PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY—Fredericton, *Monday, February 8.*

Mr. Palmer moved for leave to bring in a Bill to erect the western part of the County of Westmorland into a separate and distinct County, and to provide for the Government and Representation of the same.—Upon the question for granting leave, the House divided—Yeas, 10; Nays, 14; whereupon it was decided in the negative.

Mr. Woodward, by leave, presented a petition from John Walker, of the City of St. John, Merchant, praying for a loan of money to assist him in completing the Building now in course of erection at the said City, for the purposes of a Bonded Warehouse, Treasury, Custom House, and other Public Offices; for the reasons set forth in the said petition.—The petition was received, and a Bill in compliance therewith was subsequently brought in and read a first time.

The Hon. Mr. Johnston, by leave, presented a petition from Thomas Trafton, Jeremiah Drake, and James Macgregor, Commissioners of Sewers for the City and County of St. John, setting forth, that the Aboideau at the entrance of the City, on the great line of communication between St. John and the Nova-Scotia line, is in a very dangerous state; and praying that a grant may pass towards the rebuilding and completing the same.—Ordered, that the said petition be received, and referred to the Committee appointed to ascertain what sums are required for the improvement of the Roads throughout the Province.

Mr. Partelow, by leave, presented a petition from the Mayor, Aldermen and Commonalty of the City of Saint John, setting forth the large amount to which the City has been made liable by the operation of widening and repairing certain streets in the Burnt District, (so called.) and praying a further pecuniary grant towards relieving the City from so grievous a burthen.—Ordered, that the said petition be received, and lie on the table.

Tuesday, Feb. 9.—Mr. Partelow, by leave brought in a Bill to regulate the Inspection of Flour and Meal, which was read a first time.

Wednesday, February 10.

Mr. L. A. Wilmot gave notice, that unless the information on the following points, in connection with King's College, for the years 1838, 1839 and 1840, be laid on the table by the 18th instant, he will move an Address to His Excellency the Lieutenant Governor on the subject:—

1st—A particular account of the Income and Expenditure:

2d—The number and names of Professors and the distribution of Professorships:

3d—The number and names of the Students—shewing whether residents or non-residents.

4th—An account of Lands sold or leased since 1837—shewing for what price and at what rent:

5th—The names of the Graduates (distinguishing the Degrees) since the establishment of the said College; together with the names of those Students who have completed their Theological studies, and the names of those who have had the benefit of Scholarships during the same time.

Mr. Street's Bill for the better administration of Justice, which had been twice before the House on previous days, and the first clause of which had been passed, was again taken up to day. The object of the learned mover was merely to introduce a Bill simplifying the pleadings in Courts of Justice, and to commute the Judges' fees, allowing them a fixed sum in lieu thereof. It also went to authorise the Judges to frame a table of fees, and the first clause contained a provision to that effect; providing that such table shall be laid before the House; and not go into operation, until approved of by Resolution of the House. A similar Bill was sent up to the Legislative Council last year, but was lost in consequence of its containing a clause also commuting the fees of the Clerks of the Supreme Court in the same manner.

The Bill was opposed by Mr. End and other gentlemen, upon the ground that the practice of the Court does not require altering, and that the table of fees ought to originate with the Assembly. And it was when the House were in Committee the second day, that the clause was amended, making the enforcement of the table, contingent upon the Resolution of the House:

On Wednesday, when the subject again came up in Committee, Mr. End called the attention of the Committee to the Clerk's fees, which he proposed should also be commuted. This was opposed by Mr. Street, and supported by other members, who were in favour of the measure; and upon the committee dividing, there appeared a large majority in favour of the motion. The salary of the Clerk of the Supreme Court was therefore fixed at £500. and the commutation of the Judges' fees, as respects the present incumbents, was fixed at £150. The Bill was then passed, and agreed to by the House.

Thursday, Feb. 11—On motion of Mr. Palmer. The House went into Committee of the whole, on a Bill to limit the duration of the Assembly. Mr. Barberie in the Chair of the Committee. The Chairman reported, that the Committee having the Bill referred to them under their consideration, it was moved—"that the further consideration of the said Bill be postponed for three months"; and upon the question the Committee divided as follows: Yeas—Hon'bls. Messrs. Johnston and Weldon, and Messrs. H. T. Partelow, M'Almon, Wilson, Allen, Partelow, J. M. Wilmot, End, Woodward, Freeze, Gilbert, L. A. Wilmot, M'Leod, Owen Brown, Rankin, Hayward, Street—19: Nays—Messrs. Palmer, Jordan, Taylor, Connell, Fisher Hill, Hanington, Boyd—8: and so it was carried in the affirmative. Ordered, that the Report be accepted.

Friday, Feb. 12.—Mr. End submitted the following Report:—"The Committee appointed to report upon the petition of Wilford Fisher, of Grand Manan, in the County of Charlotte, setting forth, that he has been subjected to a very expensive and vexatious prosecution, which resulted in his acquittal, and praying such pecuniary relief in the premises as may be deemed reasonable,—having carefully examined the same, cannot recommend that a grant of money should be made to the petitioner.

"From the high character and respectability of Mr. Fisher, the Committee are not surprised to learn that the solemn verdict of a Jury, with the full concurrence of the Court, has declared and established his innocence; but while the Committee consider his case extremely hard, they cannot depart from the principle which allows no costs in Crown Prosecutions. Respectfully submitted,

"JOHN ALLEN,
J. W. WELDON,
WILLIAM END,
WILLIAM M'LEOD,
L. A. WILMOT."

On motion of Mr. Partelow,—Resolved, that a Select Committee be appointed to consider the operation of the several Acts of the Imperial Parliament relating to Trade, which impose Duties on Foreign articles imported into the British Colonial Possessions abroad, so far as they relate to this Province, and to report thereon, by Bill or otherwise. Ordered, that Hon. Mr. Weldon, Messrs. Rankin, Partelow, Hanington, Boyd, M'Leod, and Woodward, do compose the said Committee.

Mr. End, from the Committee appointed on the 4th inst. to take under consideration the subject of the Act relating to Bastardy, submitted their Report, as follows:—

"The Committee to whom were referred the Message of His Excellency the Lieutenant Governor, conveying the Despatch of the Right Honorable Her Majesty's Secretary of State for the Colonies, in reference to the Act recently passed in this Province to amend the Law relating to Bastardy, report—That in their opinion the existing Law would be materially improved, by giving the parties accused the benefit of the verdict of a Jury, without which no order of affiliation or maintenance should issue in disputed cases, and they submit a Bill accordingly, under the title of "A Bill further to amend the Law relating to Bastardy." Respectfully submitted, "WILLIAM END, W. WILSON."

Saturday, Feb. 13.—The Committee appointed to take into consideration and report to the House what sums it may be necessary to grant for repairing and improving the Great and Bye Roads throughout the Province, during the present year, recommend that the sum of £15,675 be granted for the Bye Roads in the several Counties, and apportioned as follows:—for the County of York, £1480; Carleton, £1480; Queen's, £1380; Gloucester, £1040; Westmorland, £1680; Charlotte, £1630; King's, £1580; Saint John, £1180; Kent, £1010; Sunbury, £825; Northumberland, £1555; Restigouche, £825.

On motion of Mr. Hill,—Whereas the Salaries now received by some of the public Officers of the Province far exceed a just and fair remuneration for the duties and responsibilities of the incumbents—are greatly disproportionate to the wealth, population and resources of the country, and injurious to the social condition of the people:—And whereas it is not fit that public Officers, receiving large and over-remunerating salaries, should also receive fees for services falling within their appropriate duties; therefore Resolved, that a Select Committee be appointed to inquire into the amount of salaries received by the principal public Officers of the Province, and to prepare such a scale of salaries for the said Officers, as, in their opinion, will be just, as well to the public, as to the incumbents themselves; and also to inquire what fees of public Officers, receiving salaries, ought to be abolished, and what retained and paid into the Treasury of the Province for public uses, and report to this House on the several matters of this Resolution by Bill or otherwise. Ordered, that Messrs. Hill, Fisher, and Woodward, do compose the said Committee.

Monday, Feb. 15.—Mr. Partelow, Chairman of the Committee on Public Accounts, submitted a report on the Accounts of the Auditor General, in which are the following remarks relative to the distribution of the Surplus of the Civil List for the year 1840:—

"In the above it will be observed that the sum of £560 2s. 8d. has been paid to the Hon. Thos. Baillie, late Surveyor General, as a retired allowance, at the rate of £600 per annum. Your Committee are not aware under what authority such an appropriation of a part of the surplus of the Civil List Fund could have been made, and therefore recommend that information be sought for on the subject.

"It appears that £500 have been paid to the Hon. J. S. Saunders, the present Surveyor General, on the 26th August last, on account of his services, but the salary allowed to him is not defined; Your Committee are of opinion that some action of the House is necessary in this matter, in order that the views of the Assembly with regard to the proper compensation to be allowed that Officer should be distinctly brought under the notice of Her Majesty's Government."

On motion of Mr. Barberie,—*Resolved,* That if any provision be made for a Reporter of the Debates of this House, the same shall be made in Supply, and not inserted in the Contingent Bill; and further—That the Contingent Bill of this House be hereafter printed for the information of the Constituency of the Country.

To which Mr. Owen moved as an amendment—To expunge the whole of the Resolution after the word *Resolved,* and substitute the following:—

"That no sums shall hereafter be voted by this House under the head of Contingencies, before the particular charges contained therein have been submitted to its full consideration."

And upon the question for adopting the amendment, it was decided in the negative.

The question was then taken upon the original Resolution, and it passed in the affirmative.

REPORT,

From Lauchlan Donaldson, Isaac Woodward and William Mackay, Esquires, Commissioners appointed to take under consideration the subject of a Daily Mail Communication, between Halifax, in the Province of Nova Scotia, and the City of Saint John.

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

May it please Your Excellency,

The Commissioners appointed by Your Excellency "To take into consideration and report upon the subject of a Daily Mail Communication between Halifax and St. John," having attended to that duty, beg leave most respectfully to submit their Report:—

On the 13th of June last, your Commissioners, deeming it advisable to open an immediate correspondence with the Commissioners expected to be appointed for the same duty on the part of Nova-Scotia, addressed Sir Rupert D. George, the Provincial Secretary, on the subject. The annexed copy of Sir Rupert's reply (marked No. 1) will explain the reasons why His Excellency Sir Colin Campbell declined making any appointment.

Thwarted thus unexpectedly in personally examining the most eligible line for the transit of Mails conjointly with the Commissioners of Nova Scotia, the undersigned adopted the next most efficient means for obtaining the requisite knowledge on the various points comprehended within the range of their enquiries; and herewith they submit Copy of Queries, (No. 2) addressed to Messrs. J. Whitney and Company, Thomas Reed, and T. M. Smith, and their replies, (Nos. 3, 4 and 5) relative to navigating the Bay of Fundy by steam vessels, at all seasons of the year, daily. We also annex Copy of a Circular, (No. 6) addressed to us by the Deputy Post Master General, Halifax, and to other gentlemen residents of Granville, Annapolis, Bridgetown, Wilmot, Aylesford, Cornwallis, Kentville, Wolfville, Falmouth, Windsor, Halifax, Dalhousie, New Albany, LeHare, and Chester, in Nova-Scotia.

Weighing maturely the information elicited by the answers to our Circulars, and by personal conferences with many individuals conversant with the subject, we feel authorized to state, that no insurmountable difficulties, of either a physical or pecuniary nature, exist to the efficient establishment of a Daily Mail, accelerated at a speed of ten miles an hour, during nearly all seasons of the year, between Saint John and Halifax, so soon as arrangements could be completed for carrying the measure into operation.

The difficulties of a physical nature are confined to the prevalence of snow drifts on portions of the route during Winter. This evil, we conceive, might be greatly remedied, (if not entirely overcome.) by the Overseers of Highways being made responsible for a strict and prompt performance of the duties required of them.

We estimate the expense of a Daily Mail, in round numbers, at £4000 per annum:—Say, remuneration to steamer, £1500; land carriage, £2500. A rate of about 1s. 2d. per mile travelled by the steamer, and about 5½d. per mile travelled on land. This sum of £4000 would include the amount at present paid for the transmission of the mails, and the difference, whatever that may be, is all that would be required to place the establishment in efficient operation.

To support this expense by the Revenue derivable from the Post Office, (supposing this course to be resorted to,) and basing our calculations upon the probable reduction of the rate of postage to 3d. for a single letter, passing between Saint John and Halifax and the intermediate townships, it would require 877 letters to be mailed daily, as £4000 divided by 365 days, gives £10 19s. 2d.—so 877 *single* letters at 3d. yields £10 19s. 2d.

This number of letters is not in excess of what the population of Saint John, Halifax, and the intermediate townships, at a reduced rate of postage, warrant—

Say the population of Saint John and Suburbs is	30,000
Ditto ditto Halifax	20,000
Ditto ditto Townships	40,000
	90,000
Deducting 9-10ths for children and non-correspondents	81,000
	9000

requiring only *one* out of every 102½ of the gross population, or *one* in every ten of the smaller number to mail a letter daily: thus the quota of daily letters from St. John would be.....290
For Halifax,..........196
Townships,..........391—877

This does not include the letters passing on the line, to and from Great-Britain, the United States, Canada, and other sections of the Provinces, from which a large revenue would be derivable, amply sufficient, we conceive, to make up for any deficiency that might occur in the above estimate.—Without the means of acquiring the knowledge of the cost or profits of the present Post office establishment, on the route under consideration, we had to depend upon conjectural data to arrive at our conclusions. The insufficiency of calculations founded on the scale of action of the present day, compared with the energy which the opening institutions around us will call into being, within the next few years, in these young and aspiring countries, must be apparent to the most superficial observer, and a period of at least seven years ought to be allowed to test the correctness of any estimate of a pecuniary nature advanced, when suggesting improvements in our social intercourse. Prior to the establishment of the Cunard steamers, the number of letters mailed at Saint John monthly, to be forwarded by the Falmouth packet, was about 100. The number mailed for the steamers, on the 30th November last, was 998; on the 30th December, 1250; and on the 30th January, 1832; thus fully and triumphantly realizing the expectations of the Chamber of Commerce, of Saint John, in April last, when petitioning Earl Litchfield to yield the boon of a reduction in the rate of postage. This increase resulted as well from the saving in time in the forwarding the Mails as from the reduced rates of postage, and although a daily Mail to Halifax might not, for the first few months, increase in the same ratio, still there is little reason to doubt an approximation to it equally remarkable.

Considerable difference of opinion exists as to the most proper site for landing the mails from the steamers, on the Nova-Scotia side, during the winter months. From all the information we can glean, we would recommend a preference being given to Indian Beach, on the Granville side of Digby Gut, and from thence direct the Mails to be carried forward to Bridgetown. During the summer, the steamers might proceed to Annapolis, although it would be a subject matter of calculation whether the Mails could not be more *regularly* forwarded by landing them, *at all seasons,* at Indian Beach, the steamers being sometimes delayed by the state of the tides in the Annapolis River.

The foregoing calculations have been predicated on the forwarding the Mails to their terminus, *via* Annapolis and Windsor, a distance, say, of 180 miles, including the passage across the Bay of Fundy. The route, *via* Dorchester, we abandoned, on considering that the length was 266 miles, besides being intersected by the steep ridge of the Cobequid Mountains, and that few way letters passed between the settlements.

A shorter line of road to Halifax than either of the two named, has been brought under our notice, viz.: Dalhousie, by which a saving of from thirty-five to forty-five miles would be effected in the distance between that town and Annapolis. It is estimated, however, that an outlay of about £8000 would be required to place this road in an efficient state, but the interest of this sum would be many times saved by the lessened expense attending the transit of the Mails, besides reducing the time occupied in passing between Saint John and Halifax to sixteen, if not to twelve hours. We submit copies of letters, received from Mr. Gray and Mr. Whitman, (Nos. 7 and 8,) wherein the superiority and advantages of this line are very clearly pointed out and explained. We may here be permitted to state our opinion, that a steamer ought to be purposely built for transporting the Mails across the Bay of Fundy, say a small iron vessel, with an engine of 80 horses power, combining the latest improvements, and fitted to run the distance in three or four hours; under such circumstances, the mails might leave Saint John at 5, A. M., reach Indian Beach at 9, A. M., and Halifax, *via* Dalhousie, by 9, P. M., and the Mails start from Halifax at the same hour, 5, A. M., and reach the steamer, *via* Dalhousie, at 5, P. M., and the steamer reach St. John at 9, P. M.

We have deemed it unnecessary to go deeper into particulars, satisfied that our general views are correct, and that an extensive arrangement of this nature, must carry out its own more minute details, when placed under the active superintendence of competent persons.

Our views, so far, have been confined to the local interests of Saint John and Halifax, and on that ground alone we have endeavoured to shew that the establishment of a Daily Mail is not only practicable, but that the expense attending it might be fully supported from the correspondence of the population alone; however, as Saint John assumes a higher position, when considered as a point in the great line of Communication between Great Britain (*via* Halifax,) and Canada, and as the vast increase in the resources and correspondence of these great and growing Colonies are developed, the shortest and most certain channels of communication will undoubtedly be sought for, and from the expectation of the public, that the line of steamers to Halifax will run weekly during the ensuing summer, we are induced to recommend and earnestly urge the opening up the Dalhousie road, and the perfecting this line of communication as speedily as practicable. The Canada Mail, delivered by the "Columbia," in January, weighed 17 cwt.; it was forwarded, as usual, *via* Dorchester, including the steep ascent of the Cobequid Mountains, altogether a distance of 266 miles; had it been dispatched *via* Dalhousie, (supposing the line open,) a distance of 120 miles, the saving in time, in expense and labour in the transit of *this* mail alone, must be self apparent to the most prejudiced opponent of improvement.

Nova-Scotia may demur to expending so large a sum as £8000 on one road, and difficulties may be started, as to the proportion of the expense of the steamer to be borne by each Province. To remove all obstacles, and secure unanimity, might not the whole affair be considered as a Post Office undertaking, and an arrangement entered into between Canada, Nova-Scotia and New-Brunswick, similar to the one respecting the Light Houses of Saint Paul's and Scatterie, and a general fund, say £25,000 placed under the controul of Commissioners, appointed from each Province, promptly to carry out the objects contemplated. As before remarked, the increasing stream of correspondence flowing between Great-Britain and her North American Colonies, urgently calls for improved facilities of conveyance, while the benefits accruing from improvements of this description, unconfined to post communications, are extended to all the other great interests of the countries concerned, enticing the agriculturist, the miner, and the merchant to visit us, and assist in drawing out our capabilities, and thus rendering the expenditure of a few thousand pounds per annum, by each Province, a wise, praiseworthy and prudent policy.

All of which is most respectfully submitted by Your Excellency's most obedient humble servants,

L. DONALDSON,
I. WOODWARD,
W. MACKAY.

Saint John, N. B. February 6, 1841.

[We have not room to insert at length the documents referred to in the report, and will therefore briefly give their contents.—Sir Rupert D. George's letter states that it was not considered necessary to appoint Commissioners on the part of Nova-Scotia, or take any other steps in the matter until the Legislature shall have made provision for defraying the attendant expense.—In reply to the inquiries proposed by the Commissioners to Messrs. James Whitney & Co., Capt. Thomas Reed, and Capt. T. M. Smith, these gentlemen, severally give it as their opinion, that a properly constructed steamer might ply across the Bay of Fundy and back, daily, with few exceptions, all the year; and that the sum required for such service, in addition to what would accrue from freight and passengers, would not exceed £1500 per annum.—The letters of James Gray, Esq. of Annapolis, and James Whitman, Esq. of Dalhousie, as stated in the report, point out the advantages of the Dalhousie Road, in preference to the one at present travelled, via Windsor, &c. by shortening the distance very considerably; they state also that the Dalhousie road would require an outlay of £8000 to put it in such a state of repair that the Mails might be conveyed from Halifax to Annapolis, in ten or twelve hours—No other opinions are given on the subject, although the Commissioners appear to have applied to several other gentlemen in Nova-Scotia for information.]

COMMUNICATIONS.

To the Editor of the Courier;

Sir,—When a writer, to support his views on any subject which he professes to discuss, substitutes fanciful ideas for facts, and gratuitous assertions for argument, he deserves to be ranked with the despicable impostor who brazenly invents circumstances to suit his purpose, and who daringly maintains them by vituperative pretence. To whichever category the Hon. John Holmes, of Maine, may belong, perhaps your readers shall be able to decide, after perusing a few observations which I now address to you on his "Review of the Report of Messrs. Featherstonhaugh and Mudge, in relation to the North-Eastern Boundary."

In allusion to the instructions given to the British agents to report whether the line from the source of the Chaudiere to Mars Hill—the line from the same source to the intersection of a line from the Restigouche with the due north line,—or the line from the same source to the point at which the Americans make the due north line end, —in allusion to these instructions, Mr. Holmes says, that instead of reporting on them, they, in a document of fifty-seven folio pages, occupy thirty-five of them in a "review of the documentary and other evidence bearing on the question of ancient boundaries previously to the treaty of 1783."—This mode of procedure seems to have incited Mr. Holmes' indignation and ire, and without one word of argument, he denounces it as being equally "inflated and fallacious." It might surprise any person schooled to the principles of legitimate reasoning to find a reviewer setting common sense and common honesty equally at defiance; but, if he were acquainted with the absolute insanity of the people of Maine, when any positive facts are elicited which destroy their pretensions to the territory in dispute, his wonder would not be excited by the obliquity of Mr. Holmes, nor by his condemnation of the rest of the report which shews that the monument, placed where it now stands, is wrong, and should have been at the real source of the St. Croix, at the head of the western branch, from whence the line should have been northwest; that Massachusetts never extended beyond the 46th degree of north latitude, and that, therefore, the boundary of the United States could not be further north.

In the same disreputable style the reviewer calls the report on the elevations of land "impudent, absurd, and a gross mistake if not a wilful misrepresentation!" He, however, condescends to assume the appearance of arguing on this part of the subject, and places implicit dependence on the measurements of a Mr. Lally, who was attached to the surveying party under Professor Renwick.—Names with which we are unacquainted sometimes carry great importance in a report; and although early habits have implanted in us a reverence and respect for the title which Mr. Renwick enjoys, still the selection of such a person as Lally to conduct the important and peculiarly difficult operation of carrying a series of levels through a dense forest, leaves us no very high opinion of his own merits. Lally is a man of no acquirements, and is the son of a person notorious in the recollection of many of our inhabitants for an act of incendiarism in this city some years ago. I am informed by a person who knows Lally—his capabilities and standing in life, that he is entitled to no consideration.

Mr. Holmes must, therefore, submit to the ridicule and contempt consequent upon bringing forward such authorities as these, to overthrow the report of men of such highly finished acquirements, superior standing in life, and acknowledged talents as Messrs. Featherstonhaugh and Mudge; and when the honorable gentleman impugns the honesty of others, he should exhibit purer examples of the truth being on his own side.

Yours, VINDEX.

Postscript.—Since writing the above, a communication has met my eye, on the North-Eastern Boundary, by A. Partridge, who was a surveyor on the line in 1819, and which is published in full in the Augusta Age.

From the extracts which I now send you, it may easily be conjectured to what unwarrantable lengths the rest of his assertions go. In the very outset, he asks—

"Now, the first question is, where is the northwest angle of Nova-Scotia? Evidently, on the high-lands, dividing the rivers which empty themselves into the Saint Lawrence, from those that run into the Atlantic Ocean—otherwise, how could a line be drawn from the said north-west angle, along the high-lands?"

And he answers these questions, by pronouncing them "too plain to admit of a doubt." This sophistry is abundantly more "evident" than the clearness of his perceptions in discerning that angle; which, instead of being too plain to admit of a doubt, has, unfortunately, been the great object of inquiry—the prosecution of which "has deprived us of a portion of our rightful territory, for more than half a century."

One racy paragraph reminds us of the elegant terms and sapient resolutions of the far-famed Hero of Cervantes:—

"The whole course of conduct of the British Government, relative to this Boundary, has exhibited a tissue of pettifogging chicanery, wholly unworthy the character of the Sovereign of a great, powerful and enlightened nation, and ought no longer to be submitted to by the people of the United States. The result of this tampering policy has been, thus far, that the people of a sovereign member of our confederacy, has been deprived of a portion of their rightful territory, for more than half a century."

How can it be supposed, that such a writer is qualified by reason, and a sense of justice, to possess calmness and discretion to argue questions of this nature dispassionately? Mr. Partridge proceeds to denounce the appeal to any foreign power as an umpire—alleging, that English money and intrigue would prevail against American straight-forward honesty. He then boldly advises the States, "if they cannot *untie* the *gordian knot,* to *cut it,*" by insisting on running the line their own way, and by sending "a hundred thousand of their gallant *citizen soldiers,* to protect the surveyors." It is amusing to think, with what kind of gravity he kept his countenance, when he wrote thus:—"One well-conducted campaign would put us in possession of Canada; and if Great Britain was not then satisfied, a second campaign would give us New-Brunswick, and Nova-Scotia also, if we desired it." I will not venture to insult your readers by comments on such trash; but treat them to another dose, as follows:—

"In conclusion, I would remark, I would not propose the conquest of Canada or New-Brunswick, for the purpose of annexing them to our territory, but for the purpose of setting them free from the oppressions of a foreign power;—of entering into a commercial treaty with them, mutually advantageous—(and we should find them most excellent customers)—and thus substituting *real friends,* on our northern frontier, in place of *intriguing, hostile* and troublesome neighbours."

Yours, VINDEX.

Mr. CHUBB;

Sir,—I notice applications making for an increase of Members to be returned from some of the Counties in the Province, and rejoice to see it, being of opinion, that various matters, requiring change, have been allowed to sleep on, year after year, in undisturbed quiet, owing to there being so few, in the lower House, disposed to embark in any attempt calculated to bring about such desirable alterations, where the same may require labour and exertions.

I will not here go at length into consideration of the various dangers to be apprehended, and, I may say, ever existing, from the Legislative power being limited to a small number of persons; nor, *at this time,* offer any remarks regarding the loss of the Bill for reducing the period of service from seven to four years. Those, and other things, shall be stated, very fully, before long. In this letter, I will confine myself to one head: the utter disproportion of Representatives for the City and County of Saint John, as compared with that enjoyed by other portions of the Province, whether wealth, numbers, or information may be taken as the test.

Sunbury sends *two* members, and if you take the County as the scale, disregarding fractions, and rate the other Counties accordingly, you will find matters to stand thus:—

	Population.	*Members.*		
Sunbury,	4,260	2	and so to be kept,	2
York,	13,995	4	should be	6
Carleton,	13,381	2	"	6
Saint John,	32,957	6	"	15
King's,	14,464	2	"	6
Queen's	8,232	2	"	3
Westmorland,	17,686	4	"	8
Northumb'rl'd,	14,620	2	"	6
Kent,	7,477	2	"	3
Gloucester,	7,751	2	"	3
Restigouche,	3,161	1	"	1
Charlotte,	18,178	4	"	8
		33		67

Or, if you take the next County lowest in the scale of population as compared with the members, Restigouche, the numbers would stand as—

1	Sunbury,	4	York,
4	Carleton,	10	Saint John,
4	King's,	2	Queen's,
6	Westmorland,	4	Northumberland,
2	Kent,	2	Gloucester,
1	Restigouche,	5	Charlotte.
		44	

I will write more fully soon, and remain, &c.

Portland, Feb. 18, 1841. FAIR PLAY

MR. CHUBB,

Sir,—Being well aware of the existence of a Law, enacted by the Corporate Body of this City, about the year 1835, for the inspection of all Flour and Meal brought into the City, and from which much good has arisen; permit me, through the medium of your paper, to enquire whether that Law does not apply to all Flour brought into the City, from Mill establishments in the neighbourhood, in barrels and half barrels?—and, if so, why the Law is not as rigidly enforced in that case as it is against importations from the neighbouring Colonies or the United States?—that all Flour dealers may be placed on a similar footing.

Having been an eye-witness to the sale of large quantities of Provincial manufactured Flour, of a quality very much inferior to what it was sold for, I have been induced to make these enquiries, as well, also, for the credit of our manufacturers generally, as to induce a strict adherence to our Laws; and I would beg to call the attention of our Body Corporate to the subject, trusting that they will at least refer to and publish the Law, for the better guidance and better regulation of the trade, and require its provisions to be rigidly enforced. Yours, &c. A Dealer in Flour.

The Courier.

SATURDAY, February 20, 1841.

The Halifax Mail arrived at an early hour this morning, bringing papers of Wednesday last. The Royal Mail Steamer, then out thirteen days from Liverpool, had not arrived.

The packet ship Emerald, Capt. Howe, arrived at New York on Sunday se'nnight, from Havre, bringing dates to the 9th of January. The papers contain very little news.—Paris was unusually tranquil. The new Ministry were daily gaining strength.

Provincial Legislature.—We have the journals of the Assembly to Tuesday last, from which we have made extracts. By a letter from a friend, written on Thursday evening, we learn that the *Wild Land Tax Bill,* brought in by Mr. Fisher, passed the House that day, amended: it taxes wild lands, with some exceptions, such as those held by the Lancaster Mill Company, &c. at five shillings per hundred acres, to be expended in making and improving roads. A Bill to regulate the office of Coroner, has also passed the House: it allows Coroners forty shillings for services at each inquest. —On Wednesday His Excellency communicated to the House the important intelligence that the Special Council of Lower Canada had made a very liberal grant of £5000 towards completing the road from the Saint Lawrence to the Little Madawaska, in this Province, through what is termed the Disputed Territory.

The Maine papers by last evening's Mail inform us that a Resolution had been laid on the table of the House of Representatives in the State Legislature, requiring the Committee to whom were referred Mr. Delesdernier's Boundary Resolutions, (which we published last week,) to report by the 17th instant.—In reference to this subject, the *Portland Advertiser*—the leading Whig paper of the State—makes the following conciliatory remarks, which, we trust, will have due weight with the people of Maine.

"The North Eastern Boundary question will soon come on for action, or rather debate, for although gentlemen may be exceedingly valorous and patriotic in the Halls of Legislation, we apprehend all the action which will tell, must come from the National Government. Maine will better show her good sense by a calm but firm appeal to the Nation for the support of her rights, than by noisy bravado, which only tends to produce irritation and increase the difficulties in the way. We do not doubt that the new administration, with Mr. Webster as Premier, will resolutely set about the adjustment of the several important questions now at issue with Great Britain.

"This work must be undertaken with firmness and intelligence; vapouring and talk will have no other effect than to render us ridiculous. England perhaps, never stood on a prouder eminence than at present. Her East India question so successfully settled, her arms and her policy so triumphant in the Mediterrean, and her position so commanding in the affairs of Europe and the East, leave us to contend with her, flushed with victory, single handed. Still, we have a righteous cause, which we hope will no longer be trifled with, by an irresolute, vacillating and feebly conducted negotiation. What is now wanted is steadiness and a firm vindication of our rights; and if the controversy cannot be terminated by an amicable discussion, let it be done by an honest, able, and independent arbitration."

Agricultural.—Agreeably to notice, Dr. R. Bayard delivered a public Address on Agriculture, in the Lecture Room of the Hall of the Mechanics' Institute, on Thursday evening last, preparatory to the formation of an Agricultural and Horticultural Society for the County of Saint John, of which we have elsewhere given the particulars. Dr. B.'s Address, was written in his usual happy style, and while it acknowledged the disadvantages under which our Province naturally labours, it also pointed out many of the advantages it possesses over more genial but less healthy countries—as well in having a climate and soil which produce all the necessaries and many of the luxuries of life, as in being ruled by a Governor who was ever desirous of promoting whatever would tend to the happiness and prosperity of the people of his charge.

Viewing Agriculture as a science, Dr. B. endeavoured to impress upon the Meeting the necessity of pursuing it systematically and scientifically; and adverted to the Agricultural Schools, having this object in view, which exist in the North of Ireland; but while he acknowledged that we could not expect at present to have such institutions established here, yet much might be done in other ways towards the improvement and encouragement of Agriculture—namely, by attention in the selection of seeds, adapting the manure to the soil, and by taking advantage of every new discovery in the arts connected with husbandry. As a great means of accomplishing these desirable ends, Dr. B. urged the necessity of a periodical publication to be devoted to the advancement of Agriculture, through which the improvements adopted in the Mother Country and elsewhere might be made known in New-Brunswick.

During the Address, Dr. Bayard mentioned several instances where he had been called, professionally, to attend persons who had returned to this Province from the Western States in impoverished circumstances, and with debilitated constitutions, the effects of a mistaken notion that this Province was inferior, both in respect of climate and soil to the Ohio, but of which delusion, personal experience, the effects of which were but too apparent, in their case, had sufficiently convinced them.

MECHANICS' INSTITUTE.

The Lectures, next week, will be as follow:—Monday evening, M. H. Perley, Esquire, on *Saw Mills;* Wednesday evening, the Rev. Mr. Macgregor, on *Eclipses of the Sun and Moon;* Friday evening, Wm. Jack, Esquire, on *the rise and progress of Literature.*

The Ruins of Palenque.—In the very interesting Lectures on the Antiquities of America, recently delivered before the Mechanics' Institute in this City, by Robertson Bayard, Esquire, allusion was made to the ruins of Palenque, in Mexico, as evidence of the existence of a dense population on the Continent of America antecedent to the Indian tribes, who have heretofore, generally, been considered the aboriginal inhabitants. The United States papers received here last week, contain some important particulars on this subject, (illustrating and confirming Mr. Bayard's views,) which were read by the Corresponding Secretary of the Institute previous to the commencement of Capt. O'Halloran's Lecture on Monday evening. It appears that Messrs. Catherwood and Stephens, who have lately returned to New-York from Mexico, where they have been for some time making researches, have in press a work giving an account of their discoveries, "which cannot but prove of immense interest, when we consider the subject to be treated of; for what can more astonish the human mind than to hear that the deserted ruins of an enormous city have been discovered, equal in size to three modern Londons; and that, too, built of materials the immensity and durability of which appear almost fabulous to modern architects? The name of this mighty mass of departed greatness is absolutely unknown either to the aborigines or the present race, and what is more wonderful, the very existence of such a city is absolutely unmentioned by any ancient writer. The city is named Palenque, a name given it from that of an Indian village, situated in its immediate neighbourhood. It lies in a hilly province of Mexico, bordering on Peten: the site is remarkably well chosen; two opposite plains of immense extent, shelving gradually towards each other, but divided from approximation by a noble river called Usumacinte, unite in forming a noble landscape:—thus on an open plain which gently descends from the mountains, the city stands, lost in its own shadows and melancholy greatness; the graceful palm, towering cedars, the flowery Cieba, having now usurped the abodes of possibly preadamite Princes; and marble halls, where beauty was wont to repose and listen to the falling of transparent fountains, are now tenanted by the wild beasts of the forest. A field will thus in all probability be thrown open to the speculations of the moralist, philosopher, historian and novelist, far surpassing in point of interest the vaunted pyramids of Egypt or the dim cities of Herculaneum and Pompeii—scientific attractions, which, through the indefatigable exertions of the late visitants, are in all likelihood in a fair way of being generally diffused throughout the civilized world."

Orphan Benevolent Society.—This Society celebrated its anniversary on Tuesday evening last, by Dining together at the Saint John Hotel, with a number of respectable Guests. Mr. Francis Collins, President of the Institution, filled the Chair on the occasion, and was well supported by the Vice President, Assistant Alderman Ray, as *Croupier.* The toasts were appropriate, loyal and patriotic, while the vocal and instrumental music by which they were accompanied was excellent and well selected. The entertainment was got up in Messrs. Scammell's usual good style, with excellent viands and liquors; and nothing occurred to mar the social enjoyments of the evening, with which all present appeared highly delighted.

At a Meeting held in the Hall of the Mechanics' Institute, on Thursday evening, the 18th February, 1841, for the purpose of forming an Agricultural and Horticultural Society for the County of Saint John,—

It was moved by Dr. Bayard, and seconded by Mr. George Younger,—That John Duncan, Esq. President of the Mechanics' Institute take the Chair, when the following Resolutions were carried unanimously:—

Moved, by Ralph M. Jarvis, Esq., and seconded by Dr. Bayard,—That a Society be formed, and called the Agricultural and Horticultural Society of the County of Saint John.

Moved, by W. Tisdale Esq., and seconded by Mr. James Dunn,—That those persons who intend to become Members, come forward and enroll their names as such.

Moved, by M. H. Perley, Esq. and seconded by T. L. Nicholson, Esq.—That the Members of the Society pay annually the sum of Five Shillings for its funds; and that any person paying that sum may become a Member.

Moved, by G. C. Carman, Esq. and seconded by Dr. Cook,—That His Honor Judge Parker, be requested to become Patron to the Society.

The following gentlemen were then appointed Office Bearers:—

The Hon. Charles Simonds, President; Ralph M. Jarvis, Walker Tisdale, Archibald Menzies (Musquash,) and James Brown, (Gardner's Creek,) Esquires, Vice Presidents; John Duncan, Esq. Treasurer; Mr. George Younger, Secretary; Robertson Bayard, Esq. Corresponding Secretary; Messrs. George G. Gilbert, James Dunn, Charles Drury, W. O. Cody, J. Sintell, James Cother, G. C. Carman, John Kerr, Dr. Cook, Dr. Bayard, A. Wedderburn, Peter Dewar, M. H. Perley, John Gillies, W. Ritchie, T. L. Nicholson, Thos. Trafton, James W. Peters, Isaac Clark, Richard Calvert, James Travis, George Bond, George Brown, and Thomas Bean, Directors.

Moved, by Jas. W. Peters, Esq, and seconded by Mr. W. O. Cody,—That the thanks of this Meeting be given to Dr. Bayard for the very able and interesting Address on Agriculture and Horticulture, which he delivered before the Meeting this evening.

Mr. Duncan having been requested to leave the Chair, and Ralph M. Jarvis, Esq. to take the same, it was moved by T. L. Nicholson, Esq. and seconded by Geo. Matthew, Esq. that the thanks of the Meeting be given to Mr. Duncan for the able manner he had filled the Chair.

GEO. YOUNGER, *Sec'y.*

The Books were afterwards opened, and fifty persons enrolled their names on the list of Members of the Society.

Another instance of Rapid Travelling!—That indefatigable and persevering Postman, Mr. Jas. Bradley, reached the Post Office, in this City at two o'clock on Thursday last, bringing the Mail which left Fredericton at half-past seven in the morning. Thus has the Mail from Fredericton been brought to this City, by the Nerepis Road, a distance of sixty-five miles, in the short space of *six hours and a half* including all stoppages.

Catholic Temperance Society.—The good work undertaken by the Rev. Mr. Dunphy, among his hearers in this City, continues to prosper. On Sunday last three hundred postulants took the pledge, swelling the number of members in eight days from the commencement of the praiseworthy undertaking to above *one thousand!*—nearly all of whom are teetotallers.

We are informed that 63 postulants have signed the Total Abstinence pledge since Sunday.—Every person must be gratified to hear of the success which has attended the efforts of the Rev. Gentleman in this respect and the general wish must be that more and more may enlist themselves under the glorious banner of Temperance.

[*From the City Gazette.*]

It affords us pleasure to state that Mr. Wedderburn, having been requested to offer a subject for public delivery, has consented to prepare one and to deliver it on condition that the proceeds be given for the relief of the Emigrant Poor in the City and neighbourhood. The subject he has selected is—"*Emigration and its causes, in its Western course, from the earliest ages to the present day.*" Due notice will be given of the evening of the Address.

[From the Royal Gazette.]

Arrangement of the Circuits for 1841.

Honorable Mr. Justice Botsford:

Kent,	Tuesday,	31st August.
Carleton,	"	30th September.
Charlotte,	"	2d November.
Saint John,	"	11th January, (1842.)

Honorable Mr. Justice Carter:

Sunbury,	Tuesday,	23d February.
Queen's,	"	2d March.
Charlotte,	"	27th April.
Saint John,	"	3d August.
King's,	"	13th July.
Westmorland,	"	7th September.

Honorable Mr. Justice Parker:

Restigouche,	Tuesday,	31st August.
Gloucester,	"	7th September.
Northumberland,	"	14th September.

Nova-Scotia Legislature.—During the two past days, the House of Assembly have been debating the principles on which the existing Executive Council was formed; and the policy which has been adopted for its guidance. The result appears to be an expression of confidence in the present *Ministry,* last evening, by a majority of 35 against 14. Next Wednesday will be a "field day" in the Legislative Council on the same subject.—*Halifax Morning Post, Feb.* 13.

Important announcement.—In the Legislative Council on Tuesday, the Hon. Solicitor General said that he was prepared to answer more fully than on the previous day the question put by the Hon. Mr. Morton, with reference to the transfer of the Casual and Territorial Revenues. The answer he was authorised to give, was, that His Excellency the Lieutenant Governor had instructions from Her Majesty's Government not again to submit to the Legislature any proposal for transferring Her Majesty's Casual and Territorial Revenues for a Civil List to be granted to Her Majesty; nor was His Excellency at liberty to consider any proposal on the subject, which might be made by the Legislature.—*Ibid.*

Mail Routes.—A number of despatches from the Home Government were submitted to the Legislative Council on Tuesday; among these was one in which the attention of the Lieutenant Governor was called to the new line of steam packets which had been established; and he was requested to use all his endeavours to induce the Legislature of Nova-Scotia to improve and keep in repair the various Mail routes not only to the distant towns in the Province, but to the neighbouring Provinces. It was stated that £10,000 or £12,000 would be necessary to make the land routes between the capitals of Nova-Scotia and New-Brunswick perfect; and it was hinted that the Legislature of New-Brunswick were not inclined to expend any more money on it, as they had already appropriated to that service, at different times, upwards of £3000.

Daily Mail Route to St. John.—The Hon Mr. Morton gave notice that he wished to move a resolution, the object of which was to procure information, in order to decide the best method of establishing a daily communication with St. John, N. B.—After some discussion, the resolution was laid on the table as a notice, to be moved on the 11th: on which day the resolution was moved by Mr. Morton, and after some considerable debate, which was joined in by Hon'bles. Mr. Rudolf, Mr. Lawson, Mr. Wilkins, Mr. Smith, Mr. Morton, and Mr. Starr—a committee of inquiry was appointed, to ascertain which is the best route. Committee—Honbles Mr. Morton, Mr. Ratchford, Mr. Starr, Mr. Rudolf, and Mr. Wilkins.

Newfoundland.—The Legislative Session had been opened by a speech, in which his Excellency the Lieutenant Governor alluded to late disgraceful election riots, and the probable consequences of the continuation of such a state. His Excellency says, that the inevitable inference must be, "that the Island is unfit for a representative system and Legislative institutions."

The Society for Promoting Christian Knowledge had voted £500 for the erection of a cathedral in Newfoundland. An equal sum was expected from the Society for the Propagation of the Gospel.—*Novascotian.*

Union of the Canadas.—In conformity with an intimation given some days previously, the Montreal papers of the 6th instant, contain the Proclamation of Lord Sydenham, Governor General of British North America, declaring the union of the Provinces of Upper and Lower Canada, to take effect from the 10th February, (the anniversary of Her Majesty's Union with Prince Albert.) The Proclamation, after reciting the Act and title of Union, and the authority for declaring the time when the same shall take effect, proceeds to declare as follows:—

Now know ye therefore, that our right trusty and well beloved Counsellor, Charles, Baron Sydenham, our Governor General of our said two Provinces of Upper and Lower Canada, hath in pursuance of the Provisions of the said recited Acts, and under and by virtue of the power and authority by Us granted to him as aforesaid, determined to declare, and it is by this our Royal Proclamation declared, that the said Provinces upon, from, and after the tenth day of this present month of February, shall form and be one Province, under the name of the Province of Canada, of which all our loving subjects, and all others concerned, are to take notice and govern themselves accordingly.

Notice was given that the Governor General would, on the 10th, at 1 o'clock P. M., open the Queen's Commission, and take the oath as Governor of the Province of Canada, and notifying the Heads of Departments to attend.

From the Montreal Gazette, Feb. 6.

As we have already announced, it is definitely arranged, that the first Session of the United Legislature will be holden at Kingston. We learn that a lease of three years has been taken of the fine mansion near that town, belonging to the Hon. Mr. Grant, as a residence for the Governor General, and that the new General Hospital, near Kingston, will be temporarily fitted up as a Parliament House. The various public offices will be established in the large store belonging to the Marine Railway Company. Mr. Killaly, President of the Board of Works, accompanied by Mr. Brown, architect, has proceeded to Kingston, to plan the necessary repairs and alterations in the different buildings.

From Neilson's Quebec Gazette, Feb. 10.

On the 21st June, 1764, the first number of the "Quebec Gazette," the first newspaper issuing from the first Printing Press set up in the present British possessions in North America, was published. It has had to record various changes since. It was itself suspended, in consequence of the Stamp Act of 1765, and by the Siege of Quebec, in 1775. When the Gazette was first established, England had thirteen Colonies on this Continent, east of the Alleganies, besides Canada and Nova Scotia. From this day, what remains of Canada, North of the United States of America, again becomes one Province, in virtue of a Royal Proclamation issued at Montreal on the 5th instant, under an act of the United Kingdom of Great Britain and Ireland, passed on the 23d July last. Two Provincial Governments, two Local Legislatures, granted on the prayer of the Colonists, by Act of the British Parliament half a century ago, are extinguished at the instigation of parties in the Provinces, without consulting their inhabitants or representatives freely chosen by them. The Revenue raised in the Colony is disposed of without their consent, and the future composition of their Local Legislature, which is to dispose of their persons and property, affect their rights and liberties as British subjects, is settled, also without their consent.

This day is the anniversary of the suspension of the Representative Constitution of Lower Canada, three years ago, and it practically establishes the precedent, that even the Constitution of Government now bestowed on the Province, may be suspended and annihilated on the representation, it may be, of interested parties in the Province, at the pleasure of a Legislature in which the people of the Province have no voice of direct influence.

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It was seventy-eight years yesterday, since all Canada was ceded to England by France, with a population of sixty thousand souls. It now contains, although deprived of the best half of its cultivable territory, by the treaty of 1783, a million and a quarter of souls. Its inhabitants have shed some of their best blood, in two wars in discharge of the duties of their allegiance to the British Crown, and for the preservation of the remnant of British Dominion on this continent. They have a right to expect that it will not have been for the establishment of arbitrary power among them, and their own degradation.

For our part, steadfastly as we have opposed this measure, intimately persuaded as we are, that it is founded in error, we are, nevertheless, bound to submit to an act of the supreme authority of the Empire, while it remains in force or unaltered; and we confess we had no serious apprehensions as to the final result.

The Government and People of the United Kingdom can have no interest or wish adverse to the prosperity of Canada and the welfare of its inhabitants.

None of the papers say when the writs for the General Election will issue and be returnable.

There are occasional "let offs" in Congress against Great Britain. The Senate has, wisely we think, determined not to distribute the revenue from the public lands to the individual States which most of them very much wanted, to afford some relief in their present state of bankruptcy; and their creditors, we dare say, also wanted it very much. In case of war the land revenue will be the only one the general government can depend upon. The preference to lots of United States wild land is to be continued to persons having actually settled on them. Any one may "go west" and *squat* on any unoccupied lot.

The Toronto *Colonist* of the 3d Feb. has the following paragraph on the subject of the Lockport proceeding: We say "keep cool."

"We understand that dispatches have been forwarded by Sir George Arthur, in reference to this infamous business, to the Governor General, and to Mr. Fox, the British Minister at Washington, and we shall soon see what it is likely to end in. The first news from Washington will be important. The Yankees are holding meetings in various places, but they must *be met* in a very different way, to bring them to a sense of propriety and duty."

Distressing Fire at Quebec.—*Four lives lost!*—A fire broke out at 2 o'clock on the morning of the 5th instant, in the shop of Mr. James Smilie, Silversmith, in Mountain street, Quebec. The shop was in the lower story of a three story stone house, in the upper story of which the family slept. The flames before they were discovered had enveloped the staircase and spread to the second and third story. There being no other mode of descent than by the staircase, Mr. and Mrs. S. a maid servant and an apprentice perished in the flames. A young man also an apprentice, named John Paulin, leaped from a third story window upon the frozen ground, and was somewhat injured, but had no bones broken. The family were persons of great respectability and excellent character, and the calamity excited a deep sensation among the neighbours. The house and its contents were entirely destroyed. The weather was cold, the thermometer being 5° below zero.

From the N. Y. Commercial Advertiser, Feb. 10.

Case of McLeod.—We learn from the Buffalo Commercial Advertiser of Friday that a large number of witnesses were in attendance at Lockport before the Grand Jury, which was empanelled on Monday. In his charge to the Grand Jury Judge Bowen urged the propriety of committing all the testimony to writing, which of course retarded the progress of the investigation.

We copy from the Lockport Courier an address from the Counsel of McLeod—not that it adds any thing of importance to our knowledge of the case, or of recent proceedings therein, but as an act of justice to the prisoner.

TO THE PUBLIC.

Lockport, Feb. 1, 1841.

The undersigned, counsel of Alexander McLeod, now a prisoner in this county, on a charge of murder—in view of the very exaggerated and erroneous statements concerning the objects of the attempt to procure his discharge upon bail—and actuated by a belief that these statements tend, though they may not be designed, to prejudice the cause of our client before the people, from whom a jury, in case he is indicted, must be obtained, feel called upon to submit to the public an unvarnished history of the transaction.

Mr. McLeod was committed to the jail of this county about the 18th of November last. But the mittimus being void on its face, we procured the allowance of a *habeas corpus,* with a view to his discharge. At the hearing before Judge Bowen, the district attorney conceded the nullity of the process, but suggested, nevertheless, that the judge had jurisdiction to hear proofs anew, and to recommit if probable cause should be shown. To this Mr. McLeod did not object, but desired such an examination as would satisfy all of his innocence, and save him from a harassing repetition of arrests—he having several weeks before been arrested for the same charge, committed to jail, and finally discharged on *habeas corpus.* In accordance with this desire, it was suggested that he give bail to appear at the next court competent to try him, and if indicted, to have the matter passed upon by a jury of the country.—To this Mr. McLeod readily assented, and the Judge, of his own motion, fixed the bail at five thousand dollars: an amount which the undersigned then believed, and now believe, amply sufficient to ensure his appearance at trial.

The prisoner then returned into custody, there to remain until his friends in Canada should give an indemnification to some persons residing here to become his bail. Not being able to effect this, however, as soon as he expected, he determined to be again brought before the Judge, and there underwent another examination. That officer, for reasons doubtless satisfactory to himself, saw fit to remand him, unless he gave the bail before required.

He was accordingly remanded. Being closely imprisoned, he did not succeed in providing indemnification for his bail until the 27th ult., when two gentlemen, residing in or near Chippewa, U. C. gave William Buel and P. C. H. Brotherson, their bond to save them harmless, and the latter entered into the necessary recognizances, and an order was made by Judge Bowen, discharging Mr. McLeod from imprisonment.

This order was not obtained until nearly nightfall, and owing to a rumor that there were persons about this county prepared to commit upon Mr. McLeod personal violence in case he should be discharged on bail, and owing to an appearance of agitation among some persons here, it was deemed prudent that he should remain in the jail until the next morning, and then make his appearance in the day-time, publicly among our citizens.

Soon after there were appearances of a state of high excitement. Bodies of men were seen moving toward the Court House. Drums beat, bugles sounded. About nine o'clock a body of men armed with muskets and bayonets, took possession of the hall communicating with the jail. At midnight or later, a cannon, a twelve pounder, having been placed directly opposite McLeod's cell, was repeatedly discharged, demolishing at every peal a portion of the glass in the Court House windows.

While these proceedings were going on below, a meeting of several hundred men was organized in the Court room above. About 12 o'clock at midnight, committees were appointed to wait upon the Judge, who had granted the order, and upon the gentlemen who had become McLeod's bail, and to request their immediate appearance. The Judge, we understand, deemed it most prudent for him to get out of his bed, and obey the summons. The bail did not appear.—One of them being told that it had been stated by some of those among the crowd, that if he did not come, they would bring him at the point of the bayonet, and believing that this indicated a state of feeling, which might endanger his personal safety, he declined going that night, but sent word to the assembly, that if they would adjourn until the next morning, he would appear before them.

The assembly, finally, at about half past one o'clock, adjourned until nine in the morning, leaving however, a body of armed men, in and about the jail, the remainder of the night. In the morning accordingly, was presented the novel spectacle of an armed guard, marching with measured tread in front of the Court House door, and this too, in a time of peace and a government of law, and with no other assignable motive, than to deprive an individual of rights, which that law, through its own proper officer, had conferred.

In the meantime, an express had been despatched to Buffalo, to advise a Mr. Wells that Mr. McLeod was about to be discharged, and to procure a writ, whereon he might again be arrested in an action for the damages arising from his alleged agency in the destruction of the Caroline. At the reopening of the meeting in the morning, the messenger, having returned, announced that he had accomplished the purpose of his mission. Whereupon he exhibited to the assembly a *capias* at the suit of Wells, with a Judge's order to hold McLeod to bail, in the sum of seven thousand dollars. This process, after being examined by several individuals, and pronounced to be in due form, was put into the hands of one of the sheriff's deputies, and soon afterward served.

After the captain of the watch had formally reported the occurrences subsequent to the adjournment, a great variety of motions and propositions were made and discussed. Among them was one whether the suit commenced by the *capias* might not be settled by the plaintiff and defendant. An affirmative answer being given, it was followed by a motion, that "the bail surrender McLeod immediately." But it being suggested, and given the assembly to understand, that one of the bail had exhibited satisfactory evidences of his willingness to do so, that motion was withdrawn. Whereupon another, "that the meeting do not adjourn until the surrender have been completed," was adopted without a dissenting voice. Various legal questions, involving the power of the Judge to recommit, of the bail to surrender, the effect of an unexecuted order for a prisoner's discharge, and the requisite formalities to make a surrender effectual, were mooted, and after the Judge and District Attorney (who had been brought up again by a fresh committee) as well as other individuals had been heard, were satisfactorily to the meeting disposed of.

One of the bail has a large amount of property and materials, provided for the construction of the canal locks at this place, and particularly exposed to serious injury with hardly a possibility of detection. During these agitations he was repeatedly warned that his property would be injured or destroyed, unless he surrendered Mr. McLeod into custody. Feeling the force which the unparalleled state of things gave to these admonitions, he at length concluded to follow the advice of the meeting. At about half past one o'clock in the afternoon, by a singular coincidence the same Judge who had been the cause of this great commotion, by letting Mr. McLeod to bail, announced that a surrender in due form of law had been made.—Whereupon the assembly formally resolved that its object was accomplished, and then adjourned.

In submitting the foregoing detail of facts, our purpose is not to cast censure upon any one. For whatever may be our own opinions of these transactions, this is not the time or place to express them. Our sole object is to protect the interest of our client. We are advised that an effort is already in progress to persuade the public that the object of bailing Mr. McLeod was to avoid a trial.—Knowing that no such design existed for a moment, we feel called upon to repel the charge at once, that the conviction of its truth may not settle upon the public, and operate to his prejudice on trial.

For ourselves we not only believe, but have no doubt of, Mr. McLeod's entire innocence of the charge. And it is painful to us to witness the effort now making to procure universal condemnation of him by the public press, and through that by the whole body of the people, without having heard one particle of the evidence on either side. Not content with fanning, to his prejudice, the excitement already existing on the subject of the Caroline, a portion of the press has lately been gleaning on the other side of the river for materials (whether true or false is alike unimportant) for farther attacks upon this defenceless individual and that too, upon subjects having no connection whatever with the matter with which he is charged. Attacks, the only possible effect of which must be to render it more difficult than it has already become, to find among those who are to be his triers, that strict impartiality which the law guarantees to every one, no matter how slight may be the offence for which he may be arraigned.

In these circumstances, it seems to us that it is not only our right, but our duty, to appeal not to the sympathies, but to the sense of justice of our fellow citizens, and ask them, until they shall have heard his cause, to suspend their judgment as to the guilt or innocence of this man, a foreigner, in prison, and beset so recently by a power which places itself above the law, and arraigns before it those very officers by whom that law has declared its own decree shall be pronounced. In making this appeal to American citizens,—whose pride it is to administer to all evenhanded justice, we are confident we shall not appeal in vain.

H. GARDNER.
A. C. BRADLEY.

Lockport, February 6.

McLeod Indicted.—The Grand Jury of the county came into Court this forenoon with a bill of indictment against Alexander McLeod, for the murder of Amos Durfee, at the time of the burning of the steamboat Caroline. The case had engaged the attention of the Jury since Wednesday morning, and the testimony of a large number of citizens was given in. Of the twenty Jurors present, nineteen, it is understood, were for the indictment of murder.

The prisoner was brought before the Court this afternoon, and, after being apprised by the District Attorney of the finding of the Jury, he was remanded to jail by order of the Court until the next term of the Oyer and Terminer, which commences on the fourth Monday of March next, when his trial, in all probability, will take place.

It is not improbable that a special commission of Oyer and Terminer will be issued for his trial, as there will hardly be time for it at the regular term in March. If a special commission is issued the Court must be held by a Circuit Judge, or a Justice of the Supreme Court.—*N. Y. Com. Adv.*

Correspondence of N. Y. Commercial Advertiser.

Washington February 11, 1841.

It is reported in the political circles, and believed, that all the Cabinet appointments have been determined upon by General Harrison, excepting that of Secretary of the Navy. The following is given as the *settled* arrangement:—Mr. Webster, Secretary of State; Mr. Ewing, Secretary of the