PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY,

Tuesday, March 12.

Resolved, that there be granted to the Mayor, Alderman, and Commonalty of the City of Saint John, the sum of £250, to be applied towards the erection and enlargement of buildings on Partridge Island, for sick and distressed Emigrants, this sum to be taken from the Emigrant fund.

In submitting the report on the abstract of the Receipts and Expenditures of the King's Casual Revenue in New-Brunswick, commencing 1st January and ending 31st December, 1832, (*see last week's Courier,*) the Committee accompanied it with the following remarks:—

"From the way in which this account is made up, it is impossible for your Committee to ascertain whether it be a correct one or not, as it is unaccompanied by any detail of receipts, either with regard to the quantity of timber, for which licenses have been issued, the number of acres of land sold, the quantity on which the Quit Rents have been paid, or any other particulars, indispensably necessary to enable them to make a proper report.

"Indeed, with the exception of obtaining information as to the way in which the large amount drawn has been applied in 1832, your Committee are of opinion that the House will be in as much obscurity as ever, with regard to the Revenue, after this report is submitted.

"Your Committee cannot avoid calling the attention of the House to the tremendous expenses attendant upon the Crown Land Department, the enormous salary of the Commissioner, and the large amount swallowed up in the collection and protection of this Revenue; and they are satisfied that, under proper management, an immense saving could be effected. They also call the attention of the House to the sum alleged to have been expended on the *Royal Road*, and, from the best information they can obtain, it is completed for only about 5 miles."

No. 3. Is an account of the Commissioner of Crown Lands for 1832, with the survey fund.

This account is without any particulars, is signed by Thomas Baillie, C. C. L. and S. G. It does not appear to have been audited, and many of the services stated to have been performed and paid for, were more properly chargeable upon the Revenue of 1831.

No. 4. Is a statement, shewing the established annual charges on the King's Casual Revenue in New Brunswick, to commence on the 1st January, 1833.

This account is dated, Auditor's Office, Fredericton, 5th March, 1833, signed by F. P. Robinson. This statement speaks for itself, and your Committee are of opinion, that it requires no comment.—All which is respectfully submitted.

JOHN R. PARTELOW,
WM. TAYLOR,
CHARLES SIMONDS,
JOHN WARD, Junior,
THOS. BARLOW.

Thursday, March 14.

Mr. Kinnear, from the Committee appointed to prepare an Address to His Majesty on the subject of the state and affairs of King's College, at Fredericton in New-Brunswick, reported, that having had the subject under consideration, he was directed to submit the following report, viz:

Your Committee, after the most careful deliberation, are of opinion, that one of the principal objections to that institution, the large annual grant, arises out of what has been considered a permanent law of the Province, which can only therefore be remedied by the General Assembly: that there are alterations required in the Royal charter to render it more beneficial to the Province; but your Committee think these can be more usefully made by the Assembly, with his Majesty's approval, at its next session, at which time it is hoped the Deputation will have returned to this country, possessed with his Majesty's views on the subject, and having such information as to the Royal Revenues, as will enable the House to finally arrange the whole affairs of the College.

Your Committee also beg to recommend that the House should direct the Deputation to confer with his Majesty's government fully on the subject of this institution. All which they respectfully submit, and pray to be discharged.

(Signed) WM. B. KINNEAR, *Chairman.*

Ordered, That the report be accepted.

Saturday, March 16.

QUIT RENTS.

Mr. Allen introduced a resolution, the tenor of which was, that it was expedient, in order to allay the excitement and prevent the confusion and distress caused by the collection of the Quit Rents, to adopt some measures to obtain a suspension of farther proceedings, till His Majesty's pleasure could be known; and that, therefore, an humble address should be presented to his Excellency, praying him to suspend such proceedings till an answer could be received from His Majesty's Government; and stating, that the House would make a grant, at the next session of the Legislature, of the sum of £1500 sterling, in commutation of the Quit Rents for the year ending at midsummer, 1832; on condition that any Quit Rents paid in the mean time should be reserved till the payment of such grant, and then refunded to the individuals who had paid them.

After considerable discussion as to the policy of adopting such a measure at the present time, when Delegates had been appointed to bring the subject, with others of a burdensome nature to the people of this Province, under the consideration of His Majesty's Government—the motion was finally *negatived*. Names as follow—the Delegates having been allowed to withdraw previous to the division:—

Yeas—Messrs. Clinch, W. Taylor, Slason, J. Taylor, Street, Barlow, Vail, Weldon, Allen, Scott, End—11.

Nays—Messrs. Gilbert, Hill, Brown, Wyer, Harrison, Miles, Hayward, S. Humbert, Ward, Partelow, J. Humbert, Smith—12.

On motion of Mr. Simonds,—*Ordered*, That whereas no provision having been made in the Act for raisng a revenue, allowing drawbacks on Hollands, Whiskey, and Dried fruits upon the exportation thereof from the province, this House will at the next session of the General Assembly, make provision for the drawback of the whole duty imposed on such of the aforegoing articles as may be exported during the current year, provided, that all the provisions of the said Act for raising a Revenue relating to drawbacks, be in every respect strictly complied with, and that no less quantity than 5 cwt. of dried fruits shall be entitled to a drawback.

The engrossed joint Address of the Legislative Council and House of Assembly, to His Majesty and the Imperial Parliament, upon the subject of the reduction of duties on foreign Wood, and their increase on the production of the North American Colonies, was read, and is as follows:

"TO THE KING'S MOST EXCELLENT MAJESTY.

"*The humble Petition of your Majesty's Council and House of Assembly of the Province of New-Brunswick, in General Assembly convened:*

"May it please your Majesty,—

"We your Majesty's faithful subjects, the Council and Assembly of New-Brunswick, being apprehensive that the question of altering the wood duties, would again come under the consideration of your Majesty and the Imperial Parliament, conceive it to be our duty, most humbly to call your Majesty's attention to our address of February, in the year 1831, on this subject.

"Deeming it unnecessary to repeat the arguments which have again and again been reiterated, showing the effect that would be produced on the trade of this country and the British empire in general, by any alteration in the scale of duties on Timber and Deals, we have little else to add, than to give it as our deliberate opinion, that the adoption of such a scale as was proposed in Parliament, in the year 1831, would nearly, if not entirely, annihilate the trade of this Province, in these articles, and would inevitably lead to all the evil consequences detailed in the Address annexed, and to which we beg leave most humbly to refer.

"If by the adoption of the proposed alteration of duties, the trade should be destroyed or rendered altogether unprofitable, the lumberers would be driven to seek out other avocations and perhaps other countries, the establishments for carrying on the timber and deal trade would be broken up, and in the event of the ports of the Baltic being again shut against British commerce, and the requisite supplies of Wood being then obtainable only from the British North American Colonies, a long time must elapse, before a sufficient number of workmen, skilled in the manufacture of timber, could be collected to furnish that supply; and it hardly could be expected that the lumberers would return to an employment, or that the merchants would re-invest capital in a trade so uncertain in its duration, as was that out of which they had been thrown by an act that had ruined or deeply injured them, and increased the profits of foreigners.

"We earnestly implore your Majesty to take this our Petition into your most gracious consideration, assuring your Majesty, that it is only by a rigid adherence to the present protective policy in favour of the North American Colonies, a great portion of your Majesty's subjects resident therein, will be preserved from inevitable ruin.

"And as in duty bound will ever pray, &c."

The engrossed Address of this House to His Majesty, praying a redress of Grievances, to be brought under the consideration of His Majesty, by a Deputation appointed from this House, was read and is as follows:—

TO THE
KING'S MOST EXCELLENT MAJESTY.
The HUMBLE ADDRESS *of the House of Assembly.*

May it please your Majesty.

The House of Assembly of New-Brunswick beg leave most humbly to approach your Majesty with sentiments of unshaken loyalty and affection towards your Majesty's person and Government.—Deeply regretting the necessity which obliges them to bring so frequently under Your Majesty's most gracious consideration the public affairs of this Province: they cannot but feel assured, that their present most humble Address will meet with that benignant attention which has ever been displayed towards your Majesty's faithful subjects in this Province. At an early period of this Session the attention of the Assembly was called, by means of various Petitions, to the subject of the management of the Crown Lands Department, your Majesty's territorial and Casual Revenues, and the collection of the Quit Rents, in this Province; all of which were represented as occasioning such great dissatisfaction throughout the country, that the House unanimously resolved to appoint a select Committee to investigate the alledged grievances. By the evidence laid before the Committee, it appeared that the management of the Crown Land Department under the present Commissioner, had long been a source of much dissatisfaction, and latterly had become so burdensome as to occasion universal discontent. That the existing monopolies of Timber and extensive Mill Reserves have the most injurious effects on the commerce and trade of the country, destroying competition, preventing the introduction of capital, and retarding the settlement of the Province. That the additional charge, within two or three years past, of 3d. per ton duty on timber, in lieu of survey fees for laying out births, operates as a heavy burthen, which is greatly aggravated by the service being seldom performed. That from neglect and other causes arising in that Department, the fee of 45s. has been repeatedly taken for the performance of the same service for which it was first paid, and double duty often levied under specious pretexts, thus injuring the trade by arbitrary and harrassing exactions;—and that the Commissioner of Crown Lands and Forests was justly chargeable with frequent violations of public and private rights, thereby causing great indignation and discontent throughout the Province. The House would humbly implore your Majesty's attention to the minutes of evidence accompanying this Address, which explain more particularly the nature and extent of the grievances complained of in the various petitions before the House. With reference to that part of the evidence which relates to the payment into the Casual Revenue of a part of the proceeds of the sale of the Town Common of Fredericton, the House cannot but firmly believe that as soon as the facts of the case are brought under the consideration of your Majesty, your Majesty will be graciously pleased to order the same to be appropriated to the purposes originally intended by Government. The Assembly beg leave further to state that the collection of the Quit Rents has added much to the uneasiness and discontent which now so unhappily and universally prevail. And from the length of time which has elapsed from the first settlement of the Province, the circumstance of no Quit Rents having been demanded until the year one thousand eight hundred and thirty, and many other conditions contained in the same Grants, an opinion was universally entertained, that Quit Rents would never be insisted upon; and in transfers of land, the possibility of such a claim being at any time enforced was practically lost sight of; in addition therefore to the harrassing and vexatious nature of the exaction, the enforcement and collection of them at this day, will be productive of much litigation and confusion, and cannot fail to tend, with other evils complained of, to shake those feelings of loyalty and affection toward the Parent State, for which the inhabitants of this Province have ever been distinguished.

It would be observed, that had not the expenses attending the collection of your Majesty's Revenues been far beyond what they ought to be, there would now have been a large surplus fund at the credit of the Crown, and consequently, the necessity of resorting to the enforcement of the claim alluded to in the preceding paragraph, would not have been required.

Besides which, the Assembly cannot but consider, with reference to the salaries of other officers in this Province, not chargeable upon the Crown Revenues, the allowances contemplated to be made to many officers named, in what is called the established Civil List of the Province, laid before the House, to commence on the 1st day of January, in the year one thousand eight hundred and thirty-three, are much too high, and far beyond the circumstances and state of the country.

The House would also, most humbly but earnestly pray your Majesty's reconsideration of the constitution of the Executive Council, lately formed in the Province, by which three of the first named persons on the list, holds situations incompatable with a just execution of the duty of administering the Government of the Province, in the event of the death or absence of the Lieut. Governor, and at the same time old and faithful Councillors, in whom the country have long had full confidence, have thus been deprived of succeeding to the high and honourable situation, to which, by the former royal commission and instructions, they were entitled; And your Majesty may be well assured, that your faithful Commons of New-Brunswick would never have uttered the expression of their feelings on this subject, did they not believe that your Majesty could not have been well informed of the true state of things in this Province, and of the general dissatisfaction which this measure would occasion.

And the House have also deeply to regret that since the receipt, during this Session, of Lord Viscount Goderich's Despatch, stating that he would direct His Excellency the Lieutenant Governor to lay before the House, accounts relating to the receipts and expenditure of your Majesty's Crown Revenues, His Excellency in reply to the Address of the House, founded on the Despatch, has not conceived himself authorised to give them information to the extent prayed for, by which they are not enabled to point out such improvements in the management of those Revenues as that Despatch fully contemplated, and in consequence of which a very natural belief is entertained that great abuses have existed; and they humbly crave leave to refer your Majesty to the Address and Answer thereto, together with a prior Address of the same Session, and the Reply thereto on the subject.

In conclusion, the House most humbly beg leave to reiterate the expression of that feeling which pervades the whole country, that to place the entire controul and management of the Crown Lands and Revenues in the hands of the Legislature, upon a suitable permanent provision being made for the Civil List of the Province, will, more than any other measure, conduce to the benefit of the Province, by preserving to your Majesty the affection of a loyal and attached people, in which it must be your Majesty's happiness to live unimpaired.

The House of Assembly, in view of all these facts, feel it would be a dereliction of their duty, if they did not, by means of two of their Body, chosen for the purpose, lay this their humble petition at the foot of the Throne, praying for that redress which they doubt not your Majesty will most graciously afford.

And on motion of Mr. Weldon,—*Ordered*, That the same be signed by the Speaker, and then handed over to the Deputation, with the minutes of evidence taken before the Committee of Grievances, together with such other documents as they may require; and further *Ordered*, That copies of the said address, and minutes of evidence, be furnished to His Excellency the Lieutenant Governor, and that Messrs. Simonds, Barlow, and Hayward, be a Committee to wait upon His Excellency therewith.

Monday, March 18.

The House went into Committee in further consideration of the State of the Province, merely for the purpose of suggesting in Committee various matters, which it would be adviseable to instruct the Deputation to confer with his Majesty's government upon, while in England. As there was no difference of opinion on this occasion, no debate arose; but after hon. members had successively suggested such subjects as had occurred to them, which it would be important to bring under the notice of His Majesty's government, Mr. Partelow mentioned that it would be as well to report progress, &c., and bring up the necessary resolutions in the House; and in the mean time, proper instructions on the various matters might be drawn up for the guidance of the deputation. Mr. Speaker took occasion to draw the attention of the Committee, to the difficulties frequently attending the accounts of Commissioners of Bye Roads, from their incapacity to draw up their accounts in a formal and satisfactory manner, and suggested the propriety of adopting a resolution, to cause specific and detailed instructions to be printed, for the purpose of distributing to the Commissioners. The Committee then reported progress; and the requisite resolutions were bro't up on Tuesday morning, as will be seen by reference to that day's report.

Tuesday, March 19.

Mr. Partelow submitted the following resolution, in accordance with the various suggestions made in Committee on the state of the Province yesterday.

"Whereas there are many important matters, not detailed in the petition to His Majesty, which this House deem necessary should be brought under the consideration of his Majesty:

"Therefore resolved, that the Deputation appointed by this House, about to proceed to England do also confer with His Majesty's Government on the following subjects:

The Militia system of this Province.

The imperial duties on wheat flour imported into the Province.

The Post Office Department.

The collision that exists between the Custom House Officers and Province Treasury Department, with regard to seizures made, and their appropriation, resulting from the conflicting state of Acts of the Imperial Parliament and the Provincial Revenue Laws.

The tea trade, as at present regulated; and the certainty of much of that article being illicitly introduced, by the laws of the United States now permitting teas to be introduced there, duty free.

The Parliamentary duties on wine, molasses, coffee, and pimento, imposed by virtue of an act or acts of Parliament, passed prior to the act of 18 George III. and their application.

Also, so much of the Royal instructions, as relates to the imposition of duties on British manufactures.

And also, the subject of an alteration of the Charter of King's College.

The resolution was agreed to, *nem. con.*

Mr. Street brought forward a resolution, to enable the Deputation, previous to their departure for England, to receive documentary testimony, upon affidavit, accompanied by the seal and signature of a public notary, relative to any of the matters upon which they are appointed to confer with H. M's Government; as it appeared evident that the want of due notice and information, as well as the bad state of the roads during the session, had prevented much evidence from being submitted to the Committee of Grievances, which might otherwise have been brought forward.—Agreed to, *nem. con.*

Mr. Ward then brought forward a long resolution in pursuance of the suggestion of the honorable Speaker yesterday, relative to the Commissioners of Bye Roads, and embracing the objects thereby intended; which was likewise agreed to, without observation.

Mr. Brown, from the Finance Committee, submitted the following report:

"That the Nett Revenue of last year, including Light House and Emigrant dues, amounts in round numbers to £40,000, and a considerable increase in the revenue of the current year is anticipated from the additional duties on Wine and Rum. The amount of the appropriations during the present session, may be stated at £44,000. The warrants unpaid at the Treasury on the 31st December last, and those for services voted, which had not then issued, amount to about £20,000; to meet which, there is due the Province, exclusive of Bonds in the course of prosecution by the Attorney-General, £24,000. The funded debt for which the Province is paying interest at 6 per cent. is £18,000.

"That at an early period of the session, a general reduction of the allowances for the ordinary services was proposed in a Committee of the whole House, but that in consideration that the Fish and Grain Bounty Acts were about to expire, and in consideration also of the increase of the Revenue, it was deemed inexpedient to adopt any general measures of retrenchment, or to make any material alterations in the appropriations for the ordinary services of the Province during the present session."

(Signed) JAMES BROWN, Jun.
J. R. PARTELOW.

The Report was accepted.

At 12 o'clock, His Excellency arrived in state at the Province Hall, immediately after which, the House were summoned by the Usher of the Black Rod to attend His Excellency in the Council Chamber; where Mr. Speaker addressed His Excellency in the following words:—

"*May it please your Excellency;*

"The House of Assembly, at the close of an arduous session, beg leave to inform your Excellency, that they have directed their attention to the various important objects submitted to their consideration by your Excellency; and, with other enactments, they have passed a Bill to provide, as far as human means can prevent, against the introduction of Cholera into the Province. The House have made provision for the ordinary services of the Province; and have also made liberal appropriations for the improvement of Roads; and they have the firmest reliance, that the several grants placed at your Excellency's disposal, will be so applied as to realise, to the fullest extent, the results anticipated from them.

"I have now to offer to your Excellency, a Bill for raising a Revenue, together with the usual Bills of Supply; to which, in the name and on the behalf of His Majesty's faithful Commons of New-Brunswick, I pray your Excellency's assent."

To which, His Excellency was pleased to reply as follows:

Mr. President, and Honourable Gentlemen of the Legislative Council,
Mr. Speaker, and Gentlemen of the House of Assembly,

It has afforded me satisfaction to have been enabled to give my assent to all the Bills passed during the present session.

Mr. Speaker, and Gentlemen of the House of Assembly,

In his Majesty's name, I have to thank you for the provision you have made for the services of the current year, which so far as may depend upon me, I shall endeavour to render most available for the purposes intended.

His Honor the Chief Justice then said—

Gentlemen of the Legislative Council,
Mr. Speaker, and Gentlemen of the House of Assembly,

It is his Excellency's will and pleasure, that this General Assembly be prorogued until the 1st Tuesday in June next, and this General Assembly is accordingly prorogued until the 1st Tuesday in June next, then here to be holden.

[*From the Royal Gazette, of Wednesday.*]

The arduous duties of the Legislature having been yesterday brought to a close, His Excellency attended by the principal Officers of the Government, proceeded to the Council Chamber, and having commanded the attendance of the House of Assembly, gave his assent to the following Bills:—

A Bill for raising a Revenue.

A Bill to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

A Bill to appropriate a part of the public Revenue for the services therein mentioned.

A Bill to provide for opening and repairing Roads and erecting Bridges throughout the Province.

A Bill to continue an Act, intituled "An Act for the better and more effectual securing the navigation of the river Saint Croix in the County of Charlotte."

A Bill to continue an Act, intituled "An Act to empower the Justices of the County of Charlotte to make regulations for driving timber and logs down the rivers Saint Croix, Magaguadavic, Didgequash, and their branshes."

A Bill to alter and amend an Act passed in the third year of his late Majesty's reign, intituled "An Act for the better securing of the navigation of the inner Bay of Passamaquoddy, and to indemnify the Deputy Province Treasurer at Saint Andrews against any demands for monies collected for tonnage duties since the former Acts for that purpose expired."

A Bill to amend the Act for the appointment of Town or Parish Officers, in the several Counties in this Province.

A Bill to authorize the Justices of the Peace of the County of Gloucester to assess the said County for the erection of Lock-up-Houses at Campbell Town and Dalhousie in the said County.

A Bill for altering the time of holding one of the additional terms of the Inferior Court of Common Pleas of the County of Gloucester.

A Bill to alter and amend the Charter of the City of Saint John.

A Bill for the incorporation of the New-Brunswick Mining Company.

A Bill to provide for the more effectually repairing the streets and Bridges in the City of St. John.

A Bill to authorize the Justices of the Peace for the County of Carleton to assess the said County for erecting a Court House and Jail therein.

A Bill to amend the Act relating to the several Churches in this Province in connexion with the Church of Scotland.

A Bill to authorize the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the Bass fishery in that County.

A Bill to divide the Parish of Kent in the County of Carleton into five Towns or Parishes.

A Bill further to amend the Act relating to the support and relief of confined debtors.

A Bill in addition to an Act for making Process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith.

A Bill to prevent the importation and spreading of infectious distempers in the City of Saint John.

A Bill to continue the Act to provide for the expences of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts.

A Bill to authorize the Justices of the Peace for the County of Northumberland to levy an assessment upon the inhabitants of said County to discharge the debts due from said County.

A Bill for the further amendment of the Acts relative to the Great Roads of communication.

A Bill to continue and amend the Acts relating to Statute Labour on roads.

A Bill to authorize the Justices of the Peace for the County of Sunbury to levy an assessment to enable them to erect a Court House in said County.

A Bill to continue and amend the Act for regulating Assessments in this Province.

A Bill for regulating the Salmon Fisheries, in the County of Gloucester.

A Bill for the establishment and regulation of Boards of Health in the several counties in this Province.

A Bill to amend the law relative to retail and tavern licenses in the County of St. John, and for the prevention of Drunkenness.

A Bill to amend an Act to provide for maintaining Light Houses within the Bay of Fundy.

A Bill relating to Parish schools.

A Bill to prevent Nuisances within the City of St. John, and Parish of Portland, in the County of St. John.

A Bill to explain an Act, intituled "An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring, or otherwise injuring cattle."

A Bill to authorize the Justices of the Peace for the County of Charlotte, to assess the inhabitants of St. Stephen, in the said county, for the purposes therein mentioned.

A Bill to enable the Chancellor, President, and Scholars, of King's College at Fredericton, in the Province of New Brunswick, to assign a certain mortgage and mortgaged premises therein mentioned.

A Bill to empower the Rectors, Church Wardens, and Vestry of Christ's Church, in the Parish of Fredericton, to assign certain mortgages and mortgaged premises.

A Bill in addition to, and in amendment of an Act, to repeal an Act, intituled "An Act for the better security of the navigation of certain harbours in the County of Northumberland, and to make more effectual provision for the better security of the harbours in the County of Northumberland, Kent, and Gloucester."

A Bill to alter the names of certain parts of 3 Parishes in the County of York, and to erect two separate Parishes therein.

The Courier,

SATURDAY, MARCH 23, 1833.

We are at last enabled to lay before our readers, the substance of the examination of sundry gentlemen before the Committee of Grievances. We understand that a second report is in progress, with the evidence therewith connected—but as it has not yet been laid before the House, we cannot obtain a copy. In digesting or arranging the following, we have invariably omitted the questions proposed to the gentlemen who were examined, and in some cases, we have altered the *words* of their answers, so as to embrace the substance of both question and answer, in consecutive order. The subjects to which their testimony related, were:—The sale of Water Lots; the sale of a street in Fredericton, and the misappropriation of the monies accruing from the sale of Town Lots in Fredericton; the Reserved lands in St. Martins; the sale of a public landing in St. Stephens; timber and other Reserves; mode of granting timber licenses, &c.; the collection of Quit Rents; and the general management of the Crown Land Department. The persons examined were:

J. A. STREET, Esq. Barrister at Law, Miramichi;
JAMES GILMOUR, Esq., Merchant, do.;
Mr. JOHN FRASER, Merchant, Bathurst;
JOHN MONTGOMERY, Esq., J. C. P. and Merchant, Gloucester;
Mr. HORATIO N. HILL, of Charlotte County;
GEO. S. HILL Esq., Member of Assembly;
C. SIMONDS, Esquire, ditto;
W. TAYLOR, Esquire, ditto;
H. G. CLOPPER, Esq., Clerk of the Peace for York County, and Sergeant at Arms to the Assembly;
P. CLINCH, Esq., Member of Assembly;
JAS. RAIT, Esq., Merchant, St. Andrews;
THOS. O. MILES, Esq. Member of Assembly;
W. I. BEDELL, Esq. Merchant, Fredericton;
J. A. MACLAUCHLAN, Esq., Deputy Commissioner of Crown Lands;
THOS. BOIES, Miramichi.

We shall make no apology for the great space which must be devoted in our paper to these matters, believing that the important nature of the documents will amply justify us to our readers.

Sale of Water Lots in Miramichi.

J. A. STREET, Esquire.—I had a conversation with Mr. R. M'Laughlin, Deputy Commissioner of Crown Lands in that part of the country, in October last, respecting these lands, and he informed me that government was about to sell them, and advised me to secure my own. In consequence of this, I called upon Mr. Baillie, Commissioner of Crown Lands, a few days after, and stated to him the circumstance, and he informed me they would be sold, but none would be sold without giving the proprietors of the lands previous notice, and granting them the preference, and I think he said something about the buildings on the water lots—that when buildings were erected, that as the parties had no right to erect any there, government would sell the water privileges on which such buildings were erected.—Since I have come over this time, I called on Mr. Baillie, and mentioned to him the substance of the above conversation, he said I had misunderstood him, and *that he did not intend to sell these water privileges to any one but the proprietors themselves.* Mr. M'Laughlin informed me that a price had been fixed upon for some of these water privileges in front of the water lots at Newcastle;—he informed me that Mr. Loch, of the firm of Duncan & Loch, had been in treaty with him for the sale of the water privileges on which his store and wharf were built, which had been previously leased from the sessions, and the price asked was £30, to the best of my recollection, which I also understood from Mr. Loch. I am fully persuaded that the Lessees at that time (when the leases were executed) thought the water lots could be leased or sold by the County, otherwise it is doubtful if they would have purchased or leased at all. I also understand from Mr. M'Laughlin that he was in treaty with Mr. M'Cullam for the sale of part of the water privileges in front of his property, which he has been in possession of for the last 40 years; but they did not agree—M'Cullam would not purchase it—I understood the same from Mr. M'Cullam. With regard to the water privileges, I have understood from Mr. M'Laughlin, and generally from others, that the water lots in front of granted lands could be sold; I have been led to believe that some of the water privileges were actually agreed to be sold in the County of Gloucester, and I have heard this fact spoken of in presence of Mr. M'Laughlin, *and not denied.* I know that this has created a great deal of clamour and uneasiness among the people.

JAMES GILMOUR, Esq.—I have heard of difficulties on this subject, and there is a great deal of dissatisfaction and alarm from the expected sale of these water lots, both in the County of Northumberland and in the County of Gloucester.

Sale of Water Lots in Bathurst.

Mr. JOHN FRASER.—I know that some water lots have been tendered to myself and others for sale. Mr. M'Laughlin, last January, wished to know of me if I would purchase the water privilege in front of my lands; I told him I did not know by what right he sold water, and I should not be the first to purchase, and on my declining, *he said it would be open for other applicants, he was acting under the authority of the Commissioner of Crown Lands*; there was no price mentioned, as I declined making any offer to purchase.

JOHN MONTGOMERY, Esquire.—Great complaints have been made in consequence of lots between high and low water mark, opposite the lands granted, having been offered for sale; and the deputy there, Mr. M'Laughlin, told me he had directions from the Crown Land office to sell them, and I have understood that sales of some of these lots have been made and money received. I have understood the grounds of complaint against the sale of these water lots to be, in consequence of the people having always considered that the water lots in front of their lands were their own privileges, considering it as their natural right to have free access to the water, and having always used them as such; and I consider that the sale of these lots would lessen the value of the granted lands to a very great degree;—I have understood that they have been offered for sale generally.

Sale of Water Lots in Saint Andrews.

JAMES RAIT, Esquire.—Mr. Baillie, as Commissioner of Crown Lands in this Province, did offer to sell the water lot or privilege, in front of lands belonging to me in the town of St. Andrews, but I made application to him for it, and I did it in consequence of a report brought down by Mr. Wilson, some years ago, that they were to be sold. *I conceived I had a proper title—but thought it better to purchase it to prevent difficulties,* —Mr. Baillie's answer was, that he would let me know what the price would be, after survey—this was the land between high and low water mark; since then, I have done nothing more respecting it, excepting that I paid for the survey, to Mr. Smith, a Deputy Commissioner of Crown Lands. I know that Mr. Crookshank was applied to by Miss M'Kenzie, to purchase the water lot in front of her land, and I have understood from him, that he made the purchase and paid for it; I know also of Mr. Wilson having been in course of negociation for his water lot. *I know from conversation with Mr. Baillie, that he was exercising dominion over* ALL *the water lots in St. Andrews, as being his Majesty's rights.*

[Appended to the report is an extract from the St. Andrews grant, dated, we believe, in 1784, granting water lots by metes and bounds, to William, Robert, and Thos. Pagan, and Thos. Wyer.

Sale of Town Lots, and of a reserved Street in Fredericton, &c.

WILLIAM TAYLOR, Esq.—In the early part of the year 1826, a part of the land reserved in front of the town plot in Fredericton for a town common and other public uses, was laid out in lots, by virtue of an order of the Governor and Council, and ordered to be sold, under the direction of Colonel Shore and Mr. Baillie, commissioners appointed for that purpose. I was employed as Auctioneer to sell these lots, and they were sold by auction, agreeably to a plan and conditions exhibited at the time of sale, and several of the purchasers obtained grants for their several purchases,—some of them had leave to relinquish their lots, and most of these lots have since been sold to other persons—I collected a part of the purchase money—the purchasers gave bonds to government, which were lodged in the Secretary's office, for the residue, and then the grants passed; the money that I first collected was appropriated, £100 towards the erection of the national school, and about £500 for making a fence around the mall, and Province Hall, levelling grounds, my commission and fees for drawing bonds, &c. *Some time in the summer of 1831, I was called upon by Mr. Baillie, to collect the balance due by the different purchasers, and pay the the amount over to him, as Commissioner of Crown Lands.* I think I then told him, that as Commissioner of Crown Lands, I did not think he had any right to the money; I told Mr. Shore, one of the commissioners for the sale of the lots, what Mr. Baillie required, and he desired me to retain what I might collect, until I obtained the order of the commissioners to pay it over; I collected little until November, when I received a communication from the Governor, stating that *His Excellency had it in command from the right honourable His Majesty's Secretary of State for the Colonies, to desire that I would forthwith collect the balance, remaining due on the sale of the town lots of Fredericton, and pay it into the Bank of New-Brunswick, to the credit of the Crown.* After receiving these orders, I called for the bonds, and took them from the Secretary's office, and proceeded to collect the monies due on them.—I collected, and paid in April, 1832, into the Bank of New-Brunswick, to the credit of the Crown, £300; I afterwards collected to the amount of £264 18 11, from which I deducted £28 1 5, as a commission, and paid the balance, £236 17 6, to the Receiver General, in January, 1833, by His Excellency's order—then, by his Excellency's directions, I handed the remainder of the bonds over to the Attorney General, and it has not come to my knowledge, that any part of the money has ever been appropriated to any public use in this place. I have been informed that there was a petition from the magistrates of the County presented to His Excellency, praying for redress, to which I have also understood no answer has been returned. *I know of a Street having been offered for sale last year, which had been reserved at the sale of lands in 1826, before referred to.* The first thing I noticed was hand-bills, stuck up in different places, advertising lots Nos. 9, 10, and 11, and stating that a plan might be seen at the Crown Land office; on seeing this, I called at the Crown Land Office, to see the plan of these lots, when I found by looking at the plan, *that the southern part of that street was designated as lot No. 11.* I then gave information to the persons who had purchased the lot No. 2, at the former sale, above alluded to, bordering on said street; I was afterwards informed that they had petitioned his Excellency on the subject, and received no answer, till after the sale of a part of the said street; previous to the sale, Mr. Baillie had a conversation with me respecting the petition, and in course of that conversation, he seemed to think that he was justified in selling the street, I told him I did not consider he was, *as the plan exhibited at the first sale of these lots, shewed the street to be reserved.* On the day appointed for the sale, Mr. Baillie attended, and there actually himself struck off to the highest bidder, the Hon. John S. Saunders, the said lot No. 11, forming the southern third part of the said street, together with lot No. 10, on the eastern side thereof, and I have understood, that upon Messrs. Smith, Coy, and others, who were interested in this street, making application to the Governor, the grant was not allowed to pass; and I have no doubt whatever, that the price of the lots at the original sale was greatly enhanced by this reserved street appearing on the plan, and that it was an act of very great injustice to the purchaser to sell this street. *In my opinion there was something unusual in the terms of the sale, the terms were cash on the day of sale.*

[A copy of the plan exhibited at the original sale, signed by *T. Baillie*, containing a reservation of a street 66 feet wide, extending from Regent Street to the Market House, is appended to the report, and also a copy of the hand-bill, advertising the latter sale.]

HENRY GEO. CLOPPER, Esq.—The Sessions did petitioned the Governor on the subject of the proceeds of the sales of lands, reserved for public uses in Fredericton,—there was not any answer given to the petition, to my knowledge, and I have understood from the senior magistrate of that sessions, that none was received; there was an universal feeling of surprise and indignation in Fredericton, that these proceeds should have been appropriated in any other way than for the benefit of the town of Fredericton.

To illustrate this subject, we subjoin *part* of a copy of one of the grants of these lots, at the sale of 1826:

"NEW-BRUNSWICK."

"ARCHIBALD CAMPBELL."

"WILLIAM THE FOURTH, by the Grace of "God, &c. &c. &c.

"To all whom these presents shall come."

"*Greeting.*"

"WHEREAS our Lieutenant-Governor and Commander in Chief of New-Brunswick, in America, by and with the advice of our Council for the said Province—hath, by an order in Council, directed and appointed, that certain parts of a land reserved for public uses, situate in front of the Town Plat of Fredericton, in the County of York, in our said Province, and *lying on both sides* of a part of the said lands heretofore granted by our royal predecessors, to the Justices of the Peace for our said County, as a site for a Market House and county Court House, to be sold and disposed of to the highest bidder, *and the monies arising from such sales, to be applied for the uses of the said town, in erecting a public School House, and in making various other erections and improvements*; * * * and bounded as follows, to wit: beginning at a stake standing on the north-east side of Queen street, at the most southern angle of lot No. 1, in the block granted to * *, thence running along the south-eastern boundary line of the said grant, on a course by the magnetic needle—N. 46 deg. 2 min. E., 132 feet, *subject to a reserved street*, thence along the western side of the *said street* S. 43 deg., 50 min. E., 68 feet, thence south 6 deg. 10 min. W., 13 feet, along the N. W. boundary of lot No. 3, granted to * * containing 32 poles, more or less, and designated as town lot No. 2, and particularly described in the plan hereunto annexed, together with * * * * * *

"Given under the great Seal of our Province of New-Brunswick, witness, our trusty and well-beloved Sir ARCHIBALD CAMPBELL, G. C. B. our Lieut.-Governor and Commander in Chief of our said Province, at Fredericton, the 16th day of November, in the year of our Lord, 1831, and in the second year of our Reign."

"By His Excellency's command."

"(Signed) W. F. ODELL."

"Entered at the Receiver General's office the 8th day of December, 1831.

"(Signed) G. P. BLISS, *Rec. Gen.*"

"Entered at the Auditor's office the 6th day of December, 1831.

"(Signed) F. P. ROBINSON, *Auditor.*"

"No. 2767. Registered the 17th day of November, 1831.

"(Signed) W. F. ODELL, *Registrar.*"

[A copy of the Petition spoken of by Mr. Taylor and Mr. Clopper, is also attached to the report, but it is almost a verbatim transcript of the petition from James Taylor and others to the Legislature, which will be found in the Courier of the 2d March instant, we therefore do not insert it again.]

Reserved Lands in St. John County.

C. SIMONDS, Esq.—I am one of the Justices of the Peace for the City and County of St. John; I am aware of there being lands in the Parish of St. Martins, in that county, reserved for public uses; I know that an application was made by the Justices of the Sessions of Saint John, in December, 1831, to the Lieutenant Governor, that the same might be granted to them, for the use and benefit of the town and parish of St. Martins—that it was not answered until the year 1833, when the reply received was, that "His Excellency is so far willing to accede to the prayer of said petition, as to permit the Justices to purchase 400 acres, at the nominal price of £15, exclusive of any expense for the survey." The whole quantity was 604 acres, and was always understood to have been reserved for the use and benefit of the Parish of St. Martins.

Sale of a Public Landing at St. Stephen's.

HORATIO N. HILL.—I have known the Public Landing at St. Stephen's for the last twenty years. It has always during that time been used and considered as such, and I have always understood that it was originally laid out and considered as the Public Landing, at the first settlement of the place about fifty years ago. During the last autumn, this Landing was sold at Public Auction by the Commissioner of Crown Lands *in person*, and Robert Todd and others were the purchasers thereof, in order to have it preserved for and restored to the public. At the sale, the Landing was divided into *nine* lots, and was put up at the upset price of £10 per lot, and was struck off at a nominal price beyond that amount to said R. Todd and others.—*The Lots so sold, actually included a Road which had been laid out and recorded as such, as I am informed, fourteen years ago;*—that in consequence of the above procedure on the part of the Commissioner of Crown Lands, there is a great and general dissatisfaction in the minds of the people in that part of the country.

GEORGE S. HILL, Esq.—Last summer, an application was made to the Executive for a Grant of the Public Landing at Mill Town, St. Stephens. A number of the respectable inhabitants applied to me to write a petition, setting forth the great injury it would be to the public if granted to individuals—the general understanding that it was reserved for the purpose of a Public Landing, and the fact of its having been used as such ever since the first settlement of the country. No answer was received to this petition,—and the next thing which took place was a public notice in St. Stephens, that the Landing would be sold at Public Auction in lots—the notice appearing to be from the Commissioner of Crown Lands.—I was not present at the sale, but I have no doubt the Land was sold, and, I have understood, by Mr. Baillie, the Commissioner, himself.—It was purchased by a Committee chosen by the people for the purpose of preserving it to the public.—It was bid off at £89, payable by equal annual instalments in four years, without interest, and 15 per cent. deducted for Cash down.—The impression on the public mind with regard to this sale, was, a very general feeling of dissatisfaction, as it was totally unexpected, and thought to be as totally unjustifiable,—and, in fact, the people could not do without it.

Timber and other Reserves.

J. A. STREET, Esquire.—I have understood, and have no doubt that there are timber reserves existing in the Counties of Northumberland and Gloucester, and that this has excited a great deal of clamour and uneasiness in these Counties.—I have understood and firmly believe, that a very recent application has been made for a reserve of all the mill logs on the Bay du Vin and Kouchibouguac rivers, in Northumberland and Kent [*by one Robert Gregan; and in consequence no timber licenses are now granted thereon*—ED. COURIER,] and at the time this petition [*from Walrams and others*—ED. COURIER,] was got up it was very generally apprehended that that application would be complied with, and that this was one cause which led to the calling of the County Meeting through which this petition was got up.

JAMES GILMOUR, Esquire.—I know of two very extensive reserves—one on the river Nepisiguit in Gloucester, and the other on the North West Branch of the Miramichi in Northumberland, to the same individual.—The nature of the reserve in Gloucester is, that no person but the privileged individual is to cut timber on that river for ten years,—and the consequence of which will be that no other establishment can compete with the person having such exclusive privilege, and he must therefore monopolize the whole trade of the Port of Bathurst, in Gloucester.—The nature of the exclusive privilege on the Miramichi is the same. The party to whom these reserves were granted, I understand, is only to cut one thousand tons annually.—I have been informed that the exclusive privilege on the North West Branch of the Miramichi is now the only place where it is worth while to cut timber; and that persons have refused to be concerned in cutting timber altogether on that account.—I do not know of any great difficulties in transporting timber from above the Falls, down the Nepisiguit to the Port of Bathurst. I have made inquiries and cannot learn that any obstructions have been removed, or money laid out there, by the individual to whom the reserve was made. I have understood that the reserve on the Nepisiguit was granted to the individual expressly on condition that obstructions should be removed on that river in order to pass the timber safely down, and in consequence of his stating in his petition that there were great obstructions in the river, which required to be removed in order to get the timber safely down that river.—I am not aware that it is necessary (more than in common cases) on the North West Branch of the Miramichi, to have a large capital to remove obstructions there, to the safe driving of timber down that river. If there has been any such, I should have heard of it. There is no difficulty whatever in exporting timber from the Port of Bathurst. Vessels of the average size can enter and depart without any difficulty. There is a great deal of dissatisfaction in the County of Northumberland, respecting these reserves, as well as the Crown Lands' system generally.—There were two petitions forwarded to the Crown Lands' Office about the 24th day of November last, thro' Mr. William I. Bedell, agent of our house in Fredericton, for timber births at Bay du Vin river, and the answer received was that they could not be complied with, in consequence of their being reserved—others had a short time previously been complied with.

Mr. JOHN FRASER.—I know of one timber reserve having been made to the Honorable Mr. Cunard, on the main Nepisiguit river in the County of Gloucester. The extent of this river above the Falls is about sixty miles; from the harbour to the mouth about eighteen—and Mr. Cunard's reserve is above the Falls. He pays 1s. 6d. for white pine timber, 2s. for red, exclusive of survey.—There has been no improvement whatever made in the bed of the river since he obtained the reserve. There have been two County Meetings held expressly respecting these reserves; and the meetings were unanimously opposed to them as being contrary to the general good of the people, and commerce of the country; and the dissatisfaction was quite general. One of these County Meetings took place in the year 1831, and a Petition was got up at that time and sent to His Ex'y against the reserves; and last winter I waited on his Excellency, in company with Alexander Rankin, Esq. of the firm of Gilmour, Rankin & Co. and was informed by His Excellency that no answer had been returned. There were other reserves—one to Alexander Rankin, Esq.: but in consequence of the murmuring throughout the country against these Reserves, Mr. Rankin declined taking any advantage of his reserve, and gave it up. I have understood that there was another reserve made to one Peter Sutherland, but was subsequently given up, I believe for the same reason. The effect of these reserves will be that no person could be safe in embarking capital in the timber business there,—nor could they enter into competition with the individuals holding these reserves, as they operated in the shape of a monopoly.

W. I. BEDELL, Esquire.—I have heard at the Crown Lands Office that reserves have been made on the rivers in Northumberland and Kent.—I presented *two* Petitions on behalf of Gilmour, Rankin & Co. on the 24th of November last, for licenses, in the usual way, to cut square timber on the Bay du Vin river in Northumberland, and was informed that no petitions could be received for square timber, as it was all reserved on that river.

THOMAS O. MILES, Esquire.—I am well acquainted with the river Nepisiguit in the County of Gloucester, having lumbered there in the years 1819, 1820, and 1821.—I have lumbered both above and below the Falls.—The greatest difficulty of navigation is about the several Falls of the river. *I think no outlay of capital would improve these Falls*, but I have had no unusual difficulty in getting timber down during the years 1820 and 1821, excepting that in the year 1820, it did not all come out from want of water, and having a very large quantity of timber. I consider that it is the only river discharging into the Port of Bathurst which can be depended upon for driving down timber. It is on this river that I have understood very extensive reserves have been made above the Falls. The only difficulty in driving is below the falls—all above, there could not be a finer river for the purpose of driving—*there is but little destruction of timber in driving over the falls.* I do not think the falls would operate to prevent applications for timber licenses above them. If I intended to lumber on that river, I would apply for a license above the falls.—I have examined the paper hereunto annexed, which purports to be a copy of the petition of the applicant for the reserve above the Grand Falls. I do not consider the statements therein set forth as to the difficulty of driving timber thro' the falls to be correct, for the reasons I have already given—and as to the Harbour of Bathurst, I agree fully with the opinion given by Mr. Gilmour.

JOHN MONTGOMERY, Esquire.—I am aware of a petition having been presented to the Executive in 1831, respecting timber reserves. I assisted in getting up the petition—I am not aware of any answer having been received thereto. A part of the evils complained of in that petition still exist, particularly a reserve made on the Nepisiguit.—Another evil which existed at that time and which was complained of in that petition, was a very large reserve on the Upsalquitch to the house of Gilmore, Rankin & Co. which has since been given up by them, in consequence of their considering timber reserves a grievance and an injury to the trade and commerce of the country. The effect of the reserve on the river Nepisiguit, as far as regards the Port of Bathurst, will be to give the proprietor a decided preference over all others there, and to destroy competition, and injure the trade and commerce of that part of the Province. The same proprietor has lumbering parties on many branches of other rivers at the same time that he holds this large reserve. The effect of these timber reserves is to create and has created a very general dissatisfaction on the minds of the people throughout that part of the country.

[We subjoin a copy of the Petition referred to by Mr. Miles, for the Nepisiguit reserve—*Edit. Courier.*]

"To His Honor WILLIAM BLACK, Esq.
President, &c. &c.

"Humbly sheweth—

"That your petitioner is very extensively engaged in the manufacture of pine timber, and ships large quantities thereof annually to Great-Britain.

"That considerable quantities of timber are to be met with in that tract of country, bordering on the Nepisiguit river, above the Great Falls thereof; and that the impossibility of hauling around these falls, and *the great destruction of timber consequent upon the attempt to run it through them, acts as an effectual preventive to the establishment of any considerable lumbering parties in that quarter*:—the more particular as the harbour of Bathurst will not admit of large vessels, and the Nepisiguit below the falls is shallow and bad to drive.

"Your petitioner is of opinion that the stream and *the Falls might in some measure be improved*, if a capitalist could have sufficient encouragement to embark in the speculation,—and he is willing to make the attempt, provided he is protected by a reservation for the period of ten years, of that part of the Nepisiguit, situate above the falls, *under the pledge that he shall make every exertion to improve the navigation of the stream*; and to take out license to cut one thousand tons of timber annually; which, if his expectations be realized, will extend to thousands, and he therefore prays that the reservation be granted to him on the above terms.

"And as in duty bound, will ever pray.

"(Signed) "JOSEPH CUNARD.

"Fredericton, 4th May, 1831."

"White pine—1s. 6d. } exclusive of survey
"Red ditto—2s. } money.

"Approved by order of the President, on the above conditions. "(Signed)
"THOMAS BAILLIE.

"4th May, 1831."

Timber Licenses, Tonnage Money, and Survey Money.

J. A. STREET, Esquire.—I have seen the licences and the regulations attached, and by the 3rd rule of the licenses issued for the present season, I have understood that three pence per ton is paid in addition to the tonnage money, in lieu of fees hitherto allowed to the Deputy Commissioners of Crown Lands.—I have understood from lumberers and merchants extensively engaged in the timber business, and from others whose veracity I have every confidence in, that these timber