and from your side we suspect that for some time the exports will be very light. But the apprehension that if the flame of war shall begin in Holland, it will spread over the continent, and that,