PROVINCIAL LEGISLATURE.

House of Assembly—Fredericton, *Friday, March 6th*, 1835.

Quit Rents.—(*Continued from last paper.*)

Mr. Robinson said, that he perfectly agreed with the hon. member for Charlotte, (Mr Clinch,) as to the unequal manner in which this burden bore on the country. The portion of land in the province liable to quit rents was only about three millions of acres, while the whole area of the Province was about eighteen millions; therefore, by commuting those rents, they would make the whole country pay that which ought to be paid only by one sixth part of it. Then, again, in the grants to various proprietors, there were very different conditions: in some was inserted a forfeiture of the land in case of default; in others, a distress on the property of the grantee; and then how were the quit rents to be got in such cases, on wild lands, where no improvements had ever been made or buildings erected? Such lands could never be made liable at all, if the payment of quit rents was refused by the proprietors. But even with regard to lands actually liable to escheat, he held an authority in his hand, which asserted, that in cases of trial between the king and the subject, where a nonsuit was entered, or the sum tendered, no costs were either paid or received. Now, suppose a person refused to pay quit rents on such lands; a prosecution was instituted, and a verdict likely to be returned against him; and then suppose he should tender payment of the demand, a nonsuit must be entered, and who was to pay the costs? The party would get clear of all costs, and they would be saddled on the country. He (Mr. R.) believed this was the reason why the House heard so much of commutation, and why the collection of quit rents was not carried on so far as it might have been; because he supposed it was thought better not to open the eyes of the country too much on such points. Therefore, he would not commute them, but would again represent the whole facts of the case to the British government; he would point out the absolute abundance of the royal revenues at present; and would shew clearly that there was no necessity for the collection of the quit rents. He believed the quit rents were very obnoxious to some parties, but they were not so with his constituents. He would, therefore, go further, and state in the address to His Majesty, that, whenever the state of the casual and territorial funds actually required the addition of these quit rents for the support of the provincial government, the House would make provision for the amount.

Mr. Street then went again at great length into the question, contending for commutation; in the course of which, the Reporter, overcome by previous fatigue and exhausted by the intense heat of the House, was compelled to retire for a time into the open air. On his return, he found Mr. L. A. Wilmot concluding a speech in support of the views advanced by him yesterday, after which, some further discussion took place between Messrs. Chandler, End, Partelow, and Mr Speaker, after which, Mr. Crane again entered at great length into the question, examining the arguments of yesterday and to-day, on both sides, and concluding by stating his intention to vote against commutation; the hon. member being disposed to suggest to the Government, by petition, that there was no necessity for the money, to refer to the proceedings in Nova Scotia, shewing the difference in the circumstances of the two provinces, and to call on the government to state whether it was their intention to apply a different principle to this province than had been acted on in Nova Scotia, the principle of actual necessity only having been acted on there.

Mr. Speaker replied to Mr. Street; after which,

Mr. Allen said, that he felt bound to vote for the original resolution, to commute and extinguish the quit rents, and he should do so on conscientious motives alone. He thought it would be for the good of the country that they should be commuted; but if the House should afterwards determine to address His Majesty again on the subject, he would go so far, but he thought it would have very little effect. There appeared little reason to believe, under all present circumstances, that the collection would not be proceeded with; but was of opinion, that, at Midsummer next, it would certainly be resumed. He could not agree with his hon. and learned colleague (Mr. L. A. Wilmot,) in the sentiments he had advanced.—True it was, that this commutation would fix a large sum permanently on the ordinary revenues of the Province; but he (Mr. A.) would ask, whether it would not otherwise come out of the people, in a more burdensome manner? Because, if the commutation would draw £1200 per annum out of the revenues immediately, double that sum would be collected from the people, if the House did not commute. It was said, there were very various conditions in grants, and that some wilderness lands could not be come upon at all; but he thought there would be courts of escheat called in all such cases, and that the land would be made liable. He was quite certain the Committee were by this time quite tired of the subject; it had been argued very fully and learnedly on both sides, and there appeared to be little doubt now of the result; but he was of opinion, that if the Committee had been inclined to come to the conclusion to commute the quit rents at £1200 per annum, it would have tended very much to the peace and content of the province.—It would be very hard on many poor people to pay those rents; and under all the circumstances, therefore, he would have been very glad to see the commutation resolved upon on the same terms as it had been done in Nova Scotia. But as a different opinion appeared to prevail among the majority, the collection would now go on. There could be no question as to the legality of the claim; it appeared, however, that very heavy expenses had attended the collection; this might have been in consequence of poor defaulters having had their costs remitted to them hitherto, and then, again, the Collector had been paid out of the Casual Revenue; but was there any reason to believe that, when the collection should be resumed, the casual revenue would again step forward and pay such costs? He thought not; and therefore the collection would cause great discontent and distress; it would subject the people to extreme inconvenience and hardship. If this money was wanting, if the road appropriations were not sufficient, it would then be time enough, by some enactment, to call on landholders to contribute to the amount by additional road work; but in the mean time the quit rents ought to be altogether extinguished. He was satisfied he was in the minority; but he would vote according to what he considered to be his duty to his constituents and the country.

Mr. Hannington said, that after hearing all the arguments on both sides, and after the legality of the claim had been fully admitted, the question which had weighed most with him was, as to whether the Government really were determined to collect the quit rents or not. If he could suppose that it was a mere feint, to induce the House to give them up, he would go against commutation; but he thought that was not the case, and that if the question was now put off, much mischief would be done. The time would be gone by, to commute them on favourable terms; if they were collected now, the people would readily pay them, with at least a few exceptions, and then the collection would ever afterwards be more easy, and the government would not then give up the question. They would not find any great difficulty in the collection, but it would carry distress, confusion, and dismay into the country, and it would tend to alienate the affections of the people from the British Government. He would not go for the commutation, but on the same terms as in Nova Scotia, and if it could be done on those terms, it would be more to the advantage and interest of the country, than to suffer the collection to proceed. He confessed it would take off the burden from the rich more than from the poor, and that was one great argument against it; and it would impose a burden on many who were not now liable to pay quit rents. But the House were bound to legislate for the general good of the whole, and not for the interests of a few; and therefore he had made up his mind to vote for commutation.

Mr. Woodward said, it was with extreme diffidence he rose to speak on a subject that had been so lengthily and eloquently debated, but he could not feel himself justified in only giving a silent vote on it, when he felt it of so much importance. The question had been so fully discussed yesterday and to-day in all its bearings, the right of the crown to collect, the distress, difficulty, and dismay that would follow the collection of this, as it had been called, odious tax, (and by one hon. member a worse name,) had all been so generally admitted, that he (Mr. W.) would not detain the Committee by enlarging on either of those heads. It appeared to him, that the whole question turned on this, that there was a great evil about to be inflicted on the people of this Province, and that the orders or directions from the Home Government were the cause. The evil could be averted in two ways; first, by the Home Government relinquishing their right to a tax, the proceeds of which they did not require for the purpose for which they say it is intended—and secondly, by the Assembly appropriating out of the revenues of the Province, a sum of money, and giving it in commutation, to prevent such an odious tax, and one that would cause difficulty and dismay by being collected. Who should remove the dreaded difficulties? The Home Government, who could do it by a single breath; or the people of this Province, out of the revenues raised by taxing themselves, to be appropriated to purposes they knew nothing of? Although the Quit Rents may be collected, and that collection bring with it all the evils stated, still he was decidedly against making any appropriation to prevent it; for he was of opinion, that on a fair representation to the Home Government, or, failing that, to Parliament, such collection would not be insisted on. He knew it would be said, that representations had been made, and in strong language, praying that the quit rents might not be collected, yet he did not despair; he was willing to try again, and he was sure, if such a picture of distress and dismay, as had been admitted by all parties in the Committee, would and must follow the collection, could be held up to the view of the Home Government, far be it from him for a moment to suppose that His Majesty's Ministers would not at once relinquish all claim to a tax so odious. If the Home Government required funds for the purposes of carrying on the affairs of the Colonial administration, the loyal people of this Province would freely and voluntarily contribute; they would do it cheerfully. It had been said, that they have commuted in Nova Scotia, and that it was a popular measure there. In the first place, there was no analogy between the state of the two Provinces; there the government wanted means, and could not carry on their affairs without it; and as to the commutation being a popular measure in Nova Scotia, he would, with the consent of the Committee, read part of a Speech of a popular man in Nova Scotia, at a public meeting at Halifax, on that subject; it met his (Mr W's) ideas exactly, and he thought it so applicable to the present question, and it was in so much better language than he could put it, that he thought the Committee would be satisfied it was not so popular a measure as was stated, if they knew the Speaker of it was a very popular man there.—(*Cries of* "Read, read" *from the Committee.*) The hon. member then read part of Mr. Joseph Howe's speech, published in a supplement to the Novascotian, Dec. 29, 1834, and commented upon it as he proceeded. He then said, that from all he had heard or read on this matter, he was unwilling to believe, that on a fair representation, His Majesty's Ministers would not relinquish his right, rather than sour the minds of his loyal subjects in this Province: The original Resolution before the Chairman, he was opposed to, and the amendment he could not approve; but he sincerely hoped that some Resolution that the majority could go with, to address the Home Government, and shew the state of the question in its true light, would be moved.

Mr. Wyer was against the resolution. He thought the quit rents never were intended to be collected, but were reserved merely as an acknowledgment of subjection to His Majesty. Their collection was not needed in the Province, and would be an act of very great injustice, particularly to the old settlers. They were the means of first settling the country, when it was a mere wilderness, and they had to contend with roving savages and the prowling beasts of the forests for their living. Their lands were given them for their loyalty, and should their descendants now be told that they must pay quit rents for those lands? No; he (Mr. W.) was quite convinced, that the matter only need be fairly represented to His Majesty, and the burden would be removed. If the quit rents were really required to pay the civil list, he would go cheerfully for commuting them; but there was no such necessity. The Casual Revenue was upwards of £24,000 per annum; and with all the extravagant and enormous charges of it, they could only manage to expend from £15,000 to £16,000 of it. Then were the House to lay a tax on the country to contribute to this overflowing revenue? No; let them do no such thing. If the country was to be distressed by the collection of the quit rents, the responsibility would not then lie on them, but on the advisers of the measure; and such advisers must be persons who had not the welfare of the Province at heart. It was the duty of the House to remonstrate against the collection of the quit rents, to acquaint His Majesty with the true state of the matter, and to confide in his paternal care for the welfare of his subjects in this most loyal province. An hon. member for Westmoreland, (Mr. Hannington,) had said, that the collection of the quit rents would cause a great deal of distress and ill feeling among the people. He (Mr. W.) did not think it would; but even if it did, they (the House) came there to do their duty; their duty was, to support and protect the poor; the rich could take care of themselves; and as long as he (Mr. W.) came there, he would do his duty fearlessly and honestly. [*A manifestation of applause, from the Lobby and Gallery, immediately followed the hon. member's speech, but was repressed by the Committee.*]

Mr. Miles merely rose to acknowledge that he admitted the right of His Majesty to collect the rents, and he never intended to oppose their legal collection; but would any hon. member say, that the House were bound to pay them? [Cries of "*No, no.*"] But the chief of the arguments seemed to say so. ["*No, no.*"] He (Mr. M.) admitted that every man ought to pay his own debt, and he agreed very much with the hon. member from King's County (Mr. M'Leod,) in that respect. It would be very unfair for the House to put their hands into the pockets of the poor, to pay the just debts of the rich; and it would amount to this, if they were to commute these rents. The hon. member for York, (Mr. Allen,) who had lately spoken, said, that he would commute and extinguish them altogether; but instead of extinguishing them, this resolution would perpetuate them to all eternity, and they would then be fixed on their children, and their children's children, forever.

Mr. Stewart said, that as it seemed every hon. member must make his speech on this question, he would just say his two or three words.—He had no thought of rising at all, but as it had gone round, he supposed it was his turn now. He found this contest was between the crown and the poor, as it had been alleged; but if the people were all so very poor, how were the House to collect the sum of money that they were asked to commute these quit rents for? The rich did not contribute nearly so much to the revenue as the poor, who were so much more numerous; and by commuting the quit rents, the burden would fall chiefly on the poor, and on many who held no land at all. Therefore, he would go against the proposition; and he believed the House ought to make a representation to the Government at home on the subject; and if they failed in that, it would then be time enough to commute them. It was said, that now was the favourable time; but why? Who could say that the Government would be less favourably disposed two or three years hence, than they were now? The House ought to try at least, and therefore he should go against the resolution.

The question on the *original resolution*, (agreeing to Commutation,) was then taken, which was *negatived*; division as follows:—

Yeas—Messrs. Hannington, Chandler, Ford, End, Weldon, Street, Allen, Slason, M'Leod.—9.

Nays—Mr. Speaker, Messrs. L. A. Wilmot, Freeze, Robinson, Morehouse, Hill, Clinch, Woodward, Brown, Wyer, Gilbert, Hayward, Miles, Connell, Burns, J. M. Wilmot, Johnston, Partelow, Crane, Stewart, Palmer.—21.

COMMUNICATIONS.

[FOR THE COURIER]

Mr. Chubb,

Sir,—Various efforts have been made, since the prorogation of the Legislature, to shift the censure incurred by the loss of the Appropriation Bill from the Legislative Council to the House of Assembly, or at least to induce the public to believe that the two branches were equally censurable. A reference, however, to the proceedings of the House will be quite sufficient to satisfy every candid and unprejudiced mind, that the Assembly could have adopted no other course than that which they did adopt, without sacrificing their own rights and those of their constituents, and quietly submitting to a most glaring perversion of a constitutional principle. The following extract from the Council Journals of the 16th February, will show most clearly that the decision of that Honorable Body upon the members' pay bill was based upon the most selfish and unjustifiable principle. " Whereas the House of Assembly hath not made provision for the payment of the attendance and expences of the President and Members of the Legislative Council—Therefore Resolved that the further consideration of this Bill be postponed for three months,"—the English of which is, that if the House will not make provision for the payment of us (the Legislative Council) for our services, they shall have no pay either. The Assembly have never sought remuneration for their services, but have only provided a sum barely sufficient to meet their actual expenses during the sitting of the Legislature, but the Council, as appears from the memorable resolution from which the above extract is made, wish to be remunerated for attendance as well as for expenses. The members of the Council while in debate on the subject admitted to its fullest extent the principle of paying the expenses of the members of the Assembly, (for although in secret conclave, their sentiments were not confined within the walls of the Council Chamber)—" That to withhold the pay from the House would be extremely injurious to the Country inasmuch as the people would be thereby limited in the exercise of their right of franchise." " But His Majesty having been advised in the recent arrangements relative to the Councils in this Province, to select persons of moderate property from the various parts of the Province, in order to meet the views of the people, and represent their general interests in the second branch of the Legislature," (specious reasoning indeed) " they, therefore, not being able to bear the burden of their own expenses, were as well entitled to receive remuneration as the *Gentlemen below stairs*," so called, " and unless provision was made to pay them, they would reject the appropriation made to defray the expenses of the members of the House," however much the country might suffer, or the purest principles of the British Constitution be violated by such an unwarrantable act. This, sir, as you may suppose, was a new and strange doctrine to me, having been induced to believe that those who advised with His Majesty *or the Colonial Minister*, relative to the appointment of members to the Legislative Council, as well as the whole arrangements of both Councils in this Province, had kept some other object in view than a desire to meet the wishes or to represent the general interests of the people. I immediately commenced analyzing this new point of doctrine, and what think you was the result of the process? Why, sir, I found that the first step His Majesty had been advised to take to meet the views of his loyal subjects in New Brunswick, was, to select from one religious denomination fourteen persons, exclusive of the Bishop of Nova Scotia, *to represent the general interests* of a people, five sixths of whom were attached to the various other religious denominations in the Province not connected with the Established Church, and here I beg that I may not be understood to possess any feelings of prejudice against that denomination of people.—I am quite willing that they should enjoy a balance of both power and privilege; but are not, I would ask, five-sixths of the population of the province, who are as firmly attached to His Majesty's person and Government as members of the Episcopal Church are, entitled to one representative in the middle branch of the Legislature, under a system, in the arrangement of which we are told that both the views and interests of the whole were consulted. In the second place I discovered that seven of the fourteen persons thus selected from the different parts of the Province *to please the People*, were residents of the town and vicinity of Fredericton, five of whom were receiving large salaries from the Government fund, supplied by the industry and earnings of the people of this Province. How ungenerous in the Assembly to refuse to add to the scanty pittance of Two thousand pounds per annum which some of the honorable members of the Legislative Council are receiving from Government, the *remunerating* sum of Thirty pounds for their *valuable* services, while representing the general interests of the people. Having analyzed the theory of this new doctrine and proved it false, I shall now try an experiment or two on the practical part of it, which will, if I mistake not, prove equally fallacious. I have heard it asserted that the representatives of the people could not be safely entrusted with the money of the people; that the Legislative Council was a safety valve to the people; a queer safety valve to be sure: recent occurrences, I think, go to show that this valve has produced an explosion instead of safety. The saving to the people by this branch of the Legislature has generally been by rejecting such appropriations as would be the most satisfactory and useful, and by passing those that were the most useless and unsatisfactory to the public. A few instances of this kind which occurred during the last sitting of the Legislature I will refer to. The first passed was the sum of about forty-five pounds, to pay the expences of a farce played off at Head Quarters in August last, entitled " *A Militia Court Martial.*"

The next was a grant for about £1300, to the Trustees of the Savings' Bank at Saint John, to reimburse them for an embezzlement made by the late Cashier from its funds, which loss arose solely from the neglect of the Trustees, in not requiring that security from the Cashier which the law authorised, and by their neglecting to examine his accounts as they should have done. It may be urged, that as the Trustees performed their duty gratuitously, it would be hard to oblige them to sustain any loss. They, however, received the appointment from the late Lieutenant-Governor of the Province, knowing that they were to receive no other remuneration for their services save the honor of the situation. The Directors of other Banks receive no remuneration for their services, still they are accountable to the public for losses which may be sustained by their neglect or mismanagement; and those Trustees, having consented to become the guardians of the property of the public, they were just as accountable for any loss occasioned by their own neglect as if they were paid for their services: besides, this institution was a local one, for the accommodation of the inhabitants of Saint John alone,—why then should the loss sustained by the mismanagement of a local institution, be supplied from the funds raised by the Province at large? But this appropriation happened to be a favourite one with Members of the Legislative Council.

Another appropriation passed by the Council was for £150 to the Attorney General, for services said to have never been performed; indeed some have been so uncharitable as to call it a *retainer* from the Assembly, which may have been the cause of a change on the second division in the Council on the Members' Pay question.

These are a few specimens of the appropriations sanctioned by the Legislative Council. I will now refer to two or three of the appropriations which were rejected by that body, while wishing to meet the views and represent the general interests of the people. Passing over a number of appropriations made by the House to persons who had taught Parish Schools, but failed to obtain the Provincial allowance, on account of some omission of the Magistrates, the Trustees, or their own, which were rejected by the Council, we will notice, in the first place, a grant of £50 in aid of individual subscriptions to support a Catholic School at Saint John, where some hundreds of poor children had no other means whatever of obtaining education, but who were, for want of suitable instruction, subjected to vice and immorality of almost every description. This small pittance, although it might have saved hundreds from vice and ruin, and made them useful members of society, was *generously* withheld by the Legislative Council, while representing the general interests of the people.—Another appropriation, which unfortunately was not a favourite one with the Members of the Council, was a grant of £500 to the Committee of the New-Brunswick Baptist Education Society, to assist them in the erection of a Seminary for the education of youth in this Province. The loss of this grant, as well as others, shews plainly that the Legislative Council had but little respect to either the views or interests of the people in their Legislative proceedings. Petitions were presented to the several branches of the Legislature, from five different Counties, signed by about six hundred of the respectable inhabitants of the Province of various denominations, praying for aid in the erection of the said building. The grant passed the Assembly almost unanimously, with the exception of a few, the opposition of some of whom may be considered much more creditable to any measure than their support. What good reason can be assigned for the rejection of this appropriation by the Council? Was it rejected because the revenues were not sufficient to allow of such a grant? Certainly not: the lavish and improvident grants before referred to, negative this supposition. Was it because King's College affords sufficient encouragement for the education of the youth of the whole Province, and therefore an institution of this kind was uncalled for? No person, I presume, will accuse that Honorable Body with such madness as to believe this. The mere fact, that King's College, although it has been in operation for several years, with the annual expenditure of £2200 of the earnings of the people, has seldom had more than seven or eight Students in attendance at any one time, is quite sufficient to prove that that institution is not calculated to meet the views of the public, and to disseminate education generally throughout the Province. Was the grant withheld because the establishing of such an institution in our Province was speculative, or its results uncertain? No such objection could have been urged, as the principles upon which this Seminary is to be conducted, (a prospectus of which has been before the public for more than a year past,) are precisely the same as those of the Academy established at Horton, Nova-Scotia, in 1830, the extensive usefulness of which is generally acknowledged. From fifty to seventy youths, whose parents belong to various denominations, and reside in almost every section of the Province, and some in New-Brunswick, have been receiving the most useful instructions in that Academy, since its erection, at the moderate rate of from £19 to £21 per annum, including tuition, board, washing and lodging, as will appear upon reference to a report of the state and proceedings of the institution, published by its Committee in 1833. And let it be recollected that a grant of £500 passed even the Legislative Council of Nova-Scotia, to assist in the erection of that Academy. What can be more important than to place the means of obtaining useful knowledge within the reach of the general population of the Country?—and what is the present state of education in our Province, and the means of obtaining it? Three-fourths of our Parish Schools are taught by strangers, too many of whom are in point of both moral and mental qualifications unfit to be entrusted with the education of youth. The cost of an education, both at King's College and the County Grammar Schools, is, if I am correctly informed, about £40 per annum, notwithstanding the lavish endowment (before named,) to the former, and a grant of £100 per annum to each of the latter; and unless the means of obtaining education can be made less expensive, our Parish Schools must continue to be supplied by the description of persons before mentioned, and the youth of our Province remain uneducated, or otherwise be sent from home, perhaps to the United States, (which is certainly objectionable,) where education can be obtained at a moderate expense. Why, I repeat, was the grant made by the Representatives of the people for the promotion of education in the Country rejected by the Legislative Council? Can any principles but those of illiberality and a total recklessness to the welfare of the people, be attributed to that Honorable Body, for thus laying violent hands on the provision made by the Assembly for the encouragement of the first effort made in the Province to reduce the expense of education to one half the sum it has heretofore been, and to disseminate the same more generally throughout the Province? Let the public decide the question. There are suspicions entertained that the grant was rejected with a view to suppress this, perhaps to some, obnoxious institution, believing that those who had commenced to build, not having counted the cost, would not be able to finish; and I acknowledge that it is tinged with such an appearance. I trust, however, that such expectations will never be realized; but that a liberal public, who have already subscribed One Thousand Pounds, from motives purely philanthropic, will increase their exertions and extend their liberality, to assist in the accomplishment of an object so fraught with advantage to the youth of our country. Before I close, I beg to remark that I fully believe that there are some individuals belonging to the Legislative Council who feel deeply interested for the welfare of the country, and who would have willingly passed this and other grants, had their influence been sufficient to have done so.

Your's, &c. A NATIVE.

27th March, 1835.

Mr. Chubb.—The feeble and ill natured attempt which is made by " *Penary*," to throw all the blame of the loss of the Bill of Appropriation upon the House of Assembly, requires a few passing remarks.

This writer gives a most confused history of the disputes between the Council and Assembly previous to the adoption of the Resolution system, (so called,) and has also given quotations from the Duke of Portland's letters to Governor Carleton, which are evidently intended to keep out of view the real sentiments of his Grace, with regard to these disputes, and by which he expects to mislead the public, and excuse the conduct of the Legislative Council in rejecting the Appropriation Bill. One part of the letter from the Duke of Portland would have shewn that the Bill sent to the Council from the Assembly, was in a constitutional form: this paragraph, *Penary* has omitted; it is thus:—" With respect to Money " Bills, I am clearly of opinion that the voting, " and, if the Assembly think proper, the appro- " priation of monies voted, is peculiarly within " its province." This certainly is a correct opinion, and is confirmed by all writers upon the British Constitution; surely then, all attempts by our Legislative Council to interfere with the appropriation of the Revenues are unconstitutional, and ought not to be submitted to.

Another part of the Duke's letter would not have answered *Penary's* purpose any better than the above quotation. His Grace considers it *derogatory in the Members of the Assembly to receive wages from their constituents*; what then would he have said, if, at that time, *the Council had been contending for wages?*

The Resolution system, which *Penary* venerates for its antiquity, was established at the same time with the one for annually voting, by resolution, payment of the expenses of the Speaker and Members of the Assembly, and appears to have been a part of the compact which *Penary* speaks of, between the two Houses; what right, then, had the Council to object to it at the late Session?—the People did not complain; but, on the contrary, wish that their Representatives should be paid.

If there was a compact, as *Penary* says, between the two Houses, certainly paying the Council formed no part of it; and then we now see, that because the Assembly would not pay the Honorables, they made no scruple to break this " compact," and reject grants that had invariably passed by resolution for thirty-four years. The Council, then, are chargeable with the loss of the Appropriation Bill; the proofs of this are to be found in the Resolution which was written and warmly advocated by the Chief Justice, as President of the Legislative Council. This most unfortunate Resolution contains a full and complete answer to all attempts which have or may be made, to fix the loss of the Appropriation Bill upon the Assembly; it ought to be kept in type, and republished monthly, and held up to the people as a melancholy proof of the great lengths to which some persons will go, in a desire to promote their own pecuniary interests: surely, " *the love of money is the root of all evil.*"

Will it be doubted, that the desire of the President and a majority of the Council to obtain wages for their attendance, and payment of their expenses, has led to the evils consequent upon the loss of the Appropriations? If any should doubt, then I beg them to read with attention this most extraordinary and unfortunate Resolution, above referred to:

"Whereas His Majesty's Government, upon the establishment in this Province of a Legislative Council, distinct and separate from the Executive Council, in the year one thousand eight hundred and thirty three, did express an opinion, that the members of the Legislative Council should have their expenses paid in the same manner as the members of the Assembly, and did accordingly recommend to both Houses the passing of a law, providing for the attendance and expences of the President and Members of the Legislative Council, in the same manner as for the Speaker and Members of the House of Assembly which opinion and recommendation this House think just and reasonable: And whereas the House of Assembly hath not made provision for the attendance and expenses of the President and Members of the Legislative Council, agreeably to the said recommendation of His Majesty's Government;—*Therefore, Resolved*—that the further consideration of this Bill be postponed for three months."

In this Resolution there is no equivocation or reservation: we break through an old established custom or usage, because you, the Assembly, will not *pay us for attendance and expenses*; and for this only reason, we reject a Bill which we acknowledge to be reasonable!!!—Verily, this is Legislation worthy to be kept in perpetual remembrance, to the honor of the President and majority of the Legislative Council!!!—Will the people of this Province, after reading this Resolution, be gulled by the parasites of the Council, and led to blame the Assembly for making a stand against these monstrous attempts of the Council to compel them to vote to the President and Members, large sums from the Provincial Treasury for their *attendance* and *expenses?* No.

The *famed Resolution* commences by reciting a circumstance which was obnoxious to the whole Province, *establishing distinct Councils*. This measure was made a subject of complaint by the Assembly to His Majesty in 1833.—Again, the *Resolution* speaks of the recommendation of *Lord Goderich* to pay the Council; this recommendation was suspected by some to be a mere *sop*, intended by His Lordship in some degree to soften the injustice which was inflicted on the senior members of the old Council, and the degradation which they have been compelled to feel, by having juniors placed over them, and not only juniors in the old Council, but others who were never till that period in either of the Councils. I am, however, proud to say, that this contemptible sop, this recommended ***** was spurned at by the senior members of the old Council, who were thus so unjustly treated; and again, the Councils are not *separate* and *distinct*: three of the Executive, are also in the Legislative Council—*a most objectionable union of powers*,—therefore, the whole of the preamble to this most remarkable and unfortunate Resolution of the Chief Justice, and President of the Legislative Council, is in a very great degree obnoxious to the people of this Province, and ought not by any means to have been urged as a reason for rejecting the Appropriations which had been established by the invariable usage of thirty-five years.

Penary speaks of the " arbitrary will and violence of the Lower House."—There certainly was no violence discovered by them, nor any disposition to be arbitrary—they did not attempt to force any new measure, but calmly adopted the best means which they could suggest, to preserve to the people, inviolate, the Elective Franchise.—(The Resolution of the Council respecting the Clerks' Pay, &c. is a perfect sample of the despotic disposition of the Council.)

If one of the majority of the Assembly did, as *Penary* asserts, but which I am unwilling to believe, say that the Council '*are no Gentlemen*' if they pass the Appropriation Bill—I can only say, that he forgot *himself*, and so did *Penary*, in repeating his words.

The assertion, that " a communication was " hastened to his Excellency from the organ of " the House, that the business of the Session was " finished," is not true, and discovers bad temper in *Penary*. I am authorised to say, that there is no foundation for this insinuation,—no communication was made by the organ of the House, except the one he made on presenting the Revenue Bill at the time the House were summoned by the Lieutenant-Governor to be prorogued.—The usual practice is, that when the Assembly have finished their business, they instruct the Clerk to inform his Excellency of this fact; but this does not for a moment hasten the prorogation: the Lieutenant-Governor may still prolong it if he has any thing further to offer, or if the Council have not finished their business.—Thus much for the organ of the House of Assembly, who seems to produce political notes of very different sound from those produced by the organ of the Legislative Council; but which of these sounds are most in harmony with the feelings of the people, must be left with the people to decide.

Penary says something of certain recommendations of his Excellency to the Committees who waited upon him the day previous to the prorogation; I will not now inquire into the propriety of introducing into the public papers, the private conversation of the Lieutenant-Governor, but as this has been done by *Penary*, with an evident intention to deceive the public, it may not be amiss in me to state, that to the Committees of the Assembly his Excellency did express his extreme regret at the dispute between the two Houses, and most unequivocally gave his opinion that the Members of the Assembly ought to have their expenses paid. His Excellency, no doubt, fully realizes the very injurious consequences which would immediately result, if the people were compelled to elect only such men as could bear their own expenses; *he no doubt comprehends, that a majority of such a House would possess the same feelings and views with the majority of the present Legislative Council*; now surely such a *representation* is most solemnly to be deprecated; and to preserve the Country from this very state, the Assembly have made a stand, and if they should ever *yield*, they would deserve the execration of the *People*.

This writer has taken occasion to bestow a considerable portion of flattery upon the minority of the Assembly. If I mistake not, this same minority will blush when they read his communication;—to be *so flattered*, will be considered any thing but complimentary, and by *such a writer*. Let them, however, take the full benefit—I do not grudge it to them.

I am ready to exclaim, when I read the two Resolutions of the Council, one respecting the Clerks' Salaries, and the other respecting the Bill to provide for the expenses of the Speaker and Members of the House of Assembly, and which so unequivocally set forth the views and motives of the majority of the Council, " *Hear it Patriotism!!*"—" *Record it Justice!!*"—" *Admire it disinterestedness!!*" I hope *Penary* will excuse me for adopting his own words. I have no doubt he is a great admirer of these Resolutions, for he affects to give his ideas much in the same style, and I am much more inclined to think that he could write others to the same purport, in such similar language, that the public would not detect a different author.

It may be necessary, hereafter, to say something of the strange position which his political character has placed the Chief Justice in;—*the leader of a political party in the Legislature, squabbling for wages, &c.* But, perhaps enough has been written upon the loss of the Appropriation Bill: this is now a great question between the People and their Representatives, for I contend that the Council have no right to dictate respecting the payment of the Members' Expenses, &c.; and the occasion would fully justify a dissolution of the Assembly, and the people would then decide the question by the return or rejection of the majority of the Assembly.

A NEW-BRUNSWICKER.

To all whom it may Concern:

NOTICE is hereby given, that the undersigned has, by an order of the Lieutenant Governor and Chancellor of this Province, bearing date the eighth day of January, 1835, been duly appointed a Committee for the care of the person of ROBERT WILLIAM CROOKSHANK, the Younger, a Lunatic, and the management of his Estate; and having entered into the requisite security, has taken upon himself the discharge of the trust.

All Persons indebted to the said Lunatic, are therefore required to make payment to the undersigned—and all persons having demands upon the Estate, are requested to present the same without delay, in order that they may be examined and put in a course of payment.

I. L. BEDELL.

Saint John, 14th February, 1835.

Dancing Academy.

MR. REID apprises the Young Ladies and Gentlemen of St. John and its vicinity, that he will, on Monday next, the 12th instant, REMOVE his Academy to *Mr. Bragg's Long Room, King street*, where Ladies and Gentlemen will have an opportunity of being instructed in the most fashionable style of Dancing; Young Ladies, desirous of joining the present class, will please make immediate application.

Days of attendance—Monday, Tuesday, and Friday, for young Ladies, from 3 to 5 P. M.: for Gentlemen, from half-past 8 to half-past 10, P. M.

☞Young Gentlemen under 14 will be admitted to the Ladies' Class. A few more Gentlemen can be admitted to the Evening Class.

January 5th, 1835.

☞ *NOTICE.* ☜

THE Subscribers hereby give notice, that from the first of May next, they will jointly carry on TANNING, CURRYING, FUR DRESSING, and BOOT & SHOE MAKING, under the firm of *JOHN & CHAS. SCRIBNER*; and respectfully solicit the encouragement of their friends and the public in general.

☞ *Shop in Nelson-street—Tannery adjoining Mr. Crawford's Lower Cove.*

N. B.—Country orders punctually attended to.

JOHN C. SCRIBNER,
CHARLES K. SCRIBNER.

St. John, March 7, 1835.

TO MERCHANTS.

A PERSON residing in this City for a number of years past, and always engaged in its business wishes a Situation as BOOK-KEEPER, or SALESMAN in a respectable establishment.—For particulars, apply at this Office.

March 14, 1835.

The Courier.

SATURDAY, April 11, 1835.

The dates by the English February Mail, which arrived in town on Wednesday evening, by express from Halifax, by land, are only to the 7th of the month: later accounts were received *via* the United States, a fortnight since.

By the Ship *Amy*, at this port from London, the *Morning Chronicle* of the 13th February was received—but we believe it contains nothing of moment.—Easterly winds having generally prevailed since the *Amy* left Falmouth, the March Mail is confidently expected by the land route from Halifax this evening.

New Mayor.—William H. Street, Esquire, has, we understand, been appointed Mayor of the City for the ensuing year, in the room of B. L. Peters, Esq.—Our sentiments on the needless exercise of this prerogative, annually, by the Executive, were fully expressed last year, and we now see no good reason to change them.

Another Whaler.—The Ship *Margaret*, owned by Mr. Charles C. Stewart, returned to this port on Thursday morning, from a voyage to the South Seas, with a full cargo of Oil, &c.—viz. 350 barrels of Sperm and 1750 of Black Oil, and 20,000 pounds of Whale Bone. The *Margaret* has been absent about twenty months.—We are glad to find this new branch of trade from our Province, so productive and encouraging.

Specie.—Upwards of *Two Hundred Thousand Dollars*, in specie, arrived in this City on Thursday last, from the United States, and a further shipment is hourly expected from New York, by the brig *Halcyon*, Captain Crowell. There is now, we are informed, a greater amount of money in this City, than at any former period,—and, to use a trade phrase, we wish soon to see the *quoins unlocked*, and the *forms* generally *distributed*.

ELECTION OF CHARTER OFFICERS.

The Annual Election of Charter Officers for the ensuing year, took place on Tuesday last.—In some of the Wards, there was considerable contest for the civic honours. Mr. Porter opposed the re-election of the present Alderman for *King's*, and was so well supported, that about two o'clock, Mr. Stanton seeing no chance of success, the Poll was closed—the votes, at the time, being, for Mr. Stanton, 29; Mr. Porter, 83;—for Mr. John Knollin, as Assistant, 80; Mr. Richard Lawrence, 25, and Mr. Thomas G. Hatheway, 3.—D. Ansley, Esq. having declined becoming a candidate for the Aldermanship in *Queen's Ward*, Mr. George Matthew and Mr. George A. Lockhart were put in nomination, and warmly supported by their respective friends during the day; at the close of the Poll, Mr. Matthew had 166 votes, Mr. Lockhart 178—Mr. R. Ray had no opposition as Assistant.—In *Duke's*, Mr. Harding was opposed by his Assistant, Mr. Hooper; but few votes, comparatively, were given for either of the candidates, although the polling was continued until six o'clock, the hour prescribed by law—Mr. Harding had 97, Mr. Hooper *received thirty-nine!!!*—Mr. Mosher, as Assistant, 94, Mr. J. Sherard, 61.—Mr. S. Stephen was nominated as Alderman for *Sidney Ward*, and Mr. W. Mackay as Assistant; but the electors not coming forward promptly to their support, they retired after a few hours' polling, and the present incumbents were declared duly elected.—Mr. Van Horne, 60—Mr. Stephen, 10; Mr. Cameron, as Assistant, 55—Mr. Mackay, 14.—We have no particulars from Carleton.

The following statement will shew the returns in the several Wards:

King's Ward.—Henry Porter, Esq. Alderman; Mr. John Knollin, Assistant Alderman; John Bell, Constable.

Queen's Ward.—George A. Lockhart, Esq. Alderman; Mr. Robert Ray, Assistant; Ebenezer Herrington, Constable.

Duke's Ward.—Thomas Harding, Esq. Alderman; Mr. Ira Mosher, Assistant; Robert M'Kelvey, Constable.

Sidney Ward.—Gregory Van Horne, Esq. Alderman; Mr. Ewen Cameron, Assistant; William Munford, Constable.

Guy's Ward.—William Olive, Esq. Alderman; Mr. Robert Salter, Assistant; John Ketchum, Constable.

Brook's Ward.—George Bond, Esq. Alderman; Mr. Joseph Beatty, Assistant; Joseph Coram, Constable.

The duties of the new Council will commence on Tuesday the 21st instant, on which day, at 12 o'clock, the members will be sworn into office.—At a meeting of the present Board, on Tuesday evening, John R. Partelow, Esq. was re-elected *Chamberlain*, and His Worship the Mayor reappointed Mr. Joshua Bunting, *High Constable*. The following persons were afterwards appointed additional Constables by the Board:

For King's Ward.—Lewis Fairweather and Henry Armstrong.

Queen's.—Robert W. Nowlan, Edward Bennison, and William Bean.

Duke's—Wm. Nixon, Wm. Aikins, Benjamin Herrington. *Sidney*—Alexander Moody.

Guy's—Wm. Colwell. *Brook's*—Leonard Woodworth.

At a meeting of the members of the Saint George's Society, on Monday evening, the following Gentlemen were chosen Office-bearers for the ensuing year:—

Robert F. Hazen, Esq., President,
J. V. Thurgar, Esq., Vice-President,
I. L. Bedell, Esq., Treasurer,
Mr. A. R. Truro, Secretary.

New Invention.—Captain E. Larkin, of this port, has invented machinery, simple in its construction and that can at a very small expense be attached to the rudder of any vessel, that will on a dial at the Rudder head show the distance the ship has sailed, and only the actual distance, for if the ship should at any time go astern, the distance so gone astern is taken off the dial, and the true distance gone ahead only is shown.—Should it answer the purpose anticipated, it will be a great benefit gained in Navigation, as at times it is of the greatest importance to know the distance sailed; for instance having a given distance to run in a fog or at night, it may be done with safety—this machinery giving the true and absolute distance, which has not yet been ascertained with certainty by any method, with the simplicity and accuracy of this invention: as much depends in the usual method on judgment, the steadiness of the wind, and the state of the atmosphere acting on canvas having in ordinary cases great effect on the rate of sailing, in both of which cases the judgment is very liable to error: this machinery inverted and exposed to the action of the wind, instead of the water, would at any time with equal accuracy give the velocity of the wind: the neatness and compact state of the invention does much credit to Capt. Larkin's ingenuity and mechanical talent.—*City Gazette.*

Mrs. Hall's Views.—We were this morning shewn a copy of this work, which will be ready for delivery in a few days, and, we think, will fully meet the expectations of the subscribers.

Embezzlement.—It is with regret we understand that the Cashier of the Charlotte County Bank, (Peter Stubs, Esq.) absconded last week, being a defaulter to that Institution to the amount of upwards of £340, and to the *Charlotte County Savings' Bank*, (of which he was also Cashier,) to nearly an equal amount.—Mr. Stubs was formerly a respectable merchant in St. Andrews, and subsequently editor of the *Herald*. He has at different times held highly responsible offices in Charlotte County, the duties of which, heretofore, we believe, he discharged faithfully and with considerable ability: he was formerly a Representative in General Assembly, and is at present one of the Justices of the Inferior Court of Common Pleas for Charlotte County.

Charlotte County Bank,
St. Andrews, April 6, 1835.

The President and Directors of the Charlotte County Bank hereby notify the Public, that in consequence of their Cashier, Mr. *Peter Stubs*, having unexpectedly left their employment, his signature will not, from this date, be acknowledged by them.

It may be satisfactory to those interested in this Institution to learn, that the deficiency in Mr. Stubs' Cash is £341 14 8, which amount his Bondsmen have this day acknowledged, and secured to the Bank.

Harris Hatch, *President.*

Accounts from the Island of Grenada of the 24th January, mention the sudden death from apoplexy, of Mr. Haversaat, Assistant Commissary General on that station. Mr. Haversaat was for some time in the Com. Department in this town, and was universally respected. He was a native of Munich.—*Halifax Times.*

The Hon. Mr. Justice Kerr, after a stay of upwards of 40 years in Lower Canada, has retired from the Quebec Bench, and taken up his residence in London.—*Quebec Gazette.*

The Army.—The second battalion, 60th Rifles, now in Ireland, the Limerick Chronicle of January 21st announces, are to relieve, next spring, the 79th Highlanders, ordered home from Canada.

The 43d Regiment, now stationed at Cork, are to embark in April for Halifax, where they will relieve the 96th, which has been abroad since 1824.

Extract from a new Correspondent of the Montreal " Vindicator," under date of London, February 6th:

" Lord Aberdeen was sent to the Admiralty, and then for convenience, was sent to the Colonial Office. Since his appointment it has been difficult to obtain a representative of the office in the House of Commons. It has been offered to several persons. One of the last was Mr. S. Wortley, a prattling, insignificant busy body; a person of no talent, and who has been forced on by the fortunes and connexions of his family.—Mr. W. having been defeated in his election, the Under Secretaryship has been given to Mr. Gladstone, the son of a West India Merchant at Liverpool. He is a vulgar, insignificant-looking person, and among those whom chance has introduced him to, and whose station in society is better than his own, many complaints are current of that want of good breeding which distinguishes a Gentleman. Narrow in his ideas, he will be the tool of Mr. Hay; vulgar in his notions, he will be insolent in his conduct; ignorant of all that relates to the department with which he is connected, he will be presumptuous and daring, bullying and threatening. Let the difficulties of Canadian affairs continue or increase, and he is just such a man as will contribute to the ruin of a Colonial Minister, *or what is of greater import, the loss of a powerful Colony.*"

Liverpool, 9th February.—The present has been hitherto one of the mildest winters ever known, and is now apparently too far advanced to acquire a different character.

The political adherents of the new Premier are distinguished from the police, of which he was the founder, by the one designated *Peelites*, the latter *Peelers*.

The hon. and learned member for Dublin (O'Connell,) in a late speech to the Anti-Tory Association, said:—" Your outrageous and high-flying Republicans I could never find to be trusted upon public questions (hear!) They were mightily exalted upon abstract questions; but when it came to a point of political liberty, they sunk their Republicanism in their pocket, with the weight of the money that would go along with it."—*Liverpool paper.*

The rumour has been recorded within the last few days, that Sir George Murray is no longer a member of the Peel-Wellington Cabinet. This rumour acquires additional currency from the very remarkable fact that Sir George has not attended any late Cabinets.—*Ibid.*

Return of the value of Domestic Articles exported to the British West Indies and to the British North American Colonies, from the district of New York, during the years 1826, 1832, and 1834.

	To B. W. Indies.	To B. N. A. Colonies.	Total.
1826	491,161	214,832	705,995
1832	342,963	604,733	957,696
1834	312,694	432,933	755,627
			2,519,318

Return of Pork and Flour exported.

	To B. W. Indies. Pork.	To B. W. Indies. Flour.	To B. N. A. Colonies. Pork.	To B. N. A. Colonies. Flour.
1826	11	25,705	1,691	23,250
1832	1190	18,328	13,760	36,160
1834	365	24,316	8,407	29,025
	1566	68,349	23,858	88,435

The Charleston papers announce the arrival there of the brig Enterprize, which sailed from Alexandria, D. C. on the 27th January, for that port, with a cargo of slaves, and which having been driven off the coast by a succession of bad weather, was compelled to put into Bermuda for provisions. We have already received accounts of the liberation, by order of the Court at Bermuda, of all the slaves on board of her, with the exception of one woman and five children, who refused to quit the vessel. It appears in the further details, given in the Charleston papers, that the writ of habeas corpus was issued by the Chief Justice at Hamilton, on the application of a society composed of coloured persons; and the editor observes, " This unwarrantable conduct of the officers of the British Government, in interfering with and forcibly taking possession of the property of American citizens—this *piracy*, under cover of law—this high handed insult to the Flag of the United States, calls for the action of our Government, and we confidently trust that prompt measures may be taken to redress the wrongs, and avenge the insult which has been thus a second time offered to this country."—*N. York Courier and Enquirer.*

We find by the Windward Island papers that Emigration is going on to the West Indies from Great Britain to a considerable extent. At St. Kitts, a gentleman has sent out from England several Hampshire farmers who are found to bear the climate remarkably well. They have introduced the plough extensively, as well as other agricultural implements, and thereby abridge a good deal of human labour. They work from six to ten in the morning, and from three to six in the evening, the middle of the day being devoted to in-door occupations and repose. In this way six families of Hampshire Farmers have cultivated 100 acres of sugar land and performed the duty of *one hundred negroes*. Surely this is an important result, and one that must arrest the attention of the holders of West India property generally. None but good settlers are allowed to emigrate. The gentleman before referred to gives £25 per annum to men, and £16 to boys, affording them a free passage and a cottage, and an acre of garden, rent free. His wife and children raise fruits and vegetables in the garden—also pigs and poultry, which thrive well in warm climates. The settlers are indented for five years.—*N. Y. Emigrant.*

SAVINGS' BANK.

Open every Tuesday, *from* 1 *to* 3 *o'clock*. Office in King-street.—D. Jordan, Cashier.

Deposited in March, . £192 11 3
Withdrawn ditto, . . 74 18 11

Committee for April:

Charles Simonds, and Geo. Matthew, Esquires.

ARRIVAL AND DEPARTURE OF THE MAILS,

At and from the Post Office, St. John, N. B.

MONDAY.
For Fredericton, at 11, A. M.

TUESDAY.
From Halifax, Annapolis, &c. by the Boat.
For Saint Andrews, at 8, P. M.
From Fredericton, by Land, at 1, P. M.

WEDNESDAY.
For Halifax, Miramichi, &c. at 1, P. M.
From Saint Andrews, by Land, at 10, A. M.

THURSDAY.
From Fredericton, by Land, at 12, noon.
From Saint Andrews, by the Boat.
For ditto, at 8, P. M.

FRIDAY.
For Fredericton, by Land, at 11, A. M.

SATURDAY.
From Halifax, Miramichi, &c. at 10, A. M.
From Saint Andrews, by the Boat.
For Halifax, Annapolis, &c. at 7, P. M.
For St. Andrews, at 8, P. M.

☞ All Letters must be in the Office half an hour before the time of closing.

CHARLES DRURY, P. M.

MARRIED,

On Wednesday evening last, by the Rev. Dr. Gray, Mr. Peter Lawson, to Mrs. Ann Bibber.