

"About to enter upon the discharge of our respective official trusts, let us first render our devout and grateful acknowledgments to that great and good Being who has so signally blessed and prospered the State and nation during another year;—and under a just sense of the frailty of all human purpose, look to Him for aid in carrying out our resolutions of fidelity to the high obligations resting upon us—fidelity to the great principles of truth, justice, and humanity—to the cause of equal rights and liberal principles—to the duty of reflecting truly, and promoting earnestly, the opinions and interests of our constituents—and to the practical teachings of the simple truth that we are but servants, with no power but that which has been delegated to us by the people, and to whom, after a brief period, we must again resign it.

"The subjects probably to come before you at the present session, it is believed, cannot be numerous; but they are highly important, and demand, as they will undoubtedly receive, your earnest and faithful consideration.

"Among them, certainly not the least important, is that of the public debt. Its amount now, exclusive of the Indian and School Funds, about \$1,700,000, is larger probably than was ever anticipated, and much larger than is consistent with the ample resources of the State, and its means to pay. No inconsiderable portion of it has arisen from three sources; the omission, for several years, to assess a tax for the support of government, under the delusive expectation that sufficient for the purpose would be derived from the sales of the public lands—the large amount paid under the laws, bestowing a bounty on the production of wheat and corn—and for expenses incurred in resisting the attempt of a foreign power to expel us from our rightful territory. Whether these expenditures were ill advised or judicious, I need not, in this connexion, stop to inquire. The debt has been incurred, and must be provided for. A large, permanent, public debt, however, is essentially adverse to the true policy, if not principles of our government;—its gradual reduction, therefore, with a view to its early and total extinguishment, it seems to me, should be our constant aim. For the accomplishment of this purpose we can rely, in the first place, upon the repayment by the general government of the military expenses incurred upon the frontier in 1839, and our portion of the unpaid balance of 'the Massachusetts claim,' as it is called—the amount to be derived from the timber upon the public lands, under a judicious system of sales—the collection of the large sums that have long been due to the Land Department—the annual assessment of a reasonable tax—and upon the adoption of a most rigid system of economy in all our expenditures.

"No notice, thus far has been taken of any amount to be received under the Act of Congress, providing for a distribution of the proceeds of the public lands, inasmuch as I cherish the hope that, that call will not long be permitted to disfigure the statute book. Deeming it to be in violation of the Constitution, dangerous, as a precedent, corrupting in its influences, a delusion and a cheat in the good its proposes, a prospective burden to the tax-payer, and, under all circumstances, an act little short of fatuity, I cannot refrain from recommending the adoption of resolutions upon the subject, and instructions on your part to those who are bound to obey you, to exert their influence to procure its immediate and unconditional repeal.

"A former act, to avoid the difficulties imposed by the Constitution, was made to assume the form of a deposit of the public money with the States. The late law does not adopt even this poor disguise. It makes ostensibly, and in fact, an absolute gift. If, therefore, it have any warrant in the Constitution, it is not easy to perceive why equal authority may not be found for bestowing gratuitously any money in the treasury, from whatever sources it may have accrued. Congress is limited in its powers to those granted in the Constitution. The power to give away the public money is no where to be found in that instrument. The authority to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States, cannot be made to include it without doing gross violence to the plain and palpable import of the language used. To sell and dispose of land, is one thing. To give away the money arising from such sale, is another and different thing. One is expressly authorised—the other is not. Nor would the case be relieved of difficulty by reference to the peculiar terms of the deeds of cession from the individual States, even if the Act applied to the proceeds of the ceded lands alone. But it does not. Much the largest portion of the public lands were acquired by purchase, with money from the treasury, raised mainly by an indirect tax upon the people at large. Stripped of its disguises, the Act clearly involves the power of taxation for the purpose of distribution;—and a practical confirmation of this is exhibited in the fact, that simultaneous with the donation, was the raising of the tariff and the creation of a loan.

"But if it were clear of all the objections, how can the abstraction, at this time, of millions from the treasury for gratuitous distribution, be justified? Does not the neglected condition of the defences of the country, regarded in connexion with the existing state of our foreign relations, prompt to a more judicious and patriotic use of our means. Shall the long continued and aggravated encroachments of Great Britain upon the rights of this State, to say nothing of her high handed aggressions elsewhere, be forgotten, or the portentous aspect of the future be disregarded, while an ignominious and disgraceful scramble is going on for the contents of an already impoverished treasury? Every consideration, that love of country, and a just sensitiveness to national honor can suggest, forbid it. It is true that the resources of the country are abundant, and that

the strong arms, brave hearts, and indomitable energy of our people. Still there are preparations which cannot be neglected without disregarding the dictates of common prudence, to place the subject upon no higher ground. When these preparations are made, it is believed but little will be found in the treasury for gratuitous distribution.

"In the foregoing, though I have not adverted to a title of the objections that might be urged against this law for distributing the proceeds of the public lands, enough, perhaps, has been said. I can take no view of it that does not involve its instant and utter condemnation. To my mind, it has not one redeeming feature. I would, therefore, not only repeat my suggestion, that resolutions for its repeal be adopted and transmitted to Congress, and that the delegation from this State be also instructed in reference to it, but I would recommend further, that this State refuse to sanction it by a reception of the money.

"The banking system of this State, though probably as free from imperfections as that prevailing in any State in the Union, has, nevertheless, proved insufficient to prevent the failure of some banks, and the embarrassment of others. That insolvency and embarrassment have not been more frequent, and the consequent loss and injury to the public, as well as stockholders, more severe, is probably attributable, in a great measure, to the provisions of law relating to the amount of circulation—extent of indebtedness of directors—liability of stockholders for debts of corporation—official returns under oath—and periodical inspection by Commissioners. Provisions that, as far as they go, have thus worked beneficially, it is presumed will not be readily relaxed or abandoned. On the contrary, we should inquire whether they may not, with propriety and advantage, be made still further restrictive. That the safety of the public might also be further secured by requiring a wider specie basis for the circulation, and extending to these institutions the provisions of the bankrupt law, will hardly admit of a question. The latter, to be sure, is beyond your control, but it is to be hoped, that it will not be unnoticed by Congress, in the revision of this subject which is anticipated.

"I would also add, that my opinions heretofore communicated to the Legislature upon the subject of the currency, remain unchanged. That it would be improved by infusing into the circulation a greater proportion of the precious metals; and that this may be accomplished by prohibiting the circulation of bank bills of a small denomination, I do not entertain a doubt. The only question is, one of time. What period would be most propitious for such a prohibition, is a matter for the consideration of the Legislature; who will, before adopting any important changes, look to the state of public sentiment, and fairly estimate the probabilities that new enactments would be rigidly enforced, or permitted to remain a dead letter upon the statute book.

"It is expected that a new apportionment of Representatives to Congress, under the late census, will be made by Congress at its present session. Should this be done seasonably, of which we cannot but be strongly desirous, distracting anew for this State, or some other action, will become necessary on your part.

"The new militia law which went into operation on the first of the present month, involves several important changes in the system. That defects still exist is quite probable—and that some persons complain as loudly of this, as they did of the late law, and are again contemplating changes, I am aware. But while admitting that gross and obvious defects should be remedied, I think it is due to the importance of the subject, the difficulty of devising a satisfactory plan where such a contrariety of opinion exists, and the great pains that have been taken in framing the present law, that we should give it in its main features, a fair trial. An efficient militia, always important, has become doubly so by the aspect of the times. But it can have no efficiency while in a state of constant transition. Justly regarded as the right arm of our defence, the united and cheerful effort of all good citizens should be to strengthen and not to weaken it.

"The report of the Land Agent will show the condition of that department. The public lands will long continue to be regarded with deep interest, and will require the constant and vigilant supervision of the Legislature. While the lands, and property enough, are disposed of, more with a view to their early settlement by an enterprising, industrious and worthy population, which constitutes the true wealth of a State, than to any immediate pecuniary advantages; we may, and ought, to make the vast forests of timber which cover them, tributary to the wants of the treasury. A system, by which the law of demand and supply shall be properly regarded, and the timber saved from devastation and waste—by which, the indulgence of favoritism on the one hand, and the success of powerful combinations to monopolize on the other, shall be prevented—which shall ensure to the State the fair value of the timber, and afford to all the citizens an equal opportunity to participate in the profits of a purchase, is what is needed. Complaints are made of the course heretofore pursued, and I deem it proper respectfully to call your attention to the subject, not doubting that all will be done by you that justice to the State, and the convenience of the settler and other citizens, require.

"It is with pain and mortification that I find the boundary question still among the standing topics of the annual executive message. The President, in his late communication to Congress, after referring to the progress that had been made by one of his predecessors towards 'negotiating a convention with a view to the final settlement of the question,' adds 'that he regrets to say that little further advancement of the object has been accomplished since last year.' That is to say, as we have good grounds to believe, a fair and reasonable proposition on the part of our Government with a view to an amicable and final settlement of the question, has remained, another year, unanswered if not unnoticed. If from this circumstance, as well as from the whole history of the case, you can discover any indication on the part of Great Britain, other than of a settled determination never to peaceably yield a large portion of the

territory in controversy, you will be more fortunate than I have been. The course which, under this view, the general government should pursue, to my mind, admits neither of doubt nor hesitancy. National honor, as well as justice to Maine, clearly indicate it—and that is—to purge the soil of this State, effectually and without delay, of every vestige of British encroachment. And then, if there is to be further negotiation upon the subject, let it be on the part of Great Britain to obtain, what for more than a quarter of a century she has refused to yield. When a reasonable expectation can no longer be entertained, that the general government will adopt this, or some equally efficacious course, if Maine is true to herself, she will take possession of the whole territory, and if need be, use all the means which God and nature have placed in her hands to maintain it. The consideration of the whole subject is with you, who, I have no doubt, will approve yourselves faithful guardians of the honor and interests of the State.

"The exploration and survey, under the general government, which has been in progress for the last two years, is understood to have nearly reached its close, and, it is believed, will add another confirmation of our title, which no ingenuity can avoid nor effrontery deny.

"This survey, however long its completion may be delayed, Great Britain in no way participating in it, and being instituted for the satisfaction of our own government, cannot justify a single day's delay on the part of Great Britain to agree upon a joint commission to run the line according to the treaty of 1783, and thus put this long vexed question forever at rest.

"The extension of the military road to some point on the St. John has become indispensable, and it is to be hoped that an early appropriation will be made by Congress for that object. It is gratifying to perceive, that on this point, the opinion of the Secretary of war is coincident with that entertained here.

"I have long entertained the opinion that a change in the time of the meeting of the Legislature from winter to summer would be attended with many advantages. In summer, the session would probably be shorter—more business would be accomplished in the same time—the expenses would be considerably diminished, and the convenience and comfort of the members greatly promoted. I would therefore recommend, that the question of an amendment of the Constitution in this respect, be submitted to the people.

"If, in omitting to notice several topics, and to make certain recommendations, the anticipations and wishes of any shall be disappointed, I trust a palliating circumstance may be found in the amount of our indebtedness, and the condition of the treasury. However interesting particular subjects are to large classes of citizens; and however judicious many appropriations of money might be generally regarded under other circumstances; at present, the emphatic call of the public voice for a course of severe economy, would seem to require their postponement to a more favorable period.

"And in connexion, permit me respectfully to add, that the indications of public sentiment seem to be no less unequivocal, in regard to a session contracted to the shortest possible period, consistent with a proper attention to the public business. And as a circumstance highly favorable to this end, may be mentioned, the late revision of all the statutes by Commissioners, eminent for their qualifications, and the subsequent re-examination and adoption of them by the Legislature, at a session devoted to that object. It is not to be presumed, therefore, that much time will be occupied at the present session in amending existing laws. Their republication also, in a condensed and cheap form, and general distribution among the people, would seem to render any alteration unwise and impolitic, not called for by a strong necessity.

"JOHN FAIRFIELD."

Just Received

By the Subscriber at his DRUG STORE, in Queen Street,

MIXED PICKLES—Girkins, Onions—Cauliflower; Harvey Sauce, Tomato and Mushroom Ketchup, Essence Anchovies, Capers, Olives, Pepper Sauce, &c. &c., Macaroni, Vermicelli, Sago and Tapioca, Ground Rice, prepared and cracked Cocoa, Candied Citron, Lemon and Orange Peels.

Oldridge's Balm of Columbia, and Rowland's Macassar Oil, Kalydor and Odonto; Lavender and Honey Water, Eau de Cologne; Vegetable Essence, Extract of Verbena, Vegeta Bouquet, Royal Extract of Flowers, Rose Water, Pastilles, Fancy Soaps.

Dr. Bartholomew's Expectorant Pink Syrup, Mrs. Gardner's Indian Balm; Balsam of Horehound, Brown's Boneset Candy.

Hair, Cloth, Tooth and Nail Brushes; which with his usual supply of genuine Drugs, Chemicals, &c., &c., will be sold as low as in any other Store in Fredericton.

JAMES F. GALE, Chemist and Druggist, Fredericton, Nov. 23, 1841.

NOTICE.

TO be Leased at Public Auction to the lowest bidder on the 15th day of April next, between the hours of two and five o'clock, p. m., at Mr. GEORGE ROGERS' Inn, in Hopewell, County of Westmorland:—Thirteen acres and five rods of Diked Marsh Land, be the same more or less, lying in two separate Lots near Elias Peck's, in Hopewell aforesaid, and bounded as follows:—First Lot: Bounded Northerly by the upland, Easterly by a Lot owned by Elias Peck, Southerly by William Hamilton's Lot, Easterly by a Lot owned by Lawrence O'Regan:—Second Lot: Bounded Northerly by the said Lawrence O'Regan's Lot, Easterly by William Hamilton's Lot, Southerly by the running Dike, and Westerly by Samuel Clarke's Lot; the said Lots of Land belonging to Wm. Flaherty, or some other person or persons unknown, which will be Leased as above stated to defray the expenses due for repairing the same, and other expenses that may occur.

By Order of the Commissioners, AARON STEVENS, CLERK, Hopewell, December 22, 1841.

NOTICE.

THE Subscriber offers to dispose of by private sale, his two HORSES—one black Colt, 4 years old, and sound; one light bay, 7 years old, a smart trotter and a good Horse for general work; a single Horse Sleigh, with a pole for a pair, elegantly trimmed with various kinds of Fur; a double seated Carryall, in good order; a single Horse Sled; several sets of Gig and Sleigh Harness, Saddles, Bridles, &c., Buffalo and Bear Skins, some trimmed, an excellent Buffalo Skin Coat.

He also offers for sale, a very good tuned Piano, a Music Stool, two elegant Sofas, a Mahogany Side Board, Mahogany Lounging Chair, Mahogany set of Dining Tables, one dozen of superior Cane Bottomed Chairs, Card Tables, Pictures, mantle and hanging Looking Glasses, Tea and Coffee Urns, Table Lamps, Plated Branches and Candelsticks, Snuffers and Trays, Silver Forks, Cut Glass Decanters, Chariot Jugs, Tumblers and Wine Glasses, a large and new arranged Cookery Range, with a number of apparatus, Franklin and Hall Stoves, and a number of other articles, which will be sold at reduced prices, and on reasonable terms.

All sums above Ten Pounds, three months Credit, by giving good approved Indorsed Paper; and all sums above Twenty Pounds, half in three months, and the other half in six months, as above. The remainder of the Subscriber's Furniture and Stock, will be disposed of by Public Sale, in the month of April next, when due notice will be given.

H. JACKSON.

Jackson's Hotel, Fredericton, December 27, 1841.

N. B.—Mr. Jackson would recommend the Public, who may be in want of some of the above, to give him an early call. About twenty dozen of excellent Champagne may be obtained from Mr. Jackson, from one dozen or more, or the whole as it may suit the purchasers, at 60s. per dozen. The Wine warranted to be of the first Class; also, a few dozen of Sautern, at 36s. per dozen.

MR. JACKSON.

OF JACKSON'S Hotel, Fredericton, wishing to prevent any false reports which might be made, respecting his establishment, in consequence of the late fire on the premises, (20th December,) begs to acquaint his friends, in and about Miramichi, St. Andrews, and round that neighbourhood, as well as his friends in and about Saint John, that his establishment is ready for their reception, and that arrangements have been made at his own expense to make the house warmer than heretofore, and has excellent Stabling for Horses and Harness, and a good Shed for Sleighs. Proper Groom and other Servants, to make every thing go a-head.

Jackson's Hotel, Dec. 27, 1841.

PUBLIC CONTRACT.

SEALED Tenders will be received by either of the undersigned Commissioners, until Thursday the tenth day of February next, at 12 o'clock, noon, for the completion of the Gagetown Canal, to connect the waters of the River Saint John and those of the Grimross Creek, by cutting through the Intervale near King's Head Tavern.—Plans of the work as well as the materials that will be required, can be seen at the store of Mr. J. H. DeVeber, Gagetown, and also at Mr. N. H. DeVeber's store in Sheffield, and any further information required may be obtained from either of the said Commissioners.

Should any of the Tenders be accepted, the party whose offer may be taken, will be prepared with unexceptionable security for the signing the Contract, at which time he will receive one fourth of the whole sum, and the remainder will be paid as the work may advance.

BRADFORD G. HEWLETT, Commissioner, NATHANIEL HUBBARD, Commissioner, ENOCH G. LUNT, Commissioner, Gagetown, Dec. 23, 1841.—4w.

Notice to Out-Pensioners of CHELSEA HOSPITAL.

THE Lords and others Commissioners of the Chelsea Hospital having required that all OUT-PENSIONERS resident in the Colonies should be examined by means of interrogatories, to which they should reply before the issue of any further Pension; Notice is hereby given to those PENSIONERS resident in the County of Charlotte, that they are to appear before the Commanding Officer at Saint Andrews, and those Pensioners resident in and about Woodstock before the Commanding Officer at that station, for the purpose aforesaid; and Notice is hereby also given to all other Pensioners, resident in New Brunswick, who have not yet replied to the questions as above directed, that unless they present themselves at the Commissariat Offices in Saint John or Fredericton, no issue of Pension will be made to them from and after the 1st April next.

Commissariat, New Brunswick, St. John, 1st January, 1842.

NOTICE.

ALL Persons having any legal demands against the Estate of JAS. HOLLY, late of Burton, deceased, are requested to render the same for payment, duly attested, within three months from this date; and all Persons indebted to said Estate, are desired to make immediate payment to either of the Subscribers.

SALLY C. HOLLY, Executrix, JOHN BROWN, Executor, October 27, 1841.

AUCTION.

THE Subscribers will sell by Public Auction, on Tuesday the 1st day of February next, at noon, on the premises, the upper half of the Lot of Land and Dwelling House thereon, now in the occupation of JOHN BROWN, situate in King Street, Fredericton, and known as Lot Number 56, in Block No. 4. Further particulars and Terms of Sale made known on application to either of the Subscribers.

GEORGE LEE, Jr., F. A. H. STRATON, THOMAS MURRAY, Trustees, Fredericton, Dec. 29, 1841.

POST OFFICE.

Fredericton, Dec. 5, 1841.

List of Letters remaining in Office at this date.

A Edward Adam, John Annett.

B Mr. J. Brown, T. P. Bloom, Wm. Bailie, Bridget Bourland, Wm. Barker, (3.) George Bishop, John Barrett, Andrew Bailey, Wm. Boyle, Amos D. Barker, Thomas Brown, Ezra Black, Patrick Burk, Alexander Boyd.

C John Carren, Francis Campbell, David Carson, Mrs. Coburn, Mr. Curry, Ann Connors, Wm. Campbell, Wm. T. Coy, Wm. Cottyard, James R. Curry, Mrs. Connigan, Nancy Carney, Wm. Clarke, Joshua Currie, Anthony Crook, Jane Close, Frances Care, John Curry, Mr. A. Caverhill, George Christie, Jeremiah Christie, George Cox, Wm. Carriek, (5.)

D Wm. Davis, Wm. Daly, Mary Dineen, Jas. Darkis, Andrew Dougherty, Geo. Dougherty, (2.) Daniel Donovan, Edward Dickson, (2.) Judith Durnire, Mrs. Julia Dupice, Walter Dixon, Miss Eliza A. Drake, Andrew Duncan, Wm. Deane, Daniel Duff.

E Elijah Estabrook, Eunice Emerson, Wm. Emberton, (2.)

F Edmund Fox, Bridget Ford, George Fields, Archibald Fairbairn.

G Thomas Gill, (3.) Edward Gorney, John Gray, Wm. A. Garrison, Mrs. Esther Gray, Thomas N. Gilbert, Thomas Griffin, George Good.

H Catharine Harley, Mrs. Huskall, Charles Hart, Ralph Hamilton, Joseph Haines, (2.) Thomas Hartin, Isaac and Timothy Hurley, George Harding, Daniel Hamilton, Benjamin Hughes, Alexander Hay, Seavall Hill, Wm. Hay, A. C. Hammond, Robert Harper, James Hale.

I Daniel Irwin, Wm. Irwin, John Jamison.

K Wm. Kilburn, (3.) Thomas Kennedy, Pat. Kane, Mr. Keath, Timothy King, Rosana Keane, (2.)

L Thomas Logan, George Long, Nancy Lahea, Peter Leary, Francis W. Lecain.

M & Mc. Dennis Mahoney, Daniel McBean, Owen McCarkey, Messrs. Miles & Smith, Joseph McCrethwey, Mrs. McAuley, John McEaney, Alexander Martin, Bernard McCanben, Pat. McGrath, Alexander McAdam, Donald McIntosh, Andrew Mahoney, Mathew McEiree, James McDonald, Biddy McCoart, Charles McCormick, Thomas Moran, Edward McGentley, Archibald McLean, Allen McKenny, Angus McDonald, Wm. McKean, Patrick Maloney, James McCoskey, James Manson, William McLouchlan, Patrick Maher, Jas. Mulligan, Edward Mann, Rev. Daniel McCurdy, Michael McGowan, Miss Eliza M. Williams, Alexander McCaslin, Sarah McLachlan, Pat. McGolrick, John McMinim, Hugh Munro, John Murphy, John McCamy, Mrs. Jane Murphy, Edward McDonald, Eugene MSweeney, Wm. McKay, Mathew Mackelroy, Miles & Smith, (9.)

N John Nicholson, James Nichol, Mrs. Nesbit.

O Robert O'Kane, (2.) John O'Sullivan, Hugh O'Neal, George Oree.

P Michael Power, John Peppard, John Patterson, Wm. Pagan, Samuel Peters, James E. Perley, Henry Patterson, Richard Pugh, Richard Phillips, (2.) Sherlock Parsons, Cyrus Perkins, John Porter, Mathew Piercey.

R Mrs. Ross, Mary Reed, (2.) Isaac Rogers, George Ranney.

S Thomas Sullivan, Mr. Scribner, Samuel H. Smith, James Swan, Humphry Sisson, (2.) Bridget Scannel, Thomas Sanderson, Francis Scotney, James W. Smith, Mr. M. Smith, Samuel B. Smith.

T John Thompson, George Taylor, Margaret Telford, Charles Temple, Hugh Timmings, J. L. Turner, Wm. Taylor, N. S. Taylor, Wm. Thomas, Mr. V. Troke, Wm. Thompson.

V John Vance.

W Edward Williams, Charles and W. Weade, Catharine Ward, John Watson, Robt. Watson, Thomas Waseland, Nehemiah Wright, John B. Wheeler, James Woodworth, Mr. H. Waller, Wm. Wood, Edmund Ward, Dr. Woodford, (3.) Messrs. E. & C. Yerxa, Michael Yerxa.

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

W. B. PHAIR, Post Master.

REAL ESTATE.

THAT Valuable PROPERTY situate at Gagetown, in Queen's County, and upon which the Subscriber formerly resided, consisting of a Dwelling House, Barn, &c., and a most spacious Garden.

This Property fronts on the Gagetown Creek, and in a very central part of the Village, and well deserving the attention of the Public, either as a Gentleman's Country residence, or a place of business.

At the same time is offered Two Lots, situate in rear of the Grant (or the Town Plot of Gagetown, containing each Ten acres, by the original Survey thereof.

These Lots are valuable from their proximity to the Town, either as Pasture Lots or for Agricultural purposes, and more particularly so to the person who might become the purchaser of the Dwelling House and premises.

The whole Property will be sold together or in parts. Reference will be made to CHARLES P. WETMORE, Esquire, Fredericton, HENRY S. PETERS, Esquire, Gagetown, or to the Subscriber.

T. ROBERT WETMORE, Fredericton, 14th December, 1841.

N. B.—If not sold by Friday, the first day of April next, they will then be offered at Public Auction.