

the exertions of a loyal people, in regaining their prosperity.

Our Election.—The subject was again discussed in the Assembly on the 6th inst., when a number of remarks were elicited by members, anything but flattering to the population of the county. The Journal for this day contains the following Resolutions, which we believe was the last action of the House on the subject.

On motion of Mr. Hazen. Whereas the Select Committee appointed to try the matters of the Petition of John Ambrose Street, Esquire, and others, complaining of an undue election and return of John T. Williston, Esquire, as a Member for the County of Northumberland, having for the reasons set forth in their Report to this House determined the election of the said John T. Williston, Esquire, to be null and void and his seat vacant, and reported the same to this House, and having also in that Report expressed an opinion that time should be given to allay the excitement existing in the said County before a new Writ should issue for the election of a Member in place of the said John T. Williston, Esquire, and that Report having been received by this House;

Resolved, That under the circumstances detailed in the Report of the said Committee, it is deemed expedient that the delay so recommended by the said committee in issuing a new Writ of Election for the said county should be granted; therefore further

Resolved, That the Speaker do issue his Warrant to the clerk of the Crown in chancery for a new Writ to issue to the county of Northumberland, for the Election of a member to serve the General Assembly for the said county, in the place of the said John T. Williston, Esquire, on the twentieth day of June next, or as soon after as can conveniently be done.

Steamer St. George.—It appears the Assembly voted in supply 175l. to be paid to the proprietors of this boat for having kept up a communication between this port, Charlottetown, and Picton, during a portion of last season, but the Council refused its assent to the grant. We should like to be made acquainted with the reasons assigned.

The Fisheries.—It appears the subject of the right of the Americans to fish on our coast has been brought to the notice of the British Government, by a communication from the Chamber of Commerce, at Halifax, and an Address from the Nova Scotia Legislature. The Lieutenant Governor has recently received several communications in answer, from which we extract the following opinion of the Law Officers of the Crown, respecting the right claimed by the Americans.

1st Query.—In obedience to your Lordship's commands, we have taken these papers into consideration, and have the honor to report, that we are of opinion, that the Treaty of 1783 was annulled by the war of 1812; and we are also of opinion, that the rights of Fishery of the citizens of the United States must now be considered as defined and regulated by the Convention of 1818; and with respect to the general question, "if so, what right," we can only refer to the terms of the convention, as explained and elucidated by the observations which will occur in answering the other specific queries.

2d Query.—Except within certain defined limits to which the query put to us does not apply, we are of opinion, that by the terms of the convention, American citizens are excluded from any right of fishing within three miles of the coast of British America, and that the prescribed distance of three miles is to be measured from the headlands or extreme points of land next the sea of the coast, or of the Bays, and not from the interior of such bays or indentations of the coast, and consequently, that no right exists on the part of American citizens to enter the Bays of Nova Scotia, there to take fish, altho' the fishing within the Bay may be at a greater distance than three miles from the shore of the Bay, as we are of opinion that the term "headland" is used in the Treaty to express the part of the land we have before mentioned, excluding the interior of the bays and the indentations of the coast.

3d Query.—By the convention of 1818, it is agreed that American citizens should have the liberty of fishing in the Gulf of St. Lawrence, and within certain defined limits, in common with British subjects; and such convention does not contain any words negating the right to navigate the passage or Gut of Canso, and therefore it may be conceded that such right is not taken away by that convention; but we have new attentively considered the course of navigation to the Gulf, by Cape Breton, and likewise the capacity and situation of the passage of Canso and of the British Dominions on either side; and we are of opinion, that independently of Treaty, no Foreign country has the right to use or navigate the passage of Canso; and attending to the terms of the convention relating to the liberty of Fishery

to be enjoyed by the American citizens, we are also of opinion that this convention did not either expressly, or by necessary implication, concede any such right of using or navigating the passage in question. We are also of opinion, that casting bait to lure fish in the track of any American vessels navigating the passage, would constitute a fishing within the negative terms of the convention.

5th Query.—With reference to the claim of a right to land on the Magdalen Islands, and to fish from the shores thereof, it must be observed that by the convention, the liberty of drying and eating fish [purposes which could only be accomplished by landing] in any of the unsettled bays, &c. of the southern part of Newfoundland, and of the coast of Newfoundland, and of the coast of Labrador, is specifically provided for; but such liberty is distinctly negated in any settled bays, &c. and it must therefore be inferred, that if the liberty of landing on the shores of the Magdalen Islands had been intended to be conceded, such an important concession would have been the subject of express stipulation, and would necessarily have been accompanied with a description of the inland extent of the shore over which such liberty was to be exercised, and whether in settled or unsettled parts, but neither of these important particulars are provided for, even by implication, and that, among other considerations, leads us to the conclusion that American citizens have no right to land, or conduct the fishery from the shores of the Magdalen Islands. The word "shore" does not appear to have been used in the convention in any other than the ordinary sense of the word, and must be construed with reference to the liberty to be exercised upon it, and would therefore comprise the land covered with water, as far as could be available, for the due enjoyment of the liberty granted.

6th Query.—By the Convention, the liberty of entering the Bays and Harbours of Nova Scotia for the purpose of purchasing wood and obtaining water is conceded in general terms, unrestricted by any condition expressed or implied, limiting the enjoyment to vessels duly provided with these articles at the commencement of their voyage; and we are of opinion that no such condition can be attached to the enjoyment of the liberty.

7th Query.—The rights of Fisheries ceded to the citizens of the U. States and those reserved for the exclusive enjoyment of British subjects depend the convention of 1818, the only existing treaty on this subject; between the countries and the material points arising thereon have been specifically answered in our replies to the preceding Queries.

West Indies.—The Carleton Courier, contains the following account of another Earthquake, with which several of the West India Islands have been visited.

"We learn from Capt. Smith of the schr. Francis Canady, arrived this morning, that a second shock of an earthquake was experienced at the north part of Guadaloupe, on the 3d inst. At the time a captain of a vessel off the North Point of the Island, stated that it shook his vessel with such severity that it was with difficulty the crew could keep their feet. A dense cloud of smoke ascended from the vicinity of Basseterre, and serious fears were entertained for the safety of that place. It was quite sickly at Point Petre."

United States.—It would appear from the following paragraph, copied from an American Journal, that the "Empire State" is about following the highly reprehensible, and dishonest course pursued by several of the other states, of repudiating her debt.

REPUDIATION IN NEW YORK.—Considerable excitement has arisen in Albany and in the City of New York, from a communication addressed, on Tuesday week, by Samuel Young, Secretary of State, to the Chairman of Judiciary Committee in the Senate of that State, she is under neither moral nor legal obligation to pay! because the Acts of the Legislature authorising them were passed by a simple majority of votes in the two Houses, instead of a two thirds of a majority, as he contends is necessary under the Constitution."

CIVIL APPOINTMENTS.—The Gazette of the 12th inst. contains the appointment of the following Gentlemen as Supervisors for the ensuing year: A. Goodfellow, Fredericton to Newcastle.

David Crocker, Newcastle to Bathurst, Bathurst to Campbellton, and Richibucto to Chatham.

W. Chandler, Shediac to Richibucto, and Dorchester to Shediac.

IMPORTANT NOTICE.—We perceive in the same paper, a notice requiring that a report be handed into the Surveyor General's office, on or before the 20th of April, of the quantity of Logs and Timber cut by persons in the Province, during the season; their failing so to do, will subject the same to seizure.

EXECUTIVE COUNCIL.—The same Gazette contains a notice, stating that his Excellency has been pleased to appoint John Montgomery, Esquire, and B. L. Hazen, Esquire, provisionally Members of the Executive Council.

THE WEATHER.—The weather since our last publication has been very fine. The snow is rapidly melting away, and of all we can learn

of the ice on the river, it is in a very dangerous state, being any thing but safe for persons travelling with horses and sleighs.

TO THE PUBLIC.—On Wednesday night last, we were put in possession of the following extraordinary Epistle from the Reverend James Hudson:

For the Gleaner.

Mr. Editor, I have been reading the hints conveyed to your reader in the last number of your journal, and certainly not without some degree of surprise. As you have now thought proper in your editorial capacity, to make sundry statements which are not true, and omitted others, I trust you will have no objection to insert the following remarks, and the members of the Church will then have both sides of the question.

In your paper of the 6th March, a note appears desiring your correspondents for the future to confine themselves to the discussion of "two points only, and to avoid personalities;" that note concluded with the important announcement that next week, the 13th, a letter, not at that time in your possession, will appear from the Rev. Mr. Souter, and which, by your own terms of dictation, ought to have been upon one of "the two subjects started in the controversy." Now we should be very glad to learn from you what connection had Mr. Souter's christian tirade, printed in your paper of the 13th, and not the 6th, with either Apostolical Succession, or the Established Church in this Province?

As soon as Mr. Souter's letter appeared, "answering," (1) as you state, "a number of charges," &c. &c., you were informed "that it was probable that a reply to that communication would be immediately prepared," and it seems you informed Mr. Cooke of my intentions. At that time you did not object to print the intended article. When a portion of the manuscript is subsequently presented for insertion in the Gleaner, your first and sole plea for not publishing the same was "that the compositor could not read it;" but you must very well remember that I offered to stand by his side and read the whole. Out of this corner you immediately bolt, and produce certain letters and resolutions written and passed, I care not by whom, requesting that the controversy may be closed, and on my asking "if such treatment is consistent with the liberty of the press," your reply is that you "cannot help it." Contrary to "the course laid down for the guidance of your correspondents," permission is freely given to your patron, Mr. Souter, to state in the most unblushing manner the most shameful untruths, and when an exposure of the same is presented, it cannot be inserted, first, because that the article is not legible, secondly, because "it will offend certain resolutionsists, and thirdly, because it has nothing to do with either of the two points!!"

Your patron may call all this treatment liberty of the press! but I can tell you, Mr. Editor, that every unprejudiced person in this community views it merely as a piece of his Presbyterian tyranny. I think then, that your best plan of getting out of this business would be to confess at once that you have acted in an inconsistent and shuffling manner, and then to retract all the "hints, threats, &c. &c.," conveyed to certain busy-minded and audacious individuals who in spite of our endeavours are continuing "to propagate their scandal." Some of the men and women in this community are certainly very naughty for thus presuming to think for themselves.

It is true that I have not replied to any part of the monthly trash upon the Apostolical Succession which has appeared in the Gleaner, but whenever anything does appear worthy of notice on that vital Doctrine, I have in my mind's eye a little Sunday School child, who I think, will not experience much difficulty (if permission is granted) to prostrate your bragging Goliath. In consequence of your own late inconsistent behaviour, I have no hope of receiving any more fair play at your hands, and therefore I beg to acquaint you that I do not intend to expose the perversions, nor supply the omissions wanting in your patron's last article in the impartial Gleaner.

I hope however that my honorable opponent and his legal friend and other admirers will be careful not to imitate the example of certain great Birds, who when passed by without notice, immediately commence a violent flapping of their wings, and cackle away as if they had gained a great victory. I am, Your obedient servant,

JAMES HUDSON.

April 12, 1843.

On first reading this article, we made up our minds to enter into a detailed account of the various conversations we have had with this gentleman, and his strange and erratic conduct for some weeks past: but on second thought, which in nine cases out of ten, is the most prudent, we resolved to notice briefly one or two charges which he has thought proper to prefer against us.

First—he says, we had not Mr. Souter's letter, which appeared in the Gleaner of the 13th in our possession, when we announced it for publication in the paper of the 6th. Secondly—that when a portion of his last letter is presented for insertion, our first and sole plea for not publishing the same was, that the compositor could not read it. We distinctly and positively declare, that these two assertions, or charges, are totally void of truth, which we are prepared to substantiate, when Mr. Hudson brings forth something more cogent than his bare declaration to support his accusation.

We tender him our acknowledgments for the very high and flattering encomiums he has thought proper to pass on our character, and the manner in which we have conducted our Journal; but beg to decline adopting his "plan of getting out of this business, by confessing at

once that we have acted in an inconsistent and shuffling manner." On this subject we entertain a very different opinion from him, and so satisfied are we of the correctness of our views, that we are content to leave the matter as it stands, without any further note or comment, in the hands of the public, who are well acquainted with the whole transaction, as well as with the parties who are at issue, and shall cheerfully bow to the decision.

It is useless for this gentleman to set up as a reason why he does not combat the arguments of his opponents on the only two subjects of interest to the public, which have grown out of this lengthy controversy, and to which we have confined them "that our late inconsistent behaviour" precludes "the hope of receiving any more fair play at our hands," for he well knows justice has been, and will continue to be dealt out to him. All we ask of him is, to adhere to the course laid down for the guidance of our correspondents in our paper of the 6th ult., as his antagonists have done. The public, we are inclined to think, will coincide in this view of the case.

We have been repeatedly questioned respecting "The Rejected Letter," which was announced for publication in pamphlet form, some time since, and it has been pretty broadly insinuated that the delay has arisen from our unwillingness to print it. Such is not the fact. We are prepared to put it to Press immediately on our being put in possession of the copy.

MELANCHOLY CIRCUMSTANCE.—Madame Chaisson, wife of Paul Chaisson, an aged woman, who had resided at Caraquet, was frozen to death on Monday week, during the heavy snow storm. She was proceeding to Point Miscow, accompanied by her husband, to visit their children residing there, when they were overtaken by the storm, on the Grand Plains, where they were forced to remain during the night. In the morning her husband left her—she being unable to proceed from exhaustion—to seek for assistance, but he got bewildered, and the greater portion of the day elapsed before he reached a house; and so exhausted, that he was unable to tell his tale. After he came to himself, he informed the people where he had left his wife, when they immediately went for her, but when found, the body was stiff and cold,—the spirit having fled.

CITY OF ST. JOHN.—The election for Charter Officers took place on Tuesday week. J. R. Partelow, Esquire, contrary to general expectation, has been re-elected Chamberlain by the Board of Alderman; G to S: Alderman Harding declined voting. This was a very narrow escape. The salary has been reduced to £250.

The Royal Gazette of the 12th inst. contains the appointment of Lauchlan Donaldson, Esq. as Mayor of the city of St. John.

Mr. Whitney's steamer was to leave for Boston on Monday last, on her first trip for the season.

AMERICAN PAPERS.—It appears that not only the Reprints of British Works, in the form of Newspapers, are to be prohibited from passing through the Post Office, but that the Brother Jonathan, and New World, Newspapers, are to be taxed Letter Postage. We see but little of the first named paper, but why the latter should thus be so unceremoniously dealt with, puzzles us not a little.

From the Fredericton Sentinel.

There is a Bill before the Legislative Council, sent up from the House, for determining the value of different coins; but which probably will not pass during this session. It fixes the price of the Sovereign at twenty four shillings and threepence, and of the English shilling at one shilling and twopence halfpenny.

A Bill which was brought in yesterday, having for its object to repeal the duty on wheat, and to impose an additional duty of 1s. 3d. on Flour, was postponed this forenoon, till this day three months.

Deaths:

At Chatham, on Monday morning last, Mr. WILLIAM SIMPSON, Master Ship-Builders, in the 39th year of his age: much esteemed.

At the establishment of Wm. Fruing, & Co., Shippegan, Mr. — LAMAZARE, Master Ship-Builders, aged 47 years: a native of the Island of Jersey: much respected.

To be LET, in the Town of Richibucto:

From the First of May next.—The SHOP, &c. at present occupied by Dr. Maclaren: The Shop is neatly fitted up, and situated in the most eligible part of the Town: Three or more Apartments can be given in addition to what the Doctor occupies, [if required]: Also—STABLES, and shed for Gig, &c. &c.

Further particulars will be made known on application to J. A. Pierce, Gleaner Office, Chatham, or the Subscriber, [if by letter, post paid] RICHARD McLAUGHLIN. Richibucto, 2nd April, 1843.

Wanted:

A GOOD FARM SERVANT. Apply at the Gleaner Office.

To Let:

The SAWMILL with HOUSE and FARM at French Fort Cove, Newcastle: Also—The HOUSE and FARM at the Point, adjoining thereto. Apply to

J. M. JOHNSON.

Chatham, 15th April, 1843.