

tified how this enormous sum has been expended. It is a very great sum, and has been paid by the poor people. It is our duty to make a very particular enquiry.

Mr. S. Humbert. As this conversation has already lasted so much to be said, I think I may as well say something myself. This is a very important subject.

1. This house is the sole judge, and the proper judge of what burdens the people ought to bear, & perceive that there are burdens which the people ought not to bear, we cannot be silent. As to the crown officers, I am not much acquainted with them or their offices, but I know one case arising from them, of a very oppressive nature. If, however, the proceedings of a public office become burdensome, the house undoubtedly has the power, and will effect a remedy. But this particular office is only one among the many burdens of the people. The people are laboring under burdens too heavy to be borne. Shall they remain so? Shall they continue to bear them? No, Sir. The time is now come for reform. Let us look at the Mother Country. She has set us a wise example. It is for us to see that the people are put in possession of their undoubted rights. The burdens of the Crown Land System are nothing to the other burdens under which the country labours.—The administration of the law in this country. Sir, the law is good in itself, no doubt, but the administration of it is grievous and oppressive. It is a burden no people ought to bear. The people are saddled with expenses they cannot bear. If we want to recover a debt of £18 or £20, we must spend £7 or £8 to recover it. But the people at home are just rising in their strength to shake off such burdens. Sir, I glory in the hope, that this house will look at the mother country, will copy her reforms and retrenchments, and make law cheap to the people.—The Custom House system, Sir, is another grievous burden. The Custom House collects the revenue of this country.—[Here we lost the principal part of a sentence, respecting the price paid for provisions by the people, and the custom house officers.]—Are we to be taxed to pay for what we eat? The mode of paying the custom house officers is illegal. The house will surely no longer suffer it, though we have submitted to it hitherto. The money collected is retained in the hands of those gentlemen; they pay themselves, and we have no account of the application of those funds. Why should we not pay them ourselves? Look at our Provincial Treasurer. He is an industrious, respectable & worthy man. He is every day in his office at 10 o'clock, and remains there till 2 or 3, actively attending to every thing himself, and carefully managing the accounts of the whole Province, & for all this he receives the enormous sum of £600 a year! While the Custom House gentlemen of St. John are driving about the streets with their tandem sleighs, and horses, and bells, and furs, and receiving £1500 a year a-piece, while the Collector's name is signed to the custom house papers by a clerk. I say again, Sir, shall we suffer this? If these are burdens oppressing the people, (and these are only some of the burdens now bearing upon them), I hope this house will not rise without making some alteration.

On the motion of Mr. Weldon, it was resolved, that the petition of B. L. Peters, Esq. be taken into consideration on Wednesday the 23d day of February, inst. and that notice be given to the petitioning candidate, and to Mr. John Kinneer, the apparent agent of the returned member, to exchange lists of votes.

Mr. Cunard presented two petitions, annexed to each other; the one being from certain freeholders of the County of York, and the other from George Frederick Street, Esq. of the same county, praying that the house would institute an inquiry into the qualification of John Allen, Esq. a member returned for said county, vacate the seat of the said John Allen, Esq. order the name of the said George F. Street, Esq. to be inserted in the return, and allow him to take his seat accordingly. The Petition being read—Mr. Allen observed, that they appeared to contain a very minute detail of circumstances indeed, and were probably intended to overwhelm him altogether. Notwithstanding, however, such a formidable array, he was still in the land of the living. There were many allegations in those lengthy compositions not altogether scriptural, altho they were engrossed on such a large piece of parchment, and so numerously & respectfully signed. He thought it very extraordinary, if they were true, that the County of York

should have acted under such a delusion, as to return as their representative an unqualified person. The petitioning candidate was extremely modest. He only required that a member returned by 800 or 900 freeholders should be ejected from his seat, and his own name inserted in the return. It was no doubt a very convenient way of proceeding. He, (Mr. Allen,) acknowledged that he had some time since received a letter from Mr. Street, calling on him to state his qualifications as a member of this house, and stating that such a disclosure might prevent unpleasantness, as otherwise he, (Mr. S.) should certainly take legal steps to prevent his being sworn in as a member of the house. Mr. Street being a legal man, and yet talking about taking legal steps to prevent his, (Mr. Allen's) being sworn in, so much surprised him, that, and from other contents of that letter, he did not think it worthy of a reply. He would defer further remarks for the present. He hoped however he should be able to give some little information to the house, which would prove that very few of the allegations of those petitions were worthy of notice. He felt that he should fall into the hands of men—he should fall into the hands of good men—for he should fall into the hands of the men that composed this House. They formed a tribunal which would expound the laws according to their construction; a tribunal not tied down by rigid rules of law, but judging with equity, and with the fear of God before their eyes. He would rest his case in their hands, after having given such information as would entirely remove many of those allegations. In behalf of his constituents, however, if the house should find reason to vacate his seat, he hoped they would not hastily insert the name of the petitioning candidate in the return, but suffer the people of the county of York to have a voice in the matter.

Mr. Scott moved for leave to bring in a bill for defraying the expenses of the members of this house.

Mr. Partelow thought this motion rather premature. The bill would properly come under the notice of the committee for ascertaining what laws are near expiring.

Mr. Weldon believed it was quite competent to any member, when a law was very near expiring, to move for leave to bring in a new bill, otherwise, bills might expire before that Committee could provide for their continuance. He thought this a very important bill, and required the attention of the house.

Mr. Simonds objected to the title of the bill. He thought it necessary to state in the title the whole nature of the bill. He would recommend it to be entitled "A Bill to provide for certain services therein mentioned."

Mr. Chandler briefly replied, but we could not catch what he said.

Mr. S. Humbert stated, that he had intended to bring forward a resolution in the Committee of Supply on this matter. He thought the house ought to return to its first mode of proceeding, in regard to the payment of members.—He saw no reason why it should not adopt the old manner of paying them, viz., so much per day, and so much for travelling expenses. Would not this be the best mode of proceeding. He, (Mr. H.) was in the house when the change in this respect took place; and he then saw no reason for that change. The Governor, the Council, and the House, in fact all parties, were satisfied with the old method. What was the argument adduced, in support of the alteration? Why, it was, that if the payment was at so much per day while the session continued, some of the members might be induced to delay the business of the house, and thus prolong its session. But he, (Mr. H.) thought this an unjust imputation. He trusted that none of the members would be actuated by such a feeling. What was the argument now, against the new mode of paying the members a certain sum for the session, whatever might be its length? Why, it was, that if members received £30 or £40, for their whole services, they would, when they had sat 30 or 40 days, become impatient and restless, and would hurry the business of the house over, in order to end the session, and thus, perhaps, do injustice to the country. He thought that one of those arguments had as much force as the other, and there therefore did not appear any reason for altering the old mode. He conceived, for his own part, that the labourer is always worthy of his hire, and that if a member sat in that house, attending public business, for

50 or 60 days, he ought to be paid accordingly, and not by giving him a certain sum for an uncertain space of time.

Mr. Cunard granted that the labourer is worthy of his hire; but he would recommend continuance of the new mode. He would say to every member, after you have sat in this house 40 days, let your pay for any further time, be the honor of it. He would oppose any motion to the contrary effect.

Mr. Scott rose, and observed that the remarks that had just been made had called him up. He believed and hoped it was the case, that every member of that house would very cheerfully serve his country without pay. His (the Hon. Member's) constituents, however, had no objection to his being properly paid for his services, and he believed his colleagues from Westmoreland had no objection to every member of that house being properly paid. As to the mode of payment supported by his hon. friend from Northumberland, it might do very well for mercantile men, who could leave their homes without great inconvenience, and whose business could be transacted regularly and effectually in their absence, and who were possessed of sufficient oratory to make a brilliant appearance in that house; but it would never do for farmers whose time was required at home.—For me, (said the hon. member) who am a farmer, and who am not blessed with such a fluency of speech, and have no such great talents to display, that mode of payment will not do. I shall contend for the old form of payment. We ought to get what we got before. All our constituents are quite willing that we should have it. The labourer is truly worthy of his hire; and if we discharge our duties faithfully, we are worthy of our hire.—Leave granted to bring in the bill.

Mr. Partelow rose, and begged leave to say a few words: he had but very little to say, and would not trespass long on the patience of the house. But he had a very important motion to make, and he was unwilling to defer it any longer.—He would move, that this house adjourn till to-morrow morning, at 10 o'clock.—Adjourned accordingly.

Friday, February 11.

Mr. Hill begged leave to read a petition from certain inhabitants of the Parish of St. James, in the County of Charlotte, members of the Kirk of Scotland, praying for Provincial aid, to assist them in erecting a chapel.

Mr. Partelow thought such a petition entirely out of order. He believed there was a resolution on the Journals of the House, that no such petitions, from any religious body of men, should be presented. The Hon. Member reminded the House, that in the session of last year, the Rev. Dr. Gray, the Episcopal Clergyman of St. John, presented a similar petition praying for provincial aid, to enable him to complete an Episcopal chapel in the parish of Portland, near that city, which petition was refused.

Mr. Simonds was not aware of any such resolution being in existence. He believed there was a general understanding that the House would not grant provincial aid to any one religious denomination more than to another. The hon. member for Charlotte was perfectly right in presenting the petition, and the House would be so in receiving it. The petition of Mr. Gray, referred to by his hon. colleague, had slipped his memory, but he well knew that before that occurrence such petitions had been always received.

The Speaker declared Mr. Hill to be perfectly in order. Mr. Partelow would not press the objection. But there was certainly at all events a general understanding that the house would not receive such petitions.

Mr. S. Humbert would be very sorry indeed, to object to the reception of any petition from any of the people. But it was well known that petitions of this kind gave great trouble to the house, & occupied much of its time, to no good purpose. If this petition should be received, all the religious denominations in the Province would also come forward, and pour in petitions praying for provincial aid for their churches.

Mr. Hayward would be loth to object to the petition, and loth to vote for it; but the reception of this petition would open a door which the house could not afterwards well shut. He should oppose the petition.

Mr. End declared himself in favour of the petition. If there existed a rule of the house, by which the house determined not to assist one religious sect more than another, it was a very good rule, and an honor to the

house. He (Mr. E.) was an enemy to all ecclesiastical partiality; but he had a full confidence in the discretion of the house. No matter where a petition comes from, or from what sect or denomination, if the house did not think proper to grant the assistance, it would refuse. He would not go the length of saying, that every Christian sect should receive part of the public money, which all Christians pay; but he thought that all petitions ought to be received, even if the prayer of them was afterwards refused.

Mr. Slason objected to the petition. If it were received, many others of the kind would be poured in upon the house. Such petitions only took up the time of the house uselessly.

Mr. Brown stated, that if it should be a general understanding, that the house should not grant any such aids, either to the established church or to any other religious body, he should willingly vote against the reception of the petition; but if partiality were shown to the established church, he should certainly support the prayer of the petition.

Mr. Weldon fully concurred with Mr. Brown. There certainly was an understanding of the house, not to grant leave for the presentation of any such petitions. The reason was, that the house had found by experience, that when money has been thus granted by the house to churches of the establishment, and to chapels of other denominations, when those petitions were sent up stairs, the church grants were confirmed, while those for the other sects were thrown out. Finding this partiality, the house had thought it best to prevent it, by receiving no such petitions at all. He (Mr. W.) should therefore vote against the petition. He was no friend to ecclesiastical partiality. Mr. Cunard objected to the petition. There were ample methods of disposing of the public money, in other ways.

Mr. Hill offered to withdraw the petition, on the general understanding, that the house would not appropriate money to any such purpose.

The Speaker mentioned, that if Mr. Hill wished the matter to appear on the Journals, he had better present the petition, and take the sense of the house on the question, whether it should be read. Mr. Hill accordingly presented the petition.—Question negatived.

Mr. Simonds took occasion to observe, that it was highly necessary some measures should be adopted, on an early day of this session, for the consideration of the Custom House of this Province. He (Mr. S.) knew from common complaint, that the practices in the Custom House were not what they ought to be. No attention was paid to the laws of this Province. There seemed to be an utter contempt of those laws in that establishment. (The Hon. Member then detailed an instance of a certificate which had been destroyed as waste paper.) In claiming the fishery bounties, the law required certain certificates to be produced at the Custom House. Such certificates had been annihilated and destroyed. If the Custom House Officers are not compelled to observe the laws of this Province, it is full time that they were. They were not servants of this Province. They were appointed and authorised by the Government at home, and they seemed to think that they were under no control in this country. He (Mr. S.) hoped the House would take strong measures to remedy these abuses. These officers seemed to think themselves above the law of this Province. It was highly necessary that Custom House Officers should be compelled to observe the law. A great many fishery bounty certificates had lain a long while in the office at Fredericton; and the poor people were unable to obtain their bounties, because the certificates were shamefully mutilated. It was, in the opinion of the Hon. Member, full time for the House to come to some determination on the subject, and to adopt decisive measures. For his part, he (Mr. Simonds,) would never submit to such insolence of office; for it certainly was insolence of office that officers should presume to mutilate a public document.

Mr. Wyer felt very much pleased with the observations of his Hon. friend from St. John. In the situation in which the country at present stood with the Custom House Officers, it was utterly impossible for the poor fishermen to get their fishery bounties, for they could not get their certificates signed. It was full time for the people to obtain their rights.

Mr. S. Humbert had no doubt it was highly necessary

to take this matter into consideration; but it required some attention and investigation, to determine how to proceed on the subject. As to the not signing the fishery certificates, he, (Mr. H.) believed the custom house officers were not to blame. But it had been said, that these officers are not officers of this country; that they are mere crown officers! If they are not officers of this province, and under the control of this house, he, (Mr. H.) thought proper to have adopted some mode by which the Provincial Treasurer should sign those certificates, they would have been duly attended to. As to the abuses of the custom house, we may continually complain, but we can get no redress. The officers there certainly ought to account for accidents which had happened to public papers. [Here the hon. member detailed a case of great hardship and injury, occasioned by the neglect of a clerk in the custom house, the particulars of which we could not accurately gather.]—The house most undoubtedly ought to have the control over those officers. It was high time something should be done to remedy such evils. Some people might dread the idea of the province paying its own civil list. For his part, he should hail such an arrangement with joy. We should then stand upon our own legs. Give us our own revenue; let us pay all our expenses ourselves; we shall then have money to spare, and have the opportunity of appointing proper officers to do the public duties. He, (Mr. H.) hoped the house would take this matter into their deepest consideration. Members might in that house express their opinions on the subject; they might pass resolutions; they might enter them on their Journals;—but of what use will be the journals, and the opinions, and the resolutions, if they do not act? Let us act. Let us make a law upon the subject. Let something be done as well as said.

Mr. Simonds could not entertain the idea that the custom house officers were not at all under the control of this province. If they were not yet under the control of that house, yet they were under that of the executive. If, therefore, they will do these monstrous acts, the house should address the executive, and pray the head of the government to suspend them from their offices, till their conduct could be reported to his Majesty's government at home. They were certainly under the indirect, if not the direct, control of the executive power of this province. What? Were these custom house officers to be under no control? Their offices entitled them to no rank. They were but mere warrant officers, appointed by the Lords of the Treasury, and in fact, only the deputies of those ministers. Were, then, these deputies to come here, and oppress the people of this Province, and to be under no control?—If the members of that house do their duty properly, they may find a way to bring them to their senses. The laws of this Province, after being duly passed here, are sent home for the Royal assent. Having received that assent, they are in full force, and become as binding on those deputies as on any other of the inhabitants of the province. If, therefore, they violate those laws, they ought to be punished. We can punish them, and if necessary, we will.

Mr. Weldon thought it very necessary that this subject should come under the consideration of the house. But he believed there were at present no particular charges against the custom-house officers; nothing before the house.

Mr. Partelow observed that whenever a question relative to the subject should come before the House, he should vote for an address to his honor the President upon the matter. At present, he thought the conversation rather premature. He would however mention, that the late surrender of his Majesty of all his casual revenues, might in some measure affect the case. It was not improbable that instructions might come out from his Majesty's government, respecting the casual revenue of this Province, which might have some influence on that House in considering this question. He, (Mr. P.) trusted that before the house rose, this custom-house question would be entered into. If no other hon. member would bring forward a motion on the subject, he (Mr. P.) would do so himself. These grievances must be considered by the house.

On the motion of Mr. Simonds, the time for taking into consideration the Petition of B. L. Peters, Esq. was postponed to Monday the 23th instant.