

# Provincial Legislature

## HOUSE OF ASSEMBLY.

*Saturday, February 24.*  
No Reportable discussion occurred this day. The House were occupied in debate nearly four hours, with closed doors, on the following Report from the *Charlotte County Election Scrutiny*:—

"The Committee sworn to try the merits of the Petition of William FitzWilliam Owen, Esquire, and others, against the return of Robert Thomson, Esquire, sitting Member for the County of Charlotte, report unanimously, that in proceeding with the investigation they find themselves embarrassed by the following circumstance, which they think it proper to report to the House.

"The list of votes given for Mr. Thomson, the sitting Member, and objected to by Mr. Owen, was filed by the Counsel of Mr. Owen, with the Clerk of the House on the twentieth of January last. That the said list when so filed was not erased, altered or interlined in the manner in which it now appears to be; that the said list while it remained in the possession of the said Clerk, was in no manner erased, altered or interlined. That the sitting Member, Robert Thomson, Esquire, had repeated access to the said list between the period of its being filed and the time of the first meeting of this Committee and since; that all the erasures, alterations and interlineations so made in the said list would inure to the benefit of the said Robert Thomson, Esquire, and to the prejudice of the Petitioners.

"That after patiently hearing the explanations and statements which the sitting Member, Robert Thomson, Esquire, has made to this Committee; they nevertheless cannot escape from the belief that those erasures, alterations and interlineations have been made by the said Robert Thomson, Esquire, or with his privity and knowledge.

"All of which is respectfully submitted.  
"W. WILSON, Chairman.  
Committee Room, 24th February, 1838."

The discussion terminated in the following Resolutions being passed by the House:—  
"Resolved, That the Report be adopted; and further

"Resolved, That Robert Thomson, Esquire, has been guilty of a high breach of the Privileges of this House; whereupon  
"On motion of Mr. Weldon, Resolved, That for this his offence the said Robert Thomson be expelled from his seat in this House."

## Colonial.

### UPPER CANADA.

HOUSE OF ASSEMBLY, 2d Feb. 1838.  
The bill for granting pensions to the widows and orphans of persons killed in the rebellion, was read the third time and passed, and was sent to the Legislative Council.

The bill to grant a pension to the widow of the late Col. Moodie was sent down amended by the Legislative Council.

Mr. Sherwood moved an address to His Excellency for copies of any further communication His Excellency may have received respecting the invasion of this Province by foreigners and others, or respecting any matters connected therewith. Which was ordered.

Mr. Boulton moved that the committee, to whom was referred the resolution granting £200 per annum as a retired Allowance to Col. Coffin, be discharged, and that the said resolution be referred to a committee of the whole forthwith.

Carried, and the committee of the whole reported the following resolution:

Resolved, That the sum of £300 be granted to Her Majesty annually to enable Her Majesty to pay Col. Coffin, Adjutant General of Militia, a retired allowance during his life.

Carried, majority 3, and the resolution was referred to a committee to draft a bill thereon.

The bill to disfranchise those who refuse to bear arms was read the second time and committed, and the chairman reported that the committee had risen, and the report was received.

Navy Islanders.—From the great variety of reports, letters and verbal opinions, respecting these "cattle," by those who have visited this ill-famed little "State of Upper Canada," since its abandonment, it is utterly impossible to come at the exact truth, in every particular; but enough has been told to satisfy us, that such another degraded, worthless and filthy set of human beings was never before congregated together, in one place; and that a more contemptible lingo of bug bear stories to frighten naughty children, was never invented, than has been put forth by these mock heroes, of their great strength to resist any attack that might be made upon them, in order to intimidate the public authorities of their own country, as well as the Queen's troops on the opposite shore. Instead of the naturally impregnable fortress they represented the Island to be, together with the irresistible artificial barriers of their own erection, the place was found to be entirely defenceless, in every respect, except the obstruction interposed by their cutting down and throwing in a parcel of brush wood at the edge of the river, to prevent the close approach of hostile boats, and a few temporary breast works on the top of the banks. But the scene among the shanties occupied by those poor wretches, was absolutely too disgusting to relate—their lodging were far inferior to the meanest quarters of a decent man's pigs. One grave only has been discovered, and the body it contained, was exhumed, to ascertain if it could be identified. It was found with the arms pinioned, and a rifle ball had passed through the heart; which induced a belief, that he had been shot by his own party, for some misdemeanor. No one could tell his name, or where he came from. It is utterly impossible to find out the truth, in regard to the number slain by our cannonading and bombardment of the island—the number is variously estimated at from one man to two or three hundred.—*Niagara Paper.*

## LOWER CANADA.

From the *Quebec Gazette*, February 19.

General Scott, of the United States' army, who has been entrusted with the command on the northern frontier, to aid the local authorities in maintaining the neutrality of the United States, arrived in Albany on the 10th instant, from the Niagara frontier, all danger there and at Detroit being considered as at an end. Having understood that preparations against Lower Canada were making in the direction of Chateaugay and Plattsburg, he made a call on Governor Marcy, of the State of New York, for two battalions of Militia, which were granted. Information having, however, been received from General Wool, of the United States army, in command on the frontiers of Vermont and New York, that they were not wanted, the militia has not been called out, and it is since said, that some of the Lower Canada refugees have been arrested.

The latest accounts state, that on the 5th instant, Sutherland had collected some of the Detroit and Navy Island banditti at Sandusky.

We see no reason to complain of the United States' authorities,—it is much to be regretted however, that they have not a sufficient control over their people on the frontiers. It has been got ill feeling on the part of the inhabitants of the British Provinces, which has been carried to such an extent that many of them would see, without regret, a war between England and the United States.

It would, however, be disgraceful to two enlightened nations, who are equally interested in peace and friendly intercourse, that they should be involved in war by the doings of a few ambitious demagogues and vagabonds in Canada, and their dupes and followers on the United States' frontiers, or that question of boundary, involving, comparatively, only minor interests, should be made use of to increase any difficulties arising out of the late frontier proceedings. England in particular ought to be on her guard against being led into a war, by North American Colonial quarrels and excitements; she has the experience of former wars undertaken for Colonial quarrels and interests. She paid the expenses, bore the brunt of the battle, and reaped no advantages from her immense sacrifices. Neither can the people of the United States, even if they could gain all the British possessions in North America, obtain anything that could compensate for the expenses and losses which would be occasioned by the first outbreak of a war with England.

All was quiet in Upper Canada, and along the frontiers, at the latest dates, as well as in this Province. Complimentary addresses from all parts of Upper Canada, were coming into Sir Francis Bond Head, on the occasion of his departure. We observe in some of them, a disposition to find fault with the Home Government, on the subject of the misunderstanding which has deprived the Province of his services. Sir Francis refused to disclose his correspondence with the Colonial Minister on the subject: the public is therefore not in possession of facts whereon to form an opinion; besides, it is essential to Colonial Government, that the inhabitants of the Colonies should not hastily interfere with the prerogative of the Crown, in respect to the choice of persons to whom it confides its authority in its distant possessions. We think the responsibility of Governors and Ministers to Parliament is sufficient, and we may legally avail ourselves of it by the exercise of the right of petitioning.

Eight resolutions, on the breach of neutrality by the citizens of the United States, were ordered to be printed by the House of Assembly of Upper Canada, on the 3d inst. They appear to be true; approve of the capture of the steamer *Caroline*; censure the grand inquest of the County of Niagara, in the State of New York, who found a Bill against Col. MacNab and those employed in the capture, for murder, and conclude "that reparation is due by the American Government to Her Majesty, not only for the expenses incurred in defending the Province, but for the destruction of the lives of our fellow subjects."

Monsieur, the Roman Catholic Bishop of Quebec, has issued a *Mandement*, dated the 5th instant, appointing Monday, the 26th February, (the day fixed by Proclamation,) to be observed throughout the Diocese as a Holiday and solemn thanksgiving for the re-establishment of public tranquility, and for soliciting the removal of every thing that may disturb it hereafter. The *mandement* earnestly recommends christian charity "among the citizens of the same town, the inhabitants of the same parish and the subjects of the same Province."

It is expected that His Excellency the Governor in Chief will be able to take his departure for England in the course of the ensuing week.

The last company of the 34th Regiment crossed from Point Levi, on Wednesday, and marched into the Jesuit Barrack, where the four Battalion companies are now quartered, and it is at present understood, will remain some time in this garrison, unless circumstances should require their presence in the Montreal district or elsewhere. The corps has suffered positively nothing during its march. We adduce, as proof, the fact, that the Regiment embarked in Her Majesty's ship, *Cornwallis*, at Halifax, 501 strong, and there are now at Quebec, and in advance with the flank companies, 500 one man only having been left behind, from an injury occasioned by a fall, so that, in fact, not one of this large number remains behind from sickness. The following are the names of the officers now in this Garrison:—Major Geo. Ruxton; Captains C. B. Brisbane, Edward Broderick, J. K. Matthews; Lieutenants George Harford, R. D. Kelly, F. H. Lang; Ensigns John McDonald, E. P. A. Talbot, G. F. Harvey; Adj. H. E. James; Qr. Master Jones Duke; Surgeon Geo. Griffin.—*Quebec Mercury.*

THE Subscriber begs leave to inform his friends and the public, that he has on hand a Consignment of KELLIE & YOUNGER'S ALE, in different sizes Casks to suit Purchasers.

RICHARD STAPLES, Agent.  
Frederickton, Dec. 23, 1837.

## ROYAL GAZETTE.

FREDERICTON, FEBRUARY 28, 1838

### Central Bank of New Brunswick.

HENRY G. CLOPPER, Esq. President.  
Director this week.....G. J. DIBBLE, Esq.  
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.  
Director this week.....CHAS. FISHER, Esq.  
Discount Days.....Mondays and Thursdays.  
Notes or Bills for discount are to be left at the Bank, enclosed and directed to the Cashier, before 3 o'clock on Saturdays and Wednesdays.

### Savings Bank.

Trustee for next week.....Mr. ASA COY.

### 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. WOLFFHART, President.

Committee for the present month.  
JOHN S. COY and THOMAS STEWART.

### Alms House and Work House.

Commissioner for the week commencing to-morrow  
H. G. CLOPPER, ESQUIRE.



## By Authority.

HEAD QUARTERS, FREDERICTON,  
27th February, 1838.

### MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor and Commander in Chief has been pleased to make the following promotions, &c.

Major James A. Maclellan, to be Lieutenant Colonel.  
2d Battalion *Carleton Militia*.

Captain Arthur B. Walsh, to be Major.  
TO BE CAPTAINS.

Lieutenant Elijah Sisson, 23d February.  
" Nathaniel Stickney, 24 "  
" Murphy Gibson, 25 "  
" George Milbray, 26 "

Ensign John Nicholson, 23d February.  
" George Murphy, 24 "  
" Josiah S. Brown, 25 "  
" James Bishop, 26 "  
" Henry Baird, 27 "  
" Charles Hammond, 28 "

Gentleman John Balloch, 24 "  
" James Fitzherbert, 25 "  
" George Gibson, 26 "  
TO BE ENSIGNS.

" Jonathan P. Taylor, 26 "  
" Charles Upton, 27 "  
" George Sydney Tompkins, 28 "  
" William Wiley, to be Surgeon, rank of Lieutenant.

William Rourke, to be Quartermaster, rank of Ensign.  
By Command,  
GEO. SHORE, A. G. M.

Our readers will peruse with satisfaction the well merited compliment to His Honor the Chief Justice, which is contained in the proceedings of a meeting of the Puisse Judges and Barristers of the Supreme Court, held during the last week, and published in our columns of today. The high character for honor and integrity which Chief Justice Chipman has always sustained, his eminent abilities, his profound acquirements, and unceasing industry, have gained for him the sincere respect and esteem of all classes of the community; and we rejoice that the Profession of which he has been so long an eminent Member, and for some years the head, have done honor at once to the Chief Justice and themselves, by this tribute of affection and esteem.

We are permitted also to publish a correspondence on a similar subject between the Rev. Dr. Somerville, and several Gentlemen "his pupils of former days." There is something peculiarly gratifying to the feelings in observing those engaged in the various pursuits of life, pausing amid the hurry of business, to look back to the days of their boyhood, to remember and offer a tribute of gratitude to him who was then their preceptor and their friend. In such an act there is nothing of flattery, there is nothing of interest to induce it, it is the simple and natural effect of a grateful remembrance of benefits conferred. The reply of the Rev. Doctor comes warm from the heart, and shows how he estimates the affection of those whom he has not ceased to love.

We have seen many of Mr. Hoit's Portraits, they are universally esteemed as faithful likenesses, and well executed Pictures; his Portrait of Mr. Peabody at Miramichi, has been highly spoken of; those of Sir Archibald Campbell, the Hon. Mr. Sherb, His Honor the Speaker, the Hon. Mr. Baillie, Mr. Clopper, and many others, are equally worthy of admiration. We trust his genius will not fail in the execution of those now committed to him. It is said that His Honor the Chief Justice, will sit to Mr. Hoit on his return to Saint John.

The following Address, which was presented to His Excellency on Monday last, has been handed us for publication:—

A son Excellence le Major Général Sir John Harvey, K. C. H. et C. B. Lieutenant Gouverneur et Commandant en Chef de la Province du Nouveau Brunswick, &c. &c. &c.

Nous, les habitants, Français Acadiens du Comté Westmorland, empressés de rivaliser de Loyauté avec nos co-sujets Anglais de sa Majesté dans ces Colonies de l'Amérique septentrionale gémissons profondément sur les efforts, heureusement vains, qu'un petit nombre de factieux, et de rebelles ont faits, pour anéantir la bienfaisante Constitution Britannique dans les Provinces du Haut et du Bas Canada. Tout en déplorant une Rébellion aussi odieuse et inattendue, nous avons tout droit de nous livrer, de concert aux

mêmes transports de Loyauté que nos co-sujets Anglais ont manifestés dans tous les Comtés de cette belle Province.

Fortement attachés aux intérêts et à la gloire de votre bien aimée Souveraine orgueilleux des liens civils et sociaux qui nous unissent à l'Angleterre, votre Mere Patrie, et jouissant en paix des bienfaits sans nombre de la Constitution, nous ne souhaitons ni ne voulons aucun changement quelconque, ni même ne portons envie à aucun Gouvernement étranger, sur la terre Et quoique nous soyons d'une origine commune aux Canadiens nous protestons solennellement à sa Majesté Britannique dans la personne de votre Excellence, que nous serons aussi fidèles à son Gouvernement que nos compatriotes Bretons.

Si, en aucune tems, nos services étaient requis, soit pour repousser une invasion de la part de l'étranger ou abattre une révolte intérieure dans cette Colonie, nous serons prêts et nous assurons votre Excellence, que dans l'acquit de tels devoirs, ce sera pour nous un sujet d'ambition, sinon de surpasser, au moins d'égaliser le dévouement, et la loyauté de la Milice des deux Canadas.

Notre origine commune avec les Canadiens, nos institutions religieuses et nos usages, peuvent faire supposer entre nous, quelque défiance dans l'esprit de nos compatriotes Anglais, nous avons jugé bon et sage de notre part d'envoyer à votre Excellence, séparément de nos co-sujets Anglais une Adresse, dans laquelle nous puissions donner plus d'étendue à la démonstration de la loyauté que Notre Religion dans la personne de ses Ministres nous ordonne d'avoir pour les Premières Autorités de l'Etat.

Nous prions enfin qu'il plaise à votre Excellence d'avoir pour agréable de faire parvenir aux pieds du Trône de Notre Bien aimée Souveraine, ces protestations sincères de notre attachement à sa Royale personne, et à Son Gouvernement.

(Signé)  
FERDINAND GAUVREAU, Ptre.

And about 400 other Signatures.  
His Excellency's Reply.  
Government House, Fredericton, N. B.  
24th February, 1838.

REVEREND SIR,  
I have received with peculiar satisfaction the loyal and dutiful Address of the French Acadian Inhabitants of the County of Westmorland, which you have caused to be placed in my hands, and I fully appreciate the motives by which they have been influenced in addressing me separately from their fellow subjects of English origin.

Their declaration of loyalty to our beloved Queen, of attachment to England, and of preference to the British, beyond that of every other form of Constitution whatever, of indignation at the conduct of some of the inhabitants of the Canadas, of readiness to come forward, and heartily to co-operate with their English fellow subjects of this Province, whenever their services may be required, whether for the purpose of repelling foreign invasion or of suppressing internal revolt, are sentiments most honorable to the individuals who have signed this Address, while the uniform, peaceable and orderly demeanour and ready submission to the Laws, by which the French Acadian settlers of New Brunswick have always been distinguished, are to me the best guarantee of their sincerity. I shall accordingly have pleasure in conveying them to the knowledge of our Gracious Queen.

J. HARVEY, Lt. Governor.  
The Reverend Ferdinand Gauvreau, &c. &c.

At a meeting of the Puisse Judge's of the Supreme Court, and Barristers, held at the Judge's Room in the Province Hall, on Wednesday 21st February, 1837.

PRESENT.  
His Honor Mr. Justice Botsford,  
" " Carter,  
" " Parker,

The Solicitor General,  
John Ambrose Street,  
The Hon. Neville Parker,  
" Edward B. Chandler,

Lemuel A. Wilnot,  
Alfred L. Street,  
George J. Dibblee,  
John W. Weldon,

George F. S. Berton,  
Barth. C. Beardsley,  
Charles Fisher,  
Stephen Miller, and  
David S. Kerr, Esquires.

His Honor Mr. Justice Botsford in the Chair.

Mr. Berton is appointed Secretary of the Meeting.

On motion of Mr. Justice Carter,  
Resolved, unanimously, that in testimony of the respect we entertain for the high judicial character and legal attainments of His Honor Chief Justice Chipman His Honor be requested to permit his portrait to be taken by Mr. Hoit, the same to be placed in such part of the new Court House, to be erected in Fredericton, as may be hereafter determined.

Resolved, That a Committee be appointed to communicate the foregoing Resolution to His Honor the Chief Justice, and (in the event of his acceding to the request therein contained) to make the necessary arrangements for carrying the same into effect; and that His Honor Mr. Justice Carter, His Honor Mr. Justice Parker, the Solicitor General and the Honorable Neville Parker, be a Committee.

Resolved, That the proceedings of this meeting be published in the Royal Gazette.

The chair having been taken by His Honor Mr. Justice Carter,

Resolved, That the thanks of this meeting be presented to His Honor Mr. Justice Botsford, for his kindness in presiding at the meeting.

G. F. S. BERTON, Secy of the Meeting.

N. B. Gentlemen of the Bar not present at the Meeting, and who are desirous of uniting in this testimony of respect and regard to His Honor the Chief Justice, are requested to forward their names to any member of the Committee.

Wednesday, 21st February, 1838.

My DEAR SIR,  
It affords me much satisfaction to convey to you the accompanying communication, and I shall have great pleasure in receiving, for the subscribers, your answer thereto.

Believe me, dear Sir,  
Sincerely and faithfully, Yours,  
G. F. S. BERTON.

Rev. Dr. Somerville.

REVEREND AND DEAR SIR,  
The presence at this time in Fredericton of an Artist of merit, affords an opportunity long desired by us and many others, your Pupils in former days, of procuring your Portrait to be placed in King's College, as a trifling but sincere tribute of affection and gratitude from those who delight to remember the many and continued acts of paternal kindness evinced towards them in their youth, and as a memorial of their sincere respect and esteem for your character as a Gentleman, a Scholar, and a Divine.

We take the liberty to request that you will gratify us, by sitting to Mr. Hoit for your Portrait, and by appointing any time that may be most convenient to you for that purpose.

With the warmest feelings of affection and respect,  
We are, dear Sir,

Your grateful and ob't. servants,  
J. A. STREET, Q. C.  
L. A. WILMOT, Q. C.  
SAMUEL D. LEE STREET,  
Rector of Woodstock,  
CHARLES P. WETMORE,  
Barrister at Law,  
ALFRED L. STREET,  
Barrister at Law,  
J. R. WETMORE,  
Barrister at Law,  
G. F. S. BERTON,  
Barrister at Law,  
STEPHEN MILLER,  
Barrister at Law,  
GEORGE LEE, Junior, A. B.  
WM. FRASER, Surgeon,  
CHARLES FISHER,  
Barrister at Law,  
C. A. HARDING,  
Barrister at Law,  
G. F. H. MINCHIN,  
Barrister at Law,  
W. T. WILMOT,  
Barrister at Law,  
THOS. S. WETMORE, A. B.  
Per C. P. W.  
WILLIAM H. ODELL,  
Barrister at Law,  
HENRY A. HARTT, M. D.  
The Rev. JAMES SOMERVILLE, L. L. D.  
Sec. &c. &c.

Fredericton, 22d Feb. 1838.

My DEAR SIR,  
I have this moment received from you a most gratifying testimony of the esteem and affection, of my former pupils. Next to the approbation of my own mind, I value this token of their regard above all earthly rewards, and I want words to express the feelings which actuate me on this occasion. I see those formerly under my care, every day rising in public estimation, in the Church, the Senate, at the Bar, and in the Science and practice of Medicine, and am most happy to perceive, that the expectations which I had formed of them, at an early period of their lives, have been so amply confirmed by the judgment of men of distinguished ability, in their respective professions, as well as by the suffrages of an impartial and intelligent community. It will afford me great pleasure to comply with their request, and allow me to return your personally my thanks, for the friendly and handsome manner in which you have conveyed to me the intimation of the honor intended.

I am, my dear Sir,  
Yours most truly,  
JAMES SOMERVILLE.

George F. S. Berton, Esq. Barrister at Law, &c. &c.

It is stated that letters have been received at New York, from the House of Thomas Wilson & Co. at Liverpool, giving the intelligence that the Bank of England having a larger supply of gold (\$500,000,000) than she deems it necessary to keep, has entered into negotiations with the New York Banks to enable them to resume specie payments, by advancing them whatever specie they may need.

A meeting of the Canada merchants now in Liverpool (several of whom arrived on Monday by the *Independence*) was held at the Queen's Arms Hotel, on Tuesday. It was unanimously agreed to, that the state of affairs in Canada demanded the most energetic and prompt measures, and that a deputation, consisting of those merchants at present in this country, direct from Canada, should wait upon Lord Glenelg, explain to him, in the fullest manner, the deplorable condition of the British residents in Canada, in consequence of the struggle which a vigilant government should have prevented. Among the merchants present were the following:—Allan Gilmore, Esq. of the house of Allan Gilmore and Co. Quebec; Alexander Rankin, Esq. of the firm of Gilmore, Rankin and Co. Miramichi; James Rogers, Esq. of the firm of Rogers, Deane, and Co. Quebec; James Moore, Esq. of the firm Moore, Brothers, and Co. Montreal; George W. Osborne, Esq. of the firm Atkinson, Osborne, and Co. Quebec, &c.—*Liverpool Mail*, Dec. 28.

THE QUEEN.—The Queen has taken the first step towards her coronation, by ordering a crown to be made. The crown is to be made of very small dimensions; to be worn on the back part of the head, in the manner we see the portraits of Queen Elizabeth. The device to be employed as ornaments are the rose, the thistle, the shamrock, the oak leaf, and the fleur-de-lis. There are to be no coloured jewels whatever in it; nothing but diamonds.

The coronation of Queen Victoria which is expected to take place in the month of June next, is to be solemnized with great magnificence.

We are gratified to hear that Sir David Brewster is to be appointed Principal of the united Colleges of St. Salvador and St. Leonard of St. Andrew's, the Rev. Dr. Lee, who was lately appointed, having resigned.