PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY,

Tuesday, February 5.

STATE OF THE PROVINCE.

Mr. Weldon observed, that this was a subject of the greatest importance, on which the Committee were deliberating: it was, on the present state of the Province generally, and on the best mode of endeavoring to allay, by all possible means, the highly excited feelings of the people. No one felt more deeply the importance of the measures to be adopted, than he did. and he would use his utmost efforts to promote their settlement.—Since the House forwarded their address of last March, to his Majesty, relative to the Crown Revenues, many alterations had taken place in the Crown Land department. In the first place, the price of lands had been altered; and so far as that was concerned, the province was deeply interested in it. The advanced price prevented the province from being settled; and it was a price, higher than poor settlers could afford to pay, and it ought, therefore, to be brought under the consideration of the government. A new settler had always a great struggle to make, even if he got his land on the most liberal terms possible; and it was really impossible for him to pay the large amount now required.—Another grievance, was the granting of crown reserves to individuals. The great staple commodity of export was timber; and the granting of such reserves, on which large quantities of timber stood, caused a monopoly of the trade. It was very desirable, and it had always been the opinion of the House, that if these matters were placed under the controul of the legislature, they would be far better managed than they could be by the colonial ministry, who were so far distant from the province. Another grievance to the people was the collection of the Quit Rents. The right to collect them could not be denied, because the House had fully recognised that right, when an offer to commute them was formerly made. But it would be recollected, that the Quit Rent was only a part of many conditions which the grantee was called on to perform. If then, those other conditions were to be exacted, he (Mr. W.) doubted much, whether one out of a hundred grantees could hold their lands at all; so that the Quit Rents were so deeply involved with those other conditions, that their collection must inevitably tend to unsettle the minds of the whole province. He believed that the whole province had been induced to suppose, that the Quit Rent was merely reserved as an acknowledgment of the tenure. That had been the general opinion; and he thought those rents never could have been called for, but for the sake of adding to the means required for the civil list of the province. If it had been found necessary for that purpose, he thought it could only have been on the principle, that the legislature would not make a proper provision for such objects; but when the House had actually made a proposal to that effect, was it politic to proceed to the collection of a direct tax on the people? For, although the claim was strictly legal; yet the people universally viewed it as a direct and burdensome tax. Taxes directly imposed were the most odious. If a tax were paid indirectly, a man would never feel it; but a direct tax was always odious, and would be at once opposed. It would have been well, if the government had answered the address of the House on the subject of the civil list, before they determined on the collection of Quit Rents.—But if they were to be collected, how was it to be done? He (Mr. W.) believed, that when the officer lately went round the province to collect them, he was not prepared to discriminate as to who should pay them, and who should not; and he believed that that officer did not to this day know who was really liable.—In the former history of the old colonies, great difficulties had existed as to the imposition of taxes; and the quit rents might, probably, have been one of those very grievances which had caused their separation from the mother country. He (Mr. W.) should exceedingly regret, that ever this province should come to a similar result; and it was the duty of the House, feelingly and respectfully to state to the government at home, what would be the consequences, and the feelings of the people, if the collection of the Quit Rents were proceeded with. He thought, that if these things were fairly represented to his Majesty, he would cheerfully yield the whole of the casual revenues in this province to the controul of the legislature; and none could provide more effectually for the wants of the people, than their representatives.

Mr. Cunard, after some observations on the negociation of 1830, confirmatory of what had already been advanced in that respect, observed, that if the House had thus admitted the right of the King, (and the able law opinions so lately heard in the House must have fully satisfied every reasonable mind on the subject,) it would now be the best way, to propose to commute the quit rents, perhaps by offering half their amount, which would be quite as much as could be collected. The House might then pass an act, to impose a sufficient tax on the large landholders, to refund the commutation, so as to relieve the poor settlers; and the proceeds might be applied to the improvement of the province at large. One great and serious objection made to the collection of the Quit Rents was, the question, how could poor settlers travel on foot from a great distance to Fredericton, to pay those rents, and leave their farms and families the while?—Let, then, the plan he had suggested be adopted. Let those poor settlers be exempt from the burden; and let the large landholders pay the commutation, through the several deputy-treasurers of the Province. He Mr. C. would be for some such mode of settling the question.

Mr. Partelow never felt more at a loss to give an opinion on any subject, than on those under discussion in the present committee. They were, the Quit Rents, the Casual Revenue, and the general state of the province. When he looked at the amount of the Casual Revenue, and at the way in which it was now expended in the province, he was convinced that it had produced almost as much dismay, agitation and excitement in the minds of the people, as the subject of Quit Rents itself;—and if the question should again come before the House; as to taking the whole civil list upon themselves, upon obtaining a surrender of the crown revenues, he should be for it; because, if they did not soon get the controul of those revenues and of the crown lands, they would, no doubt, have to provide for the civil list; and that they could not do without other resources. He was enabled to give some information as to the present state of the casual revenue, resulting from his late examination of the affairs of the Bank. On that examination, he had found a balance in the Bank in favour of the Casual Revenue, of about £60; two Judges' warrants were at the same time lying there, protested, for want of funds to pay them; and since that time, he understood the debts of the Casual revenue had increased to about £4,600, which there were no means of paying. Such being the present state of the casual revenue, if the House should now have the civil list to provide for, they would have to find about £7,000 or £8,000 from other resources. No wonder that there existed dismay and terror among the people; when such a system of misrule and mismanagement prevailed. The power of the Commissioner of Crown Lands was beyond that of any other officer in his Majesty's dominions. By his single *fiat* he might stop the whole commerce of the Province; for if he could make a tonnage duty of 1s. 3d. at his pleasure, he could equally make it 2s. 6d.—The only mode the House should pursue, in this emergency, was, for them to send proper representations on the subject to the foot of the throne, and to depute some fit and able persons, to enforce their claims on the attention of the government.—As to the Quit Rents. It appeared to him, that of all absurd attempts, the attempt to collect, in an extensive wilderness country like this, the paltry sum of £2,500 was the most absurd. Nearly the whole amount would be swallowed up by the expense of collection. It appeared, that about £700 had already been collected during the past year; and he believed that a very large portion of that sum had been swallowed up in collecting it. He thought that all the circumstances attending the measure, would combine to put it out of the power of the government to enforce the collection. As to the legality of the measure, that was another question; but he (Mr. P.) should be for bringing all these matters fully and fairly under the notice of the government at home, at once.

(*To be continued.*)

Friday, February 22.

The Bill for encouraging the Arts and Sciences in this Province, by authorising the issue of Letters Patent, for the protection of useful inventions, was committed:—Mr. Taylor in the Chair.

Mr. Kinnear stated, that the object of the bill was to encourage native genius, and to promote the advancement of the Arts and Sciences in this Province, by authorising the issue of letters patent to persons making any new or useful inventions or important improvements in mechanics or manufactures, which would secure to the inventors, for a certain period, the sole right to such inventions, and to the emoluments to be derived therefrom; by which means they would in some measure be rewarded for their exertions. The hon. member contended for the benefits the bill would cause, by encouraging talent and genius in the Province, and referred, in support of his arguments, to the well known and general practice of other countries.

Mr. Partelow, Mr. Speaker, Mr. Slason and Mr. Wyer opposed the bill, chiefly on the grounds, that the country was by far too young for such an enactment; that there was not a sufficient field here, even if patents were allowed, to remunerate inventors for their ingenuity; and that, therefore, such persons, if they discovered any new invention or improvement, would most probably carry it to some other and older country, where they would have a better chance of reward.

Messrs. Kinnear, Chandler, End, S. Humbert, Simonds and Weldon supported the bill; and contended that the country was not too new for such a measure, and that it would be very conducive to its welfare to give every encouragement to men of genius and talent and to the improvement of the arts.

Mr. Partelow, to determine the matter, as it was very late in the day, moved the postponement of the bill for three months; upon which motion the Committee divided equally; ten on each side; whereupon the Chairman decided against the motion. The bill was then proceeded with, section by section; but after the first section was read, the contest began again; and after a very desultory warfare, in which a number of various motions were proposed, it was finally resolved, to report progress and ask leave to sit again.

Saturday, February 23.

TAVERN BILL.

Mr. Kinnear's Bill for the regulation of Tavern and Retail Licences, and for the prevention of drunkenness, was committed.—Mr. Chandler in the chair.

Mr. Kinnear stated the objects of the Bill, which were, to regulate and limit the number of tavern and retail licenses in the City and County of St. John, and to make provisions for the prevention of drunkenness. With respect to the city of St. John, the objects of the bill could not now be effected, because the Corporation had petitioned the House, and protested against any interference with their chartered privileges. Those privileges could not be interfered with, without their consent; and therefore, those parts of the bill, relative to the city, must be struck out. But, with respect to the county, the bill might still be enacted; and it was intended to give the Justices of the Peace for the county the power to restrain and limit the number of licences; by which regulation, they would be enabled to select such respectable and responsible persons, as would greatly alter the nature of taverns, &c. and raise their character for respectability and order. As to that part of the bill intended for the prevention of drunkenness; it was found, that under the existing tavern law, it was very difficult to enforce its penalties against offenders; because it gave no power to keep persons, found in a state of intoxication, in custody till their names could be discovered, and they could not be convicted of the offence without a name. The simple object, therefore, of that part of the bill, was to give Magistrates a power of detaining drunken persons in custody, till they could regain their senses, and their names could be discovered. The hon. member proceeded to remark, at some length, and in forcible terms, the demoralizing influence of intemperance, and on the necessity of putting every possible check to its progress; to which end, he thought that the limiting of the number of licences would conduce, by lessening the amount of temptation in the way of persons given to intemperate habits, and also that raising the price of licences would have the useful effect of rendering more respectable and orderly the places where liquors were sold. The hon. member also expressed his deep regret that the bill could not be extended to the city as well as the county of St. John; but thought at all events, it was the duty of the Committee to make the attempt, by way of experiment, in the county, with the hope of leading the way to a more general adoption of the principles of the bill.

Mr. Partelow said, that as the hon. mover of the bill had abandoned it so far as it related to the city of St. John, he should move that such parts of it should be struck out. With respect to the county, he thought the present general law, which had been introduced by Mr. Simonds in 1831, was amply sufficient for all the purposes required. That act gave Magistrates a special power to licence so many and such persons as in their discretion they should think fit; and also to regulate the price of licences, not exceeding £10. He Mr. P. therefore thought, that by demanding £10 for each licence, Magistrates would effect all that this bill contemplated. During the last year, a great reform in the number of licensed houses had taken place in the city of St. John; as they had been reduced from 220 to 120; and the county magistrates might follow the same example. But he, Mr. P. would be against any attempt to select the county of St. John, for the purpose of making new experiments.

Mr. Clinch thought it hardly worth while to make a new law merely for one county. It seemed merely intended for the sake of experiment; but perhaps, like Mr. Owen's celebrated establishment on the banks of the Mississippi, called *New Harmony*, it might be no harm to try it for a few years, to see how it would act. Still, however, he thought the present law sufficient to effect all the objects intended by this bill. Legislative enactments would never put down intemperance. To do that, human nature and the custom of the country must be first altered. Temperance Societies and the force of example might do much good; and he thought them the most legitimate and effectual means to be employed. He thought the present law went quite far enough in its enactments, and the county of St. John, like the rest of the Province, should be confined to it.

Mr. Allen, after remarking on the objects of the bill, said, that he had travelled very much of late, and he thought the people of this province in general had become much more temperate than they formerly were. He was also of opinion, that the committee had a right to presume, that the people of the county of St. John were quite as temperate as the rest of province; and therefore, he thought, they had better get rid of this bill altogether, because the main object of it, referring to the City of St. John, would be lost at any rate. Instead of bringing in such a bill as this, he tho't, if there was a necessity for any further enactment, it must be a bill to give greater energy to the magistrates in the county of St. John; because the present law gave them sufficient powers with respect to licenses, and the vagrant act also contained sufficient authority for committing drunken and disorderly persons.—In support of his observations respecting the general improvement in temperance, the hon. member stated, that there were many excellent houses of entertainment for travellers, and some of the best in the province, where no ardent spirits at all were sold, nor any license taken out.

Mr. Simonds strongly supported the bill.—He thought it very extraordinary that the Corporation of the City of Saint John should have petitioned against it; because he well knew that all those Members of the Corporation who were unconnected with tavern keepers were decidedly favorable to it. It was very true, that the City tavern keepers had a great voice and interest in the election of the City Magistrates; and though he (Mr. S.) hoped that had had no effect in causing such a petition to be got up, yet it certainly did look rather suspicious.—At all events, it was a great misfortune that the Corporation had petitioned against a restriction of the number of licences; because he believed the number now, even under the present restricting law, was about equal to one for every seventy souls, reckoning men, women, and children; and surely such a proportion could never be requisite in any place. But if nothing could be done in the City, at least some good might be effected in the County. Country taverns had in many instances been extremely pernicious, and almost destructive to the morals and welfare of whole settlements. On the old Quaco road for instance, the effects had become so demoralizing, that at last one tavern-keeper was so convinced of the fact, that from conscientious motives, he refused to continue taking out a license; and he (Mr. S.) was informed that another tavern-keeper near Loch Lomond had acted in a similar manner. Those facts proved the necessity of restricting the number of licences, and preventing the existence of taverns altogether in such places. At present every two or three miles of the road had a licensed tavern on it; which induced the poor settlers to spend their little pittance of money, and to ruin their health and welfare by tippling. Houses of entertainment for the accommodation of travellers need not be licensed taverns: the traveller wanted a good meal and a comfortable bed, but could not necessarily require rum. He (Mr. S.) was well convinced, that the number of licensed taverns in the county of St. John would never have been so great, had it not been for the great number in the City. He was glad, however, to see the disposition that had been manifested last year by the Common Council to restrict them; that body was at present a very respectable one, and had exercised much discretion; but the continuance of that restraint could not be answered for during the present year, because a new election of Magistrates would soon take place.—The hon. member then commented strongly on the great number of taverns and grog shops at York Point in St. John, and of the consequent temptation of the people of Portland to go there and get drunk; and stated that the county poor house was filled with paupers, many of whom had made themselves so by habits of drunkenness. The hon. member also contended for the necessity of reducing the number of licenses, so as to enable the magistrates the more effectually to grant them only to respectable and orderly persons; which would be a great aid to the efforts of temperance societies, the beneficial effects of which were already so apparent. He hoped, therefore, there would be no opposition to the bill, as far as it applied to the County of St. John; and it would afford him great pleasure, if it could be extended to other parts of the Province.

Mr. End said that it appeared the petition in favour of this bill was signed by six Clergymen of various denominations, twelve Magistrates, and two distinct Grand Juries. He knew many of the names on the list; and well knew that many of the signers were justly celebrated for their goodness of heart, morality and virtue; and as he did not know much of the Corporation of the City, he was rather surprised to find that this petition was at issue with one signed by the Mayor and Corporation, and dignified with the common seal of the city. This was rather strange; but it had been accounted for by the hon. member who had just sat down; from whose statements it would appear, that the collision was not the fault of the Mayor, but of the Corporation, who were annually elected officers. There was another petition, too, against the bill, signed by the tavern-keepers; and really it did appear, from the signatures, as if the signers were a little disguised in liquor.—He (Mr. E.) thought that the Committee ought, as far as possible, to comply with the prayer of the petition; as it was signed by so many excellent clergymen and highly respectable individuals.—This experimental bill had been compared to the madness of the famous Mr. Owen of Lanark; but he (Mr. E.) was sorry to hear his name mentioned in connection with any thing in a Christian country. If the act of these pious and excellent persons was to be compared with the ravings of that deistical madman, where were honorable members got to in their arguments?—The hon. member then proceeded to support the bill, and the arguments of Messrs. Kinnear and Simonds.

Mr. S. Humbert very rapidly followed on the same side; and at considerable length contended for the bill, and commented on the evils of intemperance.

Mr. Partelow replied to the observations of the preceding speakers, by complaining that they had most undeservedly abused the Corporation of the City; and he would therefore state, without fear of contradiction, that that abuse was totally unmerited. With respect to the influence of tavern keepers on the Common Council; he would only say, that hon. members would be astonished to hear, that that influence had last year been exercised in electing a majority of the Common Council from members of the Temperance Society, and other decidedly temperate men; and therefore with respect to the present Common Council, what had been alleged was a mere libel upon them. The hon. member concluded with a few further observations in support of the opinions he had already expressed, respecting the bill.

Mr. Simonds and Mr. End replied; after which Mr. Slason made a few observations; but we could hear so little of what the hon. member said, that we really could not decide to which side of the question his arguments tended.

Mr. Weldon commented on the evils of intemperance, and expressed himself friendly to any effectual measures for the suppression of that vice; but could not support the present bill, because he thought the present law amply sufficient for all the requisite purposes; because a proper discretionary power was already vested in Magistrates, and this bill could only give a similar discretion.

Mr. Allen briefly supported his former views; and Mr. Simonds replied to Mr. Weldon.

Mr. Speaker gave the bill his most unqualified support, and regretted exceedingly that it did not go so far as at first intended. The hon. Speaker thought the fact, that the Common Council, who had petitioned against it, were so connected with tavern-keepers and indebted to them for their influence at elections, was a very sufficient argument in favor of the bill; and that therefore the Committee ought to do every thing in their power to assist such magistrates as really desired to aid the cause of temperance.

Mr. Partelow said that County tavern-keepers had no voice whatever in the election of Common Council; which privilege was confined to resident freemen of the City.

Mr. Kinnear, in reply to the opposers of the Bill, at some length advocated the cause of temperance, and contended that if every thing that was to be desired could not be accomplished at once, as much as possible should be done; and that, although Temperance Societies and private example could do much, yet that it ought to come from that House, as from a common centre, from the focus of the Province, that they were determined, as much as possible, to put down intemperance; and that this bill, if passed, would partly shew that determination.

Mr. Weldon, in reply to Mr. Kinnear, insisted that not only were sixty taverns in a County unnecessary, but neither thirty, nor twenty, nor ten were necessary; even one was unnecessary; and therefore if the House legislated at all on the subject, they should go to the utmost extent, and put them down utterly. But as that could never be done till private example and other means had sufficiently altered public opinion and habits, some discretion in licensing must necessarily be allowed to Magistrates; and that in that respect, the present tavern law was all that was necessary or that could be practically enforced.

Mr. Vail said, that after all that had been heard on the subject, he was satisfied that the bill would not effect the object intended by the hon. mover. The hon. member also contended that legislation would not effect the desired end; but that Temperance Societies and example alone could do it; and those causes had already so far operated, that many houses of entertainment on public roads had now ceased to take out tavern licenses, because they could not sell liquors enough to pay the expense.—To try the question, however, the hon. member moved that the Bill be postponed for three months.

Mr. Hayward opposed the motion, and supported the bill.

Mr. Ward made a few observations, but in so low a tone, that we could scarcely gather a single sentence perfectly. The hon. member, as far as we could hear, appeared to support the Bill.

Mr. Scott supported Mr. Vail's motion.

Mr. Brown spoke in favour of the Bill, and Mr. Clinch replied, on the opposite side.

On the question for postponement, the Committee divided; *Yeas* 7, *Nays* 14; and the motion was therefore negatived.

Some desultory discussion afterwards arose, as to filling up the blanks; which, however, was accomplished according to the original intention of the hon. mover; and the sections, &c. relating to the *City* of St. John having been erased, the bill was agreed to, as amended.

CROWN LAND SYSTEM.

Gloucester Petition.—Mr. Simonds brought in a Petition from the County of Gloucester, praying for a *redress of grievances*. The hon. member said, that this was a highly important and respectable petition; it being signed by a great many magistrates and a very large number of the most influential inhabitants of that county, amounting in all to 1552 persons. The petition, indeed, was signed, almost to a man, by every respectable inhabitant of the county; and its object was, to complain of the operation of the present Crown Land System, and to pray the House to take effectual measures, to procure a redress of the grievances existing in that county. He (Mr. S.) felt himself very much flattered by being selected to present this petition; though he could not say why it had not been presented by the hon. member for Gloucester himself. By the petition, it appeared, that certain measures adopted by the Crown Land Office had excited great agitation and alarm throughout the whole county; and it therefore behoved the House to take effectual measures to inquire into the facts, and to procure redress. The petitions lately sent into that House, proved that the people were generally dissatisfied, throughout the whole Province; and if some real grievances did not exist, a whole county would not have petitioned, as in this instance. A Committee of Grievances had now been raised by the House; and although the time was now elapsed, for presenting petitions this session, yet he (Mr. S.) hoped the House would receive this, and allow it to be referred to that Committee; as it was a public and important matter, and the sole cause of its delay had been the badness of the travelling of late.—[The hon. member then, by leave, read the petition, which, in itself, was very brief; but the vast number of signatures occupied so many skins of parchment, that it appeared to be, altogether, about *seven feet long and three feet broad*.] The hon. member then observed, that it was brief, but sufficiently expressive; and if more had been written, it could not have been more to the point, so complete was its language; and if a judgment might be formed from the signatures, the petitioners must be a very intelligent and respectable body of men; and it could not, therefore, be doubted, that there must be some very serious grievances existing in their county. The hon. member then moved, that the petition be received, and referred to the Committee of Grievances.

Mr. End seconded the motion, and said, that the House would recollect, that on the last hour of the 20th instant, which was the last day for receiving petitions, he (Mr. E.) had got up in his place, and mentioned that this petition was coming, and that he hoped there would be no objection to receiving it on its arrival.—The hon. member from St. John had said, he thought himself much flattered in being selected to present it; but that hon. member need not feel flattered; because, if it had not been known in the county of Gloucester, that that hon. member was Chairman of the Committee of Grievances, he would not have been so selected. But it had been thought proper that the Chairman of that Committee should introduce the petition; and it certainly was a proper course of procedure. He (Mr. E.) had not attended the meeting at which the petition was resolved on; but he had signed the requisition to the Sheriff to convene that meeting, because he wished that every thing should have a fair discussion; and he was highly pleased to find, that there really was a definite, specific statement before the House, respecting the Crown Land Office; and that they would no longer proceed on mere general charges.—He repeated, that he believed it was merely because the hon. member from St. John was Chairman of the Committee of Grievances, that the petition had been entrusted to him; and not from any want of confidence in himself, (Mr E.); for he believed his constituents had as much confidence in him as in any man in the country. He had been opposed by only one person in his election; and he felt proud in saying that he had had a majority of 120 votes; for which he felt very grateful to his constituents.—The hon. member admired the brevity of the petition; and hoped that now all the grievances of the people would be redressed. But, as he had said on a former day, he did not think there was so much tumult, or so much distrust of the present Executive, among the people, as some alleged; and he would state, as an individual, that whenever he had been called upon to state any well grounded complaint against any public office, to the present Executive, he had invariably obtained attention and redress. He (Mr. E.) had been assailed by the public press, for the expression of his sentiments; but that was no matter: he knew that he could prove the correctness of all that he had said; and he felt that he was not alone in his sentiments; because the majority that had cried out "tumult, tumult," was very small indeed.

The petition was received, and referred to the Committee of Grievances.

MILITIA.

The Militia-law amendment Bill was recommitted, for the purpose of bringing in some amendments, to suit the views of the Committee. A long and discursive kind of reiterative discussion took place on the various amendments; but so very desultory, and so much like the firing of a militia regiment, that it is impossible to give a detailed report.

The nature of the principal amendments brought in by Mr. Weldon, appeared to be, (instead of suspending the whole Militia law, as proposed by the original bill,) to retain only one instead of three days muster; to render unnecessary the services of Sergeant-Majors, and therefore to abolish their pay; to reduce the services and pay of the Adjutants, and to *repeal* the section requiring *exempts* to pay a fine for exemption.

The opponents of the amendments were desirous of passing the original bill, which contemplated a suspension of nearly the whole Militia law, including the services of the Inspecting Field Officers; as they protested against any half measures, and demanded "the bill, the whole bill, and nothing but the bill."

The supporters of the amendments proceeded on the principle, that the original bill would infallibly fail in another quarter; and that therefore it was better to do things by degrees, rather than lose all by attempting too much, as a partial gain was better than none; and with respect to the Inspecting Field Officers, it was urged, that the law provided only for their appointment, and not for any remuneration; and that, therefore, that question might be argued in Committee of Supply.

The principal advocates for the *whole* or *original bill*, were Messrs. J. Humbert, Simonds, Slason, S. Humbert and Miles.—The chief supporters of the amendments were Mr. Speaker, Messrs. Chandler, Weldon, Vail, Partelow, Taylor, and Wyer.

On the question on the amendment, which went to repeal the 6th and 15th sections of the old Militia law, the *54th section*, (relative to Inspecting Field Officers,) was inserted in the repealing clause by the hon. mover, at the suggestion of Mr. Simonds; when Mr. Speaker moved, that the words "fifty-fourth," be struck out of the amendment; which motion was carried, 10 to 9; and the original amendment then also carried, 11 to 8.

On another amendment being put, allowing a remuneration to Adjutants, the Committee divided on the question, which was carried, 11 to 9.

Yeas.—Mr. Speaker, Messrs. End, Clinch, Brown, Wyer, Partelow, Barlow, Vail, Chandler, Smith, Weldon. *Nays*—Messrs. Kinnear, Simonds, Miles, S. Humbert, Taylor, Hayward, J. Humbert, Ward, Slason.

Mr. Brown then moved that the blank be filled up with the words "Three Pounds;" which motion was negatived.

Mr. Weldon moved that "£5," be inserted, which was resolved.

Two other amendments, respectively fixing the price for *aliens* at 10s., and relieving *exempts* from all fine, were carried, and the bill agreed to, as amended.

FROM THE JOURNALS.

Thursday, February 21.

Mr. Speaker laid before the House a Letter from His Majesty's Attorney General, to His Excellency the Lieutenant-Governor, under the date of the 23d January last, upon the subject of Quit Rents on Lands granted in the Province of New-Brunswick, up to the 31st December, 1831; and which are as follow:—

Fredericton, 13th January, 1833.

May it please your Excellency,—

The determination of His Majesty's Government to call on the different Grantees of Land in the Province, to pay Quit Rents by their several and respective Patents, made due and payable to His Majesty, having (principally through the instrumentality of certain anonymous newspaper publications,) created a considerable degree of excitement in the minds of many of the said grantees, induces me to refer Your Excellency to the measures which were adopted in the former Colony, (now state of New-York,) previous to the controversy which terminated in the separation of the Colonies from the Mother Country, from whence your Excellency will perceive, that Rents of precisely the same nature, were, in that Colony, reserved and made payable to the King, and that those Rents were regularly demanded and paid; and, I am informed, so much were those Rents considered by the people, as the legal right of the Crown, that, after the State Government succeeded to the Colonial Administration, all arrears, which had arisen and become due, during the long protracted conflict, were demanded by the State Authorities, and payment thereof enforced.

Your Excellency will perceive by reference to the Journals of the General Assembly, of that period, and the Provincial Statute Book of that Colony, that some inconvenience attended the collection of those Rents, which were remedied thro' the intervention of the General Assembly.

In the Journals of that Assembly will be found, the following Message to the House, from the then Governor, James Delancy, Esq. to wit:—

"Message from His Honor the Lieutenant-Governor, by Mr. Bangor, the Deputy Secretary, which being read, is in words following, viz:—

"His Majesty's Receiver General hath delivered a Memorial to me, setting forth the difficulties which render it impossible for him to receive the Quit Rents regularly and duly, as they ought to be, without the aid of a Law for that purpose:—I send you a copy of the Memorial, as it points out a method, which, I think, will be *of benefit to His Majesty*, and a *great ease to the subject, in the collection* of those Rents for the future, by *freeing them from the heavy expence* that might *otherwise attend the recovery of them*, and I shall readily give my assent to a Bill of this nature, and have no doubt you will put it in my power to do so, as the obliging all persons to pay their arrears and discharge their rents, as they become due, must compel those who hold large tracts of uncultivated Land, to a speedy settlement.

"JAMES DELANCY.

"New-York, October 29th, 1754."

"And then the copy of the Memorial, mentioned in His Honor's Message being also read, "Ordered, that his Majesty's Receiver General have leave to bring in a Bill, agreeably to the said Memorial."

On reference to the Statute Book of that Colony in the year 1762, will be found "An Act for the more effectual collecting of His Majesty's Quit Rents in the Colony of New-York, and for Partition of Land in order thereto." The preamble of which recites—

"Whereas there are many large tracts of land in this Colony, (some of which do not mention the number of acres they contain) which since the granting, *have been subdivided into many shares, and one entire rent reserved* on the whole, so that H. M's. Receiver General cannot know what rent to demand or receive from the respective owners; and other tracts of Land within this Colony are held by persons residing out of the Colony, and no settlement being made upon the Land, no distress can be made for the Quit Rent reserved, and in arrear, which render it impossible to collect and receive His Majesty's Quit Rent in the Colony, regularly and duly as they ought to be; For remedy whereof, in future, &c."

The Act then goes on to provide for the appointment of assessors to apportion the proportions of rent to be paid by each individual in a large and general grant, and collectors to whom the lists of apportionment of such assessors shall be delivered; which collectors are authorised to demand and receive the same, in like manner as other county rates, paying the proceeds to the Receiver General or his Deputy.

It further provides, that when one of a number of grantees shall pay to such Collector the quota or proportion of any co-grantee, being a defaulter, such person so paying the whole, shall, by a summary process therein provided, recover the same from the said co-grantee, and that tenants paying the Quit Rent of defaulters, their landlords shall be allowed to deduct the same from the rent payable by such tenant to his said landlord.

A number of other provisions are contained in the said Act to meet other difficulties and contingencies, which by the ordinary and prerogative remedy, cannot well be obviated.

This Act, while on the one hand it greatly facilitates the collection of the Rent, its main object was intended, and operated greatly in ease of the subject; in the first place by enabling him to pay his rent at his own door, to the collector appointed to receive the same; and also provided the means for one of a number of grantees, where, by law, one would be liable for the whole, to pay his individual proportion, and thereby obtain his discharge.

For instance, in the case of the grant to the late Mr. Desbarres, in the County of Westmorland, there are at present, probably an hundred or more persons owning or occupying different parts or parcels of the land, of which the general quit rent of two shillings for every hundred acres is reserved; and therefore it is next to an impossibility for His Majesty's Receiver General to ascertain and find out the part or proportion of rent payable by each of those individuals, consequently, the whole grant must be liable to forfeiture, on the failure of any one of those individuals to make payment; or in case of the Crown adopting the remedy by distress, the property of any one individual is liable to be taken for the whole rent payable on the grant; and such person may be compelled to have recourse to a suit in Chancery, to obtain repayment from the ninety-nine co-occupiers: In addition to which, the only secure remedy which the King has, if proceedings are adopted against the land, is by *Inquest of Office*, which in the event, if the rent shall be found in arrear, subjects the whole grant to forfeiture; consequently, even supposing the Crown to exercise the utmost lenity, must necessarily lead to a very great expence, ultimately to be paid by the owner of the land before it can be restored to him.

Under this view of the question, I should suppose, that provided the Members of the House of Assembly, shortly to be assembled, be properly impressed with its importance, and the great, very great relief, which will be afforded to their constituents, as well as accommodation to the Government, by relieving it from the necessity of adopting coercive measures to collect the King's due,—(*Dues* necessary for the support of the civil establishment of the Colony) that body will cheerfully lend a helping hand to effect that desirable object.

It would, I humbly conceive, be a most desirable thing for the Province, if, by some arrangement to be entered into, the General Assembly could be induced to take the Quit Rents to themselves, appropriating an annual sum to the Crown in lieu thereof, which was once offered to them, I understand, for fifteen hundred pounds. If an arrangement of that nature could be carried in effect, the Quit Rents, in each individual County, might be appropriated to improve the bye-roads in place of the annual grant at present usually voted, the result of which would be, that the rent would not only be more cheerfully paid, but it would also be a means of compelling absent proprietors and owners of large tracts of wilderness land in each County, to contribute their just proportion towards making the public roads, on, through, and over the said wilderness land, from which, at present, they are wholly exempt; and neither the Crown nor the Country are benefitted—the settlement of the province in reality retarded, and the inhabitants, residing near the same, greatly inconvenienced.

I have the honor to be,
Your Excellency's most obdt. servant,
CHARLES J. PETERS, Atty. Gen.

[Here follows an estimate of Quit Rents on Lands granted in the Province of New-Brunswick, up to the 31st December, 1831—a correct copy of which we published last week.]

The Petition of James Taylor, Senior, Esquire, and others, Inhabitants of the Town of Fredericton—presented to the Honorable the House of Assembly, on Thursday, the 14th of February, 1833.

To the Honorable the House of Assembly, in Legislative capacity assembled.

The Petition of the undersigned Magistrates and Inhabitants of the Town of Fredericton, in the County of York and Province of New-Brunswick,—Most Humbly Sheweth:

That at the orginal survey and grant of the Town Plat of Fredericton, a Tract of Land lying in front thereof between that and the river, was *reserved for a Town Common* and *other Public uses* as will more clearly appear from the following extract from the grant to Cornelius Ackerman and others, bearing date the 7th day of March, 1788. "The Tract of Land lying in front of the above described Tract, (viz. the Town Plat of Fredericton,) between it and the Westerly bank or shore of the river Saint John, being *reserved for a Town Common and other Public uses*, except two Lots of two roods each to cover the improvements of William Garden and Richard Armstrong, Esquires, and two Blocks allotted for Barracks and other military uses; all the lines and numbers of the above described lots and blocks, together with the lines of the above-mentioned common Parish Reserves and military blocks, are expressed and described in the plan which hereunto is annexed," (viz. annexed to the said Grant.)

That the said Tract of Land remained and was used as a Public Common until the year 1826; when at a meeting of the Governor and His Majesty's Council, held on the third day of January in that year, the following order was passed,—"A number of Petitions having been presented for Lots in front of the Town Plat of Fredericton, and the Lands so applied for having been reserved for public uses:—

"Ordered, That the Minute of Council of the 29th November last to Robert Rankin & Co. be rescinded, and that the land in question be laid out in lots, and offered for sale at public Auction,—the Purchase Money arising therefrom to be appropriated to such public uses as this Board may direct; and that the grants for the Lots pass to the purchasers, upon condition that a good Building either of stone or brick, and covered with slate or tin, or other incombustible substance, be erected upon each lot within 2 years after the purchase." In conformity with which order a large portion of the said Tracts, so reserved for a "Town Common and other Public uses," within the said Town of Fredericton was sold, and Grants have passed to the purchasers, containing a declaration that "the money arising from the sale of the said Lands should be applied for the uses of the said Town, in erecting a public School House and making various other erections and improvements." That a part of the purchase money arising from the said sale has been paid in and expended in the said Town, agreeably to the spirit and intention of the aforementioned Order in Council, and the declaration of Sir Howard Douglas, the then Lieutenant-Governor.

That upwards of Five Hundred Pounds of the said purchase money has been paid into the King's Casual revenue, and that a considerable sum still remains due and unpaid by the purchasers, which your petitioners are informed is also ordered to be paid into the King's Casual Revenue.

Your Petitioners have been informed that His Majesty's late Attorney General, Mr. Wetmore, was of opinion, that the legality of granting the lands in queston was very questionable,—they having been expressly reserved under the great Seal for a particular purpose, and that it could only be justified by the money arising from the sale being applied to Public uses, within the town of Fredericton.

Your Petitioners beg leave to inform your Honorable House, that whilst, in almost every other County in the Province, there are Grants of Land which produce, in some instances, large Revenues, the Magistrates of the County of York are not in possession of any Real Estate, yielding them a single farthing, and, consequently, they have not the means of making improvements which are absolutely necessary, not only for the comfort and convenience, but also the health of the Inhabitants of the said Town; among which your Petitioners would notice, that the Streets and Public Drains call for particular attention. The only source from which they can be repaired is the Statute Labour, and this is found very inadequate to the purpose, and they know of no object the money arising from the sale of the said lands could be better appropriated, than to that of improving the streets.

Under all these circumstances, your Petitioners feel convinced that your honorable House will at once see the great hardship of the Inhabitants of the said town being deprived of the benefit of a reservation, expressly made to them in the Royal Grant, and they therefore pray your honorable House to take the premises into consideration, and adopt such measures, as to your wisdom may seem meet, for securing to your petitioners the benefits arising from the reservation so made to them as aforesaid. And as in duty bound will ever pray.

I certify this to be a true copy of the Petition presented to the House of Assembly.

CHARLES P. WETMORE, Clerk.

COMMUNICATIONS.

[For the Courier.]

THE TRIUMPH OF INTRIGUE.

SCENES FROM ACT 2D.

Wily Oh' Deil (solus, sitting on a bench before the fire with his arms folded.)

"There is a tide in the affairs of men," and our adventurous Bark has fortunately gained it—Time, tide, and circumstance unite to favour us and carry us on to affluence and honour—No treacherous tongue has been a leaky spigot to our secret workings, for even the Squire himself does not suspect us—He shall be the Automaton of our game, and I will be his moving principal. If "Flattery cannot sooth the cold dull ear of death," it can beguile the judgment and the vision, and give a silken surface to the toil, with which it cautiously ensnares its victim. The Squire is for us—and GUDERIDGE the master's confidential servant is our man—The *arm chair* is our object, for it is pleasanter to command, than to obey—The Domestics and Tenantry have a jealous bearing; but they are ignorant of the secret movements of the machine, (*hears a tapping at the door.*) Come in—come in—(*Tommy raises the latchet and enters.*) Good morning to you Tommy—I have been patiently awaiting you—the finger of the Dial moves slowly when we watch it.

Tommy. A watched pot is long in boiling—Good morning, good morning, Oh' Deil,—I hope the family are well—

Wily Oh' Deil. All well, all well—The deal is in our favour, Tommy—

Tommy. Like Sawney, he's clannish, Wily, and loves his namesake—

Wily Oh' Deil. No punning, man, no punning, the cards I mean play well—the Squire has issued his order that all communications upon business must be examined by me before he is troubled with them—

Tommy.—Good—We'll save him all the trouble we can—remembering at the same time that Charity begins at Home. Do you know old Jonas Barrington, who tells us of a man who cut his own head off by mistake?

Wily Oh' Deil.—Here is a copy of the order, it is very like the order of another great man on a similar occasion (*he reads the order*) "*February 14th,* 1831. *Persons having communications to make to his Worship the Squire, upon Estate Business, and all persons having* OFFICIAL APPLICATIONS *to make on their own* PERSONAL *account, will please to take notice, that* ALL *papers relating thereto are in future to be transmitted to the office" of the Book-keeper, in order to their being submitted,* IN DUE COURSE, *for the Squire's consideration!!!*"

Tommy.—Solon was a goose compared to you.

Wily Oh' Deil. Felicity, Dad, and Nodad are dismissed.

Tommy. '*Suaviter in modo, fortiter in re,*' as we say in Irish.

Wily Oh' Deil. Vacancies are thus made for other domestics, and we must recommend our friends.

Tommy. Bonaparte himself, when stretched upon the snows of Russia, could not have traced his future movements with greater generalship.

Wily Oh' Deil. Your influence with *Guderidge*, who seems to be an easy kind of a KNOW-NOTHING, has obtained an alteration in the family arrangement, and FIVE of us are to be set apart as private Executers of the Estate.

Tommy. I know it.

Wily Oh' Deil. You must take the lead—DILWORTH, the cyphering master, will follow you—I will be third on the roll—our worthy friend RUE will be fourth, and the man in the moon may be whipper-in if he chooses, for it will be strange if *three* in the *Quintette* cannot turn the balance in their favour, when they throw their interest and influence in the scale. But as Johnny is a watch dog to the domestics, we must throw him a crust to stop his barking, therefore we will persuade the Squire to appoint his son as one of us—he can do us no harm, and we shall take care to do ourselves all the good we wish.

Tommy. If your *sleight* of hand, had been equal to your *sleight* of tongue, you would have made a glorious *Fugelman* to the marching *Regiment* in which I had the honor to serve as lance-Corporal, during a bloodless campaign in barracks.

Wily Oh' Deil. Now, Tommy, matters appear prosperous above stairs, we must manage the gentry *below*. They look lank and lean, like Shakspeare's apothecary, and their tongues loll out of their mouth, like bloodhounds in a chase.

Tommy. It would be well, if some of them were *lock-jawed*—for their tongues are longer than their wits, they would bear *docking*, like a lawyer's brief. But I understand you—a dinner—a bottle—a gloveless hand—and my dear fellow, how are you? I take. *Dictum factum.* I'll *bobtail* their broad-cloth; and their *felt* shall be unfelt upon their *cocoa-nuts*. I must away—you will dine with me to-morrow, Oh' Deil, I'll poach the Estate for a turkey—and some "*Mountain Dew*" shall moisten our *earthen vessels*. Good morning, I'll meet you this evening, and we will complete our plan.

SCENE—*in Tommy's house.*—(Enter *Longneck, Last,* and *Bob.*)

Tommy. My dear LONGNECK, how are you? I am happy to see you—and you, my friend BOB—I say, BOB, I intend to appoint you Deputy Auctioneer at *Quo-qua-quo*—what say you my boy.—Hah! LAST, give me your hand, tho' *last* not least. How are you all?—Not a word my boys? "*Vox faucibus haesit.*" Has the frost *icicled* your tongues, that they cannot wag? or is your clay as dry as the deserts of Arabia? Come—let me water it with a *Dew*, which forty-two below zero cannot congeal—your noses are bluer than *Gaffer Gray's*.—Set down—set down, and I'll send a workman to the machinery of your tongues, that will loosen the strings of them.—(*Gets a big-bellied bottle and four glasses.*)

Omnes. Good morning—good morning—good morning, Mr. Tommy.

Tommy. Come, help yourselves, gentlemen—(*fills*)—here's to you all, my boys, and forty-two below zero for the tongues of our enemies, without any *Dew forte* to thaw them—(*drinks.*) If my mother had given me such milk as this, I would have protested against weaning. Help yourselves, gentlemen; "*Drink, drinkin,*" as the Bavarians said, is the cure for every evil.

Longneck. Your health, Mr. Tommy.—(*drinks.*)—This *is* the milk of human kindness; I feel it already warming me all over.

Bob. (aside—*a Deputy Auctioneer at Quo-qua-quo, what will all the Grundies say?! Bob, a Deputy Auctioneer—he, he, he!*) (*rises and fills his glass.*) My dear Mr. Tommy, [*aside—a deputy auctioneer,*] I mean, my dear Mr. Tommy, your health; (*takes the fore-finger of his right hand, screws it into his left cheek, and draws out a quid; wipes it with his handkerchief—puts it into his waistcoat pocket—spits on the floor, and then drinks.*) I thank you for the important employ, and I'll sell (*Tommy aside—you may, if you can get any thing to sell,*) the coat off my back to do you a service.

Tommy. Thank you, my dear Bob, I know your worth and honesty, (*aside, will never be hazarded by the appointment.*) and I have long thought that your part of the Estate required an auctioneer; command me, my dear fellow, whenever I can do any thing for our *mutual* benefit.

Last. (*fills.*) Mr. Tommy, I shall always be happy to be *retained* in your *cause*; your good health,—gentlemen of the jury, as the lawyers say, my service to you; (*drinks, twists his mouth, and rubs his hand across his stomach.*) Excellent tipple, Mr. Tommy; I have heard of the spirit of the *Press*, but that is a *lying spirit*, give me the spirit of the "*Mountain Dew,*" and the *Press*, which the harder it presses down, the more it elevates and sublimates, the wine press, Tommy; and the *press* of a friend to taste the "balmy *dew* drops of the mountain."

Longneck. A stranger would suppose you were a lawyer, *Last*, you give a hint with so much modesty.

Tommy. Fill again, gentlemen, fill again—the day is cold; repeat the dose, as the doctors say, till it operates; the day is cold, and an *icicle* in the stomach might prove more dangerous than the sword of an *Indian juggler*. [*They all fill again, drink, wipe their mouths, smack their lips, rub their hands, spit in the chimney corner, and set before the fire.*] Be seated, my dear fellows, be seated,—what news, what's the word upon the Estate?

Longneck. Some grumbling, some grumbling, but after all, "all noise and no wool, like the proceeds of the shaving of a pig." There is that blathering fellow, *Charley*, with a tongue like a toad, and a *bill* like a woodpecker, boring *holes* in all the *stumps* upon the Estate, opening darkness to the daylight, and persuading the workmen, that auctions, auctioneers, auctioneering, and auctioneered is a *Department*, which *swallows up the whole*.

Last. A nice proposition, Longneck, we will puzzle them to demonstrate it by any of the problems of Euclid. Yes, Mr. Tommy, they talk about "*public fame,*" but you know *she is often* "*a public liar,*" save and except when she extols your praises and the virtue of your "Mountain Dew."

Longneck. What, hinting again, *Last?* one would suppose your stomach was a cullender; if your brain was as dry as your tongue, it would be a poor fountain for its relief in case of necessity.

Last. Be quiet, Longneck, I confess I am somewhat thirsty, by your leave, Mr. Tommy, and I'll take a little more. (*Drinks.*) I was up all night preparing a *speech* in favour of the Squire; and another for yourself, my dear Mr. Tommy; for fame has a thousand tongues, and it puzzles her to tell the truth with one of them. I'll silence the workmen, for I have got by heart "*the death of Cock Robin,*" and I'll confound them with my learning.

Bob. [*Sits looking stedfastly at the fire, rubs his hands, and repeats several times, loud enough to be heard*—Bob, a deputy Auctioneer; how the Grundies will GAPE!!!]—he, he, he!

Tommy. My dear friends, I thank you for your kindness; a friend in *need* is a friend in deed.

Omnes. We will stick by you, Mr. Tommy, we will stick by you through thick and thin. [*They rise and retire.*] Good morning, good morning, good morning.

Tommy. Stop my dear fellows, one word before you go. LITTLEJOE and a few friends dine with me to-morrow, you must join us; hark'ye *Last*, the "balmy drops of the mountain," the "*promoves obstando,*" the Press which does not depress, the spirit of the *Dew*, my boy.

Omnes. We shall obey, Mr. Tommy, always at your command. [*Exeunt.*]

Tommy solus.

All men are *soluble*, if you chance to hit upon their proper *solvent*. "*In vino veritas*"—there's truth in wine; but there is more in whisky, which traverses the system, with electric swiftness, thaws the coldness of our natures, and gives a *patent* speed to the stiffened movements of the tongue. If the warming influence of a noon-tide libation creates such benevolence of feeling in an hour, what may I not anticipate from the melting torrents of a Bacchanalian night! "*In vino veritas,*" says the votary of the Wine-Press; but "*Veritas in puteo,*" cries the scholiast.

"Truth, they say, lies in a well,
"The depth of which we cannot tell."

There let it lie. I will not lower my bucket for it: I would rather drink from the stream whose waters are lost in the ocean of forgetfulness. (*A knock at the door.*) Come in. (*Enter* Wily Oh'Deil.)

Wily Oh'Deil.—I thought, Tommy, that some cause might prevent your meeting me this evening, so I have called to conclude our arrangements.

Tommy.—Sit down, sit down, Oh' Deil, I am glad to see you. Longneck, Bob, and Last have been here: they are secured—the *Bell-wether* is *cosset-ed; Bob* is tickled with a straw; and *Last* is inspired with the "spirit of the mountain."—But proceed to business.

Wily Oh'Deil.—As I told you before, we have dispatched "*a la Bonaparte,*" the three assistant arbitrators, who were our principal stumbling blocks; the worthy Guderidge gave the Squire "*a wee bit discretionary power,*" to turn them off, whenever occasion required; so that they held their employ upon the tenure of a breath. These three being "*hors de combat,*" the next thing is, to get over the shoulders of *Billy* and *Geordie*—put spurs to your nag, my boy, and ride them down: they may writhe with the roughness of your charger's heels—but what more can they do? We must not, however, lose our influence among the domestics; therefore, we must have a "Guard of Observation" among them—yourself, Dilworth, and Johnny's son must have an open road to and from them; and this force, with the favourers of our cause, must give us strength.—*Littlejoe* is staunch for us; and when Dad's boy enters the service, he will be true game. I am afraid of *Dilworth's* brother; and *Allan* is still to be studied: but as this man is a sawyer, give him employ in the master's wood-yard. By the division of the Household, it gives you an opportunity of being first man to the Squire, which would have been too barefaced an elevation, if no alteration had taken place in the Establishment. The tenantry and domestics may wince; but when we get the Master's commission, they may take it out in wincing. The Squire is for us. When you want to hook your Superior, cover your *point* with flattery, assent to all he says, and you will ensure his consent to all you want. There are others among the tenantry who have a claim for employment and promotion in the Household; as, the two Law-talkers of the Master: but, thanks to *Guderidge*, the *Squire*, and our *worthy*