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Mean Equation - Watch fast - 1 Minute.

Lower Canada.

From the Toronto Christian Advocate.
BRIEF REMARKS BY THE EDITOR OF LOWER
CANADA AFFAIRS; AND A FEW THOUGHTS
ON SEVERAL QUESTIONS OF CONSTITUTIONAL
GOVERNMENT IN THE BRITISH COLONIES.

The leading points of difference in regard to the principles of Government are the following:—(1) The French party seek the abolition of both the Executive and Legislative Councils as they are now established and have them made analogous to the United States Senate and Cabinet; the English party consisting of the great body of the English, Irish, Scotch and American population, wish to have the Executive and Legislative Councils continued as they are and have been for these forty years established by the Constitution; but extended and rendered more efficient in accordance with the increasing population and advancing state of the province.—(2) The French party, as they constitute the majority of the Province, claim the representation of it by their own nation, as it appears from the late general elections and various of their publications, and the control of the Executive Department of the Government also; the English party claim to be represented by a proportionate number of persons of their own language and feelings to protect their commercial and agricultural interests, and that persons shall be appointed to offices according to their qualifications and merits, without any regard to their national origin.—(3) The French party claim the entire control of the Crown as well as the Provincial Revenues; the English party maintain the prerogative of the Crown on the one hand as well as that of the House of Assembly on the other.—(4) The French party claim elective instead of monarchical institutions; the English party contend for the connexion with the Mother Country as it now exists, and the integrity of the Constitution.

Such appear to be the leading principles which distinguish the respective parties. We will offer a few remarks on some of the statements contained in the petition of the French party, which apply generally to all British Colonies.

1. One allegation is, that the Governor has not been removed, though he has been formally accused of illegal, unjust, and unconstitutional conduct, and of having borne himself towards the Representatives of the people of Lower Canada in a manner insulting to a Body intrusted with the Legislative functions, &c. If every man must be condemned because he is accused, few public men or bodies of men would escape. The accusation of an individual, or a party is not proof. The Committee of the House of Commons did inquire into the allegations of the French party; but its decision and that of the House Government did not answer the wishes of the accusers, and therefore their affections will be "ultimately alienated even from the Government of England itself!" As far as we can recollect, not a word dropped from Lord Aylmer in any of his communications with the House of Assembly that could be considered in the least degree uncourteous, until after the House had censured and impeached him and what he said then was in vindication of his own administration. What an infringement upon the "unalienable rights of self government" it is that all accusers are not allowed to be the absolute judge and jury in their own case!

2. Another complaint is, that the Governor did not grant to the Montreal City Council a sum of money out of the public lands to aid in forwarding emigrants to their places of destination and to extend the Quarantine regulations to the port of Montreal. We would offer no justification of the Governor's conduct in this case. But it is singular to see His Excellency complained of for not doing in 1834 what he was complained of by the same party for doing in 1832; and especially when the Common Council of Montreal might have borrowed money upon their own responsibility, and looked to the House of Assembly to reimburse it, as well as for His Excellency to do so, and to subject himself to impeachment again for granting money without the consent of the Representatives of the people.

3. The King and Parliament are also charged with violating the "most important and indisputable of the birth-rights of British subjects," in sanctioning the sale of a quantity of the Crown Lands to several individuals using the title of the "British North American Land Company." The act is declared to be "unconstitutional taxation"—and these lands are claimed as the "property of the Province." It is a homethrust indeed to charge the Parent Government with violating the Constitution—yet the same charge on the same ground has been made in Upper Canada. As it therefore concerns the prerogative of the Crown the very existence of the Province as British Colonies, it is important to examine it. First as to "unconstitutional taxation." How does it appear that selling a quantity of the waste lands of the Crown is "taxation" at all? What tax does it impose upon a single inhabitant of any British Colony? Does it not, on the contrary, contribute to the settlement of these wild lands, and

SAINT ANDREWS
STANDARD,
NEW-BRUNSWICK.

Thursday, April 9, 1835. QUID VERUM ATQUE DECENS CURO ET ROGO. Volume 2, Number 28.

Colony generally? This is indeed a new version of "taxation." But how does it appear that these lands are the "property of the Province?" Did not the whole of these Colonies once belong absolutely to the Crown of Great Britain and Ireland? No one can deny this. It thence follows that those parts of these Provinces which the King has not given to the Colonists or Colonial Legislatures still belong to the Crown. Have these lands then ever been given to the Provinces by any order of the King's Government? No. Have they been given to the Provinces by even a resolution of any branch of the British Government? No. Does the Provincial Charter or Constitutional Acts which established local Legislatures concede these lands to the Provinces? No. The very Acts which authorize the inhabitants of these Provinces to elect Representatives, and those Representatives to legislate for their constituents, authorize His Majesty to dispose of these lands as he pleases! and it is no more a violation of the Constitution for His Majesty to dispose of these lands to individuals or companies, than it is for a Colonial Representative to sit in a House of Assembly and legislate. And it is as much a subversion of the Constitution to infringe the prerogative of the Crown as it is to infringe the right of the subject. Both are equally established by law. "The property of the Province" is that which the Constitution of the Province places at the disposal of the Provincial Legislature; the property of the Crown is that which the constitution places at the disposal of His Majesty. There were no Legislatures in the Colonies until as act of the Imperial Parliament created them. Those Legislatures therefore can possess no power which is not given them in the act by which they were established, any more than the common council of the City of Toronto, Montreal or Quebec, can constitutionally exercise powers not given it in the Act of Parliament by which it was created. Every man who has settled or been born in the Provinces, is bound by tacit consent or oath of allegiance to maintain the rights and dignity of the Crown; and the Constitution of the Province declares what those rights are. The claims therefore, of the Papineau party, and all enlisted with them, are not only a blow at the Constitution and a denial of the Royal prerogative, but involve the subversion of all moral obligations to support or obey any established Constitution of Government making allegiance to it a mere question of expediency, like the holding or selling of a farm, or the wearing of a top coat. This is going back to natural rights and the law of nature with a vengeance. Nay, nay—let true economy in the public expenditure be observed—let every act and department of the Administration be watched and scrutinized—let every abuse be corrected—let every laudable enterprise and improvement be promoted—let rights and property be protected, but let the Constitution (to which attachment has been professed and allegiance sworn) remain sacred.

But it may be said these Crown lands were worth very little thirty years ago, but by the enterprise and industry of the inhabitants they have become valuable—therefore, the Crown has no right to them any longer. The conclusion does not follow from the premises. The increased value of property in the Colonies does not annihilate the rights of the Crown any more than it annihilates the rights of an individual. It is true that the Crown lands were of little value thirty years ago; and it is also true that the lands of individuals were of little value. It is likewise true that whilst the value of Crown lands has been increased by the settlement and labours of the inhabitants, the value of their lands has been equally increased by the protection and encouragement and expenditures of the Crown—and that at a great annual expense to the British nation without one farthing's return for many years. With equal propriety might not the British Government say to these doughty patriots "most of you were worth nothing when you came to the Provinces—all you possess you have acquired under the constitution, against which you now complain—to many of you, lands were given with merely paying a small office fee—we protected your lives, property and commerce—encouraged the sale of your produce—expended vast sums of money in maintaining a Government among you; erecting fortifications and making improvements—you ought now to contribute something to reimburse those expenditures." But the British Government holds no such language. It has even given up to the Colonial Legislature revenues which were formerly at its own disposal. But because a man has generously given one hundred pounds, it does not follow that he should be compelled to give two hundred more. So large have been the expenditures of the Home Government upon these Colonies, that even Mr. Hume is reported to have said in the House of Commons, "the North American Colonies are a millstone round the neck of Great Britain and the sooner out loose the better. And yet such patriots endeavour, on the other hand, to make

Mother Country a "baneful domination!" It may however, be asked, ought these lands be disposed of by the Provincial Legislature? We answer, if His Majesty pleases—there is no constitutional or legal authority for it—not even the law of equity, unless it can be shown that the British Government has been reimbursed for its expenditures upon these Provinces. In the United States the public lands in the different States are not granted or disposed of by the local State Government, but by the General (or Imperial) Government, and the proceeds go into the national funds. The fact, that much more than the proceeds of the sales of Crown lands has been annually expended within the Province, is a continued proof of the parental kindness and unbounded generosity of the British Government. If therefore, the disposal of the Crown revenues or any portion be asked by the Provincial Legislature, they can only with reason be asked as a favor, but can never be demanded as a right; for these lands are not and never were the property of the Provinces, any more than the Bank of England, which the King disposes of independently of the House of Commons, and the control of which the House of Commons has never pretended to claim.

4. Another ground of complaint is the "distribution of offices." Comparatively few Frenchmen were qualified to discharge the duties of any public office under an English Government with English Laws, until very recently; and from authentic statements, it appears that a larger number of persons of French origin have been appointed to office since 1828 than of British and American origin. But this does not alter the case, it appears, unless the persons appointed to office possess the "sympathies" of the party claiming "elective institutions." But surely if a man wanted to employ an agent to transact his business for him, and two persons equally well qualified, but of opposite principles and feelings, were presented to him, he would rather employ the one who was known to agree with him in principle and to be friendly to his interests, than the one who had done all in his power to malign his character and destroy his influence.

5. Another charge against the King's Government is the appointment of a person to a judicial situation who had taken a part in politics. If there be any reason in such an accusation, it applies equally against all Governments. The heads of the judiciary in Great Britain and the United States are men who have distinguished themselves as politicians as well as in their profession. Who are the present Chief Judges of England, and Scotland, and Ireland and in the United States, but men who have long filled the most conspicuous places in the political history of those nations? And what Barrister of eminent abilities is there in any of the Provinces who has not taken an active part in politics? And would there not be much louder complaints, and with more reason too, if strangers were appointed to judicial situations in the Colonies? Perhaps there are few warmer political partisans than the late Mayor of the City of Toronto; yet he did not consider himself disqualified from judicial duties on this ground—nor did the advocates of "elective institutions" ever urge this as an objection; nor could the present Hon. Speaker of the House of Assembly, or any other professional man of requisite qualifications, be reasonably objected to as a judicial officer on account of his being an eminent politician. The Bench of England has been renowned for its wisdom and impartiality among all civilized nations; yet has there scarcely been a Judge of eminence on the English Bench who has not been also eminent as a politician. The complaints, therefore, against the appointments of political men to judicial situations in the Colonies apply equally against the Governments of England and the United States as against those of the Colonies, and can only therefore be put forth from ignorance, or personal animosity, or private ambition, alarming the less informed with phantoms and exciting them unconsciously, and when they think they are discharging important duties, to subvert the institutions under which they live, and under which they might live happily as they do prosperously.

6. But the real objects and principles of the French party and their conjurators in other Colonies are made manifest beyond a doubt, when they declare that all the grievances under which the people suffer, arise out of the vicious principles upon which their Political Institutions are based; and are all "aggravated" (not originated) by "arbitrary administrations." It is remarkable that up to 1832 (previous, as we believe, to the formation of a plan between certain political economists in London and from the Colonies to effect the independence of these Colonies) the most enthusiastic admiration of the Constitution of the Colonies, (i.e., in other words, the "principles upon which our Political Institutions are based,") was expressed by Mr. Papineau and his party in Lower Canada, and their friends in the Upper Province;—they declared that

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Young's schooner, by whose crew Mr. Kennedy and crew, and passengers with the exception of the late Mr. Dolan were rescued from watery graves. Mr. Kennedy's misfortune I sincerely regret, but I cannot think that the (unmerited) calumny thrown on my character by him would by any means retrieve his misfortune or soothe the afflicted feelings of that family in the County of Westmorland, whom I have too much reason to believe, owe their bereavement, in a great measure, to the incompetency or imprudence of Mr. Kennedy.

I am Your Obedt. Servt.

JOSIAH FLAGG.

We the Subscribers Passengers on board the Matilda, on the 17th inst. hereby certify that the statement made by Capt. Flagg, relative to the squall and disappearance of the schooner Lively is correct.

THOS. WATSON,
THOS. SHANNON.

Grand Manan, March 30, 1835.

Miscellany.

BURDEN'S PATENT HORSE SHOES.—We were shewn a few days since, some patent Horse Shoes, made at Troy in a machine, the invention of Mr. Burden, the constructor of the steam boat which was unfortunately lost last year on the North River. These shoes are manufactured of wrought iron; and the iron is put into one end of the machine, and comes out at the other end a complete horse shoe, curved, regulated and uniform. We understand that the machine throws off thirty in a minute! This invention cannot fail to secure a liberal recompense to Mr. Burden, who was so great a sufferer, in a pecuniary point of view, by the loss of his boat.

LEARNING A TRADE.

There are many people who dislike the name of mechanic and who would, rather than put their children to an honest trade, tug hard at their business and live sparingly for the sake of giving them a college education. They think meanly of him who wears the leather apron, and is not dressed up in finery and show. This we believe is the reason why there are so many pitiful beggars and vagabonds in the world. Many a son has been sent to college with the expectation of his parents highly excited, but like the fable of the mountain, he only produced a mouse. We think highly of our colleges and literary institutions and rejoice to see them prosper; but we are more pleased to see an individual's mind turned in a right current. There are hundreds of lawyers who would have made better mechanics; and have obtained a more comfortable livelihood. And we have no doubts there are many mechanics who would stand high at the bar, had they been blessed with a liberal education. But if a child have talents they will not remain hid; and no matter what his trade or profession is, they will sooner or later burst forth. There are many distinguished individuals in the literary world, who were bred to mechanical trades. Many of the Editors of our best conducted journals were mechanics, and do credit to the stations they occupy. And our mechanics too generally speaking, are the most industrious part of the community. They are almost always busily employed. But it is apt to be otherwise with professional men. They are often dillitory or lazy. It is an effort for them to bend their minds to a difficult pursuit. They are well informed, because they spend much of their time in reading, but this is an unprofitable business, unless we have some definite object in view.

In these remarks we wish it not to be understood that we think lightly of professional men generally; for we do not. We wish to address ourselves particularly to those parents who are hesitating what occupation to give their children. Are they ingenious, fond of mechanical pursuits? Give them a trade. Do they love to study, and cannot give their attention to anything else? Send them to college. Let your children choose themselves what trade or profession they will follow; and what they select will generally prove the most advantageous in the end. But never think a trade too humble for your son to work at, nor a profession too important for him to acquire. Let every parent pursue this course with his children and we are confident there would be less unhappiness and misery in the world. You can never force a trade or profession upon a child; it must be natural to him. A disregard for a child's inclination in this respect has often proved his ruin, or at least, unfitted him for the duties of life.

QUICKSANDS.—The banks of Lake Erie at Cleveland, which are high and covered with sand on the top, are composed of clay and gravel; on the surface they appear perfectly firm, but for the distance of nearly a mile along shore they have sunk or are sinking to the breadth of about 300 feet, and slipped off into the lake, whose waters thus swallow building lots worth a great amount of money. The cause is believed to lie in quicksands beneath; and it offers a singular phenomenon, to stand on the shore below, and marking the sunken platforms of earth behind, see where half an acre of clay has slipped through.

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