

been incurred, without any specific fund, by prosecuting trespasses for the penalties, independently of the seizure of the timber. These fines are exacted according to a scale set forth in the Act of George the Second, which is still in full force, and is the authority which the Government adopts as the least expensive for collecting the Timber Revenues, and are from ten pounds to fifty pounds each tree, to be determined by the diameter of the stump, at three feet from the ground. But this scheme failed from the very obvious reason, that the penalties were too high, and actually disproportionate to the extent of the mischief. The late Chief Justice, who was at that time Attorney General, started an objection against the constitutionality of proceeding in suits of the Crown against British subjects, without recourse to a jury, and as authority for his opinion, he adduced Stokes's Colonial Law, and other books. Although proceedings before the Vice-Admiralty Court are unquestionably legal under the Act of Parliament, yet a Constitutional Government will always prefer that mode—*provided it be effectual*—which offers least outrage to the institutions of a free people. Accordingly in a subsequent stage, the government continually prosecuted in the Court of Exchequer, before the Judges of the Supreme Court of Judicature and a Jury of the country. For a length of time, the business proceeded to the satisfaction of the Crown Officers, with equitable decisions, but about six years ago, a seizure took place in the County of York, which created some excitement in the public mind. No unprejudiced man could deny that a forfeiture under all the circumstances of that case, should have been made, but a jury, consisting of lumbermen, or persons nearly, or remotely connected with the trade, and all well knowing the parties, gave a decision against the Crown. The Crown Officers were in consequence of the determination of this jury, fearful of proceeding in the same manner for future penalties, and were consequently compelled to resort once more to the Court of Vice Admiralty. In cases, however, where the owner of the property seized, will submit to the payment of a penalty, the expense and delay attending a suit, is avoided, and the adjustment effected in a more satisfactory manner to the Crown as well as the subject. In a succeeding number, I will furnish the scale of Fines, (which I have not at present at hand) and which, though seldom exacted, and never I believe in any instance, fully recovered, may be prosecuted by any informer; and I consider it but right, that the public should be well informed how greatly they have been at the mercy of those officers whose duty it is to prevent the illegal cutting of timber.

Some *nul-shell* individuals may consider that I have disclosed too much, and have betrayed secrets which some high officials would rather keep concealed. I said in my last letter, that the days of mystery and freemasonry in matters of trade and commerce are fled:—how much the more should they be in Official transactions!—Mystery in professional practice, as well as in affairs of trade, is a cloak for chicanery; but in official business it is worse, for it must be adopted to cover oppression. He to whom the duty of exacting the lawful revenues of his Sovereign at present belongs, scorns all concealment, and the Constitutional Government of WILLIAM THE FOURTH, responds to the honorable sensation.

Miramiehi, 3th October.

W.

Erratum in the last letter of W—the two first words instead of M<sup>r</sup> Mousham, read—Mr Marsham.

### No. III.

CLIMATE AS IT EFFECTS THE VICISSITUDES OF SEASONS AND AGRICULTURAL OPERATIONS.

FROM very careful examinations, I am convinced that the snow never exceeds on a fair average in this country, a depth of four feet, and all accounts making it much greater, are doubtless idle exaggerations; and the ice, whether on lakes or rivers, attains a thickness of about 18 inches at the most, and more commonly only a foot. The north west wind is of very frequent occurrence, and is by far the most severe in its visitations; but the north east is the most violent, and is generally attended by heavy and drifting falls of snow.

In the beginning of April the increasing altitude of

the sun, and his consequent power, have a great effect in melting the snow and ice, which renders travelling on the latter insecure; and from the middle to the latter end of the month, both yield altogether to the influence of the heat. The herbage springs in the first week in May, and at the latter end of the month the grass will be three inches high; in another week the low land pastures will acquire sufficient consistency to support the weight of cattle. When the land is divested of its fleecy mantle, and the frost which made it for the depth of one foot, almost rival stone in obduracy, has been extracted by the genial influence of an April and May sun, agricultural operations commence; and, as nature, impatient at her long imprisonment, starts forward with a vigour wholly unknown to most Europeans, the farmer has no time to lose. Spring Wheat and Rye, are the grains which claim the earliest attention, and they should be sown in the month of May; but Maize or Indian Corn, allows a little breathing time, and may be planted any time before the 10th June. Oats, Barley, and Millet, should not be later than Indian Corn; but, potatoes may be planted throughout the month, and even in the first week of July, with a fair prospect of advantage. Early in June a few sharp frosts are expected, and which are sometimes so severe as to prove exceedingly injurious to the young Indian corn, and other tender plants. The hay harvest commences in the middle of July, and terminates at the latter end of August, by which time the rye and wheat will require cutting, and the other grains become ready for the sickle. Indian corn about the middle of September, is sufficiently ripened for gathering, and that task, together with the operation of denuding the ears of their husks, will give the farmer full occupation until the end of the first week in October, by which time, two or three warning frosts will have announced to him the necessity of digging his potatoes, and to remove them to his cellars for the approaching winter. About the latter end of October, cattle require a little hay, and in the middle of November, the herbage of the fields will again be clothed in its glittering livery of snow, and consequently our domestic animals look up to man for the whole of their food.

Gardening commences simultaneously with the labours of the field; and all those plants and roots which require the earliest attention, should be deposited in the ground as early in May as the weather will permit. Seeds of almost every description intended to be raised for a summer supply, or for a winter stock, are usually sown in that month; but those required for successive crops, such as leguminous plants and salads, may be advantageously sown in sheltered situations—the former until the beginning of August, and the latter till the end of September. Cucumbers are sown in the open ground in May, and in less than two months will be in full bearing. In the upper parishes of St. John's river, water melons are sown in favourable spots in the open fields, and arrive at perfection with no other culture than being occasionally cleared of luxuriant grass and weeds. Pumpkins are not considered as a horticultural production, being universally planted with Indian corn, receiving no other culture; and when ripe, are used, as well as water melons, as food for hogs. Two or three early frosts visit us in the middle of September, and which frequently nip the cucumbers and other tender esculents; but if by a little care and foresight, these plants be protected from the approaching cold, they may be preserved for a fortnight or three weeks longer in full luxuriance. Onions are not raised in this country with advantage, except on the intervals of St. John's river, in Sunbury, and Queens, but all other garden plants which attain perfection in the British Isles, are grown in this country with far less labour, time, and attention, and arrive at equal maturity, flavour, and size. Horticulture, in its proper signification, has received but little attention; but the orchards we have, and the few fruit trees which are cultivated, offer convincing proof that those raised in the gardens of England, would endure the climate, and produce in as great perfection in New Brunswick.

No great difference of climate is experienced in either extremes of the country in respect to latitude; but more is perceptible in the advance westward. The Gulf of St. Lawrence offers a sufficient reason for the moderation and equanimity of the seasons on the eastern coast; and the inland parts being at a distance from

extensive waters, experience the extremity of the wintry rigour and of the summer fervour.

The atmosphere is generally remarkably clear and serene, and with the exception of the shores of the Bay of Fundy, and occasionally also, but infrequently on the Gulf shore, a foggy day is hardly known. Here we have no what we may term *half and half* weather. If the day be fine, the air is clear and dazzling, and the sky bright and cloudless; if, on the contrary, it be foul, it will not afford the most inveterate grumbler time for finding fault, but compels him without loss of time, if exposed to the storm, to seek for shelter, and when there, he may listen to its howling rage, or the fury of its pitiless pelting. The transparency of the air is so complete, that the planets and stars of the first magnitude, may be seen to rise over the horizon, and the smaller ones are also visible before they have attained an altitude of 10 degrees. A cloudless sky, which in Great Britain is so rare, is here on the contrary, almost a daily occurrence; yet I am of opinion, that the climate may be considered moist, and of a proof of this, the circumstance of the wheat crops scarcely any year escaping without being affected with rust may be alleged. The climate is peculiarly congenial to health and longevity, and it agrees uncommonly well with British constitutions; nor have I discovered that even the swamps and barrens render the air noxious to the country in general, nor ever so little injurious to the contiguous settlers. Pleurisy, scorbutic affections, and rheumatism, are the prevailing disorders; but the last is generally confined to those persons whose avocations lead them into the water at the seasons when it is cold, and to other exposures. The almost universal diet of the people, consisting of heavy salted food, is probably ample reason for the causes of scrophula which sometimes occur. Deaths, when arising from natural causes are seldom occasioned by any other than a ripe old age, of seventy or eighty, and seldom preceded by decrepitude; but accidents are extremely frequent—the consequences of living in a country so little improved; the principal of which are occasioned by drowning.

The winter season, however severe, is always bright and clear—of course excepting frequent stormy days—and the weather invites, by its invigorating and cheerful serenity, to hourly exposure and exercise. People of both sexes and of all ages, let the air be ever so keen, are daily seen, muffled in woollen and fur clothing, driving about in their sleighs—and it is but few who own not a horse and sleigh—gliding with amazing rapidity, over ice and snow, toiling up steep hills, or precipitating themselves down declivities, which would actually set at naught wheel carriages of any description, and without the least concern or apprehension of danger. It is the season for universal festivity, visiting travelling, bustle, and business; and it commonly endures from the middle of December to the middle of April.

The transition from winter to summer is so fleet, that spring is hardly perceptible; and it very frequently happens that the roads will be dry, and even dusty at the beginning of May, while wreaths of snow may be traced in the ravines and hollows, and scattered flakes of broken ice are floating down the rivers. But Europeans are not to entertain the idea that we make a sudden spring from severe cold to a high temperature. The transition is gradual; but the accumulation of snow and ice in December, January and February requires the heat of almost a tropical sun to overpower them and completely dissolve them into their original element. The heat of the day in March and April often rises to 65°, and its power on the snow is perceptible in the daily thaws which take place; but the cold again predominates at night, checking the progress of the dissolution, and strengthening the ice which had become unsafe for the passage of men and cattle, until the next noon-tide sun again destroys its effects, and increases the consumption. Thus, while we are enjoying, in the day time, a general warmth sufficient for vegetation, the earth remains covered with her winter clothing; and the sun has ascended within 15° of the summer tropic ere his power is adequate for the dissipation of the frozen mass. April is not in common a rainy month as in England, nor is March a blustering one, in this rough and stormy weather, occasionally occurs, but that is generally fine, bright, and genial.

The summer season may be said to commence in the middle of May, although the air in this month is often

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