

United States.

The following Resolutions have been moved in Congress, by Mr. Williams, a Senator from the State of Maine.

Mr. Williams said that the State of Maine was invaded; that the disputed Boundary was at this moment in the occupancy of British Troops. These facts had been communicated to the President, but what had been done the action of the Government was not known. He hoped however it was such as the case required, and the laws and constitution enjoined. With a view that the Senate and the whole country might fully understand the matter, he begged leave to submit the following Resolutions:

Resolved, That the President be requested to communicate to the Senate, all the correspondence which has been had between this and the British Government, upon the subject of the Northeastern Boundary, and of the jurisdiction of the Disputed Territory, which has not been communicated heretofore; or as much of it as, in his opinion, may be communicated without prejudice to the pending negotiation.

Resolved, That the President be further requested to communicate to the Senate all the correspondence which has been had since the last Session of Congress, with the Government of the State of Maine, and with the Minister of Her Britannic Majesty at Washington, relative to the invasion of the State of Maine, and to the exercise of jurisdiction within the Disputed Territory by either party.

On the following day, the subject was again taken up, Mr. Buchanan recommending a moderate course, and that Congress await the arrival of information from England; and the Resolutions were passed with that understanding.

Upper Canada.

IMPORTANT MESSAGE.

C. POULETT THOMSON.

In answer to the Address from the House of Assembly, of 13th December, respecting communications received from Her Majesty's Principal Secretary of State, on the subject of Responsible Government, the Governor General regrets that it is not in his power to communicate to the House of Assembly any Despatches upon the subject referred to.

The Governor General has received Her Majesty's commands to administer the Government of these Provinces in accordance with the well understood wishes and interests of the people, and to pay to their feelings, as expressed through their Representatives, the deference that is justly due to them. These are the commands of Her Majesty—and these are the views with which Her Majesty's Government desires that the Administration of the Provinces should be conducted; and it will be the earnest and anxious desire of the Governor General, to discharge the trust committed to him in accordance with these principles.

Toronto, January 14, 1840.

MONTREAL, January 18.—Mr. Freer, a Clerk in the office of the Deputy Post Master General, arrived here to-day about noon, having been less than twenty four hours on the way from Quebec. The object of Mr. Freer's visit is to make enquiries about a money letter that was mailed here on the 2nd instant, for Isle aux Noix, by the Bank of Montreal. It appears that the letter, which contained 1,000 dollars, was enclosed in a sealed parcel with other letters, and addressed, "Isle aux Noix," but the parcel did not reach its destination. There are, I believe, four Post Offices between Montreal and Isle aux Noix; namely: Longueuil, Chambly, St. Luke and St. John, and it is presumed that the parcel was abstracted or mislaid at one of these offices. The Bank sent a clerk through the route, but he was unable to gain any information on the subject. Mr. Freer started on his tour immediately after his arrival here, although smarting under the effects of frost biting.

"The weather has been milder than it was yesterday. At nine o'clock this morning the thermometer was 4 degrees below zero, and it is now the same number above."

We have been favored with the first volume of "The Canadian Brothers, or the prophecy fulfilled," by Major RICHARDSON, Knight of the Military Order of St. Ferdinand, author of "Ecarte," "Wacousta," &c. &c.

We understand the 2nd volume will be published early next month.

Major RICHARDSON is already advantageously known in the literary world, by the works mentioned in the title, and his narrative of the operations of the British Legion in the service of the Queen of Spain.

The present volume, although it belongs to a work of fiction, has much of the historical character.—The author, anative of Upper Canada, and a resident in that Province, has the advantage of being intimately acquainted with the localities whose scenery he ably describes, as well as the character of the persons who figure in the work; with TREMISE and the Western Indians, who are conspicuous personages in the tale he was personally acquainted.

The events which are chiefly referred to, relate to the period of the war of 1812, the attack of the Americans on the Detroit frontier, and the subsequent military operations in Upper Canada.

The work is not inappropriately dedicated to Sir John Harvey, who bore a conspicuous part in the war of 1812, in Upper Canada, in surprising and defeating, with 500 men of the 8th and 49th Regiments, 3000 of the enemy, at Stoney Creek, on the 5th June, 1813, and thereby turning the tide of success in that campaign, in favour of the British army.

The present volume consists of 220 pages, 12mo., is published by ARMOUR & RAMSAY, Montreal, and neatly printed by L. LOVELL.—Quebec Gazette.

LATER FROM CANADA.—The Toronto Mirror of the 17th instant announces the removal of Mr. Haggerman from the office of Attorney General—the appointment of Mr. Draper, late Solicitor General, as his successor—and that of Mr. Baldwin to the office of Solicitor General. The Mirror also says that Sir George Arthur's services are dispensed with, and that the government of the upper Province will be administered

by Chief Justice Stewart, of Lower Canada, until the arrival of a new Lieutenant Governor from England. We had accounts in the Quebec papers, some days ago, of the Chief Justice having been sent for by the Governor General.—New York Albion.

NOVA SCOTIA.

TRIAL FOR MURDER.

In the Supreme Court, 20th January, 1840. *The Queen vs. Smith Clarke and John Elecon.*

This trial, which caused great excitement, came on yesterday in the Supreme Court, before the Chief Justice, and Judges Hill and Bliss. The prisoners' plea of not guilty was adhered to by them; and in the empanelling of the Jury they made several challenges.

The Attorney General opened the case as prosecutor for the Queen; and brought forward about a dozen witnesses, who were examined by the learned Solicitor General, and with many variations in the details of their depositions, all seemed to support and corroborate as facts, that on the morning of the 8th August last, Bossom, the deceased, came from the street on to the footpath, at a short distance from Clarke and Elecon's shop—that he passed their door, stopped before the south shop window, returned to the door, words ensued between him and Clarke, who retired within in anger, returned with a pair of pistols, snapped one at Bossom, and upon receiving taunting words in defiance, fired with the other and shot him.

The Attorney General viewed the case, according to the indictment, as one of deliberate murder.

The Hon. J. B. Uniacke, as counsel for the prisoner Clarke, made an able address to the Jury, in which he urged upon their consideration the provoked state of Clarke's mind at the time the deed was committed—and brought to their notice proofs in his possession of the most racklessly insulting and aggravating conduct of Bossom towards Clarke previous to the fatal day, and set forth, in a prominent point of view, the fears by which Clarke was surrounded, in consequence of persons, whom he supposed to be friends of Bossom, attacking his house at night, and in consequence of Bossom himself assailing him in open day. The learned counsel contended that, taking these repeated provocations, particularly the quarrel preceding the fatal act, and the causes for fear, into consideration, they could not find the prisoner guilty of any higher offence than manslaughter.

Mr. Smith appeared for Elecon, and briefly told the jury that as the charges against his client as accessory before the fact, rested only on the evidence of a man whose testimony was given with much hesitation, and not till he reiterated every question asked him, as if he wished to gain time to answer; and as, therefore, not one sentence that man uttered could be properly considered good evidence, he asked the jury for an acquittal of his client.

The Attorney General reviewed and commented upon what had been adduced, and the Chief Justice charged the jury to acquit Elecon, but viewed the case of Clarke as one of murder—not manslaughter. The jury brought in their verdict accordingly, strongly recommending Clarke to mercy.

A mass of new and interesting evidence appeared on the trial, which we find it impossible to notice in a brief paragraph on our day of publication.—Halifax Times.

THE SENTENCE.

On Thursday morning the prisoner was brought to the bar of the Court to receive his sentence; and having been informed by the Clerk of the Crown of his indictment, arraignment, and conviction; and by the Chief Justice that he had then an opportunity of saying anything he pleased, as reasons why sentence of death should not be passed on him, he addressed the Court with a tremulous but distinct enunciation, as follows:—

I can only say to your Lordship, that on the morning that Bossom was shot, I had no intention of doing him bodily harm. I had no expectation of seeing him that morning. I was crossing the street to go over to Sergeant Bannister's, but, seeing Bossom, I returned and went to write at my desk, because I did not wish to meet him. I had no feeling of malice against the deceased, and never contemplated injuring him on that morning. But when he came along he stopped at my door and called me a puppy, a whelp, and a coward. I made no reply—when he went to the window opposite which I was standing at my desk, and rapped hard upon it three times, calling me a puppy, a villain, and a rascal; and returned to my door and called for Elecon and myself to come out and fight him. I told him to go away, but he again called me a damn'd rascal and cowardly puppy, and threatened to fight me. I sprang from my desk, and crossed the counter—I cannot say whether I went over or around it—my passions were raised—and having rushed to my room for the pistols, I was back in an instant. I saw him still before my door, and said, "Bossom, go away." He raised his left hand, while he kept his right in his pocket—and I thought he was making a run at me—I was seized with tremor, and was insensible of any thing else that passed till I saw him dead before me. He was lying in the gutter, and the sentry standing over him. The sentry told me I was his prisoner. I said I would go quietly with him, and he gave me in custody to the master of the band of the Inconstant, who placed me in the guard room, where I remained till Mr. Mills (the constable) took me to jail. The rest, my lord, is known to you. The statement I have given you is true, and the soldiers examined cannot say that it is not without perjury.

Mr. Uniacke here endeavoured to urge legal objections against the manner in which the prisoner had been tried. He complained that the indictment upon which the prisoner was tried had been found by a Grand Jury not legally constituted; and that circumstance had delayed the trial for three months, during which the principal witnesses for the prisoner had absconded.

The objections were overruled by the court. The Chief Justice in a very feeling and pathetic tone, then passed sentence upon the prisoner. He remarked that the crime of which

the prisoner had been convicted by a verdict of twelve of his fellow townsmen, was one of the most heinous that could be committed. The Jury had strongly recommended him to mercy, but it was not the prerogative of the Court—nor did it lie in the breasts of the Judges to consider the recommendation which had been given:—it would have to be referred to higher authorities, whose decision could not be anticipated. He expressed a hope that the time spent by the prisoner in prison had been devoted to religious exercises, which would prepare him for another state if he was shortly to be hurried from existence, or which would teach him to repent of his offence and make it a warning to him, if he was spared to mix again with his fellow men. He exhorted him in either case, whether his period of life was short or long, to prepare for the worst, and never to forget the awful lesson he had been taught at the expense of a soul sent unprepared into the presence of its Maker.—His Lordship concluded by pressing the awful sentence of the Law.

"You, Smith Douglas Clarke, will be sent to the place from whence you came, from thence to the place of execution, where you are to be hanged by the neck until you are dead, and may that God, whose mercy is ever extended to the penitent, have mercy on your soul."

The prisoner was then remanded to prison.

ROYAL GAZETTE.

FREDERICTON, FEBRUARY 5, 1840.

Central Bank of New Brunswick.

WILLIAM J. BEDELL, President.
SAMUEL W. BABBIT, 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.
Director this week.....T. T. SMITH.
Hours of business from 10 to 3.
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 SMITH, Manager.
Discount Days.....Wednesdays, and Saturdays.
Director this week.....JOHN SIMPSON.
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.....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.
J. S. COY and T. STEWART.

Alms House and Work House.

Commissioner for the week commencing to-morrow,
THOMAS GILL.



On Thursday last, at half past one o'clock, p. m., the Honorable the Members of the Legislative Council proceeded to Government House and delivered the following Address in reply to His Excellency the Lieutenant Governor's Speech, at the opening of the present Session of the General Assembly:—

ADDRESS.
To His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HER MAJESTY'S LEGISLATIVE COUNCIL IN GENERAL ASSEMBLY.

MAY IT PLEASE YOUR EXCELLENCY,

We Her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly, beg leave to express to Your Excellency our best thanks for Your Excellency's Speech at the opening of the present Session.

We rejoice to learn from Your Excellency that the Revenues and Financial Affairs of the Province are flourishing beyond any former period, and that the increased and unavoidable expenditure, caused by a recent emergency, has been fully met by the increased Revenue of the current year.

While offering the assurance of our gratitude for the happy internal condition of the Province, we desire to express the great satisfaction with which we receive Your Excellency's assurance, that there is nothing in its external relations to cause uneasiness or alarm.

We are fully impressed with the importance of the subject of *Great Roads*, especially the proposed improved Post Communication between Halifax and Quebec, and we assure Your Excellency that we shall not fail to give our earnest attention to the Report of the Supervisor of that Road which Your Excellency has been pleased to say shall be laid before us, and we shall cheerfully concur in the further appropriation which may be required for the completion of this Road, as well as in aid of the passage of the Mails across the Bay of Fundy.

We thank Your Excellency for the assurance that information shall be communicated to us upon the subject of our *Coast and Harbour Fisheries*, and Your Excellency may be assured that any measure calculated for the protection and encouragement of this impor-

tant branch of the resources of the Province, will receive our cordial concurrence.

We desire to express our satisfaction for the information that the subject of the Canal to connect the waters of the Bay of Fundy with those of the Gulf of Saint Lawrence, has engaged the attention of Her Majesty's Government, and we thank Your Excellency for the assurance that the Despatch from Her Majesty's Colonial Secretary of State upon the subject of an Exploration, by a properly qualified Civil Engineer, of the best line for this Canal, shall be laid before us. Viewing this undertaking as of great National importance, we confidently anticipate that the neighbouring Provinces, aided by the Home Government, will cheerfully contribute towards the expense of such Survey and Exploration.

We duly appreciate the humane consideration which induced Your Excellency to institute enquiries into the state of the Prisons of the Province, and agreeing with Your Excellency that the subject calls for the interposition of the Legislature, we shall not fail seriously to deliberate upon any provisions which may be proposed for their improvement.

We regret that the present season has hitherto been adverse to the pursuits of the Aboriginal Inhabitants of the Province, and we feel the propriety of still extending to them the compassionate protection of the Legislature.

We are fully sensible of the paramount importance of affording every protection and encouragement to the Agriculture of the Province, and we beg to express our full concurrence in the opinion so often impressed upon us by Your Excellency, that the permanent prosperity of the Province depends in a much greater degree on the success of its Agriculture than upon either its Timber or its Mineral resources.

Connected with these views we shall not fail to give every attention to the subject of *Immigration*, as brought under our notice by Your Excellency; convinced as we are that the introduction into the Province of a respectable class of Emigrants from the Mother Country will tend more than any other measure, rapidly to advance its best interests.

We are happy to learn from Your Excellency that the Training of several Frontier Battalions of Militia during the last Summer, has been conducted with so much success, and we shall cheerfully co-operate in any measure having for its object the discipline and efficiency of that Loyal and Constitutional Force.

We beg leave to express the gratification which we feel at the announcement of Your Excellency's confident expectation that the recent Exploration of certain parts of the Disputed Territory will enable Her Majesty's Government to advance such propositions to that of the United States as must lead to an early, amicable and final adjustment of this momentous question; meanwhile we participate in the hope expressed by Your Excellency, that on this subject sentiments of moderation and forbearance may prevail on either side.

HIS EXCELLENCY'S REPLY.
Mr. President and Honorable Gentlemen,

I receive your Address with great satisfaction, conveying as it does the most gratifying pledge of your willing and hearty co-operation with me and the other Branch of the Legislature, in perfecting such measures as may tend to advance the prosperity of this loyal and thriving Province.

At 2 o'clock the same day, the Honorable the Speaker and Members of the House of Assembly, went to the Government House and presented the following Address, in answer to His Excellency's Speech:—

ADDRESS.
To His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Representatives of Her Majesty's Loyal Subjects, the People of New Brunswick, thank Your Excellency for your Speech at the opening of this Session.

While we feel secure in the enjoyment of a degree of rational liberty, which can only be attained under British Institutions, we are happy to assure Your Excellency of the unalterable determination of the Inhabitants of this Province, to preserve, as far as in them lies, their connexion with the Parent State, and of our desire to co-operate with Your Excellency in the adoption of such measures as may tend to increase the happiness, promote the prosperity, and call forth into vigorous and useful action the various resources of this highly favoured portion of Her Majesty's Dominions.

Your Excellency's assurances of the state of the Province, both as regards its internal condition and its external relations cannot fail to produce joy and satisfaction throughout the whole land; and we are happy to learn that the pecuniary aid, so cheerfully contributed by the Colonial Legislature for the preservation of National rights, has been applied without prejudice to those domestic appropriations, to which the Provincial Revenues have hitherto been exclusively devoted.

We shall continue to devote our best attention to that very important branch of the public expenditure, the improvement of the Great Roads, and shall attentively consider the recommendation of Your Excellency on this subject; we receive with much satisfaction the information afforded by Your Excellency, that the amount placed at Your Excellency's disposal, for the improvement of the Great Road to Lower Canada, has been usefully expended, and it will be our earnest endeavour liberally to promote the views and recommendations of Her Majesty's Government, by facilitating the communication between the North American Provinces, now rendered so particularly necessary by the proposed improved Post communication between England and Halifax.

We shall be happy to receive any practical suggestions on the subject of the Coast and Harbour Fisheries, and we beg to assure Your Excellency that every reasonable encouragement and protection in our power shall be extended to this inexhaustible source of national greatness.

The connexion of the Bay of Fundy with the Gulf of Saint Lawrence by means of a Canal, is a project of such importance both in a National and Provincial point of view, that we shall feel obliged to Your Excellency for any information thereon; and we sincerely hope that immediate and successful efforts for the execution of this great public work will be made by the Sister Provinces, in conjunction with ourselves, on a scale commensurate with the magnitude of the undertaking.

The state of the Provincial Prisons, we well know, requires improvement, and we are therefore prepared to give our cordial assistance in devising and establishing such plans and regulations for their future governance, as may be best calculated to remove all existing causes of complaint.

Under the influence of that humane disposition which has always actuated the Legislature, the Aboriginal Inhabitants of the Country shall have our favourable attention, and we shall willingly adopt any measure that may be suggested for ameliorating the condition of that unfortunate race.

The continuing and permanent prosperity of this Province is so inseparably connected with its Agricultural interests, that we shall at all times diligently apply ourselves to the favourable consideration of every question which may come before us for the support and advancement of so important a branch of domestic industry, and in proof of our sincerity, we are ready to hold out every reasonable inducement for the promotion of Immigration, an object so desirable both to the Commercial and Agricultural Interests of the Province: the Communication promised by Your Excellency from the North American Colonial Association of Ireland and of London, on this subject, shall receive our attention.

It affords us much gratification to hear of the success which has attended the training of the Frontier Battalions of Militia during the past Summer, and entertaining the most unlimited confidence in Your Excellency's supervision and management of this loyal force, we shall cheerfully do all in our power to enable Your Excellency to continue the system of instruction already established. Connected with this subject, we have no doubt that the provision made by Your Excellency of suitable Uniform Clothing, to be used in the event of any emergency occurring, has been judicious and necessary.

We thank Your Excellency for having directed the Public Accounts to be laid before us, and Your Excellency may rely with confidence upon our disposition to make all due provision for the exigencies and probable contingencies of the public service.

An early and amicable, but, at the same time, a just settlement of the Boundary Question, has long been most anxiously looked for by the People of this Province; and trusting that the results of the recent exploration may be such as will conduce to the attainment of that desired object, we heartily respond to Your Excellency's hope, that in the mean time, sentiments of moderation and forbearance may prevail on either side.

HIS EXCELLENCY'S REPLY.
Mr. Speaker and Gentlemen,

I thank you for this loyal and dutiful Address. The assurances which you give me that my suggestions will receive your favourable consideration, are highly acceptable to me, and afford me the most gratifying conviction that our joint labours for the general good will not be ineffectual.

[From the Fredericton Sentinel, 1st Feb. 1840.]

The Speech of the Lieutenant Governor at the opening of present Session of the Legislature, is one not only of great length, but of much interest. The picture drawn of the financial affairs of the Province, notwithstanding the large sums taken from the public chest during the year, consequent upon the American inroad of last winter, is highly gratifying; and strongly contrasts with the dilapidated condition of the State of Maine, whose citizens are threatened with the most odious of all imposts—a poll tax;—the result of their late invasion of a neighbouring Province. A circumstance which will undoubtedly have its effects upon their legislative proceedings of the present Session.

Indeed, it will be seen that matters are pretty much left to the action of the General Government; and that a motion has been made in the Senate of the United States, by Mr. WILLIAMS, who we believe is a Senator from Maine, calling for information with reference to the stationing of Troops in a part of the Disputed Territory, over which Great Britain has never ceased to exercise jurisdiction and control.

His Excellency refers in terms that cannot be misunderstood, and are highly favourable to agricultural pursuits, which do not obtain from the people of this Province, the attention they deserve; and this recommendation coming from such a quarter, will we trust, be productive of the effect that is intended; for not only are they neglected, but that systematic mode of farming, which in this Province as elsewhere, is essential to success, is generally speaking, unknown or disregarded.

There is also an allusion to an English Company, which is desirous of introducing an extensive immigration into this Province, from the Mother Country. We rejoice to perceive this subject is attracting the attention it merits, and which has been strangely neglected by the Legislature of this and the neighbouring Province of Nova Scotia. In New Brunswick in particular, there is abundance of excellent land: it is intersected by numerous rivers, affording every facility for the conveying produce to market; and we do not hesitate to assert, that there is scarcely a spot, where arduous man who obtains a hundred acres of land, and who attends to his farm, cannot in two or three years succeed in making him self independent of the world.

As to effecting the settlement of the country by means of Companies, and thenceforward they may afford, we must confess, entertain doubts. Where parties have benighted either in this way, or by Government, as in the case of discharged Soldiers they have not succeeded as well as those who, by their own resources and the energies of their mind, have