

Great Britain, &c.

LONDON, August 1.

Admiral Sir Pultney Malcolm died on the 20th of July, in the 71st year of his age. He was a highly distinguished officer.

By command of Her Majesty, the new royal standard of England which was hoisted over the marble arch of Buckingham-palace on the day of the coronation, is to be always displayed during the stay of the court in town.

A supplement to Tuesday's Gazette was published on Wednesday night, containing an official account of the ceremony of the coronation of Her Majesty Queen Victoria. It contains nothing of consequence but what we have already given.

DEPARTURE OF THE DUKE DE NEMOURS.—His royal highness embarked at London bridge on Wednesday, at half-past eight, for Boulogne, en route to Paris, whence he would proceed to the camp at Lunéville. His royal highness was accompanied by his aides-de-camp, the Marquis de Beranger, Count Hector, De Bearn, General Colbert, and General Boyer.

A marble bust of the Queen has just been executed by Mr. Steele, a young sculptor whose talent obtained for him the high honour of having Her Majesty for a sitter. The likeness is perfect, and the countenance is full of the unaffected simplicity and intelligence which characterize the original.

INCREASE OF THE SLAVE TRADE.—Her Majesty's ship Pearl, 20, Commander Right Hon. Lord Paget, captured a Spanish slaver, with 470 negroes on board, and sent her into Havannah. Her Majesty's ship Sappho, 16, Commander Fraser, captured another Spanish slaver, with 572 negroes on board, and sent her into Havannah also. Both of these captures, we believe, were made during the last month.

Her Majesty and her august mother attended divine service on Sunday morning in the Chapel Royal, St. James's. The sermon was preached by the Rev. C. Wesley, (great nephew of the Rev. John Wesley,) who took St. Luke x, 42, "One thing is needful," &c.

A direct intercourse by steam has been lately established from Dublin to Paris; the distance is accomplished in 45 hours.

FRENCH DISLIKE OF BRITISH LOYALTY.—It must, be very painful to the French to see a display of national loyalty on the other side of the Channel, which can never again be realized here; to see there the perfection of civil liberty based upon institutions which they, in their own land, have destroyed; to behold a powerful and wealthy aristocracy popular, and a whole people passionately royalist; to observe progress in and growing out of a principle of preservation, manifestly not inimical to, and inconsistent with each other, as they most fatally have considered them, but, on the contrary, imparting reciprocally strength and durability each to each; to perceive religion exalted to the highest place, not as a vain show unintelligible superstitions, but as solemn reality, in all sobriety appealing to the hearts and understandings of all, and there finding a rational, admiring, intense approval. These things it must be painful for Frenchmen to contemplate. They cannot either regard the magnificent ceremony lately witnessed in London as a mere empty pageant, as an antiquated pomp of by-gone times, out of character with the spirit of the age, for the affections of the entire nation gave it all its animation and all its splendour; otherwise it would have been but barren solemnity indeed had it ever been ten times more gorgeous than it was. It was no idle love of sight seeing that drew such multitudes together to Westminster. It was not to see a glittering procession that the whole population of the English metropolis assembled in that quarter. Far deeper sentiments actuated them, viz., their love, reverence, and admiration of the old monarchy of England, which they regard as essential to their prosperity and their freedom. Here, then, was a lesson given to Revolutionists and Liberals all over the world. The first nation upon the earth in every sense, where the popular will is more powerful than in any other country in Europe, have proclaimed no later than a week ago, by a spontaneous, universal burst of national feeling, that it is not by abolishing but by retaining, not by despising but by cherishing, not by weakening and neutralizing, but by strengthening their ancient fundamental political establishments, that they have advanced hitherto to their present state of eminence; and that it is only by persevering in the same conservative course of action, they hope still to make further advances in the same glorious career.—Correspondent of the Record.

Colonial.

We are informed by persons on whom we can depend, that much animosity still prevails among the most stirring part of the population of the City and District of Montreal; that the national distinctions which prevailed seem even to be more marked than formerly, and with a strong tendency to renewed collisions. The evil is kept up and increased by the mutual falsehoods, abuse and insults of the newspapers, which have reached nearly the degree of licentiousness by which they were distinguished last summer and autumn.

Where is all this to end? We wonder that sensible men, without distinction of national origin, who have an interest in the peace and welfare of the country, do not study to discountenance the spirit and practices to which we allude. Can they expect any quiet or security in a country where the people are deceived and alarmed by falsehoods, and pitted against each other by insulted and irritated national feelings? Can there be any other government in such a country, but that of mere force, which is utterly inconsistent with public prosperity or individual happiness? Men under the influence of highly irritated feelings are little better than madmen, amongst whom there is no safety.

It surely would be nothing very unreasonable, to require of men professing to be Chris-

tians, the forgiveness of injuries; to live as much as in them lays, peaceably with "all men," to avoid offending "in words," and we think it would be no great abridgement of public liberty to shew a decent respect for the established public authority, and to avoid doing or saying any thing tending to bring it into contempt; but rather wait patiently till it can complete its measures for settling the affairs of the Province, and securing the rights and interests of all classes of Her Majesty's subjects in these Provinces.—Old Gazette.

MONTREAL, (Gazette,) Sept. 4.

The trial of Jalbert, one of the murderers of Lieutenant Weir, which had been fixed for this day, has been postponed. This unexpected occurrence has been the result of a conspiracy to defeat the ends of justice, by the abduction or seduction of witnesses summoned on the part of the Crown. On calling over the names of those who had been summoned, many of the most material witnesses were found to be absent. The Attorney General moved, in consequence, the postponement of a trial, which, if persisted in, would have been a mere mockery of public justice. The acquittal of the prisoner had been sufficiently provided for. The Counsel for the prisoner opposed the postponement on the ground of some informality or want of diligence. The Court, however, decided immediately that every possible and practical diligence had been exercised on the part of the Crown, and that the postponement of the trial had become a matter of necessity. We are not ignorant of the machinations which have been employed, or of the delusions which have been practised to spirit away some, and tamper with other witnesses in this atrocious case. The Attorney General has adopted the course which his duty imperatively prescribed to him, and we cannot permit ourselves to doubt, but that the perseverance and energy of this officer of the Crown will yet secure to an outraged society some retribution for the black murder which has been committed. Jalbert has been remanded to jail.

A most daring but ineffectual attempt to rob the Bank was committed on Thursday night. Some desperadoes having procured a ladder, placed it to one of the upper windows, which they entered. We understand they unwittingly found themselves in the bed room of Mr. Steven, the Cashier, whose pockets they rifled. It appears that they made a second entrance, probably from the circumstance of not finding the keys of the vaults. Mr. S. being awoke fired twice upon the parties, who took to their heels. The circumstance is under investigation and we hope will lead to the detection of the parties,—who, we are told, are known.—Id.

MONTREAL, Friday evening, 7th inst.—In the case of the Crown against the murderers of Chartrand, the Jury retired at half past four o'clock, and after a deliberation of about an hour, they returned into court with a verdict of "Not Guilty." I am told that the evidence was conclusive as to the guilt of the prisoners.

MONTREAL, Saturday evening, Sept. 8.—There is nothing new to-day. It is mentioned in the New York papers, that the Liverpool packet of the 1st of August, was below on Wednesday afternoon.

The following is from another correspondent:—

MONTREAL, Friday, Sept. 7. "I cannot let the boat go without acquainting you that the Jury impanelled on the murderers of Chartrand, have, contrary to the clearest evidence, and the charge of the judge, found all of them Not Guilty. I was in court, and the prisoners seemed to take the verdict as a matter of course, without expressing either anxiety or joy. "I need not add, that public indignation is extreme."

The acquittal, at Montreal, of the prisoners indicted for the murder of a volunteer of the name of Chartrand, of St. John's, last winter, has caused great excitement among the inhabitants of Montreal, who took an active part in quelling the late rebellion. It is said, that the acquittal is clearly "according to the evidence." Both the person killed and the accused were French Canadians, and the Jury of the same class. If, as it is asserted, political, party, or national feelings influenced the Jury, it is a great evil. It is perhaps to be regretted, that more trials, where the evidence was clear, have not been brought on, that the remedy which may be necessary, may not have to rest on an insulated case. The majority of the Grand Jury who found the Bill, were, we believe, French Canadians.—Old Gazette.

Yesterday afternoon, about five o'clock, the trial of Francois Nicolas, Amable Dautais, Joseph Pinsonneault, and Gideon Pinsonneault, for the murder of Joseph Chartrand, on the 27th of November last, was brought to a conclusion, by the verdict finding the prisoners not guilty! This verdict has excited considerable surprise among those who have attended the trial, heard the evidence, and the charge of the Chief Justice to the Jury. We have perused notes of the evidence adduced in this case; and certainly it appears to us, that nothing could be more complete and satisfactory than the testimony afforded of the guilt of the prisoners, of the cold-blooded murder charged against them. But it is evident that there is a feeling abroad among the Canadians, on every subject arising out of the late rebellion, which effectually prevents their arriving at such conclusions regarding the event, as a sound and healthy state of moral feeling would dictate. It is likewise evident that trial by jury is entrusted to those who are but little capable of judging its importance, and the high moral obligation which it imposes upon them. The system must therefore be changed. Trial by jury must be confined to those alone who are sufficiently enlightened to appreciate its benefits, and whose education will enable them to discriminate between truth and falsehood, without the intervention of the passions and prejudices incident to ignorant and uncivilized men. The acquittal of the prisoners, in the present case, will teach a moral and political lesson, with respect to the real condition of this Pro-

vince, which, we hope, will not be lost upon the framers of our new Constitution.—Montreal Gazette, September 8.

ROYAL GAZETTE.

FREDERICTON, SEPTEMBER 19, 1838.

Central Bank of New Brunswick. HENRY G. CLOPPER, President. ROBERT GOWAN, Cashier. Director this week.....G. J. DIBBLEE. Discount Days.....Tuesdays and Fridays. 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 Fredericton. ASA COY, President. ARCHIBALD SCOTT, Cashier. Director this week.....THOMAS T. SMITH. Discount Days.....Mondays and Thursdays. 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 SMITHERS, Manager. Director this week.....J. F. TAYLOR. Discount Days.....Wednesdays, and Saturdays. 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.

Saving's Bank. Trustee for next week.....MARK NEEDHAM.

Central Fire Insurance Company. Office open every day, at Mr. Minchin's Brick House, opposite the Parade, (Sunday excepted, from 10 to 2 o'clock. B. WOLHAUTER, President. Committee for the present month. CHARLES M'PHERSON and CHARLES FISHER.

Alms House and Work House. Commissioner for the week commencing to-morrow. THOMAS GILL.



By Authority.

Crown Land Office, September 14, 1838.

The following is published for the information of persons desirous of obtaining leases of Mines and Minerals in New Brunswick.

All persons wishing to obtain a lease of Mines and Minerals must apply by petition to His Excellency the Lieutenant Governor, which petition must state particularly the district in which the applicant wishes to work, and what means he possesses to enable him to do so, and to what extent he intends working. Whether he owns the land upon which he wishes to work, or whether if owned by another person he has made any and what arrangements with that person, and to produce evidence of these facts.—The petition must be accompanied by a sketch of the ground applied for. Should the Lieutenant Governor in Council, decide upon leasing the Mines applied for, the district will be submitted to auction as directed by Law, subject to the conditions which have been before published in the Royal Gazette.

THOMAS BAILLE, Commissioner of Crown Land.

From the Fredericton Sentinel, September 15.

POLICE REPORT.

At the County Court House in Fredericton, on Monday the 10th September 1838. Before Mr. Justice Clopper, Mr. Justice Minchin, "Bedell," "Wolhaupter."

The Queen, vs. Anthony St. George French. On a charge made under the Act of Assembly 26th Geo. III. Cap. 42. Intituled "An Act against Forestallers and Regraters."

The Defendant having appeared under the Summons, the Hon. the Solicitor General in his behalf took the following exception to the proceedings, "That no public Market or Fair to be held at the Market House, has been properly and regularly established, so as to put the Act against Forestallers and Regraters into operation." Mr. Dibblee, Clerk of the Peace, in reply, cited the following—namely, a Licence from the late Gov. Carleton, made in or about the year 1789, establishing a market in Fredericton; he also produced two several instruments under the Great Seal of the Province, bearing date 27th Nov. 1815, and 21st Feb. 1817, and read the several orders of General and Special Sessions, relating to said Market of January 1789, January 1791, June 1816, January 1818, September 1821, June 1825, January 1826 and September 1831.

Whereupon the Court overruled the exception taken by the Hon. and learned Solicitor General, and decided unanimously, "that the town of Fredericton, under the authorities cited, is a Market or Fair within the meaning of the Act, and the lower story of the building known as the County Court House is the Market House duly established within the said town.

The following witnesses were then sworn and examined on the part of the prosecution, and cross examined by the Solicitor General, viz. John Engles, Richard Smith, Peter Pedolin and Quarter Master Sergeant Paul, 65th Regiment.

The Hon. and learned Solicitor General then addressed the Court in behalf of the Defendant, and was replied to by the Clerk of the Peace.

The Justices would take time to consider, and adjourned until the following day.

TUESDAY, September 11, 1838.

PRESENT.

Mr. Justice Clopper, Mr. Justice Minchin, "Bedell," "Wolhaupter." The Defendant being called, Mr. Justice Clopper delivered the opinion and decision of the Court as follows.

Anthony St. George French, You have been charged before this Court for an offence under the Act of the General Assembly of this Province, 26 Geo. III. Cap. 42. Intituled "An Act against forestallers and Regraters," for that you in violation of the provisions of that Act, on the 30th August last, purchased two canoe loads of Potatoes, coming towards the Market or Fair in Fredericton, and sold the same again within the same market or fair on the following day. The Hon. and learned Solicitor General who appeared in your behalf, took an exception to the proceedings. "That no market or fair to be held in the Market House had been properly and regularly established, so as to put the Act against Forestallers and Regraters into operation;" which was unanimously overruled by the Court, who also gave it as their opinion, that the town of Fredericton is a Fair within the meaning of the Act.

Several respectable witnesses were then examined, but inasmuch as the testimony did not in all respects support the charge so fully as the Court deemed necessary, they have decided that the offence has not been sufficiently proven, and do therefore dismiss the complaint. Let however any erroneous impression should go abroad, as to the particular ground upon which the Court have come to this decision, I think it right to state to you distinctly, that had the point "that you purchased the potatoes within ten miles of Fredericton," been as clearly proven, as were all the other material facts, the Justices would most assuredly have felt themselves imperatively called upon to inflict the penalty imposed by the Act.

The Justices cannot concur in the doctrine laid down by the Hon. and learned Solicitor General, that you were justified in the purchase and sale, inasmuch as you had entered into a contract with certain officers of Her Majesty's 65th Regt. under a penalty, for the supply of Potatoes and other vegetables to the Regiment at a fixed price. This Contract the Court considered a mere private one, and very different from those public contracts for the supply of articles for the use of Her Majesty's Forces, entered into directly with Her Majesty's Government; and it is to be observed that with regard to these latter contracts, it was found necessary to insert a Special provision in the revenue law, to exempt such articles from the payment of provincial duties. Besides, if persons by means of private contracts could thus evade the Law, it would become in reality, as I am sorry to say has too long been suffered in practice, to remain a dead letter upon the Statute Book and the public exposed to the greatest imposition and extortion.

The Magistrates would by no means be understood as wishing to throw the slightest impediment in the way of Her Majesty's Troops obtaining all their supplies upon the easiest and best terms; and their anxiety for the comfort and accommodation of the troops, was abundantly manifested the last winter, when for want of sufficient room in the barracks—the apartments in which we are now assembled, were most cheerfully and readily thrown open to them, as long as they were required.

But there are other interests, that must not, and cannot be overlooked;—very many of the poorer and labouring classes of the community, depend for the daily subsistence of themselves and families upon the peck or bushel of potatoes, which they can occasionally obtain from persons bringing them for sale in this market or fair; and if the supply is to be cut off, or monopolised by contractors or others in your situation, great individual suffering must inevitably ensue.

The statute appears to me to be a remedial as well as penal one; and contemplates that the articles of food therein enumerated, coming to a market town for sale, should be open to the public, and sold by retail and not by wholesale, (for the purpose of being sold again,) unless the purchaser adopts either of the alternatives provided for in the act, that is to say—to purchase them beyond the limits of ten miles—or to keep them one month after the purchase.

With respect to the very gross and highly improper language, made use of by you upon this occasion, and sworn to by several respectable witnesses, reflecting upon the Legislature, the laws of your country, and the magistracy of the country, I shall forbear to make any comment at present. The period will perhaps shortly arrive when the Court of General Sessions will feel itself called upon, to take the subject into serious consideration. You are now discharged.

After the Court had given its decision in the above case, the Hon. and learned Solicitor General rose and addressed their Worships. He said that being an officer of the crown, he felt it his duty to state that he was convinced the Court had taken an erroneous view of the question: that he should advise his client to purchase potatoes wherever he could get them, for the purpose of fulfilling his contract, and that in case of conviction, he would move it up to the higher Court by certiorari.

The Justices on the other hand said, that the more consideration which they had given to the subject, the more strengthened they were in the correctness of the opinion they had given. They could not view Mr. French's Contract, in any other light than as a mere private agreement, and that in case of conviction, they would feel it their duty to impose the fine. There was nothing in the Act, indeed, to exempt contractors with Her Majesty's Government direct, altho' in such a case the court would perhaps have paused, and sought advice from the proper quarter before they proceeded. But in the case of Mr. French, he undertook his liability with a full knowledge of all the advantages and disadvantages attending it, and it is to be presumed with a knowledge also of the Law now under consideration; and which has been in force for upwards of half a century.

The Justices would be much gratified to have the matter properly adjudicated before

their Honors the Justices of the Supreme Court; and this might, and perhaps would, lead to some further Legislative enactments, which appear necessary to prevent the continuance of an evil, which has long been seriously felt and much complained of in this town.

From the Miramichi Gleaner, Sept. 11. HIS EXCELLENCY'S LATE TOUR. COUNTY GLOUCESTER.

His Excellency arrived at Dalhousie, in the Steamer Cape Breton, from Miramichi, on Monday, the 27th ultimo, about 2 o'clock, p. m. and immediately landed. He was greeted by three hearty cheers from a large number of the principal inhabitants who were drawn up in line to receive him on landing; and was saluted by nineteen guns, from the heights above the town, while he proceeded from the wharf to the Dalhousie Hotel, which had already been prepared for his reception. His Excellency here received an Address from the Inhabitants, presented by Perry Dumaresq, Esq., accompanied by a number of Gentlemen, and had several of the principal Inhabitants introduced to him.—He then proceeded to view the town—approved a site for the Court House of the new County, and arranged some local differences concerning Land Reserves. At 7 o'clock, p. m. His Excellency returned to the Dalhousie Hotel, and partook of a public Dinner, hastily provided for the occasion, with the magistrates, merchants, and other leading persons in the vicinity. While thus in direct communication with the influential portion of the community of all opinions, Sir John was industrious in making enquiries on all public matters, connected with the state of the district, whereby his knowledge could possibly be useful to the Inhabitants; several times during the evening, he assured those present of his firm intention to do all in his power to promote the interests of so young and thriving a portion of the Country, whose energies and resources had not yet been fully developed, and which promised, through the enterprise and industry of its inhabitants, with a fair share of Legislative assistance, at no very distant period, to be ranked among the most valuable portions of the Province. The meeting was apparently, satisfactory to all parties, and before eleven o'clock His Excellency retired, amidst the cheers of the assembly—having won the confidence and esteem of all present.

On Tuesday morning, the Steamer proceeded up the river Restigouche, to the vicinity of Athol House, the residence of Robert Ferguson, Esq., with whom His Excellency breakfasted. He then visited the Kempt Road, and returned about noon to Campbellton, where he was received with every demonstration of respect and attention—several introductions to His Excellency took place here, and after viewing the village, he embarked again about 2 p. m. and the Steamer proceeded down the river on her way to Bathurst. Sir John expressed his admiration of the spacious Harbour and noble river of Restigouche, with its magnificent scenery, and appeared much pleased with his visit.

On Wednesday morning, the Steamer arrived at an early hour at Bathurst, and was saluted by a discharge of cannon on both sides of the Harbour. His Excellency held a Levée at the Court House, at 10 a. m. and received an Address, presented by Wm. End, Esq., and other Gentlemen chosen for the purpose. After visiting the village of St. Peters, the new Catholic Chapel, and Kirk, and the principal Roads in the vicinity, His Excellency adjourned to Goderich House, with a large number of the Gentry, and availed of the hospitality of William End, Esq. the proprietor, by partaking of a sumptuous and elegant dîné—a la française, in every respect worthy the occasion. The picturesque situation of Bathurst, with its beautiful basin, and surrounding country, forming a coup d'œil perhaps unequalled in the Province for natural embellishments, was not overlooked by His Excellency, and elicited from him expressions of pleasure and delight.

About 2 o'clock, p. m. Sir John resumed his journey by land to Miramichi, with the Hon. J. Cunard, Col. Hays, and His Excellency's youngest son, Mr. Warwick Harvey, who accompanied him throughout his tour in this quarter.

The following are the Addresses and replies referred to above:—

To His Excellency Sir John Harvey, K. C. H. and C. B., Lieutenant Governor and Commander in Chief, in and over the Province of New Brunswick, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Inhabitants of Restigouche and its vicinity, in the County of Gloucester, beg Your Excellency will accept our grateful thanks for your visit to this remote quarter of the Province.

Hereditarily and devotedly attached, as we are to the Government, Laws, and Institutions of our Mother Country—this manifestation of regard to our interests and condition on the part of the Representative of our Sovereign has not failed to inspire us with feelings of pride and pleasure of no ordinary kind, and is calculated above all things to strengthen and perpetuate that veneration for our beloved Monarch, and her illustrious House, which was born with us, and which neither time nor circumstances we trust can ever destroy.

We properly appreciate the zeal that actuates your Excellency, in thus undergoing much personal inconvenience, to acquire by self observation a correct knowledge of the state of the several Districts and Settlements under your Government, and we anticipate much good to accrue therefrom, to the Province generally.

We would beg at this time to solicit your Excellency's attention to a subject of such infinite political and commercial importance, as the speedy completion of the great road of communication between Quebec and Halifax, by this route, now only incompletely through a portion of this County, and a few miles on the portage between the Restigouche and Saint Lawrence. The advantages that would attach to this Road, if perfected, are manifold and essential;—subserving not only the interests of these Colonies, but of the nation at large.

Should Your Excellency not be removed to a higher station, and a more enlarged sphere of usefulness—we hope to look forward with de-