

consequent increase of the revenue would enable us to reduce the taxes on Commerce, and so lighten the burden on the poor still further.

We cannot do justice to the many arguments advanced by the Hon. Gentleman in support of the measure; he thought we should pledge ourselves to provide for it in two or three years.

Mr. Biens was opposed to the measure, though he confessed he saw that they should soon have to pay it; at present he thought we were so proud that we would wish to pay 400 l. for the honor of appropriating 1,900! that he could not see how we could pledge ourselves to any measure at a distant period: that he thought they had better make no reply to the despatch: that he looked upon the Escheat as in full operation, as the greatest benefit the country could receive; and as the country would then rapidly settle, the revenues would consequently advance, and in a short time we might do it, but he contended we were not in a state to take the burden now. Mr. Wilcock was of the same opinion, and read a paragraph from the despatch to prove that we were not expected to do it now. They could not complain of their present government; and he was not sure that it was of much advantage to the country, to have the House of Assembly tall; as they managed to keep a good deal of the revenue among themselves, by cutting out places for each other.

Mr. Nelson, Mr. H. MacDonald, and Mr. Sampson, spoke on the same side: after some more argument the house went into Committee. Mr. Hyndman in the chair.

Mr. Pope said, they had plenty of proof of the intentions of proprietors towards them, if they were only to be enabled to make proprietors contribute to our burdens, he would support the measure. They all knew how the smallest tax on lands was opposed by them, and that they had even opposed their interests to the prosperity of the Island. He entered into a long statement in support of these views, and stated that if the present opportunity were lost, we might be long before another offered, but he did not know the opinion of his constituents upon it, but would endeavor to do so.

Mr. Brecken said that next to annexation to Nova-Scotia, he thought the Civil List stood, but he would not hesitate between these: that by his own part he thought the measure unaltered at present: he intended consulting his constituents at an early day on this subject: and should be guided by their opinions.

Mr. Speaker said that though in their legislative capacity they were the collective wisdom of the country. He thought there were many out of doors who could direct them by their opinion,—for his own part he had not made up his mind on the subject: and if the weather permitted, would take the sense of his constituents on it, as he considered it a subject of the highest importance.

After some other observations from other members, the Chairman reported progress, and obtained leave to sit again the 15th of March.

SPIRIT OF THE PROVINCIAL JOURNALS.

St. John Courier.—We beg to call the particular attention of our readers to the all-important subject of the Quit-Rents. We have already declared that we are willing to render tribute where tribute is due; we are also ready to vindicate the Constitutional rights of the Sovereign—but further we go not. If measures are pursued which have an inevitable tendency to accelerate the destruction of our country—which threaten to disintegrate the Empire, and which evidently are fostering the principles of Republicanism in this once happy and contented Colony; we are not then disposed to remain an indifferent spectator of the scene. Standing on this lofty vantage ground, we now again enter our unqualified protest against the collection of Quit Rents in this Province, at least in the manner which has lately been adopted. A Commission issues out of His Majesty's Court of Chancery commanding inquiry to be made whether the conditions of certain Grants have been complied with. Here the question arises as noted by our correspondent Mentor, what position does the Attorney-General intend to assume in the trial of these cases?—Will the Grantees be required to prove an absolute compliance with all the conditions of their grants? or will the inquiry be confined to the simple question of the *payment of Quit Rent*? If the former we agree with our correspondent, that not one tenth of the granted Land in this Province is exempted from forfeiture, an allegation which requires no proof; and if the latter, why then compel each individual Grantee to perform a journey of many miles to Head Quarters, at great and unnecessary expense, probably with a multitude of evidences, to prove a fact which will not be questioned? We say each individual Grantee, because we profess our inability to discover how any one of the Grantees shall be assured that he shall not be the subject of the Inquiry. If the object of His Majesty's Attorney General be merely to prove, before a Jury of Inquiry, that certain persons have not fulfilled certain conditions of the Grant by which their Lands are held, why are not these persons specially named in the Commission? This may be contrary to legal usage, but we conceive it would surely be the most equitable mode of procedure. But, as we have somewhere heard, His Majesty's Attorney General may possibly be as desirous of increasing the costs of those suits, as other Gentlemen of the Bar are proverbially said to be, in the conduct of civil actions; and we do say, that the present measures fully justify this conclusion. We come, however, now to a tender and dangerous point; but duty is with us a paramount consideration. We will ask the learned Attorney General—we will ask the venerable Judges of our Land, we will ask all the Gentlemen of the Long Robe in this colony, whether His Majesty can sue a Commission of the nature referred to, out of the Court of Chancery?

We put the simple question, Can a Commission for Escheat issue out of the Chancery Court except in the case of *attainder*, the entire failure of heirs, by which of course, the property reverts to the original Granter, being the *Sovereign*, or in the case of the proven commission of such crimes as by law, produce the forfeiture of the lands? We speak advisedly when we say, that in these cases only, would the present mode of proceeding be agreeable to law; and we further ask, whether the present Commissions or synonymous precepts, should not have been issued out of the Supreme Court, returnable at a distant, future day? Perhaps some of the learned Gentlemen will set us right in these particulars, silence will only confirm our present opinions; and as we have thus openly expressed such opinions, it is the duty of those who are prepared to prove a contrary fact, at once, and boldly, to refute our assertions. But, laying aside all arguments of injustice, inexpediency, or illegality, we now come to a most important question—the manner in which the order for the collection of Quit Rents has been received.

During the Legislative Session of 1836, on the 23d of January, a Presidential Message was laid before the House of Assembly, accompanied by a proposition from the then Colonial Secretary, for a commutation of the Quit Rents, for a permanent grant of a smaller amount—£1500 per Annum. On the 27th January, the Assembly resolved:—That it will be necessary for the House, before adopting any definite measure on the subject of the Quit Rents, to obtain information as to the number of acres of Land which have been granted within the Province, with the annual amount of Quit Rent.' Conformably to which resolution, an address was presented to His Honor the President, praying that they may receive the necessary information; this appears to have been furnished to them, for on the 27th day of February, there is inserted in the Daily Journal of the House, the copy of an Address to His Majesty upon the subject, alleging that the total annual amount of Quit Rent is only £2258, being only 1.753 more than the sum which was demanded by the Colonial Secretary. In this Address, the House of Assembly 'most earnestly implore His Majesty to take the matter into His Majesty's most gracious consideration, and relieve His Majesty's subjects in this province from the operation of the Quit Rents,'—which address the President promised he would 'transmit forthwith.' To this address, no answer, we believe, has ever been returned, but in open violation of all decorum and of courtesy, an imperative mandate is issued that the *Quit Rents shall be forthwith collected*. Verily this was cavalier treatment to the Legislature, to the Representatives of the people, with a witness! We would at all events have expected that some answer would have been deigned to the unanimous, and loyal, and respectful memorial of the Assembly; but we fortunately have heard something of the proceedings in the Colonial