

TUESDAY, Feb. 21, 1835.

Mr. Boulton rose to move that an address be presented to his Majesty representing the unfortunate condition of those emigrants from the mother country, who were formerly pensioners of the British Government, and praying that his Majesty would be graciously pleased to restore to them their pensions. For it now appeared they had been very much mistaken in their ideas with regard to this country. They have some time ago commuted their pensions for a certain sum of money and a grant of land here, which they now find to be unprofitable to them, because many of them being worn out soldiers, who, from having been long unaccustomed to any species of labor, are totally unfitted for cultivating the new lands of Canada, they cannot obtain a livelihood, and are actually a burthen upon the neighborhood where they reside. He (Mr. Boulton) thought the case of these people one of peculiar hardship, and they most certainly deserved that their pensions should be continued to them. He thought at all events it was a subject worthy the consideration of the house, and he doubted not if the house concurred in an address to his Majesty on the subject, and give a proper representation of their case, that their former pensions would be restored to them.

Mr. Perry regretted exceedingly, that the hon. and learned gentleman should represent any description of emigrants as a burthen upon the country—as a parcel of pauper emigrants. He (Mr. P.) was astonished—he did not believe it—he did not believe that emigrants coming from the mother country who had been allowed to commute their pensions, and had obtained grants of land in the province; he did not believe that those people were, as the hon. and learned gentleman had publicly represented them, a burthen upon the community, and how does the hon. gentleman propose that the money be paid? out of the casual and territorial revenue I suppose. He does not tell you what kind of an address he means to bring forward; he only moves that an address be drawn up to give these emigrant their pensions. I cannot believe the statement of the hon. and learned gentleman that any thing of this kind has occurred to any considerable extent. I have not so poor an opinion of emigrants coming from the mother country, that they have already become a burthen upon the country, after his Majesty has provided for these men in a way to make them comfortable and happy. I do not think any such address necessary, or that any good can grow out of it.

Sol. General.—The motion of my hon. friend opposite is exceedingly creditable to him. Hon. members ought to know what the truth is with regard to those pensioners. Many years ago a considerable number of poor soldiers who were entitled to pensions for their services, received in lieu of those pensions a sum of money, and were sent to Canada to cultivate the soil. Now every body knows how improvident an old soldier is; in a very little time they had either squandered what money they had, or else it had been filched from them by designing persons, and as their habits were anything but agricultural, and they were not capable of working on their lands, they were reduced to a state of destitution. In consequence of representations from Lower Canada, the practice of sending them out to Canada was discontinued; now the motion of my hon. friend is, that their pensions may be restored to those who are in this situation, because the plan of sending them out here has not been found to answer the purpose intended, that of making them comfortable for the remainder of their days. He does not propose that these pensions should be paid out of the "Casual and Territorial Revenue" as the hon. gentleman from Lenox and Addington seems so apprehensive of: they were Chelsea pensioners, and of course if put upon the footing they were before, it is from that fund they will be supported. It is a very just proceeding, and such a one as hon. members who consider the humanity which is due to those unfortunate men will readily concur in it.

Mr. McLean.—It seems to me that the hon. gentleman from Lenox & Addington has a determined horror for the term "Pauper Emigrants," but I am afraid the greater number are of that denomination, because it is evident the course pursued with regard to them proved most injurious to those individuals whom it was intended to benefit; they received a certain sum of money and relinquished their claims upon his Majesty's Government—with this sum they expected they would be enabled to establish themselves in this country; but persons who have spent their useful days in his Majesty's service, are not persons calculated to make their living in this country. Now I think if proper representations be made of the facts of the case, that they have been unable to avail themselves of the benefit which it was intended by his Majesty's Government they should enjoy, no doubt their pensions will be restored to them, so that they will have the means of supporting their families; and I do not think it at all unreasonable to ask this of his Majesty's Government. If they are restored at all, it will be out of the pension fund of the United Kingdom, no doubt that of Chelsea, whence they have been removed, and not out of the money of this province. I think they have real and urgent claims, and the hon. and learned gentleman deserves great credit for having brought forward the motion—I hope it will be adopted.

Mr. McNab said he thought he should regret as much as any hon. gentleman in this house that any injustice should be done to an "old soldier" or to an "old sailor," but he confessed he did not exactly understand the purport of the motion. Whether it was that the house should offer to dictate to his Majesty about the pensioning of his worn out soldiers? He thought these commutations were not very creditable to those who made them, but he did not think any representations would induce his Majesty to make these people pensioners again, after having sent them out here to people the wilds of Canada. He feared the address would not have the desired effect, but would be establishing a precedent for interfering with matters which they had no right to do.

Mr. Morris.—The language of the learned gentleman is simply this: he thinks his Majesty has made a very improper arrangement with those emigrants, and having done so that he will now do them justice. Those persons it appears, are not able to cultivate their lands—they have not those habits of industry which are necessary to bring the forest into cultivation—they labor under very great disadvantages, and I would say it is a part of our business and our duty, if they have been sent out here under an improvident arrangement, to look into the matter and address his Majesty upon it. It is a very proper and a very legitimate subject for an address. As to any fear of their being supported out of the casual and territorial revenue; the hon. gentleman (Mr. Perry) may make himself quite easy on that score, for if they are restored at all, they will be restored to the list from which their names were struck. I have understood that many of those men are maimed and helpless, and therefore the most deserving of commiseration. I am

surprised that the hon. gentleman should say that their treatment has been very improper, and yet that we have no business with it. I say we have the right, and more than that, it is our duty to represent the injury which the community sustains, (hear, hear.) under all these circumstances the matter ought to be taken into consideration.

Mr. Norton said, he thought it improper for the house to interfere, it would be an uncalculated interference; the only thing for the house to do, he thought, was to address his Excellency and request him to represent the matter as it really was to the Home Government. Adopting the motion proposed would he thought, be according to the legal phrase so frequently used, "travelling out of the Record."

Mr. Boulton.—When I brought this subject before the house I did not expect there would be so much opposition to it—I have no interest whatever in the question, except compassion for the hardships of those men. I acted, on this occasion, as no doubt hon. gentlemen are willing to give me credit for doing, from good intentions, and when I stated that these poor men were a burthen to the community, I also stated that many of them had lost their limbs, and were unable therefore to procure a livelihood. I would ask, if a man has lost his limbs, going upon a wild lot of land can he be expected to earn his living. It is merely with a view of assisting those unfortunate individuals that I have brought this motion before the house. I recollect on a former occasion, it was thought advisable that the incorporated militia should get half pay, by reason of their having to do actual service, and is it not just as reasonable now that an address should be adopted on behalf of those who have served his Majesty? As for its being a tax on this country it is out of the question, no one will for a moment suppose, that any such thing is contemplated when he hears the address which I have drawn up. (Here Mr. Boulton read the address and then proceeded to observe that he hoped hon. members would give the matter consideration at all events, and not hastily reject the motion—it was a subject upon which he thought they were particularly called upon to take some steps towards ameliorating the condition of those unfortunate people, many of whom had abandoned their land at once, when they found it to be a thicket; before the commutation was of no service to them whatever. Upon representation of their case to the Government at home, he thought they would most cheerfully restore them to the pension list. As to there being no precedent for an address upon such a subject, I think it is a very similar case to that of praying for the allowance of half pay to the incorporated militia. With these remarks, Mr. Speaker, I shall sit down, and I hope that hon. members will be induced to support the motion.

Dr. C. Duncombe.—I really do not see what there is in the motion, which authorises the house to support it in any shape, for we have nothing before us in that motion by which we can possibly judge as to the nature and terms of the address the hon. and learned gentleman intends. The motion should embrace the principal matters which it is meant the address shall comprehend. This motion does not require him to confine himself to any particular address; one of two courses ought to have been adopted, either he should have set forth the facts intended to be embraced in the address, or else a select committee should in the first instance, be appointed to enquire into the facts, and report them to the house, in order that the address may be founded on them. Dr. D. moved in amendment, that the question be referred to a select committee.

Mr. Richardson.—When I seconded the motion of my hon. friend from Durham, I was under the impression that he intended to refer the matter to a select committee; but it is a matter which has been suggested by that hon. gentleman himself; he knows the facts of the case, and it is but just to him that he should have an opportunity of bringing the subject before the house. The facts which the hon. and learned gentleman had stated were such as they could not shut their eyes to, and he believed it could be satisfactorily shewn to His Majesty's Government that these poor men were worthy objects of compassion.

Mr. Walsh made some remarks which we were unable to hear on the gallery.

Mr. Boulton did not rise for the purpose of offering any opposition to the amendment. He was not at all desirous that he should have the exclusive conduct of the measure, but he had thought it his duty to bring it forward, but now that it is done, it is quite immaterial as to who should compose the Committee, the amendment will have the same effect as the motion intended. The only object I had was, that the matter should be investigated.

The amendment was carried unanimously.

Wednesday, February 25.

The order of the day for the second reading of the Hamilton Bank Bill being called, the House resolved itself into a Committee of the whole upon it.

Mr. Perry was averse to proceeding with the Bill in the absence of the hon. and learned gentleman who had brought it in. He believed also that it had been fully understood this Bill was not to be proceeded with until the main question had been settled as to whether they were to have one great National or Provincial Bank, or whether they were to go on multiplying small ones. If the Provincial Bank Bill were to be passed it would be altogether useless to pass the one now before them, because it was not reasonable to suppose that the stock of the inferior Bank could be taken up. If the Bill for Provincial Bank should be thrown out it would then be the time to consider whether they would charter other small ones. He wished it to be understood that he did not express any opinion one way or the other with regard to them. He would take occasion to express his sentiments fully when the respective questions came up, at present he thought agreeably to the understanding, the Bill should be postponed.

Mr. McNab who had just entered the House expressed his willingness that the question should be deferred. He was sensible that a very great variety of opinion existed with regard to Banks, but he was perfectly convinced that all would agree on this one point, that there was a very great deficiency in the amount of circulating medium. He was quite willing to postpone the question until the Great Bill which his hon. friend (Mr. Merritt) had brought before the House, should have been discussed, and after that he should press forward the Bill now before the Committee, and he hoped an equal share of courtesy would be extended to him, as he was at all times willing to show the Committee ease and reported progress.

The House then resolved itself into a committee of the whole on the Township Officers Bill.

Mr. Perry explained the alteration intended to be effected by the Bill.

Mr. Sol. General observed that the hon. gentleman had introduced the Bill in such a shape as the (the Solicitor) could never give his support to. If the hon. gentleman would confine himself strictly to condensing the laws relating to the subject embraced in the Bill, more particularly define the powers of the several Township officers, and render their duties more certain; he would readily concur in it.

He [the Sol. General] would as soon entrust the hon. gentleman [Mr. Perry] with the management of the Bill as any one. He would be far from imputing that hon. gentleman a desire to passing measures which would be other than beneficial to his constituents, and whatever would be for the good of his (Mr. Perry's) constituents would be equally so for his. (the Sol. General's) But he would not support a measure that tended to introduce new fancies. Any thing which would have the effect of rendering it more easy to the various officers to discharge their duties, he would be in favor of, but he was not in favor of rendering it more complicated. And above all he would not legislate for the prejudices of the people.

The hon. the Speaker said he had listened with attention, but had not heard from the learned Solicitor, any good objections against the Bill. It was a measure which he [the Speaker] had always regarded as a most valuable one.

The hon. and learned Solicitor seems to be under the impression that the Bill will give the people the power of choosing Justices of the Peace at Township meetings, that it will have the effect of transferring this power from the Executive to the people themselves. If he had looked at the Bill he would have found it difficult to point out any provision of this kind. The Bill contemplates no innovation on the Common Law in the powers of Justices of the Peace, either as respects criminal accusations or the recovery of debts. Certain restrictions are imposed with regard to the duties of Township officers and Justices, but it does not interfere with their Common Law. The main feature of the Bill is that it allows the people to appoint those who shall manage the Township affairs, and cannot this as well be done by themselves as to allow His Excellency to do it for them. His Excellency in making the appointments is called upon to exercise a duty for which he is by no means qualified by circumstances. On the other hand when the choice is left to themselves, if unsuitable persons are chosen, they themselves are the parties injured. He considered it a very valuable measure. It had given his hon. Colleague a great deal of trouble, and any one who would look at the number of laws mentioned in the preamble which it was necessary to repeal, would see at once the necessity and usefulness of an act like the present. Those laws were passed at an early stage of the country's existence, since which time the manner of transacting business is materially altered and it is necessary therefore that measures should alter proportionably. We have an active, growing, and thriving population, & must legislate with a view to what is most suitable under the circumstances. It is necessary that something should be done for the more effectual improvement of roads, though the objections to the different subjects embraced in the Bill if there should be any will come more properly under consideration when the different clauses are read, & hon. members will have an opportunity of saying whether there is any thing impracticable or inconvenient in the management of the various matters specified in the Bill in this country at the present day, populous as it has become. He was perfectly convinced that as far as regards the appointment of the various officers, it could much better be made by the people themselves upon the spot, than by His Excellency here, where there must necessarily be extreme ignorance as to their fitness or unfitness.

Mr. Sol. General.—What I stated was that the Bill contemplated a transfer of powers to persons named in it, which powers have always under our form of Government been exercised by Justices of the Peace, thereby as it were erecting a new tribunal. If the Hon. Speaker would condescend to point out in what respect these powers differ from those belonging to Justices of the Peace, I would be glad to hear him. It would be contrary to the practice always pursued under our form of Government.

Mr. Thorburn said that he should give the measure his hearty concurrence. All the observations of the learned Solicitor go to show that it should be adopted. It is not a matter which involves principles of government, it is only whether certain improvements may not with advantage be adopted, and that these alterations proposed by the Bill, would be improvements on the present system, must be perfectly obvious to any individual.

Mr. Solicitor General observed in reply, that in his opinion if the measure were adopted, they would have before the year was over, half the country crying out for its repeal.

Mr. Perry. It is certainly amusing to see the learned Solicitor General rise up here and argue one way, and the next moment rise and argue the other. He would not legislate for the public prejudices, and now Oh! pass this and you will have the public about your ears. Now this is really consistent.—There is no great and mighty innovation intended as the learned Solicitor seems to dread. With regard to the Court of Requests, for instance, it will stand precisely upon the same footing it does at present. (Sol: It will not have the least resemblance to it.) It will be just the same only the Commissioners will be appointed by the people themselves instead of His Excellency. (hear hear.) Their duties will be as definite in the one case as in the other. (Here some discussion arose, as to adjourning, the hour having arrived for the Meeting of the City Election Committee.) Mr. Perry had only a few remarks to offer and detain them with. He would like to ask the learned Sol. General whether he would be willing to make any alteration in the present system of holding Town Meetings. He could inform Hon. Gentlemen of many instances within his own knowledge, where contradictory warrants or notices had been issued for holding them. Such a proceeding must of course occasion much confusion and irregularity, & was a just subject of complaint. Another thing is, unless you have all the Justices together, you cannot tell whether the different officers have taken their oaths of office.—Whereas if we have one particular person, whose duty it shall be to notify the people of the holding of Town Meetings, and to swear in the officers, there will not be that uncertainty which there is at present. He would appeal to the candour of the Sol. General whether he did not think some alteration in these particulars necessary. He (Mr. Perry) would also have the people at these meetings authorized to appoint a Chairman instead of having the constable, who is in many cases an improper person, one with whom the people are disgusted, and are induced on that account to remain at home, instead of attending the meeting.

Mr. Richardson looked upon the Bill now under consideration as one of great importance, and one which deserves their serious consideration. It was admitted on all hands that the several Acts should be condensed into one. He had not heard any argument from the learned Solicitor which would induce him to object to the principles of the Bill.—With respect to Commissioners for expending road money, he was convinced that if chosen by the people they would be apt to give more satisfaction than if appointed by the house, the clause which relates to the subject is a good clause, nevertheless there are some to which I shall give my dissent as they severally come under consideration. The clause giving Commissioners the power of levying an addi-

tional tax is one which I object to. He thought upon the whole the Bill would have a good effect, and the house if they did nothing else during the Session would receive from the public a vast deal of credit. (hear hear.)

The Committee rose and reported progress and asked leave to sit again to-morrow.

EUROPEAN INTELLIGENCE.

From the New York Commercial Advertiser.

TWO DAYS LATER FROM ENGLAND.

The ship Alexander Barclay, Capt Perry, has arrived at Philadelphia from Liverpool, bringing London papers to the 19th of January inclusive, containing Paris dates of the 17th, evening. It will be recollected that the readers of this paper have been furnished with the contents of the Paris morning papers of the same date.

The following selections are made from the Philadelphia Gazette of last evening.

FRANCE.

In regard to the movements and intentions of Mr. Livingston the American Minister, the following are the only items furnished by the Philadelphia papers:—

It is affirmed that Mr. Livingston, the American Minister, on the communication made to him by the Minister for Foreign Affairs, has replied, that having been sent to maintain amicable relations between the two countries, he would not accept the passports offered to him till he should have received the orders of his Government.—*Journal du Commerce.*

We have it in our power to state that Mr. Livingston wrote a letter to Admiral de Rigny in answer to that which informed him that his passports would be delivered to him, in which Mr. Livingston stated that his instructions did not indicate the steps he was to take in such a case, as it had not been foreseen; and therefore requested the Minister to make him acquainted with the intentions of the French Government, and state whether it was wished that he should immediately quit France, or whether he might wait for instructions from his own Government. We are not acquainted with the reply of Admiral de Rigny, but of course it was not of a nature to add to the embarrassment which already exists by enforcing the Minister's departure. The accounts of the pacific dispositions of the Congress, received yesterday, are likewise calculated to calm any apprehension that the affair will be carried to extremities.—*Galignani.*

The following article, respecting the differences between France and the United States, is copied from one of the London papers—but we are not informed which:—

As respects domestic news, the French papers now before us are rather more interesting than any that have reached us during some days, although still occupied nearly to exclusion, with our elections, and the quarrel with the United States of America. On the former subject the Ministerial papers continue to express their hopes that the Radical party in this country will have succeeded; but it is evident, and indeed, from our private letters we know it to be a fact, that the French Government begins to admit a doubt of the triumph of Radicalism.

With regard to the American question, our Paris letter states that the general opinion resolves itself into uncertainty whether Ministers shall be able to carry the Bill through the Chamber, and thus maintain themselves in office, and whether or not the American Government may not take the withdrawal of the French Minister from Washington, and the notification to Mr. Livingston, the American Minister in Paris, as a mortal affront, to be resented by immediate hostilities. The great probability is, however, that the menaced collision will not occur. The speech of the French Minister of Finance in the Chamber of Deputies, on Thursday last, will be read with interest.

The Standard contains a very long and bitter article against the United States and in favor of the French question, ending thus—*Courage, mon ami Louis Philippe! Fight—brother Jonathan!*

If the Swabian Mercury is to be believed, a negotiation is on foot for a marriage between the Duke of Orleans and the Duchess of Braganza, ex-empress of the Brazils!

The Court of Peers was proceeding with its preliminary investigation of the charges against the persons in custody for sedition and treason. Some recent elections had added to the Republican party in the Chamber of Deputies. Several recent failures at Orleans, renewed the fears of a commercial crisis in Paris. Marshal Gerard had recovered from indisposition. The cholera was said to have nearly subsided at Marseilles.

The Monitor publishes the Convention signed at Copenhagen on the 21th of July last, whereby the Government of Denmark accedes to the Treaty concluded between the King of the French and the King of Great Britain and Ireland, on the 30th of November, 1831, and the 22nd of March 1833, for the complete Suppression of the Slave Trade.

The case of his Royal Highness the Duke of Cambridge against the Duke (Charles) of Brunswick, came on before the *Cour de Premiere Instance* of Paris on the 16th of January. After a speech from the defendant, in which he complained bitterly of his late Majesty King George IV and the Duke of Cambridge, the case was postponed.

The Indemnity Bill was presented in the Chamber of Deputies on the 15th, by the Minister of Finance, whose remarks evince a sincere desire that it should meet with success. On the other hand nearly all the Paris papers appear averse to its passage under present circumstances. The result is extremely doubtful.

Letters from the most respectable sources at Havre, dated January 18, say on the authority of advices from Paris of the previous day, that Mr. Livingston had determined to remain at his post in Paris. As to the Indemnity Bill, the letters say it is as doubtful, but the expectation that it would pass rather preponderated.

Other letters, from persons acquainted with the views of Mr. Livingston, express themselves by saying he is determined to keep his post and look to the interests of the country, until he is ordered away or recalled.

The recall of Mr. Serrurier, the French Minister at Washington, is attributed to the insulting language of the President's Message; nor was it considered likely to be followed by any very serious consequences.

The Premium of maritime insurance for war risk, has risen for long voyages, from a half per cent. to three and four, in consequence of the notification of the *Monitor.*

GREAT BRITAIN.

The English Elections are proceeding more slowly than at first. It is not yet decided what will be the complexion of the Parliament. The friends of the New Ministry speak in terms of strong confidence of securing a majority of Conservatives. Joseph Hume has succeeded, but by a very slender majority. The Whigs and Radicals have inflicted a severe blow upon Sir Robert Peel, by defeating Sir George Murray. But the Conservatives have defeated Lord Palmerston in return.

In Scotland the elections were generally against