

Upper Canada.

[From the Upper Canada Official Gazette Extra.]

TORONTO, Wednesday, Feb. 27, 1839.

This day at two o'clock, His Excellency the Lieutenant Governor proceeded in State, from the Government House to the Chamber of the Honourable the Legislative Council, where being arrived, and seated on the Throne, the Gentleman Usher of the Black Rod was sent with a message from His Excellency to the House of Assembly, commanding their attendance: The Members present, being accordingly, His Excellency was pleased to address the two Houses with the following

SPEECH:

Honorable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

The internal tranquillity of the Province, and the present security of its Frontier enable me, after a recess of unusual length, to meet you in Provincial Parliament. The postponement of the present Session has been induced by the pressing and paramount duties, in which many of you have been engaged, connected with the public defence, and the administration of Justice. But we have now an opportunity to turn our attention to devising measures for the peace, welfare and good government of the Colony, free from the paralyzing suspicion of internal treachery, or the exasperating influence of Foreign aggressions—and upon this happy result of the zeal, constancy and bravery, of the loyal Upper Canadian people, under the most trying circumstances, I offer you my hearty congratulations.

The situation of the Province is so novel and peculiar, that I feel called upon to exceed the ordinary limits of a Speech at the opening of Parliament, in order to review recent occurrences, and to trace effects to the causes, as a guide to present and future legislation.

England at peace with all the world, and relying implicitly, not only on the loyalty of her North American subjects, but on the faith of treaties, and the existence of most friendly relations with the United States, had gradually withdrawn most of her troops from this Continent.

Encouraged by this absence of military power, the discontented in Lower Canada, after a long and vexatious Parliamentary opposition, and an obstinate rejection of every conciliatory effort on the part of the Government, at last broke out into open rebellion; and incited by their example, the disaffected in this Province, confidently relying on assistance from the neighbouring Frontier, and secure, in the event of failure, of finding an asylum there, made a sudden attempt to overthrow this Government, and to sever the Canadas from the Parent State.

The hopes of the disaffected in both Provinces, however, met with signal disappointment; and in Upper Canada particularly, the Militia were found, not only equal to the immediate suppression of insurrection, but a portion of its force, from the Eastern District, was enabled to march into Lower Canada, to assist in overawing the disposition to revolt which still existed there.

Such would have been the end of rebellion in Upper Canada, had not the disaffection, which grew originally out of the hope of foreign interference, continued to receive life and support from the same source. The repose gained was of short continuance, for no sooner had some of the leading traitors escaped across the boundary, than they associated themselves with a number of the border population—robbed the public arsenals there—and made several audacious, but signally unsuccessful attempts to invade and make a lodgment on British Territory.

The authorities of the United States, having had ample time to suppress these outrages, our Militia were gradually withdrawn from the Frontier, and were in the course of being disbanded, when it was discovered that a body of foreigners and traitors had secretly introduced themselves into the Province, from the States of New York and Michigan. Some of their emissaries were dispatched into the London District, while others hoped successfully to raise the standard of rebellion in the Niagara District; but the attempt was suppressed in the bud—the Militia of the surrounding country at once rushed to arms, and captured such of the banditti as did not succeed in making good their flight to the American shore.

The wanton and violent destruction of a British steamboat within American waters, by a gang of ruffians from the main land of the United States, previously shewed that the feeling of hostility had not abated on the Frontier: and circumstances attended that outrage which indicated, that it proceeded from an organized body of enemies. This suspicion was immediately afterwards strengthened by information, taken upon oath, detailing the secret signs, organization and intentions, of the Society of Patriot Hunters; and the confessions and declarations of the captive foreigners and traitors, who were taken in the Niagara District, corroborated this intelligence.

But notwithstanding the reasons I had for placing confidence in this information—the secrecy observed by the conspirators—the extreme wickedness and rashness of the proposed measure—the silence of the frontier press, before so clamorous—and the quiet of the frontier towns, at one time so agitated—were well calculated to cause the number and resources of the conspirators to be under-rated, and to induce a belief that the presumptuous project of invading Canada would not be attempted.

After a short while, however, further proof was given that a conspiracy was actually organized, and that the combination extended along the whole line of the frontier, from east to west. I thought, however, that the accounts brought to me must be exaggerated; and that the parties named as being accomplices, could never have so far compromised their characters, as to have countenanced such a scheme; and though silently proceeding to make some essential preparations for defence, I still did not entirely rely upon the statements which were at that time made to the Government.

But as the information I continued to receive became more minute, and proceeded from various quarters, I could no longer doubt that the confederacy comprised a body of many thousands persons, whose numbers and resources

were daily increasing; and what constituted the most revolting and alarming feature of this odious transaction was, the positive declaration, that many persons of wealth, and not a few public functionaries in the frontier cities and towns, had intimately connected themselves with this criminal alliance.

As the crisis drew nearer, strangers, without ostensible business, and under various pretences, were discovered to be scattered through the Province. It was ascertained that constant intercourse was kept up between the lodges of conspirators in the United States, and their adherents in Canada. The hopes of the disaffected appeared suddenly to revive. The intelligence from various quarters conveyed to this Government became more definite, shewing the immediate intention of the enemy to be the destruction of the British steamboats, and the seizing by surprise and simultaneously, several posts within the Canadian boundaries, where the disloyal might rally around the invaders assembled in arms, and procure reinforcements and supplies from the United States, without the risk of any collision with the American authorities. An insurrection in the Lower Province was to be the signal for hostilities all along the line.

Under these circumstances, I took decisive measures to give immediate confidence to the country, and to ensure the security of the Province: and in now meeting you, although I deeply deplore that Her Majesty's faithful Subjects have been exposed to the greatest privations and hardships, and to the severest domestic injuries, I nevertheless enjoy the satisfaction of believing, that owing to our state of preparation at every point the loss of valuable lives has been limited, the moral character of the people of Upper Canada strikingly exhibited, and a spirit aroused throughout the Province, that will long survive passing events, and greatly tend to the future strength, security and tranquillity of the country.

After all the preparations that were so many months in progress, and after the expenditure of such large sums of money, voluntarily contributed, as are generally given reluctantly even for national objects, the conspirators and revolutionists were so entirely overawed as to have limited their operations to one attack upon our frontier, near Prescott, and to another in the vicinity of Sandwich. Not a subject of Her Majesty joined them after their landing; in both attempts they were signally defeated—and the result was the destruction or capture of nearly the whole of the banditti.

In alluding to these events, it is impossible for me to praise too highly the gallantry of the Militia, the fidelity and prompt services of the Indian Warriors, and the patriotism of a vast majority of the inhabitants of this Province, who have conspicuously vied with each other in the manifestation of a devoted attachment to our Most Gracious Sovereign—of an enthusiastic affection for their Country—and of deep regard for their revered Constitution.

Our great security against dangers, resulting from a combination between the disaffected in the Province, and their confederates among the population of the contiguous country, consists in our happy union with the British Empire. The main foundation of the hopes of the discontented persons in this Province, and of their foreign supporters, has been a mischievous notion industriously propagated, that England would desert her transatlantic possessions in their hour of difficulty and danger—that whenever the machinations of internal traitors, or threats of external hostility, might render the protection of these Colonies burdensome, the assistance of the Mother Country would be withdrawn, and the loyal inhabitants left alone to support a most unequal conflict. This false and pernicious opinion has given encouragement to treason—influenced the conduct of the wavering—excited the apprehensions of the timid—and even put to a severe test the constancy of the loyal and resolute. It has turned the tide of immigration from our shores—transferred the overflows of British capital into other channels—impaired public credit—depreciated the value of every description of property—and in a word, has been the prolific source of almost all our public calamities.

Recent events, however, have clearly demonstrated, that the fidelity of the mass of the people of this Province is not to be shaken by the severest trials. Experience has also proved, that under all circumstances you may confidently rely on the fostering care of the British Empire; and I have been directed by Her Majesty to convey to you the most positive assurance of Her continued protection and support.

At the same time, I do not wish to inspire you with a belief, which I am very far from entertaining that the dangers with which we have been threatened are at an end. The hopes of our enemies have certainly been greatly humbled, and their schemes disconcerted, by the failure of their repeated attempts to seduce the Queen's Subjects from their allegiance, and thus to overrun the country; but all the motives in which these attempts originated—the love of plunder—an avidity to seize our fertile lands, and an impatient desire to extend republican institutions, continue to operate with unabated force, while unhappily new and deeper passions have since been superadded. That men agitated by such feelings will remain quiet, longer than they are constrained by fear, is not to be expected; and whilst I most sincerely desire conciliation, and conjure you to promote it by every honorable means, I do not hesitate to assert, on the sure ground of experience, that upon our own ability to repel and punish hostile aggression, we must henceforth chiefly depend. Among the considerations arising from this impression, I deem it advisable to invite your early and most serious attention to such amendments in our Militia Laws, as shall place this force upon the best possible footing—efficient, but not burdensome, either to the government or to the People.

One of my principal and most arduous duties, has been the disposal of the numerous criminals who have fallen into the hands of Justice. With respect to such of the Queen's Subjects as were concerned in the civil commotions during last winter, Her Majesty's Government have uniformly desired a merciful administration of the Law. In the punishment of the in-

vaders of the Province, I have acted upon the same principle, and have anxiously endeavoured to confine capital punishment with in the narrowest limits, which a due regard to the public welfare and security would admit. But the reiteration of unprovoked injuries, called for increased firmness in the administration of Justice, and forced upon me the painful necessity of making some severe examples.

The case of Her Majesty's Subjects who have suffered in their persons or property, claims your early attention. The wanton destruction of the Steam boat *Sir Robert Peel*—the pillage of the farms on Pointe au Pelé Island, and the River St. Clair—the robberies at the Short Hills—the damage done at Prescott and Sandwich, with the burning of the *Thames Steamer*, form together an aggregate of extensive loss, most serious to the sufferers, and have occasioned earnest application for relief.

It gives me the greatest pleasure to inform you, that Her Majesty has been most graciously pleased to extend to the wounded Officers, Non-Commissioned Officers and men, of the Provincial Militia, in arms since the insurrection last winter, the same liberal provision as is granted to Her Majesty's Regular Land and Naval Forces; and to make a similar beneficial provision for the Widows of those Officers in the Provincial Corps, who may have fallen in action.

The strong excited feelings to which the long agitated question of the Clergy Reserves, has given rise in the Province, have sensibly inspired that social harmony, which may be classed among the first of natural blessings, and have augmented the hopes of the enemies of the Country, in proportion as they have created divisions among its defenders. It is painful to reflect, that a provision, piously and munificently set apart for the maintenance of religious worship, should have become the cause of discord among professors of the same faith, and servants of the same Divine Master; and I feel that, on every account, the settlement of this vitally important question ought not to be longer delayed: I therefore earnestly exhort you to consider how this desirable object may be attained—and I confidently hope, that if the claims of contending parties be advanced, as I trust they will, in a spirit of moderation and Christian charity, the adjustment of them by you will not prove insuperable difficult. But should all your efforts for the purpose unhappily fail, it will then only remain for you to re-invest these reserves in the hands of the Crown, and to refer the appropriations of them to the Imperial Parliament, as a tribunal free from those local influences and excitations which may operate too powerfully here. My ardent desire is, that keeping in view as closely as you can, the true spirit of the object for which these lands were originally set apart, this embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large, and conducive to the diffusion of religion and true piety throughout the Province.

Second only in importance to the subject of the Clergy Reserves, is that of general education. A system of sound and religious instruction for the rising generation, ought to be established under every Government, and is most particularly requisite in a young Country in the situation of this Province. I therefore strongly recommend to you a careful revision of the enactments relating to the common Schools; and the early adoption of some plan calculated to secure the assistance of properly qualified teachers.

Gentlemen of the House of Assembly:

I am commanded by Her Majesty's Government, again to bring under your consideration the surrender, to your disposal, of the Casual and Territorial Revenues of the Crown; and I shall take an early opportunity to submit to you the conditions annexed to this offer, in the confident expectation, that the liberal intentions of Her Most Gracious Majesty will be duly appreciated by you, and that a satisfactory arrangement of this important subject will speedily be accomplished.

With much regret I inform you, that, in addition to the large sums disbursed by Her Majesty's Government, in the protection and defence of this Colony, the late events have also burdened the Provincial Revenue with a very considerable extraordinary expenditure, not contemplated or provided for by the Legislature.

The capture, detention, trial and punishment of State Criminals, have been a principal source of this extraordinary outlay; and you will find, from the accounts which will be presented to you, that the sum you appropriated in the last Session to these purposes, has been greatly exceeded.

The expense of transporting convicts to Quebec and England, on the way to their ultimate destination, forms also a heavy item in the charge attending the Administration of Justice; and I fear it must be further swelled, to a large extent, in consequence of there being a number of convicts, under sentence of death, to whom the only relaxation of capital punishment, compatible with the safety of the Province, seems to be transportation to a penal colony.

I have likewise been obliged to expend considerable sums in procuring accurate information of the designs of the conspirators in the adjoining States, as well as their confederates within the Province: and in supporting a frequent and rapid communication with Her Majesty's Government at Home, and Her Minister at Washington.

In the confidence of your sanction being most readily given to these necessary disbursements, I have assumed the responsibility of advancing from the Crown Revenue, the amount of the most pressing demands under these heads of service; and a statement of those advances, together with the public Accounts and Estimates, shall immediately be laid before you.

I have applied myself most sedulously to the examination of and settlement of the numerous and pressing claims arising out of the late disturbances. Such of them as I was authorized to satisfy from the Military chest, have been discharged, or are in course of settlement, through Her Majesty's Commissariat; but there remain others, grounded on equitable considerations, the payment of which must necessarily depend upon your justice and liberality: and I shall accordingly direct a particular account of them to be laid before you.

The representations of great inconvenience attending the negotiation in this market of the public debentures payable in London were so strong, that I was induced to discontinue the practice entirely, until you should have an opportunity of taking the subject under your deliberation.

Their negotiation in England has been laterly impeded by the blow which recent disturbances had inflicted on the public credit of the Province, and was afterwards rendered impracticable by the circumstance that the terms upon which the sale of those debentures was authorised by Parliament, were less favourable to the purchaser than could be obtained by investment of his capital in other securities.

You will be gratified to learn, that notwithstanding the interruption to which the trade of the Country has been exposed, there has been no falling off of the Commercial Revenue collected in the Lower Province; that a portion of the money placed in the hands of Messrs. Thomas Wilson and Company, of London, has been paid, and that there is reason to believe that the remainder will shortly be received.

You will receive reports upon the state of the Public Works in progress; and I shall be most happy to co-operate with you in any wise and practicable measures for their completion.

The large sums heretofore granted for the improvement of the roads, do not appear to have produced results commensurate with the expenditure; and it is accordingly worthy of your serious consideration, whether some more efficient system may not be contrived for the management and direction of this branch of the Public Service. I need hardly add, that the formation of good roads is an object of primary importance in every Country, and most indispensably necessary in an Agricultural one.

Her Majesty's Government look forward with much anxiety to the resumption of cash payments by the Chartered Banks. I am induced to hope that no difficulty will present itself to the early accomplishment of this essential object.

Honorable Gentlemen, and Gentlemen:

The several Addresses to Her Majesty from the two Houses of Parliament, during the last Session, having been laid at the foot of the Throne, by Her Majesty's Principal Secretary of State for the Colonies, were very graciously received; and I shall, without loss of time, transmit to you the answers which have respectively been returned to them.

I have, to a limited extent, exercised the power vested in me by the suspension of the Habeas Corpus Act. In doing so, I have proceeded with the greatest caution, and with a sincere desire, that no restraint might be imposed on personal liberty, which the public safety did not imperatively demand.

The progress which this beautiful country seems destined to make in population and wealth, has been materially obstructed by the difficulties and dangers with which it has, for some time past, been surrounded.

By the goodness of an over-ruling Providence, those dangers have, however, in a great degree been averted: and I humbly hope that the same Almighty arm, which has hitherto protected us, will soon place Upper Canada in such a state of tranquillity and security, as will permit the full development of her vast natural resources.

To accelerate the arrival of that period, and in cordial conjunction with you to promote, by wise and salutary legislation, the prosperity and happiness of this interesting Colony, will be the object of my earnest desire, and unceasing exertions.

VALUABLE PROPERTY.

For sale upon advantageous terms, by ROBERT RANKIN & Co.

A VALUABLE Building Lot and Wharf Lots, in front of the Honorable J. S. SAUNDERS, lying between the Market House square and Jackson's Hotel.

Two Town Lots near the Catholic Chapel fronting on Brunswick and George Streets.

A Lot of about sixty acres near Blake's Mills on the Nashuaak.

A Lot on the Nashuaak near the Ferry, formerly owned by Donald McLeod, deceased.

A Lot in the Parish of Woodstock, near Eel River, containing two hundred acres.

A wilderness Lot in the Parish of Woodstock, in rear of Land owned by JOHN DIBBLE, Esquire, containing two hundred acres.

A Lot of one hundred acres in the Parish of Brighton, granted to — Gray.

A Lot of one hundred acres in the Parish of Perth, granted to Robert Woodward.

A Lot of one hundred acres in the Parish of Andover, granted to — Smith.

For particulars apply to

WILLIAM J. BEDELL,

April 16, 1838.

Fredericton

REVISED EDITION

OF THE

PROVINCE LAWS.

THE Subscriber having been induced by numerous applications from different sections of the Province, to publish an additional supply of the above valuable work, for the use of those not entitled to copies from Government, such persons as may be desirous of procuring them will have the goodness to leave their names and places of residence, at an early period, to the Royal Gazette Office, or with either of the undermentioned Gentlemen, where Copies of the work may be seen:—

HON. E. B. CHANDLER, Dorchester.
THOMAS WYER, Esquire, St. Andrews.
J. W. WELDON, Esquire, Richibucto.
GEORGE KERR, Esquire, Chatham.
W. H. BALDWIN, Esquire, Bathurst.
J. M. CONNELL, Esquire, Woodstock.
MR. DAVID McMILLAN, St. John.
J. SIMPSON, QUEEN'S PRINTER.
Fredericton, 16th October, 1838.

FOR SALE.

A LOT of LAND in the lower part of the Town of Fredericton, containing one acre and a half. For further particulars apply to CHRISTOPHER BROWN, JR., Regent Street, Fredericton, February 13, 1839.

POST OFFICE. Fredericton, March 5, 1839.

List of Letters remaining in Office at this date

A
James Armstrong, John Anderson, Albert Adams.

B
John Bone, Jean B. Babbins, (2) C. Brown, (4) Chas. Bailie, R. Bouchier, Jas. or Robt. Burnett, Margaret Burke, Walter Britt, Elizabeth Banks.

C
John Cambridge, (2) Wm. Chambours, S. Carman, (4) J. Cashman, E. Curran, Dan. Currie, Wm. A. Crosby, N. Cousins, Patrick Campbell, Mrs. E. Coy, C. Connolly, M. Currier, John Carter, Wm. Chalmers, Denison Cox, Mary Crawshaw.

D
Mary Depole, Robt. B. Dickey, James De Veber, John W. Dow, Alex. Donald, Jaur. E. Drummond, Wm. Duffus, Asa Dow, Joseph Dunphy, Wm. Duffus, John E. Dow.

E
Fras. Evans, James Elliot.

F
W. Farbish, Dan. Ford, Mary Farrelly, Toner. Francis, Eli Frost, R. Ferguson, Jno. Feemy, Mr. Fross.

G
E. S. Goff, Maria Good, Aza Gould, James Grass, Lerr. Grant, W. A. Garrison, Pat. Golar, Daniel Goodwin, David Goggin, Ben. Good, George Gavrity, Benjamin Glasier, John Grinnam, John Gray, Capt. J. Grant, Philip Gaynon, Seth Greswold.

H
Mary Hare, J. W. Hartt, J. Harding, J. R. Hea, Mrs. Hook, G. Henderson, J. Hitchings, G. T. Harden, Jos. Horbet, G. Henderson, Ben. Hanson, Thos. Herbert, Richard Hartt, Jeremiah Haly.

J & K

Andre Joulie, John Jarvis, Robt. Kilburn, Fras. Kilburn, Thos. Kay, Jane Kilburn, Sarah F. Kilburn, Jas. Keohn.

L
A. Long, E. Lunt, A. C. Lowell, John Leslie, (2) A. C. Lowell, G. Lemont, John Long, Martha Lewis, G. W. Learitt, Wm. Long, Robt. Lilly, J. B. Labin, Jno. Long, Enoch Lunt.

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N
Mrs. W. D. Nash, Jno. Nicholson, S. Nicholson, A. Nevers, Thos. L. Nicholson, C. Nevers, Danl. Ramsay.

O
John Oliver, P. O'Neil, (2)

P
M. Piercy, James Palmer, J. H. Pitsbury, S. Peabody, Fras. Pae, Thos. Parsons, Wm. Pollard, S. Picket, Mrs. S. Peabody, A. Palmer.

R
Edward Riely, Danl. Reed, S. Reely, S. Randall, Mary Anne Reed, John Ross, Mrs. Roy, H. Rowley, James Reid.

S
Messrs. Stone, Hugh Savage, R. Sanborn, A. Shanklin, J. Sutherland, (2) Dennis Smith, James Stockdale, Gilbert Seely, Rev. W. Smithson, Sangly Stephens, Jas. Shortall, Hugh Strawbridge, Moses Sterritt, Herbert Sewell, Mrs. H. W. Smith, Jas. Sutherland, Wm. Salmon.

T
Denis Teirney, Ben. Taylor, Wm. Turner, Jas. Tibbets, Jas. Taylor.

U
Alex. Urquhart.

W
John Williams, James M. Wortman, James Woodman, D. A. Witherow, Jas. Wasson, Nicholas Wheeler, George Wightman, John Whitney, Alex. Wilson, Rebecca Wells, Orsanus Warren, James Wileon, P. Wheelock, D. S. Watson, Henry Walker, Christoph. Worner, James Wyley, J. Watson, Geo. Warrey, Thos. Withams, Janet G. Wiggins.

N. B. Persons asking for any of the above will please say that they are advertised.

WM. B. PHAIR, Post Master.

A CARD.

THE Subscriber begs leave to inform the public, that in consequence of his not having sufficient room in his Establishment, or the accommodation of those who generally call on him during the winter season, that he has taken extra apartments only a few yards from his Establishment, and which is now fitted up for that purpose; and trusts by his exertion, to receive a continuance of public patronage.

H. JACKSON.

Jackson's Hotel, Jan. 11, 1839.

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