

The Standard.

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OR FRONTIER AGRICULTURAL & COMMERCIAL GAZETTE.

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Provincial Parliament.

LEGISLATIVE COUNCIL CHAMBER

Fredericton Wednesday Jan. 19, 1848.

This being the day appointed by Proclamation for the meeting of the Legislature, at one o'clock His Excellency the Lieutenant Governor came in the usual state to the Council Chamber, and being seated on the Throne, commanded the attendance of the House of Assembly, who being come, His Excellency was pleased to open the Session with the following

SPEECH:

Mr. President, and Honourable Gentlemen of the Legislative Council.

Mr. Speaker, and Gentlemen of the House of Assembly.

"I have called you together at this time from a desire to enable you to apply yourselves, at the earliest period, to the Public business which will claim your attention, and to mature such measures as may be called for in the present situation of the Province.

"I regret that the returns of the late Harvest have not been so abundant as in the preceding year, and the recent check to the Commerce of the Country, has strengthened the prevalent conviction that the utmost encouragement should be given to Agriculture and also to the Fisheries, and to other sources of productive wealth.

"Of the measures of the last Session, there are none which hold out the prospect of more extensive benefit than the Act for the improvement of the Parish Schools, and I have the satisfaction to inform you, that by means of the funds placed at my disposal, and through the assistance of Her Majesty's Government, a supply of Elementary Books has been obtained for circulation, which are likely to be found most useful.

"Her Majesty's Government have also undertaken to obtain the services of a competent Teacher for the Model and Training School, the arrangements for which are in forwardness; and from the Correspondence which will be laid before you, there is, I hope every prospect that in a short time an improved system will be in full operation.

"I have the satisfaction to inform you, that the Officers who have been engaged in the necessary exploration for adjusting the Canadian Boundary, and for ascertaining the direction of a Line of Railway to be carried through the Provinces, have completed their operations, and from the information I have received from them, I am led to anticipate a successful result to their labours. A Communication from Her Majesty's Government respecting the Railway Survey, will be made to you; and from the importance to the Province of these and other undertakings of the kind, they will merit all the encouragement you may be prepared to extend to them.

"From the tenor of a Despatch I have recently received, the Survey of the Bay of Fundy may be expected to be renewed in the ensuing Spring.

"A Deputation from the several Provinces having met at Montreal in the last year, on the invitation of the Governor General, to consider of a proposal from Her Majesty's Government for the transfer of the General Post Office, and for the introduction of a uniform system and rate of Postage, it was attended by a Member of the Executive Council, and from the result of the deliberations of the Board, which will be laid before you, I hope that this important measure will be satisfactorily accomplished.

"It is with much regret that I have occasion to notice the occurrence of disturbances in some parts of the Province, which have led to the commission of serious outrages, calling for active interposition in support of the Laws, and for the adoption of measures for the better security of life and property, by providing more effectually for the Police of disturbed Districts, and by improving the means of secondary punishment in the Prisons.

"The measures adopted in the last year to accomplish a satisfactory settlement of the claims of the Indian Population, and of persons residing on their Lands, having shown the difficulty of accomplishing this desirable object without a further amendment of the Law, I recommend the subject to your attention, in full assurance of your disposition to do justice to the parties, and to facilitate a measure which will at the same time conduce to the credit and advantage of the Province.

Mr. Speaker, and Gentlemen of the House of Assembly.

"I am glad to be able to inform you that the Revenue of the past year has been amply sustained.

"The repeal of the Imperial Duties, under the Act of the last Session, will effect a material reduction in the Revenue of the present year, and it will be for you to determine to what extent a reasonable relief may be afforded to Commerce and protection to the fair Trader by diminishing the temptation to Smuggling.

"The Accounts of the year, when laid before you, will show that the funds which you

so liberally placed at the disposal of the Government, have been expended with every attention to Public Economy.

"The charges incurred for sick and destitute Emigrants have been unavoidably increased from the necessity of protecting the Community from the spread of Disease, and of providing accommodation and relief for the increased numbers who arrived during the season.

Mr. President, and Honourable Gentlemen of the Legislative Council.

Mr. Speaker, and Gentlemen of the House of Assembly.

"The aggravated distress which has prevailed in some parts of the United Kingdom, having led to an extensive Emigration of persons afflicted by famine and disease, who have been unable to contend with the difficulties of a first settlement, I am bound to notice the zeal and humanity with which the local authorities have co-operated with the Government in alleviating their sufferings.

"The mortality, I regret to say, has, notwithstanding, been considerable, partly arising from the inadequate arrangements for the reception and accommodation of the numbers who claimed relief, which could only be imperfectly remedied during the season, and from other causes for which Her Majesty's Government are desirous that a corrective should be applied.

"The formation of an Orphan Asylum at Saint John, has afforded a refuge for a number of destitute Children whose Parents had died either on the passage, or in the Hospitals, and it promises to be an institution of great value to the community.

"The Correspondence which will be laid before you, will attest the anxiety which has been felt by Her Majesty's Government to protect the interests of the Province, and to mitigate the evils attendant on the removal of the Colonies of so large a number of helpless people; and I have the satisfaction to inform you, that in consideration of the charges which have thus fallen upon the Province, it was intended that application should be made to Parliament, for an appropriation in aid of these expenses.

"To prevent a recurrence of the fatal Epidemics which have prevailed, I recommend to your adoption the measures now in progress in England for improving the Health of Towns.

"From the Correspondence which has passed with Her Majesty's Government, and will be submitted to you, on the subject of the annual Road Acts, I hope for your concurrence in the adoption of an improved system for the opening of Roads and construction of Bridges, whereby the Settlement of the Lands may be encouraged with advantage to the Settlers.

"A spirit of improvement would be excited in the Local Communities by an improved system of finance, which would facilitate the judicious application of the Public Credit in the execution of Works of acknowledged benefit.

"By such measures, I should confidently hope that the Resources of the Province would progressively be developed, its Revenues sustained, and the Community preserved from a recurrence of those distressing reactions which are the ordinary consequence attending the disturbance of the general course of Trade.

"The present depression, originating in a visitation of Providence, has already led to some important changes in the general policy of the Empire, and I devoutly hope, that in establishing the Public Prosperity on a more solid basis, your participation in the benefit may be fully assured.

The Plea of Insanity as a defence against Crime.

"This subject has commanded a good deal of attention recently in England as well as in this country. We copy the following remarks upon a late case in which the plea was made from the London Times.

"The charge of Mr. Baron Rolfe, and the verdict of the jury, on Wednesday last, at the Central Criminal Court, in the case of the boy Allant, afford a very favorable contrast to the proceedings usual of late in such cases. The prisoner was arraigned for murder; the defence set was insanity. The explanation given of this latter term by the medical witnesses was 'uncontrollable impulse.' Thus the law of England, with reference to this heinous crime, has stood a fair chance of deprecating into a mere nullity. A few judicious inquiries from counsel as to the pathology of a murderer's mind at the time of committing the crime; a favourable snuffing up from the judge; a little and perhaps a not unusual unwillingness on the part of the jury to be instrumental in inflicting death upon a fellow creature, and the most horrible murders and attempts at murder have escaped without their appropriate punishment. We have long and earnestly endeavored to enforce upon the public position that this should not be so. We have reverted again and again to the old and sound doctrine of English law upon the subject. Lord Hale's dictum is upon the subject. Persons that are insane are under a degree of insanity at the time they commit their offences. It is very difficult to define the inviolable line that divides perfect from partial insanity. But it must rest upon circumstances, duty to be considered and weighed both by the judge and the jury, test on the one side there be a kind of insanity towards the defects of human nature, or on the other side too great an indulgence given to great crimes. The practice of the courts, until lately, has been to propose broadly this question, and to answer it only to the jury. Whether at the time the alleged criminal act was committed, the prisoner was incapable of judging between right and wrong, and did not then know that he was committing an offence against the law of God and of nature? The prima facie presumption is in favor of adequate intellect, the insanity should be established by direct and positive evidence; there should be a special proof of objects of madness, and not general evidence that the party was insane.

"It is quite unnecessary to go again into all the hucous details of the number to which we now more particularly refer. The wretched culprit made a circumstantial confession of his guilt. On the 24th of October he got the poison from his grandfather's desk, and after dinner put some of it into the sugar tin, and then he put the sugar tin into the sugar basin. It appeared that the old man had struck the boy as a punishment for something he had done, and it was in revenge for this that the latter laced the poison with the sugar his grandfather was in the habit of using. The evidence of the crime was complete. The question of insanity was the only one that remained for the decision of the jury. One of Mr. Balfour's points to establish this fact was that the madhouse was hereditary. It appeared from the evidence of the mother of the prisoner, that her husband for two years before his death was subject to epileptic fits, and the latter part of the time he had been very frequently, and did so in a state of complete madness. We were surprised to see that this line of examination should have been admitted for we have always considered it an established rule of law, that proof of decided insanity in other members of the family is not admissible either in civil or in criminal cases. The same observations will apply to the evidence of Mr. Palmer, a modest gentleman, and brother-in-law to the father of the prisoner.

The evidence, or rather the opinion of Dr. Daubigny is perhaps the most curious feature in the trial.

Mr. Ryland, in his examination of this learned physician, did his best to confine him within the terms of the powers of the Judges to the second and third questions propounded by the House of Peers in Mr. Nightingale's case. The Portion of this answer which bears upon the point immediately under consideration is this. 'To establish a defence on the ground of insanity, it must be clearly proved that the party accused, at the time of committing the act, was laboring under such a defect of reason, from disease of the mind as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know that he was doing wrong.' This position is subsequently narrowed down to these indefinite limits. 'If the accused was conscious that the act was one he ought not to do, and if that act is contrary to the law of the land, he is punishable.' The physician then, for the jury is this simple one: 'Had the party accused a sufficient degree of reason to know that he was doing an act that was wrong?' Dr. Daubigny's evidence was to the effect that the boy Allant was in an early stage of insanity, which affected his moral sentiments, but not his intellect. He might have been aware that he was poisoning some one, but yet not be able to control his actions. We do not, of course, quarrel with Mr. Daubigny for coming to a false conclusion from his own premises, but his inference seems to us rather illogical, that he had not the moral sense of distinguishing between right and wrong so as to make him responsible for his actions. The boy's intellect was not affected—he was aware that he was poisoning some one—still he had not the moral sense of distinguishing between right and wrong so as to make him responsible for his actions.

We most earnestly recommend the admirable summing up of Mr. Baron Rolfe to the attention of all men who may hereafter be called to act upon juries where a similar defence shall be set.

The witnesses called for the defence had described the prisoner as acting from uncontrollable impulse, and they had made other statements of the value of which it would be for the jury to decide; but he must say that it was his opinion that such evidence ought to be scanned by juries with very great suspicion and jealousy, because it might tend to the perfect justification of every crime that was committed. What was the meaning of not being able to resist moral influence? Every crime was committed under an influence of such a description, and the object of the law was to compel persons to control these influences; and if it was made an excuse for a person who had committed a crime, that he had been goaded to it by some impulse which medical men might choose to control, he must observe that such a doctrine would be fraught with very great danger to the interests of society.

What crime is there in fact which could not be so justified? We question it from the time of the Conqueror until the present sitting of the Central Criminal Court every murderer might not so have justified or palliated his crime. 'He alone,' said Lord Erskine, can be considered as emancipated from the power of the law whose whole reasoning and corresponding conduct, though governed by the ordinary dictates of reason, proceed upon something which has no foundation or existence. The punishment of death for murder is either wrong or it is right. If it be wrong, let it be repealed by a solemn act of the Legislature; if it be right, let the law stand as it is, and let it in every case be enforced by any twelve Englishmen whom for the time being the interests of society are given in charge.

We shall say nothing of the recommendation of the prisoner to mercy. 'Mollitia supplet aetatem,' but so that we can see this doctrine of uncontrollable impulse, this idea of insanity, as it was so justly styled by Baron Rolfe, expunged from our criminal jurisprudence, it is all we require. To that learned judge we feel that the unqualified thanks of the public are due for protecting their lives from violence and assassination. Let juries be assured that a morbid sympathy with criminals in the felon's dock is worthy rather of the heroes of Eugene Sue than of Englishmen. Let them sometimes give a thought to the sufferings of the murdered man and the agony of his relatives. Let them reflect on the awful consequences of their misplaced lenity to the general society.

condition of the south and western provinces. A Dublin paper paper, in referring to this subject, says:—

We deeply grieve to state that further accounts of insubordination have been received since our last, and from districts heretofore comparatively free from agrarian crime. We have repeatedly stated it as our opinion that the parties engaged in the perpetration of the frightful outrages that disgrace the country are, in almost all cases, idle vagabonds, altogether regardless of the sufferings of the poor, but who take advantage of the prevailing destitution to organize secret confederacies. Up to this time, we have not heard of a single case where persons really distressed have become obnoxious to these miscreants and threatening notices have been served upon them.

The state of Sligo is thus described:—A fearful reign of terror is being established throughout the country. The highest officer in the county—head of the magistracy—had to make a hasty and undignified retreat from his seat to avoid the deadly blow of the midnight murderer.

Mr. Thomas Murphy, farmer of Ballyvictoria, near Hospital, was shot dead by a party of seven or eight men on the 16th Dec., at seven o'clock, in his own parlour, and robbed of £30. He was a very powerful man, six feet two inches in height, and was one of the seven brothers who were, ironically called 'the seven brothers' from their extraordinary stature.

Even in peaceable and well-disposed Ulster, we find that Rapparee notices are being served.

The Government, armed with the new Concoction Bill, have resolved to act with the utmost vigour in repressing the crime and outrage which prevails. Accordingly, a meeting of the Privy Council was held at Dublin Castle on the 24th ult., when a proclamation was issued, declaring the act to be in force from and after the 25th Dec., in the following districts:—The county of Limerick; the county of Tipperary; the baronies of Banratty, Tulla, Islands, Inchiquin, and Clondarlow, in county Clare; the baronies of Glenaheny and Upperfield, in the county of Wexford; the baronies of Clonish, Ballybrin, Eglish, and Garrageville, in King's County; the baronies of Athlone, Ballinobry, Roscommon, Ballymore, Boyle, and the parishes of Creeve, Kilmacsey, Kilmacnagh, and Kilsalla, in the barony of Frenchpark, county Roscommon; the baronies of Leitrim, Mohill, and Carrigallen, county Leitrim; the baronies of Clonmacdon, Tullybreena, and Upper Loughree, county Cavan; and the baronies of Longford, Grauard, and Ardagh, county Longford. The principal effect of this measure will be, to prevent persons in those districts carrying arms without licence, after the 25th of December. We have no doubt that in those districts where the possession of arms is indiscriminately even in dwellings, is considered dangerous to the public peace, the power of the act for calling in arms will be made use of, and then no person will be allowed to have arms, even in his dwelling house, without licence. The stipendiary magistrates will be the parties empowered to give licences.

The venerable Earl of Harrowby, father of Lord Sandon, late M. P. for Liverpool, died at Sandon Hall on the 27th ult., in the 56th year of his age.

The Archduchess Maria Louise, widow of the Emperor Napoleon, and Duchess of Parma and Placentia, expired at Parma on the 17th ult., at the age of 56. By her death the duchies of Parma, Placentia and Guastalla, devolve upon the abdicated Duke of Louisa, who has thus been speedily restored to sovereign power.

At a late meeting of the South Antiquarian Society, there was exhibited the original death-warrant of Mary Queen of Scots, and an autograph letter of her stern monitor John Knox.

The exportation of rye and other grain from Poland has been interdicted from the 13th of January next.

The good service-pension, at the disposal of the Admiralty, has been given to Captain Maryatt, C. B.

More than fifty slave vessels have been taken on the coast of Africa within the last twelve months.

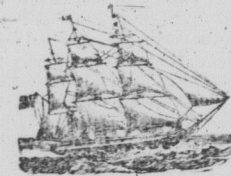
Mr. Guizot has ordered a Pole to quit France within twenty-four hours, because of a speech against the Emperor of Russia, at a Polish dinner.

The crown mines in the Austrian dominions are said to have lately been so productive, that the cellars of the treasury now contain 50,000,000 florins in gold and silver bars.

A French inventor has succeeded in discovering a method of gilding silks, without impairing the material, and a most dazzling effect is said to be produced by the gilding, especially upon satins.

The London Morning Post states that the Marquis of Chandos has offered marriage to Miss Hanson (daughter of the hon. member for Sunderland), with the provision that she brings with her a fortune of £200,000.

Arrival of the



Steamship Cambria.

14 DAYS LATER FROM ENGLAND.

The Express from Halifax, with some English papers but no letters, arrived at St. John, on the 18th inst. We copy the following summary of news from the New Brunswick.

Money was more plenty, the rate of discounts had been reduced to 4 per cent. Trade in the manufacturing districts had improved.

MONEY-MARKET.

The Money-market has continued to improve since our last. The Bank of England, on the 23rd ult., reduced the rate of interest down to 5 per cent., and the facilities of discount of good paper have become greater.

This step of the Bank of England has been much commented upon as tending to revive undue speculation by making money cheap; but, as we have repeatedly said, the Bank, in the present case, exercised no voluntary action in the matter, as their discount business, which, during the excessive high price of money, absorbed nearly the whole requirements of the country by re-discount, now, as the rate of money falls, leaves them, and is again resumed by private bankers throughout the kingdom, who are, in fact, at this moment discounting paper at half or one per cent. lower than the Bank of England. The bill brokers have also reduced the rate of money, at the call of their depositors, to 4 per cent. The example of the Bank of England is expected to be followed by the Bank of France, the commercial circles in Paris anticipating a speedy reduction.

The weekly Bank accounts continue to exhibit a rapid progress in the increase of bullion, and in the general improvement of the position of the establishment. In the last week's returns, the increase of bullion was no less than £555,200, making an aggregate in both the Issue and Banking departments of £11,991,376. The chief importations of gold came from the United States, each packet bringing a considerable amount. Accordingly, the reserve in the Bank has now risen to the sum of £8,233,121. These circumstances alone justify the Bank in lowering their rate of interest, which, so long as it is above the rate charged in Lombard-street, cannot be said to influence materially the value of money. The Bank has certainly placed itself in a far better position to pay the forthcoming dividends than could have been possibly imagined some few weeks ago. The fluctuations in securities have not been such as to call for any particular comment.

IRELAND.

At no former period has the social state of unfortunate country been so appalling. Murders, threatening notices, robberies, crimes and outrages of every species and degree, are the order of the day. Added to all this is the extreme destitution of a large number of the poorer classes. It is most painful to be obliged to record the details of such sanguinary and barbarous deeds. The short period that has elapsed since the dispatch of the last mail, furnishes melancholy proof of the disturbed