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New-Brunswick, PROVINCIAL PARLIAMENT.

LEGISLATIVE COUNCIL.

Monday 15th March.

Pursuant to the order of the day, the House was put into a committee of the whole, to take into further consideration the bill to repeal the Act to restrain the provisions of the fifth section of an Act, intitled "An Act for the support of the Civil Government in this Province, and to establish other regulations for the disposal of Crown Lands and Timber in certain cases."

The Chairman reported, that the Committee had gone through the Bill, they had made certain amendments thereto, and recommended the Bill, as amended, to the adoption of the House.

Whereupon the Resolutions of Appropriation dated the 11th day of March were concurred in by the House, with the exception of the following grant:—

To the committee of the Baptist Education Society at Fredericton, the sum of £250 towards paying off the debt due by that Society.

HOUSE OF ASSEMBLY.

Monday, March 15.

On motion of Mr. Brown, Whereas the Select Committee appointed by the House on the 12th day of February last, to consider the several Acts of the Imperial Parliament which impose Duties on Foreign articles imported into the British Possessions abroad, so far as they relate to this Province, have not yet made any Report; And whereas it is highly necessary, before the passing of the Revenue Bill, that the several Petitions presented to this House upon the subject of the Flour Duties should be fully considered; therefore Resolved, That the aforesaid select committee be discharged; and on like motion of Mr. Brown, The House went into Committee of the whole, on the several Petitions presented to this House during this present Session, severally praying that measures may be taken to obtain a repeal of the Duty imposed by the Imperial Acts on Foreign Wheat Flour and Salted Provisions imported into this Province.

The Chairman reported, that the Committee had the matter referred to them under their consideration, when the following Resolution was moved, viz:—

Whereas the great and leading interests of this Province, considered both politically and economically, require the removal of the Duties on Flour and Salted Provisions, levied and collected under the Act of the Imperial Parliament, 3d and 4th William IV. cap. 52, as these Duties are unequal in their operation in different sections of the Province, and unnecessarily burdensome to its Trade, Commerce and Manufactures, more especially to the labouring classes, without being attended by any corresponding benefit to any interest; And whereas, by Copies of Despatches brought under the notice of the House in the Session of 1839, by His Excellency the Lieut. Governor, in which Despatches the then Colonial Secretary, the Right Hon. Lord Glenelg, expressed a desire on the part of Her Majesty's Government, to extend to this Province the benefit of the exemption made in favor of the Colonies under the Act referred to, so far as the same relates to the admission of Flour & Salted Provisions Duty free; therefore

Resolved, As the opinion of this Committee, That an humble Address should be presented to Her Most Gracious Majesty, praying that Her Majesty would be pleased to have measures taken to alter and amend the Act 3d and 4th Wm. IV. cap. 52, so as to repeal of the Duty on Foreign Flour and Salted Provision when imported into this Province.

To which it was moved as an amendment To expunge the whole of the foregoing Resolution, and substitute the following:—

Resolved, As the opinion of this Committee, That as constructions have been given to the Act of Parliament, 3d and 4th Wm. IV. cap. 52, imposing a Duty Foreign Flour and Salted Provisions imported into this Province, the same greatly inoperative, measures should be taken by the House to bring the subject under the notice of Her Majesty's Government, with the view of having that part of the said Act repealed; and further Resolved, That the Parliamentary Duties thus sought to be removed, should be inserted in the Revenue Bill now before the House, to be collected by the Provincial Treasury until the 1st day of April, 1842, in the event of such Parliamentary Duties being repealed, which will leave the whole question immediately under the control of the Legislature at its next Session, to be dealt with as may be then determined.

The question being taken upon the proposed amendment, it was decided in the negative.

And upon the question for sustaining the original Resolution, the Committee divided as follows:—

YEAS.—The Hon. Mr. Weldon, Messrs. Woodward, Wilson, Partelow, Allen, Owen, Brown, Boyd, Hill, Taylor.

NAYS.—The Hon. Messrs. Speaker, Johnston, Messrs. Street, Barberie, Hamilton, Jordon, M'Almon, H. Partelow, L. Wilnot.

Connell, Freeze, M'Leod, Gilbert, Hayward, End, J. Wilnot.

Wednesday, March 17.

To James Kyle of the Parish of Saint Andrews, in the County of Charlotte, formerly a Sergeant Major in the 21st regiment of Foot, the sum of £ — to enable him to obtain a grant of Land, in consideration of his long and faithful services.

YEAS, 9.

To His Excellency the Lieutenant Governor or Commander-in-Chief, a sum not exceeding £200 to be applied in the erection of a suitable public Wharf outside the harbour of Saint Andrews, for the accommodation of steam boats and other craft.

To His Excellency the Lieutenant Governor or Commander-in-Chief, the sum of £20 to pay two ferry-men £10 each for keeping up the ferry between Oak Point and the mouth of Waveig River, in the County of Charlotte; the same not to be drawn until the end of the present year, and not until a certificate is received from the Justices of the said County in session, that the said ferry has been properly attended.

To His Excellency the Lieutenant Governor or Commander-in-Chief, the sum of £150 towards the encouragement of a Stage between Fredericton and St. Andrews, during the present winter.

To His Excellency the Lieutenant Governor or Commander-in-Chief, the sum of £100 in aid of individual subscription, for the building of a Wharf at Flagg's Beach, on the Island of Grand Manan; the said sum not to be drawn from the Treasury until the land on which the same may be erected, and right of way, be conveyed to the Justices in Session of the County of Charlotte for the use of the public.

A Message from the Legislative Council. Mr. Miller, Master in Chancery, informed the House that the Council had agreed to the several resolutions dated the 12th day of March, instant, with the exception of the following grant:—

To His Excellency the Lieutenant Governor or Commander-in-Chief, the sum of £1200 for the Great Road from Saint John to Saint Andrews, and for new Bridges necessary to be erected on said Road; a sufficient sum to be applied in making Drains in the Bridges at the mouths of the Digdigash, and Maquash, which was not concurred in.

Mr. Brown moved to bring in a Bill, to authorize the opening of a Draw in the Bridge at the mouth of the River Digdigash, and the erection of a Draw Bridge over the River Maquash.

The Rule of the House, limiting the time for bringing in Bills, being in this instance dispensed with, leave was granted.

Thursday, 18th March.

On motion of Mr. Boyd, Resolved, That an humble address be presented to His Excellency the Lieutenant Governor, praying that his Excellency would be pleased to appoint a competent person or persons to examine and survey Dark Harbour, in the Island of Grand Manan, with a view to making the said Harbour available for vessels arriving in and departing from the Bay of Fundy, and that the report of such survey be laid before this House at the next session of the Legislature.

Ordered, That Messrs. Brown, Owen, and Boyd, be a committee to wait upon his Excellency with the address.

On motion of Mr. Brown, Resolved, That an humble address be presented to His Excellency the Lieutenant Governor, praying that his Excellency would be pleased to appoint a competent person to examine and survey the Harbour of St. Andrews, with a view to clearing out and improving the same; and that the Report of such survey be laid before this House at the next session of the Legislature.

A Bill to establish a Provincial House of Correction, passed the House on the 18th inst. and was taken to the Council.

Friday, March 19.

To His Excellency the Lieut. Governor or Commander in Chief, the sum of £1200 for the improvement of the Great Road from St. John to St. Andrews, and for the erection of Bridges on the same.

To His Excellency the Lieut. Governor or Commander in Chief, the sum of £250 to pay the Commissioner appointed last year to contract for and provide materials for the building of a Bridge over the Waveig River, in the County of Charlotte.

To His Excellency the Lieut. Governor or Commander in Chief, the sum of £150 for a Packet to keep up the communication between St. Andrews, West Isles Campo Bello and Grand Manan.

To His Excellency the Lieut. Governor or Commander in Chief, the sum of £200 for the purpose of encouraging a line of Stages on the Great Road from Saint John to Saint Andrews the past year; the same not to be paid until satisfactory certificates be furnished the Commander in Chief for the time being, that the said Stages are efficient, and have run at least 3 times a week during the year.

To Joseph Walton, of St. Andrews, in the County of Charlotte, the sum of £33 15s., the same being the balance reported to be due to

him, on account of balance of purchase money overpaid on two thousand acres of Land by a Select Committee of this House.

To Hugh Irving, of Saint David, in the County of Charlotte, the sum of £19 10s. as remuneration in part for money paid towards the purchase of a Lot of Land, and for losses sustained in consequence of not obtaining the said Land.

To Thomas Carson, of St. Patrick, in the County of Charlotte, the sum of £45 to remunerate him in part of losses sustained in the purchase and improvement of a Lot of Land, bought at public Sale, said Land having since proved to have been previously granted; that the sum be not paid said Carson until he make compensation to Terrence Leonard for monies paid by him for Land to said Carson, who could give no title to the same.

From Mr. Ward's Reports.

MONDAY, MARCH 15TH.

The House resolved itself into a committee of the whole, on the petitions that had been received against the Imperial duties on Flour and Salted Provisions.—Mr. Palmer in the chair.

Mr. Brown said that several petitions, praying for a repeal of the duties on wheat flour, had been laid on the table at an early period of the Session, and that a select committee had been raised a month ago to report upon them. That although the subject excited great interest and anxiety in many parts of the Province, especially in the County of Charlotte, it appeared that the select committee did not intend to report at all, and that the session was likely to close without considering the matter in any way. He had therefore moved the resolution for the discharge of the select committee for the express purpose of bringing the subject fully before a committee of the whole House. It was absolutely necessary that this important matter should be disposed of in some way before a gain taking up the Revenue Bill, as it was evident from what had before been stated in debate, that if the flour duty were repealed, four per cent on British goods would at once be carried by a large majority. The act by which this duty was imposed formerly extended to all the North American Colonies, and at that time was more equal and general in its operation than at present. Canada though a wheat growing country had obtained a repeal of this Act, so that the commerce of that extensive Province was enjoying all the advantages of a free trade, while in New Brunswick, some are importing through Canada duty free, others smuggling the article, and others paying the duty. Again the officers of the customs at the different ports took different views of the construction of the Act, and on declaration that such were for the use of the Fisheries, great quantities of flour and other dutiable articles were admitted to entry duty free, and shipped into other places where the Act was differently construed; so that taking it altogether it was such a medley of partiality and confusion, that it was certainly matter of surprise that it had been allowed to continue so long. Something should be done and that speedily; and the House would certainly ill discharge the important trust committed to them, if they closed the session and left the commerce of the country in a state of such inexplicable confusion.

There was before them one clear, safe, and easy remedy, and that was at once to apply to have the duty repealed; trade would then flow in its natural channel, and every irregularity would vanish. The hon. members who objected on the score of revenue he would say, that he and his three colleagues would go for four per cent on British goods which would ensure a majority for that vote, and more than make up the loss; but from the increased revenue which would unquestionably follow this repeal from other sources, he did not believe that there would be any loss worth naming. The Farmers and their representatives in that House had imbibed an idea that the flour duty assisted and protected them; and so deeply rooted was that opinion, that they fancied their very existence depended upon it. This was a strange delusion. The farmers, so far as the produce of the soil was concerned, were wholly unprotected. They could raise abundance of potatoes, turnips, oats, barley, rye and buckwheat, and some wheat and Indian corn. These they might carry into the market for sale, but every article of foreign produce of the same description could also be brought into the same market without paying a single farthing of duty. The duty had continued for fifteen years, the farmers had not raised wheat out of which to make flour for the supply of the home market, in fact they could not, for the soil and climate were not adapted to the raising of wheat. Bread stuffs of one kind or other they could raise in abundance, but that would not, and could not, consist of wheat flour; and therefore it was clear as demonstration could make it, that this duty was no advantage to farmers. He would therefore beseech them, as they would wish to relieve the commerce of the country from the perplexing irregularities to which it had been subjected, to lend a hand in the removal of

this duty. He would beg of them to look at another set of evils attending this tax. It was paid by the people of Saint Andrews, St. John and Fredericton, and in other places evaded. Large quantities of flour were deposited in stores on the American side of the line, and great numbers of mechanics, lumberers, road contractors, fishermen and others, from the head of St. Lawrence on the Saint Croix, clear round to the Gulf of Fundy, were in the habit of changing the value of their productive labours for flour and other dutiable articles out of these stores, and smuggling them into the Province, every man in his own way, so that a large portion of the real wealth of the country was in this way lost to our merchants, and thrown into the hands of foreigners. Cheap flour was the bait which allured them from our own merchants and our own shores. Cheap flour was the great inducement to all the vices of smuggling, the utter destruction of a valuable portion of our own commerce, and the consequent injury of the revenue. Now he would ask hon. members, especially the merchants and the farmers, whether this was a state of things which they really intended to perpetuate? whether they had due regard either for the commerce of the country, or the morals of the people, when they refused to interpose? whether when they were joining within these walls in prayer, saying "lead us not into temptation," it was proper to allow such temptations to remain in the way of their fellow men? But there was yet another class to be considered—these were the mill owners. They were indeed interested; and if the farmers, and the merchants, and the lawyers, and other hon. members of that House, would come forward boldly, and say that they would perpetuate all these glaring evils and irregularities for the sake of a few mill owners, let them do so. He hoped they would not, but by applying the true remedy, would relieve the Province from the duty altogether—resolute channels, and the profits of the productive labour of our operatives into the hands of our own people. Bread would then be cheap and abundant, and the changes would be for the benefit of a large majority of the people of this Province.

Mr. Street said the arguments of the hon. gentleman were predicated on expediency, and that the duty complained of was opening the door to smuggling, and was throwing persons in the way of temptation. Another objection urged against the present law was, that it leads to misconception, those articles being admitted in some places duty free, ostensibly for the use of the Fisheries while at others under similar circumstances, it was required to be paid. Besides which, he says, it is no advantage to the farmers, but is rather a disadvantage. But they should legislate upon higher motives; they should make the law perfect, and not leave it in the power of persons to evade it. The learned gentleman said his own opinion of it was, that the duty on flour ought not to be taken off, and for reasons which he was about to state. Although the Province did not raise a sufficiency of bread corn for the supply of its inhabitants, yet there are mills sufficient to manufacture all that is imported; and these mills having cost a large sum the Legislature ought to encourage the manufacture of flour. These required a deal of labor and expense, and was an application of the productive power of labor; that was strictly in accordance with the soundest principles of political economy. If the importation of the manufactured article were encouraged, the Legislature would be encouraging the productive powers of labor of other countries to the injury of its own. This the hon. member for Charlotte would agree with him, was no good policy. The question resolved itself into this: were the arguments that had been adduced sufficient to induce the committee to apply for a repeal of the English statute imposing the duty on flour and salted provisions. That the law had a tendency to encourage smuggling, was not a sufficient argument; that was an evil they should remedy if they could. Besides that argument would not apply to that class of persons who lived where there are facilities for smuggling, but would not apply to the Province generally. The hon. member for Charlotte, Mr. Brown, had appealed to the agricultural portion of the House, but it would be easy to prove that a duty on the manufactured article must operate beneficially on the farmer, and if he grows sufficient grain for his own family, then the tax must be paid by the gentry and those who do not raise it, as the consumers must pay the duty. The appeal therefore would not have the effect intended. But he would maintain that it was to the interest of the farmer that the mill establishments should be encouraged, as they were thus enabled to raise stock upon more advantageous terms owing to the quantities of bran, and other refuse substances that are thus placed within their reach. In fact this might be considered as an advantage to every part of the community. In the County of Northumberland, where the Messrs. Cunards have mills, the advantages this way is felt far and wide, as in this way pork is fattened at

a much cheaper rate. It was also a benefit to the lumberer in this respect. In addition to all this, he said it was good policy to encourage our own manufactures. And should these be given up because Customs House Officers happen to differ as to the construction of a law? This was an evil which the House had it in contemplation to remove, and there should be but one construction every where. That argument therefore would have no weight. The duty produced a considerable source of revenue, which was a proof that all the flour which comes into the Province is not smuggled. Another subject to which the hon. member for Charlotte had adverted was the exchanging the coarser productions of the farm for superfine flour. It was far more to the interest of the farmer that an improved system of rural economy should be encouraged, than extravagant habits. Nothing the learned gentleman said, had a greater tendency to encourage these, than the lumbering pursuits; as persons who were engaged in that occupation would not sit down to eat any other than the best of flour; while the agriculturist was satisfied with oatmeal or good wholesome bread. He said he had an opportunity of witnessing this where a respectable man from Scotland, purchased a farm from another who had lost it by lumbering. It was a subject of astonishment to see this person getting on so well; but it was all explained when his prudent course of living came to be understood. He sold his wheat flour and oatmeal, and attended rigidly to his agricultural operations. This country the learned gentleman said would not produce wheat as well as oats; and therefore those who raise them should not be encouraged to exchange them for wheat bread, which he believed the hon. member for Charlotte would admit was not more wholesome, and was a dearer description of bread. It must operate he said against the agricultural interests of a country, where the people use a description of food beyond their means. In every point of view therefore, the arguments of the hon. member for Charlotte had failed. The learned gentleman concluded by saying that he did not come to the consideration of the subject with a prejudiced mind, but was anxious to arrive at a right decision. It had been said that in the eastern parts of the Province a large quantity of flour was imported from Quebec; but since the northern ports had been opened, and they imported the raw material, and have extensive mill establishments that superceded the introduction of the manufactured article. He had heard nothing to induce him to change his sentiments, and therefore should oppose a reduction of the duty on flour.

Mr. Hill said, I am aware that the feeling of interest generally forms a stronger motive of action than the feeling of justice, and that a sound argument will be powerless to convince, where it is not the interest of an opposing party to understand it. If we examine the events which are daily falling under our own observation, and in which perhaps, our selves are actors, we shall cease to wonder that history is little more than a record of violence, oppression, and injustice. Before any particular class can be rightfully burdened for the support or protection of another class, it should be clearly shown that the public generally will beyond a doubt, be the gainers by it. It is insulting the classes you injure to press them with an abstraction, true in itself, but which in its particular application, facts and experience, contradict. To tell them that they have no right to complain, because men cannot be fed without bread, and bread cannot be procured without farmers; and therefore the public must be taxed to support and protect the farmers. They admit the premises, but reject the application. They deny that their bread depends on the home farmer and assert with truth, that they cannot only be better fed at less expense without the protection, but could not be fed at all if they depended on the home produce; and therefore protection at their expense is palpably unjust. If the non-producer of bread is compelled to pay the producer six shillings a barrel for flour more than it would cost him were he left to buy it in the cheapest market, it is plain that the labor employed in the production is unprofitable, and that the six shillings a barrel is so much capital forced from one branch of industry, and absolutely lost to the country. To make the matter more apparent—suppose a tax in favour of the farmer of five shillings a bushel for wheat was paid by the Province, and had the effect of causing the supply of home bread to be equal to the consumption by raising the price of wheat to 88s. 6d. a bushel.—If the wages of labour be taken at five shillings per day, the labourer who, if left at liberty to buy in the cheapest market, would earn in two days the value of a bushel of wheat, is compelled to labour a third day to enable him to buy the same quantity from the home producer. The result is, that the third day is so much labour lost to the country, or in other words, so much capital thrown away—absolutely sunk. The farmer gains nothing by it, for the obvious reason, that it costs him fifteen shillings to produce the same quantity of an article that could be procured