

# ROYAL GAZETTE.

FREDERICTON, SEPT. 22, 1841.

## Central Bank of New Brunswick.

WILLIAM J. BEDELL, President.  
SAMUEL W. BABBIT, Cashier.

Discount Days.....Tuesdays and Fridays.  
Director this week.....G. J. DIBBLEE.  
Bills or Notes offered for discount must be left at the Bank, enclosed and directed to the Cashier, before two o'clock on Mondays and Thursdays.

## Bank of British North America.

FREDERICTON BRANCH.  
GEORGE TAYLOR, Manager.

Discount Days.....Wednesdays and Saturdays.  
Director this week.....SPAFFORD BARKER.  
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 WILLOX.

## 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.

C. McPHERSON and C. FISHER.

## Alms House and Work House.

Commissioner for the week commencing to-morrow.  
MOSES PICKARD.

## Hartford Fire Insurance Company.

HARTFORD, CONNECTICUT.  
Agent at Fredericton.—ASA COY.



By Authority.



By His Excellency Lieutenant Colonel Sir WILLIAM MACBEAN GEORGE COLEBROOKE, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

W. M. G. COLEBROOKE.

## A PROCLAMATION.

WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to Tuesday the twenty first day of September instant, I have thought fit further to prorogue the said GENERAL ASSEMBLY, and the same is hereby prorogued to the third Tuesday in December next.

Given under my Hand and Seal at Fredericton, the fifteenth day of September, in the year of our Lord one thousand eight hundred and forty one, and in the fifth year of Her Majesty's Reign.

By His Excellency's Command.  
WM. F. ODELL.

Extract of a Despatch from the Right Honorable C. Poulett Thomson to Lord John Russell, dated Toronto, 16th September, 1840.

I have the honor to acknowledge the receipt of a copy of the Act for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada.

I have carefully perused the Act, and I observe with regret that some alterations have been made from the original plan which I transmitted, which will create difficulty and embarrassment here, especially the restrictions introduced in the schedule for the Civil list, to which I before called your attention. There is nothing, however, in those changes which will, I believe, offer any insuperable obstacle to the working of the Act.

But it is with the deepest mortification that I find that the whole of the system for the establishment of local government has been omitted from the Bill, and that Her Majesty's Government and Parliament have contented themselves with the simple legislative re-union of the two Provinces, without providing any machinery by which they can be satisfactorily governed when united, or guarding against those evils which have been so severely felt from the absence of local government, and the consequent assumption by the assemblies of functions which did not properly belong to them, evils which will now be increased tenfold, after the two Provinces shall have been placed under one government and one legislature.

I need scarcely recall to your Lordship's attention the circumstances connected with this measure. In the year 1839, when the affairs of the Canadas were under the consideration of Her Majesty's Government, and it was determined, upon the recommendation of the Earl of Durham, to re-unite the Provinces, the Cabinet was so deeply impressed with the truth of his declaration, of the absolute necessity of the establishment by Parliament of a system of local government simultaneously with the measure for the union, that the plan then submitted and embodied in the Bill of that year, proceeded altogether upon that principle. Five districts were created apart from the central legislature, and the whole frame of the measure was erected in accordance with it. I need not either remind your Lordship that whilst this was the unanimous opinion of the Cabinet, those members of it who really took a deep interest in Canadian matters entertained so strongly the opinion of the necessity of enforcing this principle, that they would not have assented to any plan which involved its exclusion. The Bill of 1839 was withdrawn, and I was deputed to obtain the assent of the people and legislature of the two Canadas to the union, and to transmit a plan for effecting it, and for the future government of the two provinces. But in the instructions with which I was honored with a view to my proceedings, I was emphatically told that one of the most important principles to be kept in view in any measures

for the future government of the Canadas was "the establishment of a system of local government by representative bodies freely elected in the various cities, and rural districts." "That after a full investigation of every other plan which has been suggested, Her Majesty's Government have not been able to discover in any but this the reasonable hope of a satisfactory settlement." "That attaching minor importance to the details," "they cannot depart from these principles."

Accordingly, in pursuance of the duty assigned to me, and having obtained the assent of the legislature of the two Provinces to the terms of the union as they affected each in its relation to the other, or to the Crown, I transmitted such a plan for local government as, whilst it entirely established the principle for which Her Majesty's Government contended, and the adoption of which they and I deemed indispensable, altogether removed the defects of the scheme of last year, and was generally acceptable to the people. This plan received the cordial approbation of Her Majesty's Government. Your Lordship did not indeed deem it expedient to introduce to Parliament the clauses for carrying out the provisions for the system which I transmitted to you, but you did more, for you called upon Parliament to enable me to provide all the necessary machinery myself, subject to the leading principles which I had recommended.

Under such circumstances I should have been far less surprised to find the Union Bill abandoned altogether by the Government, than this most essential part of it withdrawn. I should certainly have infinitely preferred that the Bill should have been deferred, rather than deprived of what rendered it safe, or gave a fair chance of its being advantageous.

For if, before my better acquaintance with these Colonies, the information which I could acquire from the reports of others and from general reasoning, had satisfied me of the necessity, to use the words of Lord Durham, "of making the establishment of good municipal institutions for the whole country a part of the Colonial constitution;" the opportunity I have now had of studying the state of the British North American Provinces—of observing the social condition of the people, and the working of the constitutions under which they have been governed—has convinced me that the cause of nearly all the difficulty in the government of every one of them, is to be found in the absence of any well organized system of local government.

Owing to this, duties the most unfit to be discharged by the General Legislature are thrown upon it; powers equally dangerous to the subject and to the Crown are assumed by the Assembly. The people receive no training in those habits of self government which are indispensable to enable them rightly to exercise the power of choosing representatives in Parliament. No field is open for the gratification of ambition in a narrow circle, and no opportunity given for testing the talents or integrity of those who are candidates for popular favour. The people acquire no habits of self dependence for the attainment of their own local objects. Whatever uneasiness they may feel—whatever little improvement in their respective neighborhoods may appear to be neglected, afford grounds for complaint against the executive. All is charged directly upon the Government, and a host of discontented spirits are ever ready to excite these feelings. On the other hand, whilst the Government is thus brought directly in contact with the people, it has neither any officer in its own confidence in the different parts of these extended provinces from whom it can seek information, nor is there any recognized body enjoying the public confidence with whom it can communicate, either to determine what are the real wants and wishes of the locality, or through whom it may afford explanation.

Hence the readiness with which a demand for organic changes in the constitution has been received by the people. Upon every consideration, therefore, I am of opinion that it was our duty to seize the first opportunity of supplying, through the Imperial Legislature, this capital omission in the constitution of these colonies, by the establishment of a good system of local government; and although the Act would, in fact, only have extended to the Canadas, I entertain no doubt that with such an authority before them, similar provisions would have been adopted by the Legislatures in Nova Scotia and New Brunswick, where the defect is no less glaring.

But it may be said, why not trust to the provincial legislatures for the establishment of such institutions, if they are needed?

Lord Durham has given the reply which certainly appeared last year conclusive to Her Majesty's Government, and the correctness of which I can now confirm—"That it is vain to expect that such a sacrifice of power will be voluntarily made by a representative body;" and to this I may also add, that although, after a considerable time and much excitement, the people might compel their representatives to establish such a system, it is so easy to mislead them by representations against taxation; although no more is in fact intended than to give the power of taxation by themselves for their own local objects; and the argument in favor of its being the duty of the Government to find money for all their wants, is so specious and popular, that it would probably be some time before the people exerted themselves strenuously for this purpose; and when they did, I greatly doubt whether it would be possible to obtain those checks against abuse, without which the system would fail; and which it was my object to introduce in the manner submitted by me to Her Majesty's Government, and approved by them.

With reference, therefore, to the future interests of all Her Majesty's North American possessions, I deeply deplore the determination which has been taken; whilst with regard to the immediate and practical matter before me—namely, the government of the two Canadas under the Union Act, I confess that I am almost at a loss to conceive how it is proposed that it should be conducted.

Under the provisions of the Union Act, not only will the general affairs of a country 1200 miles long be placed under the direction of one executive authority, thus distant from places where it may be called upon to act; but the local concerns of every district, and even village, through that vast extent of territory, must be more or less under its superintendence, and that too in matters of which it can know little or nothing. The provision by which the initiative of all money votes is confined to the Governor, is a most valuable and important change in the constitution of these Provinces; but it places a responsibility on the executive which can only be exercised under a system which relieves the public funds from demands for every little paltry expenditure, and confines their application to matters of general utility. As the Act now stands, the executive government will be called upon to propose every grant of £5 or £10 for a road or a bridge 600 or 700 miles from the seat of government; of the merits of which it can know nothing, and of which it can learn nothing, except through representations which it has no opportunity of testing. If it acts, therefore, it will probably act wrong; if it does not, it is at once exposed to the reproach of having neglected the interests of the locality which it was bound to consider and advance. Whilst these duties are imposed upon it, too, no means whatever are afforded by which it can acquire information, or exercise the slightest control. In Upper Canada it is true that there is some machinery in the different districts now established by law, which will prevent the executive from being wholly powerless. There is an organization in each district of Sheriffs, Grand Jurors, &c., and the Magistrates possess under the provincial laws certain powers which, although defective, still afford the means of going on. But in Lower Canada this is entirely wanting; and the division there for judicial purposes is of a character which affords no assistance whatever with respect to the rural districts of the Province. The hand of the Government is entirely unknown and unfelt throughout them. If I had to seek for information from any place from 10 to 150 miles from Quebec or Montreal, I possess no means whatever of obtaining it, except from the authorities called into existence by the rebellion, and for whose permanency there is no security whatever. If the executive seeks to know the opinion of the people with regard to any improvement, there is no one to whom application can be made. In a word, every country district throughout the whole of the vast Province of Lower Canada, is as completely cut off from any connection with the executive, as if it were on the other side of the Atlantic, and under a different form of government.

I certainly was impressed with the opinion that the existence of this state of things must be fully known to Her Majesty's Government, and that after the deliberate judgment that had been arrived at last year, and the instructions I had received, it was, therefore, unnecessary for me to have repeated any statement, or have furnished any fresh argument in support of the principle of local government.

It remains for me, however, now only to consider the course which I can pursue under the determination which has been arrived at. Entertaining so strongly as I do the conviction that the principal advantages intended by the Union Act are defeated by the omission of this part of the scheme, I confess that I should strongly incline to defer acting upon the powers conferred by it, and proclaiming the Union at all, until Parliament had again had an opportunity of reconsidering these clauses. But I must acknowledge that the delay which would thus arise, and the re-opening the Canada question in England, where unfortunately, all that relates to this country is so little understood, would be probably attended with greater evils, and I cannot, therefore, take on myself the responsibility of recommending that course.

But failing this, it would be far more grateful to me, with the opinions I hold on this subject, that Her Majesty's Government should confide the attempt to work out this new measure to other hands than mine, and nothing but the anxiety which I feel to discharge my duty to the Queen to the last, and the deep interest which I now take in what concerns these Provinces, would lead me to attempt the task under circumstances which I consider almost hopeless.

I am willing, however, if required, to yield to that consideration, and above all, to the feelings of the people here, of whose confidence I have lately received so many and such flattering proofs, and I shall endeavour to work out the Act as it stands, by such means as I possess.

For Upper Canada it is out of my power to make any provision. In Lower Canada, however, I shall with the assistance of the Special Council, provide such a system as may supply a part at least of what was intended to be given under the provisions of the Bill; at all events to the extent which is necessary to carry out fully the different ordinances of that body which have already passed, and provide for some local organization for the wants of the country districts. The Council will, under any circumstances, meet the middle of next month, to complete its labours preparatory to the Union; and I shall then propose to them measures to this effect.

I shall then be able to proclaim the Union at the earliest period at which, looking to the time when the elections could be held, and to the financial concerns of both provinces it would be possible, namely at the beginning of January. The elections will take place as soon afterwards as they conveniently can, and when the united Parliament meets, I shall propose to them on the part of the Government, to adopt for the whole province, a system of local government which will already have been in operation here, with such additions as may appear necessary.

friendly as they were to the Bill, to support their omission. I may also observe that Mr. Gillespie and others in this country well acquainted with Canada, concurred in the objections made to those clauses in the House of Commons.

The benefit of municipal government being so great, it is difficult to conceive that the legislature of the United Province can long resist the introduction of a system so useful to the interests, and so directly tending to increase the power of the people, when recommended warmly and repeatedly by the executive of the province and supported by the Crown.

I have, &c.  
(Signed) J. RUSSELL.  
The Right Hon. Lord SYDENHAM, &c. &c. &c.



## ARRIVAL OF THE CALEDONIA.

The Royal Mail Steam Ship Caledonia arrived at Halifax on the 16th instant, in the short passage of 11 days and 22 hours from Liverpool.—The Acadia steamer made the passage from Halifax to Liverpool in a little over nine days.—From our latest papers we subjoin the following important particulars:—

Parliament met on the 19th August, and Mr. Shaw Lefevre was re-elected Speaker without a division. The Queen having approved of the Speaker, both Houses adjourned to the 24th.

## OPENING OF THE NEW PARLIAMENT.

HOUSE OF LORDS, Tuesday, Aug. 24.

The House of Lords met this day shortly before two o'clock. Previous to their lordships' assembling, the usual ceremony of examining the vaults and cellars of both houses, was gone through in the presence of Lord Willoughby d'Eresby (Lord Great Chamberlain.) Mr. Pulman (Deputy Usher of the Black Rod,) a number of the Yeomen of the Guard, and several officers and messengers of the House.

The Lords Commissioners, the Lord Chancellor, the Marquis of Normanby, the Earl of Clarendon, Lord Duncannon, and the Earl of Errol, having taken their seats,

The Lord Chancellor directed the Usher of the Black Rod to summon the Commons to hear the Royal Speech on the opening of Parliament.

In a few minutes the Speaker and a great number of members appeared at the bar, when the Royal Commission having been read,

The Lord Chancellor said, Her Majesty not being present this day, he was commanded to read the following most gracious Speech.

## THE QUEEN'S SPEECH.

"My Lords and Gentlemen,

"We are commanded by Her Majesty to acquaint you that Her Majesty has availed herself of the earliest opportunity of resorting to your advice and assistance after the dissolution of the last Parliament.

"Her Majesty continues to receive from Foreign Powers the gratifying assurances of their desire to maintain with her Majesty the most friendly relations.

"Her Majesty has the satisfaction of informing you, that the objects for which the treaty of the 15th July, 1840, was concluded between Her Majesty, the Emperor of Austria, the King of Prussia, the Emperor of Russia, and the Sultan, have been fully accomplished, and it is gratifying to Her Majesty to be enabled to state, that the temporary separation which the measures taken in the execution of that treaty created between the contracting parties and France, has now ceased.

"Her Majesty trusts that the union of the principal Powers upon all matters affecting the great interests of Europe, will afford a firm security for the maintenance of peace.

"Her Majesty is glad to be able to inform you, that in consequence of the evacuation of Ghioria by the Persian troops, Her Majesty has ordered her Minister to the Court of Persia to return to Teheran.

"Her Majesty regrets that the negotiations between her plenipotentiaries in China and the Chinese government, have not yet been brought to a satisfactory conclusion, and that it has been necessary to call into action the forces which Her Majesty has sent to the China Seas, but Her Majesty still trusts that the Emperor of China will see the justice of the demand which Her Majesty's Plenipotentiaries have been instructed to make.

"Her Majesty is happy to inform you that the differences which had arisen between Spain and Portugal about the execution of a treaty concluded by those Powers in 1830, for regulating the navigation of the Douro, have been adjusted amicably, and with honor to both parties, by the aid of Her Majesty's mediation.

"The debt incurred by the Legislature of a serious obstacle to further improvements, which are essential to the prosperity of the United Province. Her Majesty has authorised the Governor General to make a communication on the subject to the Council and Assembly of Canada. Her Majesty will direct the papers to be laid before you, and trusts that your earnest attention will be directed to matters so materially affecting the welfare of Canada, and the strength of the empire.

"Gentlemen of the House of Commons,

"We have to assure you that her Majesty relies with entire confidence on your loyalty and zeal to make adequate provision for the public service, as well as for the further application of sums granted by the last parliament.

"My Lords and Gentlemen,

"We are more especially commanded to declare to you that the extraordinary expenses which the events in Canada, China, and the Mediterranean have occasioned, and the necessity of maintaining a force adequate to the protection of our extensive possessions, have made it necessary to consider the means of increasing the public revenue. Her Majesty is anxious that this object should be effected in the manner least burdensome to her people, and it has appeared to her Majesty, after full deliberation, that you may at this juncture properly direct your attention to the revision of duties

affecting the productions of foreign countries. It will be for you to consider whether some of these duties are not so trifling in amount as to be unproductive to the revenue, while they are vexatious to commerce. You may further examine whether the principle of protection, upon which others of these duties are founded, be not carried to an extent injurious alike to the income of the State and the interests of the people.

"Her Majesty is desirous that you should consider the laws which regulate the trade in corn. It will be for you to determine whether these laws do not aggravate the natural fluctuations of supply; whether they do not embarrass trade, derange the currency, and by their operation diminish the comfort and increase the privations of the great body of the community.

"Her Majesty feeling the deepest sympathy with those of her subjects, who are now suffering from distress and want of employment, it is her earnest prayer that all your deliberations may be guided by wisdom, and may conduce to the happiness of her beloved people."

The Address of the Lords, as usual a mere echo of the Speech, was moved by the Earl Ripon, and seconded by the Marquis Clanricarde. Lord Ripon moved an amendment that Ministers did not possess the confidence of the country, which gave rise to a long and spirited debate, which terminated in the defeat of Ministers, and the triumph of the Tory party, by a majority of 72.

In the House of Commons, the Address was moved by Mr. Mark Phillips, and seconded by Mr. J. Dandass. The amendment by Mr. S. Wortley, seconded by Lord Bruce. The discussion extended over four nights, and Ministers were beaten by a majority of 91.

## HOUSE OF LORDS, Monday, August 30.

### Resignation of Ministers.—Viscount Melbourne.

"My Lords, I consider it my duty to acquaint your lordships, that in consequence of the vote which was come to by the other House on Saturday morning last, and which was precisely similar in terms to the vote which was come to by your lordships at an early period of the week, I, on the part of my colleagues and myself, have tendered to Her Majesty the resignation of the offices which we held—which resignation Her Majesty has been pleased graciously to accept; and we now continue to hold those offices until our successors are appointed."

On Sunday evening, Sir Robert Peel, while dining with Earl De Grey, received a gracious communication from the Queen, expressing Her Majesty's desire to consult him on the present state of the Government, and the construction of a new Administration, rendered necessary by the resignation of Her Majesty's present Ministers.

Sir Robert Peel, Bart., on leaving Whitehall gardens, on Monday, visited the Duke of Wellington, at Apsley House, where the right hon. baronet had an interview of the noble Duke, which lasted upwards of half an hour. The Right Hon. Baronet then proceeded post to Windsor Castle, to have an audience of Her Majesty the Queen.

On Sir Robert's arrival at the Castle, it appears, from instructions previously given at Her Majesty's command, the Right Hon. Baronet's carriage was ordered through the grand entrance to the principal court. Immediately after Sir Robert had alighted from his carriage, he was conducted to the royal presence.

We are informed, from an authority on which the greatest reliance can be placed, the reception of the future premier by the Queen, was most flattering, and that, after an audience of about an hour, the Right Hon. Baronet left the Castle on his return to the metropolis.

On Monday evening, there was a highly important meeting of the heads of the Conservative party, at the private residence of Sir Robert Peel, in Whitehall-gardens. The Duke of Wellington, the Earl of Aberdeen, Lord Stanley, the Right Hon. Sir James Graham, and the Right Hon. Henry Goulburn, were in deliberation several hours with the Right Hon. Baronet.

We understand that Her Majesty yesterday gave full and uncontrolled authority to Sir Robert Peel to form a new administration. Early this morning, three of the Treasury messengers were in attendance on the Right Hon. Baronet, at his residence in Whitehall Gardens. As early as nine o'clock, a special messenger was despatched to Stowe Park, Buckinghamshire, requesting the attendance of the Duke of Buckingham in Whitehall Gardens. The following noblemen and gentlemen had long audiences with Sir Robert Peel, this morning, and no doubt will form part of the new Administration, or hold appointments in the Household, namely, Lord Ellenborough, Lord Wharfedale, Lord Hardwicke, Lord Liverpool, Lord Castlereagh, Lord Eliot, Lord Francis Egerton, Sir Thomas Fremantle, and Mr. W. Gladstone. The official boxes belonging to the Treasury were sent this morning to the residence of Sir Robert Peel, at Apsley House, on the occasion of the removal of boxes and papers of the late Ministers.—Standard, Aug. 31.

Yesterday morning the Earl of Aberdeen and Lord Ellenborough had audiences of Sir Robert Peel, and the following noblemen and gentlemen had also interviews with the Right Honorable Baronet, by appointment:—The Earl of Haddington, Earl of Ripon, Viscount Castlereagh, Lord Hardwicke, Lord Francis Egerton, Lord Wharfedale, the Right Hon. Sir Henry Hardinge, Sir Thomas Fremantle, Sir Frederick Pollock, Sir William Follett, Right Honorable Sir George Clerk, Sir George Cockburn, Mr. Gladstone, Lord Lyndhurst, the Right Honorable Henry Goulburn, Right Honorable Sir Edward Knatchbull, &c.—Chronicle.

The Duke of Wellington received the chief members of the future Administration to dinner last evening, at Apsley House. It was a select circle, and confined to the Right Hon. Sir Robert Peel, Bart., the Earl of Aberdeen, Earl of Ripon, Lord Lyndhurst, Lord Stanley, Lord Ellenborough, the Right Honorable Sir James Grantham, Bart., and the Right Hon. Charles Arbutnot. On returning from the dinner table, the noble Duke and his colleagues held a conference, which lasted several hours.