

Upper Canada.

[From the Coburg Star.]

The admirable letter of the Hon. Mr. Justice JONES, on the subject of the late American invasions, to a Gentleman of Ogdensburg.

Toronto, December 17, 1838.

SIR:—I received your letter of the 10th inst. relative to the situation of the guilty individuals now undergoing their trials before a Militia General Court Martial of Kingston, for their lawless and unprovoked aggression upon our soil, and the murder of our people.

You say, upon your return from Kingston, where you had gone to inquire into and supply the wants of the unfortunate American prisoners you passed through Jefferson County, and that you are entirely satisfied that the greater part of the boys under 21 have been deceived; in one instance by a schoolmaster, but generally by the travelling Canada refugees many of whom are without character and principle. You heard of one mother in Brownville who had become insane; and saw others in the deepest distress. You also say that it is desirable that this most dishonest, unjustifiable, and cruel system of aggression upon our country, should be put an end to without delay, and that if you could believe that the hanging or transportation of your youth was necessary to this result, you would remain silent. You further say, you have endeavored to sympathize with the officers of our Government, in this painful emergency, and after much distressing reflection, suggest for the consideration of the government, the policy and duty arising from humanity and religion, of pardoning the youths, of whom you say there are about forty from 14 to 21 years of age; and that their return home will dry up many a mother's gushing tears, and this kindness and mercy will cause many prayers to ascend for the peace and prosperity of this province, and the narration of their misfortunes will bring upon the heads of the guilty demagogues a torrent of public indignation.

In reply thereto I beg to remark, that the situation in which this Province is placed by the lawless and unprovoked aggression of a people with whom Great Britain still maintains the relations of peace and amity, is unparalleled in the history of nations; and the difficulties which have been thrown in the way of this Government are such as have never been encountered by a colonial government. A few unprincipled men, having after years of uninterrupted agitation failed to shake the loyalty of the great body of the people, and having after a daring but vain attempt to overturn the Government, been compelled to seek an asylum in your country, they were there received with open arms, by almost all classes of the frontier population; and though up to that moment the most friendly relations and constant intercourse had been maintained, from that moment every consideration of duty to their own Government—every religious and moral restraint—every ordinary feeling of humanity, seems to have been lost in a wild and reckless desire to overrun this country, and to substitute in the room of the institutions under which the people have proved themselves in numerous instances happy and content to live, their own democratic form of government, as the only one under which civil and religious liberty can find a shelter. Since the first attempt at revolution in this province, instantly suppressed by the loyal population, without a soldier in the Province, not a movement has taken place within its limits on the part of its inhabitants; and when its peace has been disturbed by your brigands and marauders, they have invariably shown their readiness to meet the invaders of our soil and to punish their temerity. The spirit with which these attacks have been resisted cannot have passed unnoted or unnoticed by the people, and yet, tho' professing an ardent desire to maintain a leading principle of their constitution,—that every people should enjoy that form of government which is most acceptable to them,—they seemed determined that the inhabitants of this Province shall give up their own attachments and wishes, and submit to such a government as they and a few fugitive traitors shall prescribe to them. It is a fact abundantly notorious, that notwithstanding the noble spirit of devoted affection to our government and laws which has been so conspicuously manifested since the first suppression of disturbance in this Province, the feeling of hostility in the United States has been steadily and rapidly increasing, and that after a years reflection and observation of the very humane course that has been adopted by the government, not only towards domestic traitors, but towards the foreign invaders of our rights, thousands, and perhaps tens of thousands of the people living in our immediate neighbourhood and well acquainted with our situation and our feelings, are ready under the idle pretence of giving them liberty to pour their hostile bands upon our shores and to destroy and pillage our property and murder our people.

The humanity which has marked the course of proceeding of our government, instead of having its proper weight amongst a people once reputed generous and brave, seems to be mistaken for timidity, and so far from being duly appreciated appears to have operated as an encouragement to marauders to make for the attacks. The attack of Prescott, which has been so signally defeated by our loyal population, was only the first of the present winter;—and nothing but the most active, vigorous and prompt measures, will save us from the repeated, ferocious attacks of bands of savage ruffians, who disregard the laws of God and man, and seem to have given themselves up to the guidance of the most fiendish passions which disgrace human nature.

Immediately preceding the date of your letter, and even after the news of the fate of their brethren in infamy who made the attack at Prescott, a band of three or four hundred desperadoes again polluted our soil at Sandwich, and again the feelings of humanity were outraged and disgraced by a repetition of the inhuman and brutal treatment practised upon the body of a brave officer killed at Prescott. There also were the ruffians signally defeated, many of them killed and wounded, and the remainder driven to their own shores, or to seek a covert from the indignant population of the country in the woods of the forest.

Numbers of prisoners have also been taken for whose trial another Court Martial is ordered to assemble.

Vast preparations are now making in Ohio and Michigan, for a renewed attack upon the Western part of the Province, and since I commenced this letter, certain information has been received that great exertions are making in your neighbourhood to assemble another force, to wreak their vengeance upon the devoted people of Prescott, for the manly and fearless discharge of their duty in resisting their late aggression, and to satisfy their inhuman passions for its failure, and for the sufferings of their guilty associates, killed and taken prisoners. This you may perhaps pronounce mere vague reports,—so you would have designated the information received before the late attacks.

In addition to all this, meetings have been called and very numerous attended along the frontier, in which the most violent and disgraceful resolutions have been passed, encouraging and abetting a continuance and perseverance in their lawless and outrageous proceedings; and in the public papers some of your own citizens have been pointed out, and the brethren in iniquity of the affiliated societies called upon to mark them as Tories and spies ("the end sanctifies the means,") because they had honestly enough to denounce the disgraceful conduct pursued, or refused to participate in it.

Under these circumstances, and, a full knowledge that a mild and humane course with such an enemy can only have the effect of provoking further aggressions, the time seems to have arrived to exercise such a measure of severity as may convince those who may countenance such outrages, that the government, despairing of any good result from forbearance, are resolved and not afraid, to punish transgressors, whether they are traitors to her majesty or citizens of a foreign country.

The people of this Province are not satisfied with the forbearance heretofore exercised by the government, and now, when a number of valuable lives have been sacrificed in repelling an attack which was barbarously ferocious, they look with a confidence at the executive for that full measure of justice upon the guilty perpetrators who were spared in the day of battle, that they might be tried by the laws of the country and suffer under their sentence. Public expectation may desire punishment to be carried further than the dictates of humanity might sanction, or the necessities of the case might require; but I am satisfied the benevolent and merciful feelings of His Excellency the Lieutenant Governor will not permit him to yield to popular clamour any thing which strict justice does not exact. Yet public opinion must not be wholly disregarded; and while it is observed how utterly ineffectual a milder course has proved, a necessity appears to exist for carrying punishment to a greater extent than might otherwise seem necessary.

The proper end of all punishment is the prevention of crime; and a salutary and judicious course of punishment pursued on the present occasion, may (as it should) have the effect of deterring your people from a repetition of their flagitious conduct. Leniency and mercy have heretofore failed; a different proceeding now may serve the ends of humanity. Although I must confess that I am not sanguine that any course which our Government may pursue will have any good effect upon that portion of our population engaged in those nefarious undertakings.

I have been apprised of a fact of which perhaps you are not ignorant, that with very few exceptions, the whole body of the prisoners do not profess to be of any religion! What effect can our Government expect to produce upon the moral feelings of such people, by a merciful and lenient course of conduct. All the prisoners concerned in the outrages have justly forfeited their lives, and your people would have no right to complain if all were executed. Nevertheless, I am quite satisfied that the humane feelings of His Excellency will not sanction, nor will the injured people of Canada require, the infliction of the last penalty of the law upon those guilty youths to whom you refer. Indeed I have reason to believe that if no change of circumstances requires a different course, many of them will be permitted to return to their families, "to dry up their mothers' gushing tears."

While it is enjoined by our Government that the Canadians shall forbear committing acts of aggression upon your people, in retaliation for their outrages upon our soil, you are quietly enjoying all the comforts and happiness of peace, and we are in the midst of a most bitter and vindictive war, waged against us by Americans; worse than a lawful war, because in such a case we should be permitted to disperse a gathering force in their own country, which we have hitherto forbore to do, and calmly awaited the attack when and where the enemy determined to make them.

Much as I deprecate war, and that war with the United States, when this Province must be the scene of many a bloody action, and when we look forward to the loss of many, many valuable lives near and dear to us, and the destruction of much property, I do not hesitate to declare, that I should prefer hearing that war was declared between the two Governments rather than continue, for any indefinite period, harassed, disturbed, and distracted as we have been for the last twelve months. Not an arm has been raised by the inhabitants of Upper Canada against the government or laws of the country since last December, but, nevertheless, we have been in a complete state of war, rendered necessary solely by the lawless and disgraceful proceedings of your people.

What would be your cry if (as is not improbable) civil war shall have commenced in Pennsylvania, and afterwards suppression of war of Canada should fit out an expedition to capture Ogdensburg under pretence of supporting one of the great parties which divide your country? We should be denounced and met with that defiance and destruction which our wickedness and temerity would warrant.—What is at this moment the feeling that pervades the entire population of the United States in consequence of the destruction of the piratical steamer Caroline, employed in furnishing men, provisions and munitions of war to a hostile band of Americans, in actual possession of a portion of our territory,

destroyed too at a place virtually in possession of the intruders, altho' a part of the United States, where only one unfortunate individual lost his life—an act rendered absolutely necessary in self defence? I have only to ask you and those who now call for mercy, to place themselves in the situation of the people of Upper Canada. Without the shadow of a pretence, we have been invaded at Navy Island, at Amherstburgh, and Bois Blanc Island, at Point Pelee Island, at Hickory Island, at Fighting Island, at the Short Hills, at Prescott, and at Sandwich, and on most of these occasions lives have been lost; think of our business prostrated, our property destroyed, and our friends and relations murdered; think of the "tears" of the widows and orphans of those who fell by the hands of the savage invaders of our soil; think of all these things when you call upon us in the names of religion and humanity, to spare, and even to liberate the offenders whom we have captured! Justice demands that some punishment, even in this world, should follow their murderous proceedings.

It is said that the great bulk of the American people detest the lawless conduct of these brigands and marauders, and their abettors throughout the frontier,—what evidence have we of this? It is usual in the United States for the people to express their approval or disapprobation of public men and measures through public meetings. While meetings approving the conduct and in aid of the invaders are constantly being held, I have not yet heard of a solitary one opposition. How have the people of Ogdensburg shown their detestation of those lawless invaders, who, as it is alleged, forcibly took their steamboat to carry on their offensive operations, after she had kindly brought them to their destination; her commander, however, ignorant of their designs? Can you assure me that even the majority of the population in your own village do not still entertain those hostile feelings towards the loyal Canadians, which they have heretofore publicly expressed, and which are wholly inexcusable on their part, knowing as they do the situation of the Canadians, and the feelings entertained by them towards your people. I am not personally unknown to many of the inhabitants on the south side of the St. Lawrence, and I am not known to them as having any unkindly feelings towards them,—my connexion proves the contrary. Nevertheless when called upon to discharge my official duty in trying the prisoners taken at the Short Hills and passing the only sentence upon the convicts which the law permitted me to pass, upon the verdict of guilty by a jury of the country. What was the feeling exhibited towards me in Hammond? I was hanged in effigy, and might perhaps, had I happened to be there at the time, have suffered in my own person! I do not mention this circumstance for any other object than to show the unjust and bitter feeling entertained by your population; and as yet I have seen no manifestations of a change for the better.

The delusion of these juvenile offenders you attribute in a great measure to the travelling Canadian refugees, many of whom, you say, are without character and principle. Why not rid yourselves of the worthless wretches, who have by the infraction of your laws, forfeited that protection which you have extended to them? Why not deliver up to the offended laws of this country, Mackenzie, Bill Johnston, and some others like them, in exchange for hundreds of your deluded subjects, prisoners at Kingston and Sandwich.

I will conclude this long letter by asking you whether there is in truth any reasonable prospect, desirable as it may be, that "this most dishonest, unjustifiable and cruel system of aggression upon our country, will be put an end to without delay," whether these youths are all hanged, or transported, or permitted to return home with impunity?

Most respectfully your ob'dt. serv't.

JONAS JONES.
To the Hon. JOHN FINE, Ogdensburg,
Member of Congress.

We learn from the *Western Herald*, that, on the 24th ultimo, a numerous and respectable public meeting was held in the Court House at Sandwich, for the purpose of agreeing upon an Address to His Excellency Sir George Arthur, who had been expected to arrive at that place, in a few days afterwards. Colonel WILLIAM ELLIOT was unanimously called to the Chair, and explained the object of the meeting. Colonel PRICE, in an eloquent speech, which elicited the applause of the meeting proposed the following Address to His Excellency the Lieutenant Governor, which was unanimously approved of.—*Montreal Gaz.*

To His Excellency Major General Sir George ARTHUR, K. C. H. &c. &c. &c.,
Lieutenant Governor of Upper Canada.

MAY IT PLEASE YOUR EXCELLENCY:
We, the freeholders and inhabitants of the County of Essex in the Western District, assembled at a public meeting convened for the purpose, respectfully beg leave to congratulate your Excellency upon your safe arrival in this distant part of our Sovereign's dominions.

We had with much delight the presence of your Excellency as the Representative of our beloved Queen.

But for the unpropitious season of the year at which your Excellency's visit has occurred, you might have witnessed how bountiful the Creator has been to this favoured District both as regards fertility of soil and salubrity of climate, which, under Providence and the blessings of a well established peace, (blessings in our opinion, only to be secured to us by an immediate, a vigorous and a decisive war between Great Britain and that nation opposite to us,) must, by man's exertions, by industry and productive labour, become the garden if not granary, of Upper Canada. In the hope of being blessed for the remainder of our lives with prosperity and peace, we, Sir, cast our lot in this Peninsula. We entertained a full conviction that our lives, our persons and our properties, would be religiously secured by the all powerful protection of British laws and British arms. We are for the most part agriculturists, and we all exercise some useful and honourable calling. Our desire has been to improve our farms and properties, and to follow our daily avocations undisturbed by political strife, and unmolested by foreign inter-

ference. But our hopes have, during the last twelve months, been woefully and cruelly disappointed.

Your Excellency now witnesses our unfortunate proximity to that country denominated "the United States." You, Sir, have been made acquainted as well with the many unprovoked, uncalculated, and most heavy injuries and insults which for months together we endured from the "People" of that country, as with the recent open invasion of our soil and homes by an Army of that People, and with the murders, arson, and atrocities committed by the same People on this very spot within the last three weeks, and which, if repeated, (as we hear and think they will be) may excite and draw from us immediate retaliation of the most ample kind, be the consequences what they may. We have, Sir, hitherto forbore, until nature chides us and feels herself degraded. Our forbearance looks almost like cowardice. We can submit no longer to that insolent ungodly race, whose aggression upon and incursions into our homes and country are, as we believe, to be prevented only by a national war, (however calamitous was and its consequences always are,) or by acts on our part which will convince our unnatural invaders, that the moment they are taken on this soil certain, instant, and inevitable Death at our hands will be their fate, without any recognition of them as Prisoners of War or as any other sort of Prisoners.

Sir, that experience which has at length unmasked to us the true American character, proclaims to us and to our children, that so long as the opposite State of Michigan is occupied by Foreigners, whom we look upon, and justly look upon as the bitterest enemies of our Queen, our Country, our Constitution and ourselves, Prosperity and Peace must and will be strangers to this land. Deeply, Sir, is it now to be lamented that Lake Michigan (instead of the waters flowing from Lake Huron,) is not now, as formerly it was, and as of right it ought to be, and as nature points it out to be, and as it yet must be if England helps us, her true and loyal sons and subjects, (as we trust and think she will,) the South Western Boundary was lost to the British Crown, entirely through the ignorance or inadvertence of His Majesty's Commissioners in 1783, who appear to have forgotten, in the execution of the important trust committed to their charge, that Michigan was part of those French possessions which British valour conquered, and which therefore became legitimately a parcel of this Colony.

In conclusion, we sincerely hope that Your Excellency may live to see our ardent hopes in this respect most amply realised, and that you may for years to come, administer the Government of Upper Canada with a promptitude and vigour that will at all times, and under all circumstances, enable us not only to annihilate upon the spot our murderous invaders, should they again presume to set their foot upon our soil, but also to thwart the unprincipled capidity of those treacherous and cunning foreigners who speak our language, but who are utterly unlike us in every thing besides,—of men who are our enemies, but who not unfrequently profess to be our friends. And may returning prosperity, increasing emigration, and results the most beneficial to this Colony and to its industrious, and gallant, and truly loyal inhabitants, in due course flow from Your Excellency's Government. For supporting such a wholesome and vigorous administration, Your Excellency may always rely with confidence upon our best, our zealous, unabating, and unflinching services. The hope of witnessing it, in some degree, soften and relieve the severe troubles and anxieties which our unnatural foes have caused us to endure, and under which we yet are suffering, and will also cheer us on in the arduous and varied labours of this chequered life, in the employment of our capital, and in the exercise of our mental and physical energies for the honor of Old England and our Sovereign, for the welfare of our families and for the best interest of this once happy land, whose greatest pride, and boast, and glory, are, that it is an integral portion of the British Empire. WM. ELLIOT, CHAIRMAN.

Court House, Sandwich, U. C.
December 24, 1838.

It was then resolved, that, if His Excellency did not arrive at Sandwich within the expected time, the Address should be forwarded, by the Chairman to Toronto, which was done in consequence of letters having been received, that the visit of His Excellency to the Western District had been postponed. However, it will have been found, from our last number, that Sir George had actually set out on a tour of inspection to the Western District, where, we doubt not, he will meet the reception which his station and administration so justly merit.

CONSIGNMENT.

THE Subscriber has just received by the *late Steamers*, a large quantity of TEAS, consisting of Gunpowder, Hyson, Twankey Young Hyson, Souchong, Congo of different kinds, and Bohea, part of the Clifton's and part of the Hon. East India Company's Teas, comprising an excellent assortment for family use or Retailers.

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MARK NEEDHAM.

Frederickton, Nov. 13, 1838.—tl.

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ALL persons having any just demands against the estate of the late THOMAS BARKER, deceased, are required to render the same, duly attested to, within three months from this date, and all persons indebted to said estate are desired to make immediate payment to.

THOMAS R. BARKER, } Admins-
SPAFFORD BARKER, } trators.
Frederickton, Dec. 12, 1838.

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