

hon. member had particularly referred to the speech of his Excellency Sir Colin Campbell, at the opening of the Legislature of Nova Scotia; and he (Mr. P.) would now recall the attention of the Committee to

the memorable words of that Speech. The hon. member here proceeded to read extracts from the said speech, shewing that in Nova Scotia, there were no other resources available within the Province, for the support of the civil establishment, except the quit rents; that, although that much needed revenue had the advantage of being a just, equal, and very moderate tax in itself, justly proportioned, &c., yet the collection had been deferred for a long time, with the hope of some substitute being provided for it; that all such hopes had failed, and his Majesty had therefore been deprived of sufficient revenues in the Province for the purposes of government, and that, though it was with much reluctance, that the collection of the quit rents was resolved upon, yet the indispensable necessity of the case was apparent, and the individual officers of government must be provided for, and as there was no other resource within the colony, H. A. and his colleagues were therefore compelled to enforce the collection. — With these facts, then, before them, as depicted in this memorable speech, the committee must feel, that the sole ground for collecting the quit rents in Nova Scotia, arose from the mere necessity of the case, because there were no other means in that colony to support the ordinary expenses of the government. But when, in this province, the government had an ample cause, and more than sufficient for all expenses, and yet they had an enormously disproportionate tax, that, simply provided for already, and the quit rents in Nova Scotia, his Majesty would have been deprived but merely because all other resources had failed, he (Mr. P.) would ask, what pretence was there for collecting them in this province? He was decidedly for no opposition or meddling now in managing this matter; but let the hon.

[illegible]

supported the arguments advanced by him yesterday at very great length; and was briefly replied to by Mr. Johnston; after which Mr. Chandler also, in a

Mr. Clinch was for meeting the hon. and learned member for Westminster at once, on the ground of commutation; and he could not, on any principle of justice, legality, or expediency, consent to such a measure.—A large proportion of the people of this province were persons owing to quitrents. They consisted of persons owning no land; of emigrants, who had come to the country and constantly arriving; they, as well as many others, had bought their lands from the Crown, free of any incumbrance. Many had also redeemed their quit rents. To subject all these to a share of the burdens of others, would be manifestly unjust. The legality of the claim had been insisted on. He was not disposed to deny the King's right, but he would say these pay their own by

have were led to do so. Neither did he think the collection of the quit rents was going to cause all the difficulty and distress which some Lord's property had depicted in his mind. He was not aware that the rate of two pence in the pound on the whole of the land, the rate of two pence in the pound on 100 acres would not prove so very burdensome to the poor man who owned but 200 or 300 acres, and the great landowners were not to be considered objects of compassion. But even admitting that such would be the case to a certain extent, yet still he did not think it expedient, at present, to attempt to give a permanent relief to the poor man, because he would then saddle ourselves with a permanent burden, which we could never hope to get rid of, and at the same time would thereby give up all chance of another appeal to the home government. It was objected that this had been tried already. It was true, the house had seen the necessity of doing so, but, as a matter of fact, it was not intended to bring this matter under the notice of ministers, but from the circumstance of the suspension of collecting the quit rents having been resolved on, before the delegates reached England, it was not deemed necessary then to make any strong representation on the subject; so that it might be said that they had not yet made a full use of the means which they ought to have used. He would have stronger grounds for recommending now to leave it, and it was possible the government might yet listen to reason. All their negotiations with the home government were attended

with this peculiar difficulty, which was, the interference of a third party. It was a common saying that two parties were at variance, but that when a third party came in, the contest of necessity rendered more complicated. By the third party Mr. (C.) meant, those who had the controul and management of the Kings revenue in this Province, and who still hoped for further emolument from such management.—Their great object was to have all the money they could, pass through their hands.—It signified nothing to them, how little net profit would accrue to the Crown from the collection of the Quit Rents,—if the whole, even, were spent in collection, which was nearly the case. Still it answered their purposes effectually, because it would provide for Commissioners, Receivers and Clerks, besides giving opportunities of making most extravagant

and unrecalled charges for different fuel, and stationery, of which there were such favourable specifications in the Casual Revenue accounts before the House, as also in expenses to Law officers.—The House for the Committee might take it for granted, that the collection of these rents will be resumed; it would be deceiving themselves to suppose otherwise, because it suited the views of the officials in this Country. But still they might indulge a hope, that after the measure had been persevered in for a few years, and the Home Government were made sensible how little profit was going to accrue from it, and being also made sensible that the money was not in reality wanted for the support of the civil list,—they would then be inclined to abandon it altogether.—A great deal had been said about agitation. He (Mr. C.) would be very sorry to see any agitation here, similar to what was going on in a part of the United Kingdom or

Canada; nor did he think that resistance to the measure now proposed should be branded with that epithet.—It was nothing more than that occasional clashing between different interests, which naturally arose out of the practical working of the British Constitution,—and was not half so injurious to the country as a tame and submissive compliance of the Democracy with the will of the Executive. Such had been the order of things some years ago, and the public had

seen the results of it, in the most wasteful and extravagant expenditure of the Provincial Revenue; the effects of which were yet felt.—He was decidedly against commutation for the present.

(To be continued.)

From an editorial article in the *Observer* of Tuesday last, on the loss of the Appropriation

Bill, we make the following extract:—

A writer in the *Courier*, with the signature of "*C. rion*," (a singularly unhappy name,) has laboured hard to attack our position, but without effect. It is too impregnable for his battery. We had intended a de-

tailed reply to his laborious efforts, but having received a communication from Q. R. tending to the same end, (which will be found in another column,) very little remains to be noticed. "*Orion*" has rather splendidly commenced with a little personal invective; but as that is not the way to maintain an argument or a gentlemanly character in debate, we will not follow his example; since it is generally found

Mr. Chinch was for meeting the hon. and learned member of Westminster at once, on the ground of commutation; and he could not, on any principle of justice, legality, or even expediency, consent to such a measure.—A large proportion of the people of this province were not subject to quit rents. They consisted of persons owning no land; of emigrants, who were numerous in the country and constantly arriving; of persons who had been in the country for many years, and, as well as many others, had bought their land from the Crown, free of any quit rents. Many had also received the land from the Crown, and were not subject to the burdens of others, would be manifestly unjust. The legality of the claim had been insisted on. He was not disposed to deny the King's right, but he would say that these pay them who by

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prescriptive principle of each. The whole of mode of British Legislation, or the *Lex Scripta*, is founded that prescriptive combination of venerable and sacred principles, the happy result of the wisdom and experience of many by-gone ages, called the "*Lex non scripta*," or the "*Common Law*." Now every law is continually in the habit of pleading the authority of the "*Common Law*," but no law is, "that is the Common Law." It is not, in fact, a *code*, but a combination of established moral principles, which are now blended into every enactment passed in the British Legislature; and contrary to which, no law can be made. In the same manner the rights and privileges of the British People, are continually maintained and preserved by their representatives, the House of Commons, and the *rights and privileges of the British Constitution* are the journals of that House present innumerable testimonies to the fact, by recording, in imperishable

and usages, our Assembly to those of the House of Commons; and if their forms and usages are to be similar, surely their rights and privileges must be also. Knowing all this, our Representatives are determined manfully to maintain those rights and privileges which they have inherited from their ancestors, and hence the resolution of the constitutional stand they have taken. *Orison* says that "the power of sending up supplies by Bill of Supply is expressly taken away from the House by the Royal Instructions." This is impossible: no such arbitrary stricture of prerogative could have any effect or validity. That "*power*" is the most sacred constitutional privilege of the Commons, and the subject of possession is the House of Commons; and the House of Commons cannot more take it away from any Colonial Assembly than from the English House of Commons itself. It is inalienable, inherent right and cannot be affected by any such instructions, and

considered at the time, by well informed persons, evincing any thing but parliamentary knowledge and having been passed by a *thin House*, at the close of the Session, it was not the genuine resolution of the Council, and would it be believed, that that body's very next Session, utterly abrogated and annulled Yet such is the fact: for in their own Journals, under March 12, 1828, we find the following entry:—*"Resolved, That the Councils of the said Province be and do move that the said Resolution be taken into consideration on Friday next."* Resolved, *"the Council is now as full as it can be during the present Session of the General Assembly, that the said Resolution be taken into consideration on Friday next."* Resolved, *"who reside at great distances from, and by reason of their great ages are unable to travel to Fredericton, at this important season of the year, and who are desirous to be present at the said Session of the Council, be and do move that the said Resolution be taken into consideration on Friday next."*

heretofore, or at any time heretofore to be, made and pur-
tending to control, alter or in any manner to affect the gene-
course of the practice and proceedings of the Council in ac-
tivity to either of the other Branches of the Legislature, we
shall have not have been, or shall not be, so made and pur-
in a full Council, or upon a previous call, or upon such
that every Member might have had, or may have an oppo-
portunity of giving his voice upon any such Resolution or Opi-
shall be of any force or validity whatever, nor shall in any
nor control or affect the proceedings of the Council at this
any future Session of the General Assembly: Provided

highly impolitic, and must cause great inconvenience to every branch of the public service, as well as much individual suffering & general dissatisfaction throughout the Province." —

[FOR THE WEEKLY OBSERVER.]

MR. CAMERON.—My attention has been again called to the "Appropriation Bill," by reading in last Saturday's *Courier* a letter signed "Orion," in which two things are attempted to be explained.

1. The Constitution of this Province, wherein it is asserted that the House of Assembly possess not the exclusive right of Appropriation, like the Representative bodies in all other parts of the realm.
2. That the loss of the Appropriation Bill would be the fault of the Assembly, in which the Government have no share, and that it is their duty to secure the bill, or risk the chance of all public services being unprovided for.

In offering some further remarks on these two subjects

by "Orio" himself. I know that I am joined
every shoot that has sprung from the loyal soil of the
Province; and I am one of their bone and flesh
and their flesh. The sons of the land, and the
the blood of the land, and the blood of the land,
flow in our veins has been shed in defence of the
British name, and the remainder is no less pure. We
are Englishmen by birthright, in feeling, and in sup-
port of our constitutional rights. We ask nothing
but an English privilege, and when the mist is dis-
persed which thirteen years of wrong Legislation has
cast over us, we shall return to the common enjoy-
ment of our rights.

It will now proceed to notice the first part of the
"Orio" doctrine, which declares that the right of
common property belongs *not solely* to the Commons
of New-Brunswick. I know as well as he does the
law, by which a British people enjoy the privilege

“ by a comparison with the Parliamentary Forms at home; “USAGES of the Mother Country,” (mark the resemblance), “and a close adherence to the Government,” “Commission and Instructions, which together with such Laws as have been ratified from time to time, form the Constitution of the Colony.” Now General Smyth meant that we should remove the few remaining errors (as he mildly calls it) of our Colonial system, by adopting such a course as the Forms and Usages of Parliament predicted; “Or,” as he has explained that we must “send up the Supplemental Bill in gross.” But did he mean us to comply with the Royal Instructions too? (I repeat again that the Instructions emanated from the Colonial office, then “Ori-

says they expressly point out the other course—and believe him. What then? The Lieut. Governor refers to two causes, in direct variance with each other, both of which he says must be followed, thereby directing the Legislature of New-Brunswick to—*renounce what she said at the same moment.* Oh! Orio—*what say you about a man who seizes (in your orographic phraseology) an idea by the tail!*

then brethren in a distant land.—What reason dost I meet with here? We are told "that from the first settlement on this coast until the present time, no question had been asked by the Legislature, whether it was expedient to ask "Orion" to let us ask every reasonable man, woman or child, who has any sense, in this, in every land, where these simple remarks may be read—*Ought the subject to rest any longer?*—I do not ask my countrymen—the constituents of this House—do they wish it to rest any longer. But this be the Constitution of our Country, let us at last lay the matter before our Sovereign, not forgetful that another King and another Minister walks the destinies of these realms, than those of the year 1800.

I will now again call your attention to the spirit of the resolutions passed on the 17th of March,—"the House of Assembly possess the sole right granting public monies and of modelling the supplies as they see fit." The Commons of New-Brumswick have expressed the same sense upon the subject of England's soil 167 years before, "That all aids and supplies to his Majesty are the sole gift of the Commons." Then why is it not right to say, that the Colonists of New Brunswick were right? Yet the principles of General Smyth were clearly set forth in his address in 1823; as Lieutenant Governor of New Brunswick he said, "The Colonists of New Brunswick were, both as a man, and an Englishman, he felt constrained to state, that the Colonists of New Brunswick were, across the Atlantic, in high situation which he held in our country, and that the Colonists of New Brunswick were feeble footstep of Legislation in these Colonies.

I come now in the second place to a consideration of the subject of the Bill, which I have the honor to introduce. I must now in my turn correct my able motto on this important subject; and shew him that altho' I got overboarded, yet I did not sink, my last being, *forgetfulness*, what were the reasons which led to the mistake? It was, that I forgot what he appears not to recollect, namely, that "Myself" was not the only rejected grant which was embodied in the bill of the day. There was also a Bill introduced in the year £290 to assist in erecting a School House in the Parish of St. John's, which was also rejected.

that that too as another part of the *Constitution* of this race. From all these premises will not the consistency, verity and beauty of the *Constitution* be manifestly preferred?

To signify the evil, great stress is laid on the dilemma which are expected to arise from the loss of the appropriation. And Orion tells us about its being "fast over several lengths of the force, and the remainder of the force, I hope to have it in my power, if the track does not descend after pen, at no very distant period to lay before the public a true extent of the evil, and also, I suppose my friend will be horror-struck at the idea, some of the *benefits* which will be derived from the proposed measure, and the necessity, to balance fairly the evil against the good and to find the preponderancy."

Orion have done—I am in fact ashamed of him, he spun out this "gossamer thread," as Orion calls it, too length. Your contemporary of the Courier has taken a more judicious course. He has not only been more judicious, he opens his columns to both sides of the question, and I do not think that he has been altogether unfair in his remarks. And the reply of Orion will not feel himself inclined in sending the simple imprecations of "O R!" also to the Editor of the Courier. He has been more judicious. If he does so, he will oblige an old friend, and one that is inclined to stand by him and all of his contemporaries, so far as they warring by the shrine of *Right Reason* and *Logic*.

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ANGUS M'KENZIE, Agent,
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A. BALLOCH, Agent

St. John, N. B., 1st July, 1893.

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