

Colonial.

CANADA.

[From the Montreal Transcript, Dec. 22.]

In compliance with a most painful yet imperative duty the Executive ordered Cardinal and Duquette, two of the convicted traitors to their country, for execution at the New Gaol yesterday morning. Both these wretched individuals had been deeply implicated in the rebellion of last year, and having experienced the mercy of the government, in regard to their first offence, they were unquestionably very proper objects through whom to assert the majesty, and vindicate the aspersed courage of the law. The idea that the government feared to execute justice, had been so long and so diligently circulated among the French Canadians, that it was only on Thursday a notorious French radical, resident in this city, boldly asserted his belief, that altho' the Government might devise some measure of punishment, yet the punishment which the law had enacted for treason was out of the question. He had attended the Court Martial; he confessed himself surprised by the patient investigation bestowed by its members, and by the evident determination of that Court to concede to the prisoners every chance of justification. He could not, he said, if he were himself to be tried, desire a more honorable tribunal, but he obstinately denied that the Executive dared put their sentence into execution. Cardinal and Duquette have now expiated their share in the rebellion on the public scaffold; the supremacy of the law has been asserted; the character of the government has been vindicated—and as facts are stubborn things, and this reluctant concession to offended justice has not been made in a corner, it will become impossible for the main springs of the rebellion to continue the late delusion, as to consequences.

The subject is one most unpleasant to dwell upon, but we, in our humble sphere, have a duty to discharge to the public, and must proceed to speak of

THE EXECUTION.

At half past 8 o'clock six companies, furnished from the several regiments in garrison, paraded at the New Jail. The 7th Hussars were also under orders, to be ready to turn out should any disorder arise. A new drop had been erected a few days previously, in front of the Jail, the platform of which was immediately over the main entrance door. The number of persons assembled to contemplate the awful spectacle was large; and a great number more arrived, shortly after the criminals had been turned off; great punctuality having been observed as to the hour appointed. A little before nine the two prisoners made their appearance, Cardinal being dressed in a brown coat, and Duquette in the ordinary costume of the country. Both of them, but especially Cardinal, mounted the steps to the platform with a firm step. Having taken their respective stations, Duquette was observed to cast his eyes up to the apparatus above his head, and then right and left, upon the assembled crowd. From that moment his face, which had been deadly pale, became suffused with a deep crimson flush, and he perceptibly trembled. A priest of the Catholic Church attended upon their last moments, and administered the consolation of religion, the only one of which their awful position admitted. At nine o'clock, the Warrant for their execution having been read, and the caps drawn over their faces, the Provost Marshal gave the fatal signal, by dropping a white handkerchief, and the drop instantly fell. The fate of Cardinal was soon accomplished; he could have suffered but little, Duquette, on the contrary, had, by some sudden movement so displaced the rope, that no pressure could effect the jugular vein. It therefore became necessary to apply a second rope to his neck, in order to obviate his, otherwise, protracted misery; and this rope having been made fast to the beam, the first rope was cut. The effect of this second descent, for his body fell full four feet from its previous elevation, quickly ended his sufferings; although a convulsive motion, particularly of the hands, continued for some time.

On the afternoon of Thursday Cardinal had been occupied in signing a multiplicity of papers—we presume, connected with his professional business of Notary. For one hour and three quarters he continued to sign his name, with rapidity and remarkable steadiness of hand. We should almost doubt the propriety of these hasty and manifold signatures.

A considerable number of Canadians were present, who, whatever sympathy they may have inwardly felt, expressed their conviction not only of the justice, but of the necessity of their punishment.

[It is understood that the Death Warrants of Lepailleur and Ducharme have been signed, and it is reported that they will be hanged at Beauharnois.]

[From the Montreal Herald.]

COURT MARTIAL.—On Wednesday last at two o'clock, the case for the prosecution against the prisoners tried between the Court Martial, closed, and the prisoners were allowed till Sunday morning to prepare for their defence, the Court adjourning till that day. Levesque who, pleaded guilty, was along with the rest of the prisoners, and did not seem to feel the awfulness of his situation, as he laughed several times. He is a very genteel looking young man, and has a feminine appearance which makes him look boyish, and his hair is shaded from the centre of his head, like a girl's. Morin, Sen. took notes during the examination of the witnesses. It is strange, considering there are so many prisoners in gaol, that no trial takes place to day.

It appears from the proceedings of the Missouri Legislature, that while the arresting and hanging of rebels and brigands in the Canadas, are thought by Americans to be unjustifiable crimes against the spirit of the age, they have not the slightest objection to adopt similar means to quell a rebellion within their own territory. The poor Mormons, who fought for their peculiar form of religion, have been literally hunted down like beasts, their houses burned, about six hundred married men arrested and imprisoned, forty killed, and about a hundred compelled to flee for their lives, in

consequence of which two hundred women, most of whom had small children, are left destitute with no food to keep them from starvation, and no shelter to protect them from the storms of winter. A memorial, to be sure, has been made to the Legislature to grant pecuniary aid, but can that atone for the unjustifiable murder of so many innocent and industrious people, can it restore the husband to the widow or the father to the fatherless?—These tragedies are now enacting in the United States, yet none of the presses so loud in their sympathy for rebels and brigands in Canada, raise their voices against the enormities perpetrated in their own land.

Prescott was all astir on Saturday morning last, on the inhabitants observing a schooner, apparently deeply laden, coming down the river, and anchoring as near as possible to Ogdensburg, for owing to the ice, she could not get within half a mile of the town.—The unusual circumstance of a vessel coming down the St. Lawrence at so late a season of the year, when the river is filled with floating ice, and during the darkness of the night too, was enough to raise an alarm of an attack among the brave Prescottians. The people in Ogdensburg were terribly frightened also, as they expected they were about to be invaded from Canada, and the Sentinel says it was amusing to notice the bustle and confusion over the water, their drums beat to arms, and a general cry arose that their town was to be attacked and laid in ruins. How well the rascals knew what they deserved. The vessel turned out to be a schooner laden with goods for the Ogdensburg merchants.

We have learned that the *soi disant* Captain Elliot who was wounded at Odelltown, and allowed to get into the States for medical assistance, is not the Nephew of Dr. Nelson, as was stated at the time; that young lad being with his father at Amherstburgh, and actually acting as Ensign in a volunteer company.

QUEBEC, 26th December.—By the mail this morning, we have received New York papers of Tuesday, the 18th instant. They contain no later dates from Europe; in the Commercial Advertiser we find the following from Detroit, which affords a reasonable hope that the Brigands will make no further attempt in that quarter. Without underrating the service or good intention of General Scott and the other officers of the United States Army, we confess we think the present pacific manifestations are due rather to the spirit manifested by the Upper Canada Militia and Volunteers, and the decided conduct of the gallant Colonel Prince.

LATER FROM DETROIT.—We have the Detroit Advertiser of the 10th. It mentions the detention of Governor Mason at Huron, by severe illness, which makes it doubtful whether he will be able to reach Detroit for some time to come.

General Scott arrived on the morning of the 9th.

The following is the only notice we find connected with Canada or the enemies thereof.

PATRIOT MOVEMENTS.—We learn that the leaders of the Patriot forces have resolved to abandon their enterprise for the present, and a good portion of their men have gone to their homes. The result, we are informed, has been brought about by quiet influence; judging from the character of the men who have been instrumental in effecting it, we are inclined to believe that reliance may be placed on the present determination. It is pretty certain that whatever may be their determination, the authorities on this side will keep a sharp eye upon any movements that may hereafter cause disturbance.

The Harrisburgh affair was cooling off, part of the troops had returned to Philadelphia, but were ordered to hold themselves in readiness if required.

MONTREAL, (Herald,) Dec. 21. COURT MARTIAL.

SATURDAY, Dec. 22.—The Court on opening this day, was addressed by Mr. Drummond in favor of prisoner, Huot, and the entire evidence afterwards summed up by Mr. Day. The Court was then cleared and the members proceeded to deliberate upon the sentence, after which they adjourned until Monday.

The sentence will not be made public until sanctioned by His Excellency the Commander of the Forces.

MONDAY, Dec. 24.—The following prisoners were this day brought forward to stand their trial:—

Guillaume Levesque, Pierre Theophile Decoigne, Achille Morin, Joseph Jacques Hebert, Drossin Leblanc, Francois Trepaniere, fils, Pierre Hector Morin, Joseph Parre, Louis Lemelin, and Jean Bte. Dozois.

One of the prisoners, Achille Morin, objected to four of the members of the Court, and the President ordered the hall to be cleared, that the Court might have an opportunity of committing suicide, which, however, it declined to do, the objection being overruled; and the examination of witnesses was proceeded with, Guillaume Levesque, pleaded guilty to the charge of High Treason. He is an immediate connection of the first Canadian families in the country. The Court would likely be adjourned this afternoon till Wednesday morning, to-morrow being Christmas.

The Canadian states on the authority of a private letter from Montreal, that an offer was made to the Hon. D. B. Viger to set him at liberty if he would give bail, which he refused to do; and that a report was current at Montreal, on the 26th inst., that an express had been sent from that city to Three Rivers with the Order of Suspension for Mr. Justice Valliers.—This last report was circulated here on Thursday evening, and is now confirmed.

We learn that the execution of Cardinal and Duquette had a strong effect upon the political prisoners in the Gaol at Montreal. Up to the day of their punishment all was mirth and gaiety amongst these prisoners, dancing, fiddling and singing in anticipation of a triumphant return to their friends, and the confidence that no French Canadian would be subjected to death or transportation.—The fate of their comrades has brought them to a proper sense of their situation; they are now quiet and orderly, and behave themselves in a way more

becoming men whose lives are in jeopardy for heinous and repeated transgressions.

The finding of the Court Martial on the sergeant and four privates of the Coldstream Guards, who were placed on their trial for supposed connivance in the escape of Theller and Dodge, from the citadel of Quebec, has received the sanction of the Commander of the Forces. We understand, that by it, all are acquitted of assisting or conniving in the escape; but the sergeant is reduced to the ranks for his too great familiarity with the prisoners; two of the privates are sentenced to some months imprisonment for want of vigilance, and the other two are acquitted.—*Montreal Gazette.*

The *London Gazette* further says, that several of the brigands have been found in the woods frozen to death; that a member of the Michigan Legislature is among the prisoners; that the survivors are shortly to be brought to London for trial; and that General Brady has sought protection on the Canadian shore.

Placards were posted throughout the city of Detroit, offering a reward of £200 for Colonel Prince, dead or alive.

After our paper was at press yesterday morning, Messrs. Etienne Parent and J. B. Frechette, proprietors, and the first named Editor, of the Canadian newspaper, were arrested on a charge of High Treason, and committed to the Common Gaol of the District. The Canadian, which was issued as usual, announced the incarceration of the proprietors and the probable suspension of their journal, in consequence of their confinement.

Some reports have been in circulation of General Brady, having been obliged to fly from Detroit and seek shelter on the Canadian shore. We do not find any confirmation of this in the accounts received to-day; nor any notice of the removal of Col. Prince from the command of the Militia on the Western Frontier so confidently asserted by the American Frontier papers, as having taken place in consequence of his summary proceedings against the captured brigands.—*Mer.* 27th.

Matters remain quiet in Upper Canada, the trials at Kingston were going on before the Court Martial, and in the London District a second Court Martial was to commence its sitting on the 26th instant, for the trial of the Windsor prisoners. These determined proceedings and the promptitude with which execution follows the sentence, have already done much in curing the predatory propensities of the Sympathizers.—*Id.* 29th.

Washington, Dec. 11.

Messrs. Papineau and Dr. Wolfred Nelson, with several other gentlemen connected with the Canadas, paid their respects to Mr. President Van Buren to-day, accompanied by the Honorable Silas Wright, U. S. Senator for the State of New York.—*Id.*

The Court Martial assembled yesterday, at ten o'clock, A. M., when the prisoner Huot entered on his defence, which was continued till this day, when it was concluded by an address from the prisoner. Mr. Day, as Judge Advocate, then summed up, and, from its tenor, we should imagine that Huot will be convicted, but will not be sentenced to a capital punishment.

The trials of Decoigne, Levesque, and some nine or ten others, taken prisoners at Naperville, will be proceeded with on Monday.

Warrants, it is said, had been received for the execution of Sylvanus Swete, and Joel Peeler, two of the brigands taken at Prescott, and which was to be carried into effect this day.

On Tuesday there was a general assembling of the Six Nations Indians. We had the pleasure of seeing them, as they marched past our office, the greater part being in their war costume—fantastically painted and decorated with feathers, tails of animals &c.; and as they moved along some of them would now and then utter the far famed war whoop. In the afternoon rations were served out to them, and they returned to their homes, ready and willing to turn out whenever their services are required. They have ever been unwavering and active in the support of the British Government, and at all times when their aid would be of the slightest service, acted with a promptness and energy not to be surpassed; and their docile, quiet and unoffending behaviour has been equally unexceptionable. Five hundred and twenty six rations, we believe, were drawn.—*Brantford Sentinel.*

[From the New York Evening Star.]

FATE OF AMERICAN YOUTH IN THE CANADA INVASION.—It will be but a melancholy satisfaction to the families of deluded American youth, entrapped in the late invasion at Prescott, to read the following catalogue of prisoners, chiefly young men and boys, tried at Kingston, on Monday, and no doubt ere this, ignominiously consigned on the gibbet to "that bourne whence no traveller returns." We do not cry, like the demoniac editor of the Herald, "More blood! Send for the Hangman!" and other inhuman exclamations indicative of the blackest heart; but we do hope, for all our heads of families of this State at least, this may be a solemn warning to bring up their children with a more vigilant regard to the discipline of their morals and habits. Let them shun intemperance in every thing, and above all those wild notions of licentiousness and that utter disregard to principle, honor and loyalty, and to civil and social obligations which is taught in the modern and too prevalent wild fanaticism of loco foco agrarians and infidels. True liberty and charity, and sympathy for our fellow creatures, never used such a hideous mask, nor recognized the violation of individual right and personal property under the false and impracticable scheme of universal equality. It is a miserable illusion. Political equality does and must exist in all good and republican governments; but natural equality never did: and he who runs wild after this phantom is more of an imbecile than Don Quixotte that fought the windmill. The Prescott affair proved indeed a Windmill Point, an illustration of this madness; while the secret objects of the leading disorganizers were no doubt in this, as in all other similar projects of Jacobin reformers, plunder and rapine, and despotic power. Here is the sad list, which

unfortunately is to be augmented by some hundred more victims, sacrificed to their own folly.

[Here follows a list of 82 prisoners under trial at Kingston, of whom the half are minors, and the others, with one exception, not exceeding 29 years of age.]

ROYAL GAZETTE.

FREDERICTON, JANUARY 9, 1839.

Central Bank of New Brunswick.

JOHN SIMPSON, President.

ROBERT GOWAN, Cashier.

Director this week.....GEO. J. DIBBLEE.

Discount Days.....Tuesdays and Fridays.

Bills or Notes offered for discount must be left at the Bank, enclosed and directed to the Cashier before two o'clock on Mondays and Thursdays

Bank of Fredericton.

ASA COY, President.

ARCHIBALD SCOTT, Cashier.

Director this week.....CHARLES FISHER.

Discount Days.....Mondays and Thursdays.

Notes or Bills for discount are to be left at the Bank, enclosed to the Cashier, before 3 o'clock on Saturdays and Wednesdays.

Bank of British North America.

FREDERICTON BRANCH.

ALFRED SMITHERS, Manager.

Director this week.....JOHN F. TAYLOR.

Discount Days.....Wednesdays, and Saturdays.

Hours of business, from 10 to 3.

Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days.

Saving's Bank.

Trustee for next week.....JAMES TAYLOR.

Central Fire Insurance Company.

Office open every day, at Mr. Minchin's Brick House opposite the Parade, (Sunday excepted,) from 11 to 2 o'clock.

B. WOLHAUPT, President.

Committee for the present month.

CHARLES McPHERSON and CHARLES FISHER.

Alms House and Work House.

Commissioner for the week commencing to-morrow.

GEORGE MINCHIN.



By Authority.

AT THE COURT AT WINDSOR, the 5th of November, 1838.

PRESENT.

The Queen's Most Excellent Majesty. Lord Steward. Viscount Palmerston. Lord Chamberlain. Viscount Melbourne. Earl of Surrey. Mr. Chancellor of the Exchequer.

Whereas the Governor of Her Majesty's Province of New Brunswick, with the Council and Assembly of the said Province, did in the month of March, 1838, pass an Act which has been transmitted, entitled as follows, viz.:

No. 1158. "An Act to amend the Laws relating to the solemnizing of Marriage," and whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Act should receive Her Majesty's special confirmation; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted accordingly, whereof the Governor, Lieutenant Governor or Commander in Chief, for the time being, of Her Majesty's Province of New Brunswick, and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. GREVILLE.

ANNO PRIMO VICTORIÆ REGINÆ. CAP. XLII.

An Act to amend the Laws relating to the solemnizing of Marriage.

Passed 9th March 1838.

WHEREAS it is expedient to amend the Laws relating to the solemnizing of Marriage in the following manner:

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any ordained Person, Minister or Teacher, duly authorised, or licensed to solemnize Marriage, either under an Act passed in the thirty first year of the Reign of King George the Third, intitled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication," or under an Act passed in the fourth year of the Reign of King William the Fourth, intitled "An Act to extend the privilege of solemnizing Marriage to all Ministers and Teachers of the several Religious Congregations in this Province," may solemnize Marriage between any persons whether or not such persons be of the communion or denomination of the ordained Person, Minister or Teacher solemnizing the Marriage, any thing in either of the said recited Acts to the contrary notwithstanding; subject nevertheless, in all other respects to the respective regulations and provisions of the said recited Acts.

II. And be it enacted, That this Act shall not come into operation until Her Majesty's Royal Approbation be thereunto first had and declared.

IN COUNCIL, JANUARY 4, 1839.

The undermentioned Applicants for the purchase of Crown Land, may have the lands applied for by them on the following terms if

paid within sixty days, and 5s. for postage, &c. will be charged on each purchase in addition to the stated price, per acre.

NORTHUMBERLAND.

Thomas Matthewson, 3s. per acre, down. Robert Morrow, (50 acres,) 3s. per acre, down.

John Chalmers, 3s. per acre, down, upon the requisite affidavit been furnished, as to his occupation and improvement.

John Shanahan, 3s. per acre, down. Patrick Walsh, 3s. per acre, down. William Sparrow, 3s. per acre, down. Mathew Lamont, 3s. per acre, down. Richard Jardine, 3s. per acre, down. Hugh Parker, 3s. per acre, down. Joseph Tweedy, Jr. the 2d. 3s. per acre, down. James N. Moores, 4s. per acre, down.

WESTMORLAND.

Michael Govang, 3s. per acre, down.

KING'S.

Edward Price, Sen. 2s. 6d. per acre, down, on producing the requisite certificate and affidavit of settlement.

John Sheedy, 3s. per acre, down. Thomas C. Wallace, 3s. per acre, down. John Wallace, 3s. per acre, down. Jonathan B. Dobson, 3s. per acre, down. Andrew Stockton, 3s. per acre, down. Henry R. Coates, 3s. per acre, down. Robert Stockton, 3s. per acre, down.

CARLETON.

James Hale, 3s. per acre, down.

QUEEN'S.

William Lunnin, 3s. per acre, down. Archibald Dolan, 3s. per acre, down. P. McCalvey, 3s. per acre, down. James Wilson, 3s. per acre, down. Daniel Wilson, 3s. per acre, down. L. A. Wilson, 3s. per acre, down.

The lands applied for by the undermentioned persons will be offered at Public Auction, at this office on Monday the 4th day of March next, (see advertisement, in which each person will recognize the lot applied for by him.)

Richard Carman.	David Dickey.
James Donalds.	W. H. Coates.
Jared Betts.	Ralph London.
Jonathan Hosford.	R. Y. Townsend.
Robert Clark.	Jeffrey White.
John Rodgers.	Robert P. Smyth.
J. H. Wilcox.	

The Petitions of the undermentioned persons are referred for want of survey.

Alexander Copeland.	William Mills.
Robt. Morrow, (2 lots.)	James Hannay.
Michael Molloy.	Thomas Moran.
James McDermott.	Robert White.
J. McDermott, Jr.	John Lindsey.
Patrick Farrell.	Patrick King.
Daniel Morphy.	W. Whelpley.
William Murray.	John Moore.
James Morrison.	William Cormac.
Jer. Glavin.	Moses Spragg.

Joseph Cunard, for water front, Richibucto, referred for further consideration.

John Bell, Charlotte County, referred for further consideration.

Edward Reynolds, Jr. Charlotte County, complied with, on satisfactory proof being produced of the facts alleged by him.

Joseph Teakles, further information required as to the improvements, and by whom made.

William D. Coates, King's, referred for further information, and that the requisite affidavit and certificate of improvements be furnished.

John Dobson, Jr. referred for further information.

Thomas W. Coates is informed that the north half only of the lot applied for by him, is vacant, and that it will be offered at Auction, (see advertisement.)

William Pond's Petition is complied with. J. A. C. Phillips' Petition on behalf of Joseph Drake, Wakefield, Carleton, is complied with on payment of 2s. 6d. per acre, down.

Abraham Gesner's Petition for a lease of Mines and Minerals, is postponed for further consideration.

The Salmon River Coal Company's Petition for a lease of Mines and Minerals is postponed for further consideration.

James Peters, Jr. may have a grant of the land applied for by him, in the Parish of Portland, at 3s. per acre, down; upon his paying William Smith a reasonable compensation for any improvements which he has made thereon.

William J. Bedell can have the money paid by him on account of C. Arseneau returned.

Michael McPherson can have a grant of the land surveyed for him at Little Le Pro on payment of 2s. 6d. per acre, down, and the former order in favour of Peter Gallagher is rescinded.

William Thompson's Petition, Point Lepro, is not complied with.

The applications of the undermentioned persons for licence to cut Timber and Logs on Crown Land, are complied with upon payment of the duty within 60 days.

John Pott, Jr.	Richibucto River.
Arthur Ritchie.	Upsalquith River.
Richard Suter.	Cain's River.
A. M. Laggan.	Bartholomews River.
Patrick Long.	S. W. Miramichi.
Joseph Cunard.	Little S. W. Miramichi.
John Jardine.	Bass River.
do.	St. Nicholas River.
John Hall.	Magoguadiv River.
James Murchie.	River St. Croix.
Thomas Dunfield.	Salmon River.
C. W. Stockton.	Smith's Creek.
E. L. Burpe.	Gaspereau River.
Justus Austin.	Newcastle River.
George Burpe.	Burpee's Mill Stream.
C. Connolly.	do.
Wm. Scott.	Geary Stream.
John S. Taylor.	Swan Creek.
R. R. Ketchum.	Salmon River.
T. Pickard, Jr.	do.
Thomas Boyd.	River St. John.
Wesley Jacques.	do.
Sherman Tapley.	Monquart River.
T. H. Carman.	Nackewiac River.
Duncan Barber.	Shackmoe Tract.
E. Wiggins.	Newcastle.
A. Rankin.	Dungarvon River.