

LORD DURHAM'S REPORT.

(Continued from fourth Page.)

of the politics of the majority; and, I think, it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada; and such in character, though not quite in degree, was the spectacle exhibited in Upper Canada; and, at one time or another, in every one of the North American Colonies. To suppose that such a system would work well there, implies a belief that the French Canadians have enjoyed representative institutions for half a century without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic.

It appears, therefore, that the opposition of the Assembly to the Government was the unavoidable result of a system which stunted the popular branch of the Legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire control over the administration of the Province. I say all this without reference to the ultimate aim of the Assembly, which I have before ascribed as being the maintenance of a Canadian nationality against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long inquiries by means of its committees, which brought the whole action of the Executive immediately under its purview, and transgressed our notions of the proper limits of Parliamentary interference. Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the colony filled by persons in whom it had no confidence, it entered on that vicious course of assailing its prominent opponents individually, and disqualifying them for the public service, by making them the subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice, and when nothing else could attain its end of altering the policy or the composition of the Colonial Government, it had recourse to that *ultima ratio* of representative power to which the more prudent forbearance of the Crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of Government by a general refusal of the supplies.

The course pursued by the Assembly necessarily brought on a collision with the Legislative Council, as well as the Executive. They tackled important bills together, leaving the Legislative Council no option except that of rejecting such as had been proved to be beneficial, or passing those which they deemed mischievous. The Assembly passed important measures in a temporary form, using the wants of the community and the necessities of the Government for the purpose of extorting concession to their demands. On more than one occasion they separated, leaving the Legislative Council no alternative but to take or reject the bills, the opportunity for amendment being lost by the Assembly's dispersion.

Jobbing in Grants was part of a plan by which the leaders of the majority in the Assembly secured influence in their respective electoral districts. The surplus revenue of the Province amounted to £40,000; nearly the whole of which was distributed in this way.

JOBBING IN GRANTS.

The Provincial Assemblies being, as I have previously stated, in a state of permanent collision with the Government, have never been in the habit of intrusting the Executive with any control over these funds; and they have been wholly dispensed by Commissioners named by the Legislature. The Assemblies do not appear to have been at all insensible to the possibility of turning this patronage to their own account. An electioneering hand-bill, which was circulated by the friends of Government at the last dissolution in Upper Canada, exhibited in a very strong light the expense of the Commissioners of the Assembly, contrasted with those of the officers of the Executive Government: but the Province of Nova Scotia has carried this abuse to an extent which appears almost inconceivable. According to a report presented to me by Major Head, an Assistant Commissioner of inquiry whom I sent to that Colony, a sum of £10,000 was, during the last session, appointed to local improvements; the sum was divided into 830 portions, and as many Commissioners were appropriated to expend it, giving, on an average, a Commissioner for rather more than every £12, with a salary of 5s. a day, and further remuneration of two and a half per cent., on the money expended, to be deducted out of each share.

Not only did the leaders of the Lower Canadian Assembly avail themselves of the patronage thus afforded by the large surplus revenue of the province, but they turned this system to much greater account, by using it to obtain influence over the constituencies. In a furious political struggle like that which subsisted in Lower Canada, it was natural that a body, wielding, with hardly any responsibility, this direct power of promoting the immediate interests of each constituency, should show some favour to that which concurred in its political views, and should exhibit its displeasure towards that which obstinately resisted the majority. But the majority of the Assembly of Lower Canada is accused by its opponents of having, in the most systematic and persevering manner, employed this means of corrupting the electoral bodies. The adherents of Mr. Papineau are said to have been lavish in their promises of the benefits which they could obtain from the Assembly for the county whose suffrages they solicited. By such representations the return of members of Opposition politics is asserted in many instances to have been secured; and obstinate counties are alleged to have been sometimes starved into submission, by an en-

tire withdrawal of grants, until they returned members favourable to the majority. Some of the English members, who voted with Mr. Papineau, excused themselves to their countrymen, by alleging that they were compelled to do so in order to get a road or a bridge, which these constituents desired. Whether it be true or false that the abuse was ever carried to such a pitch, it is obviously one which might have been easily and safely perpetrated by a person possessing Mr. Papineau's influence in the Assembly.

[To be continued in next Gazette.]

Great Britain.

[From the Colonial Gazette, London, 30th March.]

The State of Maine had clearly and uncontestedly, according to the law of nations, no right to interfere by overt acts, or in any way except by representations made to the Government of the alleged offenders in the first place; and failing of redress in that quarter, by calling for interference on the part of the Central American Government. By acting as he has done, Governor Fairfield has placed himself in the wrong with the Government of Washington as well as with the English Government, and has by his precipitancy forfeited all right to the general support of the American federation. It would not have been competent even for the Sovereign Government of the United States to have proceeded in the precipitate course which Governor Fairfield has adopted. No point of international law is more clearly established than the position here advanced; and it is much to be regretted that in dealing with so grave a subject, the President should have been led to the assertion of so unsound a doctrine out of deference, probably, to the mistaken and misguided feelings of the people whom he has been called to govern. It is as much his duty acting for the permanent interests of his country, to prevent its citizens from committing, as it is to preserve them from submitting to, injustice.

This country is, and always has been, ready to do ample justice in the case to America; it is not our fault that the point is now to be adjusted, and we trust no efforts will be spared on either side to bring about the settlement, with honor to both parties, and without further delay.

The spirit of party will, in this case, show itself in vain. If the desire of avoiding that dreadful extremity should even be wanting on the part of England, which we know it is not, we have to strong a reliance upon the plain good sense of the American citizens—speaking of them as a body—to imagine they can be actuated by any hostile feeling towards this country. There may be, there no doubt are, some hot-brained reckless spirits there, as well as there are factious journalists here, who would rejoice in such a result; and it is probable that their insignificance in point of numbers may for a time be concealed by the loudness of their clamour: but if we take a survey of the interests of the Union, who is there, we may ask, that would be benefited by a war? Is it the cotton grower of Georgia and Alabama, the tobacco planter of Maryland and Virginia, or the merchant of New York and Boston that is to be benefited? England is the banker of America. To our capitalists she has recourse for the means of perfecting her communications, and of carrying through various undertakings, to which the future greatness of the country will be mainly owing. Who ever heard of a borrower being anxious to quarrel with his banker? In the year ending 30th Sept., 1837, the value of domestic produce, exported from the United States, exceeded 95,000,000, dollars, of which amount 55,437,082 dollars or 58 per cent. of the whole, was sent to the United Kingdom, and its dependencies. Will the land owners of the Union lightly peril the advantages of this trade? will they for the mere sake of going to war, and of ministering to the worst passions of our nature, convert their present prosperity into certain ruin? We think not.

That in any case this dispute would lead us into a war with the United States, we do not bring ourselves to believe. The advantages of peace between the two countries are so far beyond the advantage to be derived by either party from the most complete measure of success in war, that it would be the height of folly to rush into hostilities; but so long as this territory shall be an object of dispute, there must be a constant likelihood of collision: and, therefore, wisdom and humanity alike call upon the two governments to apply themselves, without delay, in a spirit of fairness and conciliation, to the adjustment of the difference.

LONDON, APRIL 1.

The intelligence of last week, both foreign and domestic, begins to approach to a shape which may justify us in forming some inference as to the ultimate catastrophe, and as we see as little utility as honesty in feeding public alarm, and fomenting popular discontent, for mere party purposes, it affords us a very strong satisfaction to be enabled to add, that the collision promises to be such as the prosperity of our country requires.

In the latter part of the week there have been further arrivals from America, the substance of which is, that though the American government is adopting those proceedings which the peculiarity of its present circumstances require, it is still the general persuasion in New York and Washington, that the affair between the two governments will be amicably settled. Lord Palmerston, in the House of Commons, has declared that he looks forward to this result, and we are inclined to believe him,—notwithstanding the late despatches from Halifax. Considering the character of the American people, and the consequent difficulties with which the executive has to contend, it is impossible not to be forcibly struck with the decency and gravity in the proceedings, both of the President and the Members of Congress;

no rancour, on insult, no headstrong impetuosity to take unnecessary offence; but in everything the expression of a strong regret that this cause of difference has arisen, as well as a readiness to give or admit of any satisfaction which the equity of the case may be found to require. As such is the feeling of the American government, it will be seen that our own administration is equally amicable. Thus, in the House of Commons on Wednesday last, when it was inquired by Sir S. Canning, whether Her Majesty's ministers had received any official intelligence of the purpose of the American government to appoint a plenipotentiary for the purpose of proceeding to London and finally adjusting the boundary question, Lord Palmerston, as we have above said, replied, that he had received such intelligence, and that he entertained the most confident hope that everything was approaching towards an amicable adjustment. "I feel convinced," said his lordship, "that the American government is no less anxious than ourselves to settle this unpleasant and embarrassing question, and that nothing shall occur to interrupt the friendly relations which it is the interest of both countries to maintain." Such, therefore, is the present aspect of the American question. But, upon this subject, we refer to the recent intelligence received, and to the loyal and spirited conduct of our fellow subjects in Nova Scotia and New Brunswick.

At the Chapel Royal, St. James's, on Thursday, a number of the juvenile nobility were confirmed by the Bishop of London.

The Duke of Devonshire arrived at Constantinople on the 7th, and Her Majesty the Queen Dowager was expected, as also the Duke of Buccleugh.

Preparations have commenced at Marlborough House for the reception of Her Majesty the Queen Dowager, who is expected to return to England early in the month, from Malta.

A NEW POST OFFICE REGULATION.—The following notice signed by Mr. Maberley, was issued by the Post Office authorities, on the 27th March:—"The postage on letters to and from North America, conveyed by Her Majesty's Packet, having been reduced to the uniform rate of 1s. single and 2s. double, and so on in proportion, you will in future charge that rate upon such letters without adding any charge for inland postage. Letters for Nova Scotia, New Brunswick, and the Canadas, may be forwarded as heretofore, with the previous payment of the postage."

The Wesleyan Centenary Fund has reached the noble amount of £192,000

NEW HOUSES OF PARLIAMENT.—The excavation that it was necessary to make in order to lay the foundation of the river embankment wall to the new houses of parliament has been the means of bringing to light a great number of relics of antiquity, which were dug up from time to time by the workmen as the excavation proceeded. The most remarkable feature of the discovery is the great number of daggers and swords, especially the former, that have been found, and which, from their various make and appearance, are evidently the collection of ages. They are of all shapes, sizes, and sorts of workmanship. The next singular discovery is a quantity of keys, which are of various sizes, and some of them very curious workmanship. A variety of old coins, principally copper, together with two or three small Roman earthen pots, some fossils of an ordinary class, one or two cannon balls, and several human skulls, make up the collection.

At the half yearly meeting of the Canada Company, on Wednesday, it was stated, that in consequence of the disturbances in Canada, the sales of land during the last year had been reduced from 68,200 acres, the average of years from 1827 to 1837 to 15,718 acres. It was said that there are prospects of more settlers going out this year.

Colonel Wyndham has sent out a commission to Canada to purchase an estate of 10,000 acres, and intends furnishing the same as his estates to Australia and Canada, as was given by the Earl of Egremont.—*Morning Herald.*

It was mentioned last week in some of the London newspapers, that, in consequence of the disturbed state of the manufacturing districts in the North of England, a considerable body of troops had been marched from Woolwich to the North. Several of the Provincial journals received this week express surprise that such a precaution should be deemed necessary, as the working classes are not by any means disposed to be riotous; and it turns out that no additional military force has been or is to be dispatched northward. The Globe of Monday said—"It is utterly untrue that any troops have been ordered into the manufacturing districts: the only movement has been of the usual routine description at this season of the year."

To those whom it may concern:—

A NEGOCIABLE Note of Hand was some time ago left at this Office, which was found by one "WM. EVERS," Jerusalem Settlement, Queen's County, and is still in our possession. The said instrument is dated, "Frederickton, 3d March 1836, drawn by "SAMUEL DOUGHERTY," in favour of "JOHN SCOTT," for the sum of one hundred pounds; the owner may have it on his making it appear that it is his property, and paying any claim for expenses thereon.

Royal Gazette Office, 23d April, 1839.

NOTICE.

THE Subscriber tenders his sincere thanks to the public for the liberal portion of patronage received during the period of his transaction of business in Frederickton, and most respectfully solicits a continuation of the same in favour of the Firm of J. & A. SMITH.

JOHN T. SMITH.

Frederickton, May 1, 1839.

ROYAL GAZETTE.

FREDERICTON, MAY 8, 1839.

Central Bank of New Brunswick.

WILLIAM J. BEDELL, President.
SAMUEL W. BABBITT, Cashier.
Discount Days.....Tuesdays and Fridays.
Director this week.....T. R. ROBERTSON.

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

Commercial Bank of New Brunswick.

FREDERICTON BRANCH.
ASA COY, Chairman of Directors.
ARCHIBALD SCOTT, Cashier.
Discount Days.....Mondays and Thursdays.
Hours of business from 10 to 3.

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

Director this week.....B. WOLHAUTER.

Bank of British North America.

FREDERICTON BRANCH.
ALFRED SMITHES, Manager.
Discount Days.....Wednesdays, and Saturdays
Director this week.....HON. THOMAS BAILLIE.
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.

Savings Bank.

Trustee for next week.....B. WOLHAUTER

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. WOLHAUTER, President.

Committee for the present month.

CHARLES McPHERSON and CHARLES FISHER.

Alms House and Work House.

Commissioner for the week commencing to-morrow.
D. L. ROBINSON.



By Authority.

PROVINCIAL APPOINTMENTS.

Charles P. Wetmore, Benjamin Wolhaupter, William J. Bedell, Lemuel A. Wilnot, and Thomas Gill, Esq. and Moses Pickard, and Thomas Murray, to be Commissioners of the Alms House in Frederickton.

The Honorable Harris Hatch, to be added to the List of Commissioners, for Packets between Saint Andrews and Campo Bello, and Grand Manan.

James Munson, to be keeper of the Light House on Cape Enragé.

James Gore, to be vaccinating Surgeon at St. Andrews, County of Charlotte.

IN COUNCIL, MAY 2d, 1839.

The undermentioned applicants for the purchase of Crown Lands, may have the lands applied for by them on the following terms: If payment be made before the 8th day of July next, and five shillings additional will be charged on each purchase, for postage, &c.

NORTHUMBERLAND.

James Danford, 3s. per acre, down.
John Shaw, 2s. 6d. per acre, down, or 3s. by instalments.

Michael Craig, 3s. per acre, down.
John Ledden, 3s. per acre, down.
Daniel Murphy, 3s. do. do.

WESTMORELAND.

James Gunning, Senr. 3s. per acre, down.
Geo. W. Gunning, 3s. per acre, down.
Jacob Beck, Jr. may have 100 acres at 2s. 6d. per acre, down, or 3s. by instalments, (the remaining 100 acres will be offered at Auction. See advertisement.)

John Budd, 3s. per acre, down.

Thomas Gordon, 3s. per acre, down.

KING'S.

Benjamin Wright, 3s. per acre, down.
John Darling, do. do.
S. Walter, Jr. do. do.
Wm. Whelpley, do. do.
C. R. Parlee, do. do.
James S. Fowler, do. do. for 100 acres only.

George Patton, do. do. do.
Charles H. Fowler, 3s. per acre, down, on his producing a certificate that no improvements have been made on the land by Thomas Parker.

Stephen G. Fowler, Jr. 3s. per acre, down, on his producing a certificate that no improvements have been made on the land by William Trainor.

QUEEN'S.

Stephen Ross, 3s. per acre, down.
Charles Darrab, do. do.
Jesse London, do. do.

YORK.

Abijah Shaw, 3s. per acre, down.

The lands applied for by the undermentioned persons, will be offered at Public Auction, at this Office, on Monday the 1st day of July next, (See advertisement.)

Michael Molloy. John Patton.
James Leary. Isaac Turner.
James McDermott. Jacob Beck, Jr. 100 ac.
Thomas Moran. C. Horseman, Jr.
John McDermott, Jr. John Horseman, 3d.
James Hannay. John Horseman.
James Budd. J. Garland, Jr.
Sylvanus Godet. John McLeod.
Caleb J. Steward. Daniel Scofield.
S. G. Fowler.

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

John Roberts. Thomas Hinton.
William Stevens. Adam Gordon.
Patrick Smith. John Regan.
P. McLaughlin. J. Townley.

E. Fowler.
John Wallace.
Levi Jonah.
Lewis J. Steeves.
J. Beatty, Jr.
Edward Steeves.
Jos. Steeves, Jr.
Frederic Steeves.
Thomas Nugent.
Edward Tinning.

G. S. McLean.
P. Jonah, Jr.
Isaiah Steves.
Christian Elsom.
Enoch Dawson.
Hugh Steeves.
Enoch Steeves.
Samuel Steeves.
Alexander Scott.

The answers to the Petitions of the undermentioned persons are as follows.

Bernard Dempsey. The order in favor of Murphy is rescinded, and B. Dempsey can have the lower half of the lot 82, as prayed for, at 2s. 6d. per acre, down, or 3s. per acre, by instalments. Daniel Murphy will be allowed the upper half of the lot under his purchase.

Robert Morrow. The petitioner's first application is complied with; but his second petition of 23d March, cannot be entertained.

Patrick Fitzgerald. Not complied with, the land having been previously applied for by M. Craig.

William Grey, Jr. not complied with.
James Rait, not complied with.
Thomas Knott, not complied with.
Henry Bell, not complied with.
B. Wolhaupter, complied with.
Jonathan Hosford, complied with.
Michael Mullins, not complied with.
Andrew Lees, not complied with, the land not being vacant.

Charles Jourdan. A grant of the land having passed to Hugh Flaherty, it cannot now be interfered with.

French Settlers at Shippegan. Ordered, "that the grants do pass to the persons named in the accompanying list."

William Clarke and William Gracey. Complied with.

Thomas Witherall. Ordered that the petitioner have until the 1st of August next, to pay the purchase money on the land in question, and that unless the same be paid by that time, the land will then be open for other applicants.

The applications of the undermentioned persons, for licence to cut timber and logs on Crown Land, are complied with on payment of the duty before the 8th day of July next.

James Nubeen, Cain's River.
Joseph Cunard, Little River.
R. Kalkton, McCallum's Creek.
James Taylor, Grand River.
R. Hamilton, Salmon River.
John McNab, Salmon River.
J. Hansalpecker, Hardwood Ridge.
Wm. B. Hunter, Riders Brook.
N. A. Price, New Canaan River.
H. & J. Montgomery, Restigouche.
John Wall, Eel River.
G. McLean, Sen. Coal Creek.
John Henneberry, Big Fork Stream.
James Langan, Gaspeau River.
J. Cunard, Nepisiguit River.
John McBean, Nashwaak River.
Joseph Read, Nepisiguit River.
Joseph Read, Bass River.
J. Montgomery, Jacquet River.
John Candy, Magaguadavic River.
John Hall, do. do.
Enoch Lunt, Salmon River, (excess.)
E. McNeal, Salmon River.
James Dunlap, do.
J. Cunningham, do.
Charles Clark, Mill Stream, (excess.)
do. do. do. for that part which is vacant.

R. R. Ketchum, Wapskehan River.
do. do. Salmon River.
E. McNeil, do.
Amos Plummer, do.
do. Lake Stream.
Sherman Tapley, Munquart River.
do. do. Shikithauk River.
William Connell, Little River.
John Montgomery, Eel River.
Hugh Ramsay, Restigouche River.
do. Upsalquitch River.
R. Blackstock & Co. Tatigouche River.
James Johnston, do.
James Long, Shediac River.
James A. Phillips, Tobique River.
James Taylor, Nashwaak River.
Charles Connell, Jr. County of Carleton.
Heirs of James D. Weldon, Aldoine River.
John Jardine, Richibucto River.
J. Cunard, Bay des Vents River.
J. D. Cantillon, S. W. Miramichi River.
Lauchlan Cameron, Magaguadavic River.
Thomas Dunfield, Salmon River.

The answers to the Petitions of the undermentioned are as follows, viz:

Donald McLeod, Hunter's Brook, not complied with.

Peter Campbell, Richibucto River, complied with on payment of double tonnage.

Enoch Lunt, Big Fork Stream, not complied with, (previously applied for by J. Henneberry.)
Joseph Cunard, S. Branch Renous River, not complied with, (previously applied for as a Mill reserve, by R. Crocker.)

Thomas Coughlan, not complied with.

J. S. Taylor, complied with, on his paying the full amount of duties on the quantity applied for.

George Archibald, not complied with, (previously applied for by J. McBean.)

John Jardine, complied with.

R. Blackstock & Co. complied with.

L. W. Gall, do.

Samuel Reynolds, complied with, and that the Hon. Wm. Black do pay the Seizing Officer his dues.

B. Wolhaupter, complied with.

Crown Land Office, May 4, 1839.

The undermentioned tracts of vacant Crown Land, will be offered at Public Auction, at this Office, on Monday the 1st day of July next.

Sale to commence at 12 o'clock, noon.

TERMS.—Ten per cent. of the purchase money to be paid at the time of sale, and the remainder within 14 days after.

100 acres, Northumberland, South side Renous River, at Munson's landing. Upset price, 3s. per acre.

50 acres, Northumberland, next adjoining south of the grant to James Leary, on south branch, Napan River. Upset price, 3s. per acre.

100 acres, Northumberland, next to lot A.