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OR FRONTIER GAZETTE.

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New-Brunswick, Provincial Parliament.

HOUSE OF ASSEMBLY.

Wednesday, 7th February.

The Hon. Mr. Hazen, a Member of Her Majesty's Executive Council, delivered the following Message:—

"W. M. G. Colebrook, Lt. Governor.
The Lieutenant Governor communicates to the House, copies of two Despatches from the Secretary of State for the Colonies, relative to the Revenue Acts for 1842 and 1843.

REVENUE LAWS.

[No. 166.] *Downing Street, 30th Jan. 1843.*
Sir—I have had under consideration an Act passed by the Legislature of New Brunswick on the 23rd March, 1842, imposing Duties for raising a Revenue."

My Circular Despatch of the 28th instant, will have been acquainted with the objections entertained by Her Majesty's Government, to the enactment, by Colonial Legislation, of Differential Duties imposed on articles of import.

As therefore this Act ceased to be in operation on the 1st of April last, it is unnecessary on the present occasion, that I should do more than call your attention to the objectionable nature of the Differential Duties imposed by this Act, especially that of 5s. 10d. per Barrel upon Foreign Wheat imported from Nova Scotia, and to express my hope that the next Revenue Act passed by the Legislature of New Brunswick, will be consistent with the principles adopted by Her Majesty's Government on this subject.

I have, &c.
(Signed) STANLEY.

His Excellency Sir Wm. Colebrook.

From the Daily Reporter.

Thursday, Feb. 8.

The House went into Committee of the whole on the export duty bill of last session. Mr. Payne in the Chair.

Mr. Taylor explained that this was a Bill for the collection of duties on Lumber—that it was passed last session, but disallowed in consequence of a clause introduced to exempt American timber which might be run down the river St. John, and shipped for the United States. The advantage of the Bill was very great, as it would increase the revenue, and prevent fraud. It was impossible to distinguish between timber floating down the River St. John whether it were British or American, but this Bill if it went into operation would render all alike liable to the payment of an export duty. As the despatch connected with the subject had not been brought before their consideration, he supposed they could do nothing but report progress.

Mr. Brown said the hon. member had better not be in a hurry; they might as well say something about the matter at present. The subject was of that importance that an hour spent in discussing its merits would not be thrown away. It appeared that the clause put to vote the Bill—under the apprehension that it might otherwise clash with the treaty of Washington—had been the very clause which prevented it receiving the royal sanction. He was sorry that the Members from Charlotte must again oppose the Bill. One objection to it was that it imposed an export duty on private property. There were a great many landed proprietors in Charlotte County who had purchased their lands of government years ago, and paid for them, but by this Bill their logs would be subjected to the same duty as that which was now growing on Crown Lands. He was sorry such was the case for he considered it exceedingly unjust. He liked the general principles of the bill, but it never could be applied to St. Croix River. An illustration should be added.—In consequence of the act which came into operation a year or two ago, relative to the West India Trade, all the shipping trade which had formerly been carried on the British shore of the St. Croix had altogether ceased—it had all gone over to the American side. Vessels built and owned in this Province now invariably took to their cargoes on the American side, and if this bill was made to apply to that river, the consequence would be that the boards (for all their lumber on that river was sawn into boards) would be run down from the mills on the American side, and thus evade the export duty altogether; for the logs being sawn above the navigable waters, could never be distinguished whether British or American; and when it was shipped on the American coast to the West Indies he would ask hon. members what would become of their duty? He liked as he observed before the general principles of the Bill, and would gladly give it his support, but that in its present form his duty to his constituents forbade it.

Mr. J. A. Street said this Bill had been brought forward for several good reasons;—one of which was the prevention of fraud.—Under the regulations now in force, lumbermen have to pay stumpage duties on the timber they cut, and as it is not always possible

to know good timber from bad, until it reaches the market, the consequence is, they have to pay a large amount of stumpage duty for timber which is of little value. This the lumberers considered, as unfair, and resorted to retaliatory measures. Hence the practice that obtained among them of endeavouring to elude the vigilance of the Deputy Surveyors, by concealing their timber, and conveying vast quantities to market without paying stumpage, to make up for the stumpage they were obliged to pay on bad timber. Another argument in favor of the bill was, that it would save expense.

Another argument in favour of the Bill was that the old custom of paying stumpage duties frequently fell to hostile collisions between parties, which this Bill to a certain extent would also obviate. The whole machinery of this measure being so much the more simple than the old law, a great saving would be effected in the collection, and it would add considerably to the amount of the Provincial revenue. The lumberers of British North America were a class of men who were exposed to many perils and dangers; they were also men who consumed a great quantity of taxable articles, and who contributed very materially to the amount of the annual revenue in this manner, but they also contributed to the same by every tree they cut down. It was his opinion that the export duty should be light; lumber was the staple commodity of the Province, upon which our commercial prosperity chiefly depended, and while the lumberers complained of the principal part of the Provincial Revenue, but very little of it was ever paid in their hands; if, being chiefly applied to the internal improvements—in reply to the complaint of an hon. member that the contingent law would apply to private property, he could not perceive any injustice in the measure whatever. He could not see why lumberers should pay all the duties, while private property received the whole benefit. It was asked why should private property be taxed? He (Mr. S.) could not perceive that it would necessarily be taxed, supposing the Bill were to go into operation. Extensive land owners were not obliged to cut the timber from their own lands; if they wished to enter upon them from cutting timber on Crown Lands—they had the same privilege as other people. If they should cut timber on their own lands it would be because they felt that their interest to do so. He contended that this formed no legitimate subject of complaint (here Mr. Street received a message which he believed required his attendance in the Court.) He had several more observations to make, but being under the necessity of leaving the House he must forego his intention until another opportunity. Before he closes his remarks, however, he must make an observation or two in reply to the hon. member for Charlotte, (Mr. Brown.) He had no doubt but the Hon. member was right in his anticipation that the Bill would fail to apply to the river St. Croix, in consequence of vessels evading the law by receiving their cargoes on the American side; but he did not think the same objection would apply to the Kennebec, for there those engaged in the trade would rather make it appear that their timber was cut in New Brunswick, when they would be allowed to ship it on payment of one shilling per ton, than pay the stumpage duty under the Canadian regulations which would be 1s. 8d. per ton. But he thought it was better to make an exception in favour of the St. Croix river, if it were necessary, than to lose the Bill.

Mr. PARTELOW.—No, make no exceptions.

Mr. STREET.—He did not say they should; but if it were necessary they had better do so than throw out the Bill.

The House then went into a Committee of the whole on a Bill to enable the Justices of the peace for the County of Kent to levy an Assessment to pay off the County debt; after which the House adjourned.

Friday, Feb. 9.

There was but little business done in the House to-day. Mr. Street, Chairman of the Committee to whom was referred the consideration of the present Bankrupt Law read a Report, the Committee are of opinion that the Law is calculated to have an injurious effect upon public credit—that the law is in advance of anything of the kind in the sister Colonies.—That the Committee, after giving the subject every consideration, are of opinion that the present Bankrupt Laws, in addition to their injurious effects of trade and public credit, are calculated to have a high immoral tendency upon the dealings and transactions between man and man throughout the Province. The Committee, under these circumstances, have come to the conclusion that this Province is too new and too limited both in capital, population and commerce for the present operation of the Bankrupt Law, and therefore recommended that the Bankrupt Acts now in force in this Province be repealed, so far as relative to all future applications for relief. The Committee have prepared a Bill to repeal the Bankrupt Laws.

Saturday, Feb. 19.

Mr. End, Chairman of the Committee to take into consideration the Petition of Asa Coy, Esq. and other inhabitants of Fredericton, relating to the limited accommodation afforded for the people in the House of Assembly, read the Report of the Committee, in which he stated that with every wish to afford all possible accommodation to the public your Committee feel themselves restrained by the size of the Assembly Room, and the difficulty and expense attendant, necessarily upon its present enlargement, from making such recommendation on the subject as they could desire, but are of opinion that the accommodation may be improved and considerably augmented, &c. &c.

A discussion here ensued relative to the reception of a Petition from James Lawler the Master of a Packet running between St. Andrews and Grand Manan, praying for remuneration for former services and expenses incurred as Master of the said Packet.

The reception of this Petition was objected to by several hon. Members, on the ground that it should receive exactly the same treatment, with similar applications which had been refused, from the proprietors of Stage Coaches.

Mr. Jordan thought it would be very uncourteous to refuse Petitions in this way. He for his part, would receive them, although he might not think it his duty to grant one of them. Hon. Members were sent to do the business of the people, and how were they to answer it without investigation?

Mr. Brown thought that the most rational thing to do by the honorable Member (Mr. J.) was that "not one of them should be paid."

Mr. End said it would be only cruelty to receive Petitions with an expressive determination not to grant the prayer of them.

A discussion arose on that part of the despatch which relates to the disallowance of "An Act to vacate the seats of Members in certain cases."

From the Journals.

Thursday, Feb. 8.

Mr. Boyd, presented a Petition from Theodore Winchester, praying to be remunerated for teaching a School in the Parish of Grand Manan, which was received and referred to the Committee on School Petitions.

Mr. Boyd, presented a Petition from Rachel Harvey, of Saint Andrews, in the County of Charlotte, Widow of the late Henry Harvey, an old Soldier of the Revolutionary War, praying that the allowance under the Act granting Pensions may be extended to her; which was received and referred to the Committee of Supply.

Mr. Boyd, presented a Petition from the Charlotte County Bank, praying for an extension of their Act of Incorporation, and that the said Act be amended by reducing the number of Directors and increasing the Capital Stock of the said Bank; which was received.

Mr. Boyd, brought in a Bill to authorize the Justices of the Peace for the County of Charlotte to assess the County to pay off the County Debt; which was read a first time.

Provincial Service.—To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of £500 to encourage the destruction of Bears and Wolves, agreeably to a Law of the Province.

For the Grammar School in the County of Charlotte the sum of £100.
To the Keeper of the Light House on Campo Bello, the sum of £99.
To the Keeper of the Light House on Malchias Seal Island, the sum of £100.

To the Keeper of the Light House in the Harbor of St. Andrews, the sum of £39.
Mr. End brought in a Bill to amend an Act, intituled "An Act to repeal an Act to encourage the destroying of Wolves, and an Act to grant a Bounty on the destruction of Bears in this Province, and to make other provisions in lieu thereof."

Mr. Hill, presented a Petition from George Fitzgerald, praying to be remunerated for teaching a School in the parish of St. Stephen; which was received and referred to the Committee on School Petitions.

February 9.

On motion of Mr. Brown, Ordered, That the Pension for the part of Saint Andrews, Treasurer for an increased allowance for his services, and to be provided for in case of a Consolidation of the Department of Revenue, and which was presented to the House on the third instant, and ordered to lie on the Table, be referred to the Committee of Trade.

Mr. Thomson, presented a Petition from Justus Wetmore and Samuel G. Andrews, Overseers of the Poor for the Parish of Saint George, praying to be reimbursed the amount advanced for the relief of indigent Emigrants in the year 1842; which was referred to the Committee for taking Petitions of a like prayer under consideration.

Mr. Boyd, presented a Petition from James Melaney, James Clarke and eight others, Branch Pilots for the Port of Saint Andrews, praying for an amendment in the Law as regards Pilots, by limiting the number of Pilots for that Port; as also to prohibit persons from piloting Vessels without being duly appointed; which was received.

Mr. Boyd, presented a Petition from John Pendleberry, of Saint Andrews, Keeper of the Saint Andrews Harbour Light, praying for an increase in the allowance for his services; which was referred to the Committee of Light Houses.

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New Defamation and Libel Act.—On Wednesday the new act came into operation. It extends to England, Wales, and Ireland, the only exclusion being Scotland. The preamble declares that it is framed for the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising that liberty. In future cases a defendant in action for defamation may prove that he made an apology before or after the action, which evidence will be considered in mitigation of damages. In an action against a newspaper for libel the defendant may plead that it was inserted without malice and without neglect, and may pay money into court by way of amend in the same manner with regard to the pleading and costs as in a personal action. By the third section it is enacted that the publishing or threatening to publish a libel or proposing to abstain from publishing anything with intent to extort money, shall be punished by imprisonment and hard labour for any period not exceeding three years. In the two following provisions maliciously publishing a defamatory libel, knowing it to be false, shall subject the offender on conviction to both fine and imprisonment in the common goal or house of correction for two years; and for maliciously publishing a defamatory libel, without knowing it to be false, to fine or imprisonment, or both for a period not exceeding one year. The house of correction is omitted in the second clause. Upon the trial of an indictment of sedition, a plea similar to the plea of justification of the truth of the matters charged may be entered into, but shall not amount to a defence, unless the publication was for the public benefit. On conviction the court in awarding punishment shall consider whether the offence has been aggravated or mitigated by the plea. A defendant may rebut a prima facie case of publication, and show that it was made without his knowledge, and that the said publication did not arise from the want of due care or caution on his part. On a prosecution for a private libel a defendant, on acquittal, shall be entitled to his costs from the prosecutor, and on a special plea of justification, if the issue be found for the prosecutor, he shall recover the costs incurred by such plea, to be taxed by the proper officer.

other business relating to the said Estate, will be transacted as may be deemed necessary.

Given under my hand at St Andrews, the eleventh day of December, 1843.
H. HATCH,
Commissioner of the Estate and Effects of Bankrupts, for the County of Charlotte.

CHARLOTTE COUNTY,
IN THE PROVINCE OF NEW-BRUNSWICK, IN BRITISH NORTH AMERICA, SS.

In the matter of JAMES DALCOIN, a Bankrupt.

WHEREAS under the Provisions of the Acts of the General Assembly of the Province of New Brunswick, made and in force relating to Bankruptcy in this Province, JAMES DALCOIN, of St. Andrews, in the County of Charlotte, Lumberer, has been declared a Bankrupt, and has accordingly surrendered himself to me—

Now, therefore, I do hereby give Public Notice, that by virtue of the power and authority to me given in and by the said Acts, I have appointed Harris Henderson, Esquire, Provisional Assignee of the Estate and Effects of the said Bankrupt, and I do hereby require all persons indebted to the said Bankrupt to pay to the said Assignee, on or before the 21st day of December next, all such sums or sums of money, debts or duties as they may owe to the said Bankrupt, and all persons who have in their possession, power or custody any property or effects of the said Bankrupt, to deliver the same up to the said Assignee on or before the 21st day of December next. And I do further hereby require all the Creditors of the said Bankrupt resident in the said Province, or in any other of Her Majesty's North American Provinces, or in the West Indies, or in the United States of America, within three months from the day of the date thereof, to deliver to the said Assignee, and to prove to my satisfaction their respective claims and demands, whether or not to become due against the said Bankrupt, and I do hereby appoint a General Meeting of the Creditors of the above named Bankrupt to be held at my Office in St. Andrews on Monday the eighth day of April next, at noon of that day, at my said Office, for the purpose of receiving proof of, or contesting any claim presented against the said Estate, at which meeting or at any adjournment thereof the said Bankrupt will be examined on oath touching the said Estate and such other business relating to the said Estate, as may be deemed necessary.

Given under my hand at Saint Andrews, the 21st day of November 1843.

HARRIS HATCH,
Commissioner of the Estates and Effects of Bankrupts in the County of Charlotte.

COUNTY OF CHARLOTTE,
IN THE PROVINCE OF NEW-BRUNSWICK, IN BRITISH NORTH AMERICA, SS.

In the matter of Peter Goss, a Bankrupt.

WHEREAS under the Provisions of the Acts of the General Assembly of this Province intituled "An Act relating to Bankruptcy in this Province," Peter Goss, of St. George, in the County of Charlotte, Farmer, has been declared a Bankrupt, and has accordingly surrendered himself to me: Now, therefore, I do hereby give Public Notice, that by virtue of the authority to me given in and by the said Act, I have appointed Harris Henderson Esquire, Provisional Assignee of the Estate and Effects of the said Bankrupt, and I do hereby require all persons indebted to the said Bankrupt to pay to the said Assignee on or before the 16th day of December next, all such sums and sums of money, debts or duties as they may owe to the said Bankrupt, and all persons who have in their possession power or custody any property of the said Bankrupt to deliver the same up to the said Assignee on or before the 16th day of December next, and I do hereby require all the Creditors of the said Bankrupt resident in the said Province, or in any other of Her Majesty's North American Colonies or in the West Indies, or in the United States of America within three months from the date hereof, to deliver to the said Assignee and to prove to my satisfaction their respective claims and demands, whether or not to become due or to become due against the said Bankrupt.

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Given under my hand at Saint Andrews, the twelfth day of November, A. D. 1843.

H. HATCH,
Commissioner of the Estates and Effects of Bankrupts in the County of Charlotte.

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IN THE PROVINCE OF NEW-BRUNSWICK, IN BRITISH NORTH AMERICA, SS.

In the matter of Joseph Pratt, a Bankrupt.

WHEREAS under the Provision of the Acts of the General Assembly of the Province aforesaid, made and in force relating to Bankruptcy in this Province, Joseph Pratt, of Saint George, in the County of Charlotte, Lumberer, has been declared a Bankrupt, and has accordingly surrendered himself to me. Now, therefore, I do hereby give Public Notice, that by virtue of the power and authority to me given in and by the said Acts, I have appointed Harris H. Hatch, Esquire, Provisional Assignee of the Estate and Effects of the said Bankrupt, and I do hereby require all persons indebted to the said Bankrupt to pay to the said Assignee on or before the eleventh day of January next, all such sums or sums of money, debts or duties as they may owe to the said Bankrupt, and all persons who have in their possession power of custody, any property or effects of the said Bankrupt, to deliver the same up to the said Assignee on or before the said eleventh day of January next, and I do further hereby require all the Creditors of the said Bankrupt resident in the said Province, or in any other of Her Majesty's North American Provinces, or in the West Indies, or in the United States of America, within three months from the day of the date hereof, to deliver to the said Assignee, and to prove to my satisfaction their respective claims and demands, whether or not to become due or to become due against the said Bankrupt.

And I do hereby appoint a General Meeting of the Creditors of the above named Bankrupt, to be held at my office in St. Andrews, on Tuesday the second day of April next, at noon of that day, at my said office for the purpose of receiving proof of, or allowing or contesting any claim presented against the said Estate, and such other business relating to the said Estate, as may be deemed necessary.

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