PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

Copy of a Report from the Honourable the Surveyor General on the state of the Crown Lands.

SURVEY AND DISPOSAL OF CROWN LANDS AND TIMBER.

Department for Crown Lands, 15th Dec., 1847.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honor to acknowledge the receipt of Mr. Secretary Saunders' Letter of 16th ult., conveying to me Your Excellency's commands to furnish you with information on the following heads:

' 1st—"The number of persons holding Land on credit, the extent of Land so held, and the amount due by them, with or without Titles or Grants."

2d—"The general effect of the present Upset Prices, and whether, in the Public Sales, there has been any effective competition for Land."

3d—"If Titles were completed on Bonds being taken for the Purchase Money in case of credit sales, and the grantees allowed to liquidate the amount by effective work on the Roads, whether a higher Upset Price might not be adopted."

Further requesting me to make "any general observations on the present mode of Surveying and disposing of the Crown Lands which my experience may have suggested, and which would be calculated to ameliorate the settlement and promote the Agricultural improvement of the Country."

And also to furnish a return of the number of Licences issued in each year, to cut timber under the present Act, for fixing the price of Timber Berths at 10s. per square mile, and the extent of Land so occupied.

In obedience to Your Excellency's instructions, thus communicated to me, I have the honor to state, that the superficial area of New Brunswick, without including any territory north of the Restigouche River, may be estimated in round numbers, at 20,000,000 of acres, of which about 6,000,000 may be said to be granted, or sold, and 3,000 000 may be considered as barren, or under water, leaving, therefore, at the disposal of the Government about 11,000,000 of acres of Forest Land fit for settlement, and this I believe to be a fair estimate of the extent and condition of the Crown Lands in this Province.

The settlement of the Country, it is almost needless to say, proceeded at first, but slowly, in consequence of the almost total absence of Roads, Bridges, Schools, Churches, or any of those institutions which would render it habitable; the Settlements were scattered, and for many years confined to the margins of navigable Rivers; and although the present generation, as well as posterity, must venerate the indomitable perseverance and industry of the old Loyalists, who under privations now happily almost unknown, first contended with, and subdued the wilderness in this last retreat of suffering loyalty, still the present condition of the Province is doubtless greatly attributable to the number of settlers from the Mother Country,—many beautiful districts being now almost exclusively occupied and cultivated by such persons.

It has been estimated by Mr. Perley, the Emigrant Agent at Saint John, who has compiled many valuable Statistical Tables, that the whole quantity of Land at present under cultivation, does not exceed 500,000 acres, but I am inclined to think this to be rather under the mark. Admitting for the sake of argument, that the whole present extent of cultivated Land does not exceed 600,000 acres, and that only one sixth part of each allotment is cleared, making, in the aggregate, 3,600,000 acres as the extent of farms partially improved; still that computation would leave, according to my estimate, no less than 2,400,000 acres of land, which, although granted, remains still in a state of nature, from which the country derives no benefit whatever, except perhaps the Export Duty on such Lumber as may be annually cut thereon.

This, may it please Your Excellency, affords some idea of the progressive improvement of the Province, and doubtless, should the present system continue, a calculation made at any future time will give a similar result.

"The number of persons" appearing, by the Books of my Department, to be "holding Lands on credit, the amount due by them, with or without Titles or Grants," is no less than £24,540 3s. 8d.

With regard to "the general effect of the present Upset Prices, and whether, in the Public Sales, there has been any effective competition for Land," the settlement of the Province being progressively, although not rapidly advancing, I am led to the conclusion, that the present Upset Prices are not to be considered as creating any obstacle, and although at the Auction Sales I have scarcely seen any instance of a competition sufficiently effective to materially increase the Upset Price, I cannot think this latter circumstance is owing to the present Upset Price being already so high as to exclude competition. I am not, however, prepared to recommend any increase to the present Upset Price, unless under much more favourable circumstances to the poor settlers. Few persons are aware of the severe and bitter privations which these poor people endure when first preparing the wilderness for the residence of civilized man; but in elucidation of this subject, I beg to submit the following Statistics, shewing the sales in several years, of Lots of 200 acres and under, the amount received therefor, the average prices at which they were sold, the amounts appropriated for Roads, Bridges, &c., also the Revenue received by the Provincial Treasurer during the years in comparison.

Sales of 200 Acres and under.

Year.	Lots.	Acres.	Price.	Avrge. per Acre.
1835	231	35,924	£7,957 18 1	£0 3 3¼
1836	594	70,335	16,852 8 5	0 3 1¾
1837	210	21,437	3,377 6 0	0 3 1⅛
1845	579	52,223	7,732 11 1	0 2 11¾
1846	488	45,275	6,928 10 4	0 3 0¾
1847	460	40,983	6,055 15 5	0 2 11¾

Sales from 1st January to 31st October, 1847.

	Lots.	Acres.	Produce.	
For Instalments,	216	19,520	£729 12 4	Exclusive of J. C. Ord's 15,000 acres.
For Cash,	188	18,985	2,081 19 1	

Discount, in the above period (1847), for prompt payment, £322 0s. 11d.

Receipts of Provincial Revenue.

Year.		Year.	
1835	£65,285 15 2	1845	£118,546 0 6
1836	71,562 13 1	1846	127,163 17 1
1837	68,072 11 4	1847 (say)	125,000 0 0

The Receipts above noted in 1845 to 7, include Export Duty on Timber, &c., and amount paid over by the Receiver General from the Casual Revenue, Fees from Secretary's and Col. Shore's Offices, and some other items which have no corresponding items in 1835 to 7.

Great and Bye Road, Bridge, and River Appropriations.

Year,		
1835	Warrants paid,	£20,369 1 11
1836	Do.	23,927 4 7
1837	Do.	19,425 19 10
1845	Amount recommended by Committee,	£20,890 0 0
1846	Do.	20,070 0 0
1847	Do.	27,250 0 0

In regard to the third problem submitted for my Report, viz: "If Titles were completed on Bonds being taken for the purchase money, in case of credit sales, and the Grantees allowed to liquidate the amount by effective work on the Roads, whether a higher Upset Price might not be adopted?"

I have the honor to observe that I would, in all cases, prefer giving the settler a Grant of his Land as soon after purchase as possible, taking his Bond for three instalments; but the first instalment should, I think, be a Cash payment, the other three payments might be taken in work on the Roads, as is the practice in the neighbouring State of Maine; this could be effected with tolerable facility if there was one Supervisor in each County, for all the Great and Bye Roads within that County, whose certificate for labour performed on any Road might be received by the Receiver General as so much Cash, and stated by him in his Accounts in that manner, as also entered in the Books of my Office; but it should only be taken as an equivalent for so much Cash as daily pay for work on the Roads, optional with the Government, otherwise, in this Country, I fear payment would never be made; and although I would cheerfully bestow 50 acres upon every settler who would actually improve the Land and reside upon it, I am fully of opinion that if Roads were judiciously opened, and the labor paid for, either by money or its equivalent, the Land along such Roads would, doubtless, bear a higher Upset Price. Instances, illustrative of this fact, are to be found in abundance on the Road from Fredericton to Saint Andrews.

A few years ago, when the Road was just marked out, several large Grants of Land were made, when it was only considered worth 3s. per acre; whereas, within the last year or two, some of those very facts have been sold for 10s. per acre, and even larger sum raised for other parts; thus indisputably establishing the fact that Land inaccessible, except for Lumbering purposes, is valuable only for that object; but no sooner is a Road opened, to render it fit for the residence of civilized man, than it bears an enhanced price.

With regard to the present mode of Surveying the Crown Lands, it does appear to me that I have already impressed Your Excellency, as well as your predecessor in the Government, on this subject so fully and so frequently, that any observation I may now make, will, doubtless, be open to a charge of tautology.

I must, however, be permitted to enter my protest against the present system of allowing every individual who may wish to purchase 100 acres of Land to have a separate Survey made, and to become the paymaster of the Surveyor. It is virtually taking the Surveying of the Province out of the hands of the Government and placing it in the hands of ten thousand irresponsible persons.

The evils are so obvious that they only require to be briefly mentioned to be understood and condemned.

In the course of the last five years I have received Returns from no less than 1708 Warrants of Survey, which have been paid for by the parties applicant, who, once thus put in possession of the Land by the authorized Officer of the Government, on that unless the Land be purchased, the person applying for the Survey becomes, in fact, a sort of legalized squatter.

This true this system keeps out of sight of the Legislature the expense of Surveys, which used to be so animadverted upon, but it is, in my humble opinion, entailing an evil of much greater magnitude, for no human ingenuity is capable of reconciling Surveys thus made by different Surveyors with different instruments, at different periods, and from different points of departure; such a system appears to me only calculated, at a future period, to produce litigation and confusion.

In addition to this irregular and imperfect system of Surveying, it tends also to the formation of innumerable Bye Roads running a short distance into the wilderness to the houses of these settlers, without any ulterior view or motive whatever; whereas if those Roads were connected and extended to some Great Road of Settlement, a superior character would be given to the Roads, the whole Country would improve more rapidly, and the Surveys would be more uniform, with less probability of collision with older Surveys and Grants.

Much has been said of late years of the duty of the Executive Government, in regard to developing the resources of the Country, and I know no more legitimate object than in opening up the wilderness by making Roads through it from points which present a reasonable hope of future improvement, aided as they would be by the Agricultural produce of the interior, although at present only in a state of nature.

A glance at the Map of the Province will satisfy Your Excellency that a large field presents itself for such operations, lying between Boies Town and Dalhousie, and from the Grand Falls to Bathurst and Newcastle. Millions of acres of the finest Land in the Province are there to be found, but until Roads be formed through it how is it possible that any settlement can ever be made.

The places above named are Towns naturally on the increase, but if Roads were opened through the wilderness to connect them with each other, no doubt can be entertained of the benefit they, in common with the whole of that section of the Country, would derive therefrom. Farms would spring up where at present only the axe of the lumberer is heard, and Agriculture and prosperity would follow the formation of Roads, and the resources of that part of the Country would at least become known, instead of being explored by a road from Boies Town, in nearly a due north line, towards Dalhousie, the distance being about 110 miles. At a point, distant about 50 miles from Dalhousie, I would explore a branch line towards Bathurst, to form a junction with the Road which is at present extended about 30 miles up the Nepisiquit River, from the Shire Town of Gloucester. From the above mentioned point another line should be explored towards the Grand Falls of the River Saint John, distant about 70 miles. Also, from the same point, another line should be explored towards Newcastle, distant therefrom about 50 miles. The aggregate of those lines would give the distance of 280 miles, which, at £125 per mile, would require £35,000 to complete.

This distance of Road, however, would open for settlement in every mile, 1,600 acres of Land, which, at 2s. 6d. an acre, would be equal to £200 for every mile, leaving a surplus of £75 per mile, or £21,000 as the profit of the transaction. Let us say, however, that the Road would cost £150 a mile, and that one fourth of the Land would be required for Reserves for Schools, Churches, or other purposes, or unfit for settlement, still, even with that estimate, it would leave a profit of £25 a mile, or £7000 on the undertaking. It may be contended that the Land would never be taken up, and that, therefore, the whole outlay would be unproductive. In answer to this I would observe, that we have evidence of a different result wherever a Road has been formed, even through Land of an inferior quality.

It is not expected that it would be all taken up at first, neither would it be advisable to attempt to make the whole distance of Road in one, two, or even three seasons, but the formation of such a line of Road would bring industrious and hardy settlers to the Country, and after a while the whole line would be settled and cultivated, and the surrounding Country would rapidly improve.

For the above object I would propose to issue Debentures, not exceeding £10,000 in any one year, which Debentures should, by Law, be made a legal tender. A Commission of one or three persons, and a Clerk, should be appointed to superintend the whole matter, and who should submit a Report of their proceedings annually, to be laid before the Legislature.

In this estimate the Land is reckoned at 2s. 6d. an acre, but I know no reason why a large portion of it should not realize 4s. or even 5s. an acre. The money received for the sale of the Lands might be appropriated to take up the Debentures.

I had the honor to recommend the formation of some of these Roads upwards of sixteen years ago, and had a commencement then been made, how different might now be the aspect of the country.

It appears to me to be needless to dilate upon so self-evident a proposition, and I therefore submit the matter to the superior judgment of Your Excellency, to deal with it as you may see fit.

With regard to the number of Licences issued in each year to cut Timber under the present Act for fixing the price of Timber Berths at 10s. per square mile, and the extent of Land so occupied, I have the honor to submit the following statement:—

Year.		Number Licences.	Produce.	Number Squ. Miles.
May '44 to May	'45,	1,187	£3,366 1 6	6,519
" '45 "	'46,	1,774	4,408 8 0	8,737
" '46 "	'47,	1,123	3,012 12 11	7,239

I have to remark, that although the sum thus received, together with the Export Duty, may be equal to what used to be received as Tonnage, yet, I cannot divest myself of the impression, that the low price at which the Crown Lands have been licenced, has been not only injurious to the Lumberer by bringing into the field a number of small farmers as lumberers, by the aid of whom the market has been glutted, but that it has been equally prejudicial to the small farmers themselves in the result of their speculations. As, however, the Upset Price of the Timber Licences has been established by Law, I am not disposed to offer further remarks on the subject, believing that if any evil arise from it, time will find a cure, and the Lumber business will, ere long, be confined to fewer hands.

Having thus, as far as I am able, replied to the various requisitions submitted for my Report by Your Excellency's command,

I have the honor to be, &c. &c. &c.

THOMAS BAILLIE, *Sur. General.*

His Excellency Sir W. M. G. Colebrooke, K. B., &c. &c.

ROAD ACTS.

Extract of a Despatch from Earl Grey to Sir W. M. G. Colebrooke, dated Downing-street, October 18, 1847.

I observe that the Act. No. 1,173. for repairing Roads and re erecting Bridges throughout the Province, contains a great number of small Grants for that object, and continues a practice, which in my judgment is extremely objectionable, and has been often remarked upon. Although I have not considered it expedient to advise Her Majesty to disallow the Act on this account, I must remind you that your Despatch, No. 46, of 12th June, 1845, has led Her Majesty's Government to expect that the present defective system of appropriating money for Roads in New Brunswick would be remedied. I will hope that in the next Session some amendment may be made on this point. I have, &c.

(Signed) GREY.

Lieut. Governor Sir W. M. G. Colebrooke, &c. &c.

Extract of Despatch, No. 46, addressed to Lord Stanley, dated Fredericton, 12th June, 1845, with the Acts of the Session.

"An Act to provide for opening, repairing Roads and erecting Bridges throughout the Province."

This Act has been passed in the usual manner; the sums appropriated for the Great Roads have been granted without any surveys or estimates to guide the Assembly; and the Grants for Bye Roads, without information as to the condition, or even situation of the Roads.

In 1841, the Accounts were submitted to the Auditor of the Government, and the Commissioners were brought under stricter control in their disbursements.

In the present year, it is proposed to obtain such Reports of the state of the Roads, and Estimates of the sums required for their repair, as will enable the Government to furnish such information to the House as will guide them in future Appropriations. I have, &c.

(Signed) W. M. G. COLEBROOKE.

The Rt. Honorable Earl Grey.

RAILWAY FROM HALIFAX TO QUEBEC.

Downing Street, 23d October, 1847.

SIR,—A favourable report having reached Her Majesty's Government as to the practicability of constructing one good line of Railway between Halifax and Quebec, it appears to Her Majesty's Government that the proper time has arrived for recalling the attention of the Legislature of New Brunswick to the resolution passed by the House of Assembly, on the 2d of April, 1846, pledging the House to defray its fair proportion of the expense of the preliminary Survey for the projected Railway.

Instructions have been given to Major Robinson, to transmit to you and to the Governor General of Canada, and the Lieutenant Governor of Nova Scotia, precise statements of the amount of expenditure incurred on this service for each Province; and on receiving the Account for New Brunswick, you will communicate it to the House of Assembly, and recommend that provision be made for repaying, to the British Treasury, the amount advanced for the exploration in question, either to the late Captain Pipon, or to Major Robinson, up to the date mentioned in the statement which will be submitted to you. I have, &c.

(Signed) GREY.

Lieutenant Governor Sir W. Colebrooke, &c. &c. &c.

Little Falls, New Brunswick, 26th Oct. 1847.

SIR,—I have the honor to forward, for the information of Your Excellency, the enclosed copy of an Order which I received from the Inspector General of Fortifications on the 23d instant.

And with reference thereto, to state, that as soon after the closing of the working season as the Ar[illegible] will permit, I propose to explore a Road from Boies Town, in nearly a due north line, towards Dalhousie, the distance being about 110 miles. At a point, distant about 50 miles from Dalhousie, I would explore a branch line towards Bathurst, to form a junction with the Road which is at present extended about 30 miles up the Nepisiquit River, from the Shire Town of Gloucester. From the above mentioned point another line should be explored towards the Grand Falls of the River Saint John, distant about 70 miles. Also, from the same point, another line should be explored towards Newcastle, distant therefrom about 50 miles. The aggregate of those lines would give the distance of 280 miles, which, at £125 per mile, would require £35,000 to complete.

I have, &c.

(Signed) WM. ROBINSON, *Capt. Rl. Eng., Bt. Major.*

His Excellency Sir W. M. G. Colebrooke.

Office of Ordnance, 20th August, 1847.

SIR,—The Board having made a communication to the Secretary of State, on a Letter to Major Robinson, of the Royal Engineers, dated 27th May last, which was forwarded by the Assistant Inspector General of Fortifications on the 16th June, regarding the progress of the Exploration Survey for a Line of Rail Road between Halifax and Quebec, and the amount necessary for carrying it on; and requesting His Lordship to obtain from the Lords Commissioners of the Treasury a further credit on the Commissariat Chest at Halifax, to enable the Commissioners engaged on the Survey to continue their operations to the 30th September next;—

I am directed to acquaint you therewith, and that Earl Grey has signified, that in addition to the several sums of £1,300 and £2,000, which have been advanced by the Commissariat Office at Halifax, on account of this service to the 30th June last, their Lordships have authorized the Commissary to make further issues upon the requisition of the Officers in charge of the Survey, to the extent of £1,844, to defray expenses to the 30th next September.

Lord Grey has also expressed his desire, that the Commissioners employed on this Survey may be instructed to prepare Accounts of the whole expenditure incurred up to the close of the present working season, within the Territory of each of the three Provinces, which have been explored, and to furnish those Accounts to the respective Governors, who will in the mean time be instructed by His Lordship to apply for the repayment on the meeting of the Provincial Legislatures.

The Board therefore request you will call upon the Officers employed for the Accounts required by the Secretary of State. I have &c.

(Signed) G. BUTLER,

(for the Secretary.)

True copy.

(Signed) WM. ROBINSON, *Capt. Rl. Eng., Bt. Major.*

M. Gen. Sir J. F. Burgoyne, K. C. B.

Extract of a despatch from the Right Honorable Earl Grey to Sir William Colebrooke, dated Downing Street, 24th October, 1847:

SIR,—I have received your Despatch, No. 92, of the 29th September, &c.

I think it right to state that I approve of your suggestion not to sanction the alienation of any of the Crown Lands in New Brunswick, which may be required for the purpose of the Railway, or which are likely to be raised in value in consequence of the Rail Road passing through them.

You will therefore give directions to the Officers of the Crown Land Department to avoid disposing of any such Lands at present, except with a distinct reservation of the power of the Crown to reserve any portion of them which may be required for the Railway.

It will also be desirable that purchasers should be compelled, in the event of the Railway passing within five miles, at their option either to surrender the Land sold to them on receiving payment for improvements, or to pay an additional price for it, according to arbitration.

(Signed) GREY.

SURVEYING STEAMER IN THE BAY OF FUNDY.

Downing Street, 11th December, 1847.

SIR,—I have the honor to acknowledge the receipt of your Despatches, No. 91, of the 26th October, and No. 96, of the 10th November, enclosing copies of letters from Captain W. F. Owen, and from the Commissioners of Light Houses in the Bay of Fundy, in which they express their hope that Her Majesty's Government will authorize the completion of the Survey of that Bay.

I transmit for your information, the accompanying copy of a letter addressed to this Department, by desire of the Lords Commissioners of the Admiralty, to whom I have referred your Despatches, and I have to instruct you to communicate it to Captain Owen and to the Commissioners of Light Houses, in answer to their respective letters.

I have, &c.

(Signed) GREY.

Lt. Governor Sir W. M. G. Colebrooke, &c, &c. &c.

Admiralty, 27th November, 1847.

SIR,—Having laid before my Lords Commissioners of the Admiralty, your letter of the 23d instant, and its enclosures from the Lieutenant Governor of New Brunswick, relating to the Survey of the Bay of Fundy, and requesting to be informed whether it is their Lordships intention to discontinue the Survey, and if so, the grounds on which they have considered it expedient to adopt this course; I am commanded to state, for the information of Earl Grey, that the Steam Vessel at present employed on the Survey of the Bay of Fundy, has been so long in Commission, that their Lordships consider it would be dangerous for her to continue there, but it is their intention to replace her in the ensuing Spring or Summer. I am, &c.

(Signed) H. G. WARD.

Herman Merivale, Esquire, &c. &c. &c.

REGISTRY OF DEEDS AND OTHER INSTRUMENTS.

Extract of a Letter from Earl Grey to Sir W. M. G. Colebrooke, dated Downing Street, 18th October, 1847.

Her Majesty has not been advised to withhold her assent to the Act consolidating the Laws relating to the Registration of Deeds and other Instruments in New Brunswick, although the Act is not entirely free from objection;—I refer to the limit which is fixed for the Registration of Wills. The section which provides for the Registry of such Documents, distinguishes between the Wills of persons dying within and of those dying out of the Province, and allows three years for Registering the Wills of the latter. In many of the British Colonies, the period allowed for Registering all Deeds is expressly prescribed, and is more or less extended according to the place in which they may be executed. Such a provision appears to be a very wholesome one, as its omission may inflict positive injustice on persons at a distance who might be unable to complete by Registration their claims before later encumbrances made and completed in the Colony. For that reason I am of opinion that it would be desirable to suggest to the Colonial Legislature the propriety of amending the Act so as to ensure a reasonable time for Registration of Deeds executed out of the Colony.

I have, &c.

(Signed) GREY.

Mr. Jordan, by leave, presented a Petition from John Boyd, Esquire, M. D., Physician and Surgeon to the Provincial Marine Hospital, setting forth, that from the increased number of sick admitted yearly into that Establishment, the duty has become so arduous as to require the sacrifice of much of his private practice, and his health has been much impaired thereby, and praying such remuneration as may appear reasonable in the premises; which he read. *Ordered*, That the said Petition be received and lie on the Table.

On the 31st ult. the House, in Committee of supply, granted the usual sums for the payment of the ordinary services of the Province.

On Tuesday last the House went into Committee of the whole on a Bill to authorise the Exploration and Survey of a line for a Rail Road between Shediac and the City of St. John, introduced by the Hon. Mr. Hazen. After some opposition it passed without a division, and the sum of £1000 was appropriated to carry out the objects of the Bill.—During the discussion on this measure, Mr. Ritchie pledged himself to bring forward, during the present session, the question of the removal of the Seat of Government to St. John.

A Bill to assess the inhabitants of the Parish of Portland £800 per annum to pay for Watching and Lighting that Parish with gas, was taken up, and progress reported.

A Bill to provide for ascertaining the population of the Province, and statistical returns respecting its agriculture, manufactures, trade, &c., introduced by Mr. R. D. Wilmot, passed the House without opposition. The Bill is not to take effect till 1849, and the returns to be presented to the Legislature in 1850.

The Bill for extending the jurisdiction of the Corporation of St. John in collecting rates for Pilotage beyond the limits prescribed by the City Charter, has passed both Houses.

The Bill for closing and ornamenting the old Burial Ground in St. John, passed the House without discussion or opposition.

Mr. Partelow brought in a Bill to authorise the Justices of the Peace for St. John to make certain Rules, Orders, &c.

Hon. Col. McLeod brought in a Bill for regulating the measure of cord-wood in St. John market.

Mr. Partelow brought in a Bill for increasing the Constabulary force of the City and County of St. John.

JANUARY 31.—On motion of Mr. L. A. Wilmot, *ordered*, That the Order of the Day of the twenty fifth day of January instant, to go into Committee of the whole House to-morrow, in consideration of Ways and Means of raising a Revenue in the Province, be discharged, and that the House do on Tuesday next the eighth day of February, resolve itself into said Committee.

Mr. Partelow, by leave presented a Petition from James Kirk, President of the Marine Insurance Company, John Duncan, President of the Globe Assurance Company, Henry P. Sturdee, Agent for Lloyd's, together with Robert Rankin and Company, and sixty others, Merchants and Shipowners at Saint John, as also sixteen Branch Pilots, setting forth the great necessity that exists for establishing a Harbour of Refuge in the Bay of Fundy, and praying that Legislative provision may be made therefor; which he read. *Ordered*, That the said Petition be received and referred to the Committee of Trade to report thereon.—[Dipper Harbor is said to be the place proposed for the Harbor of Refuge.]

LEGISLATIVE COUNCIL, Feb. 2.

The House took up the order of the day, and went into Committee of the whole on the Bill regulating vessels arriving with Emigrants, as sent up from the Lower House.

Hon. Mr. Johnston observed that the Bill is very good so far as it goes; but he would have been pleased to see it go further, and compel Masters of vessels to give bonds that the emigrants shall not become chargeable here. The increased amount of head money would probably meet expenses for the first year; but many of the emigrants might be a burden upon our towns and parishes for years, and then the Emigrant fund, as provided by this Bill, would be inadequate. The Bill, however, goes as far as they had any right to legislate under the Despatch recently received; but he hoped they would ultimately receive additional powers.—(The Bill was then passed.)

A Bill to authorise the magistrates of King's to levy an assessment to pay off the County debt, was read a third time, and passed.—*Loyalist Reports.*

The Observer.

SAINT JOHN, FEBRUARY 8, 1848.

We have extracted from the Journals of the Assembly a number of Extracts of Despatches from the Colonial Secretary to the Lieutenant Governor, relating to Provincial Affairs; likewise a highly interesting Report from the Surveyor General, Mr. Baillie, on the Survey and disposal of Crown Lands and Timber, and opening of Roads in this Province, which will be found well worthy of perusal.—We learn from the document that of the 20,000,000 acres of which the Province is comprised, but 6,000,000 have yet been granted, 3,000,000 are set down as barren or under water, leaving the large amount of 11 000,000 acres of good Forest Land, fit for settlement, unappropriated, and at the disposal of the Government.

During the last year, there entered inwards at this port from the United Kingdom, 360 vessels, 166,604 tons, 5,895 men—and during the same period there cleared outwards, for the United Kingdom, 432 vessels, 221,422 tons, and 7,601 men.—There also arrived at this port during the same period, 14 vessels, 1,950 tons, from British West Indies; 3 vessels, 729 tons, from Foreign Europe; 999 vessels, 51,795 tons, from British North American Colonies; 278 British vessels, 31,704 tons, from the United States; 55 vessels, 14,274, tons, Foreign; 11 vessels, about 2600 tons, from other ports.

On Saturday and Sunday last, we were visited with a severe Easterly snow storm, almost the first of the season. In consequence of the large quantity of snow which had fallen, the mails were yesterday detained some hours beyond their usual time. Sleighing is now very good, but the weather being mild and thawing in the sun, it is not probable that the snow will remain long, unless it becomes colder.

The Western Mail of last evening furnishes nothing of importance from Mexico. There continued to be rumours of peace propositions, but they were not credited.

CONCERT.—We would direct the attention of our readers to the Programme of the Concert to be given by Mr. STEVEN, to-morrow evening, at the Hall of the Mechanics' Institute, which is published in another column. It will be found to contain many choice pieces; and as Mr. Steven, in addition to his own chaste performances on the pianoforte, is to have the valuable assistance of the *Philharmonic Society*, and a number of Gentlemen Amateurs, we think the lovers of Music may anticipate an evening's entertainment of no ordinary kind.—We wish him an overflowing house.

TEMPERANCE HALL.—We learn that the different Temperance Societies in this City purpose erecting a spacious brick edifice, for a Temperance Hall. The *Telegraph* of last evening says—"The idea is to raise some six thousand pounds by means of a Joint Stock Company, and to this end a Subscription list has been opened, and upwards of three hundred shares already taken at Five Pounds each. Several places have been named as the site for the building; but we believe the selection will be a matter for future consideration. We trust the friends of Temperance generally will feel under obligation to give the undertaking all the assistance in their power to bestow, and if they do, we shall shortly have the satisfaction to behold a fabric which will at once be an ornament to our City and a triumph to our cause. The Subscription list may be seen at the store of Mr. C. E. Cross, South Wharf."—We wish the laudable and spirited project every success.

MECHANICS' INSTITUTE.—Last Friday evening, Mr. Foulis lectured in continuation of his chemical course, explaining latent heat, and some of the gases. The mode of evolving hydrogen was shewn, with several beautiful experiments. His next lecture will embrace a consideration of oxygen and its compound, nitrous oxide, or exhilirating gas, chlorine and its compound, chloroform, &c.

Last evening, (the lecturer, who was expected, not having found it convenient to come to the city,) Dr. Paterson gave an entertainment on Electricity.—*Next Friday*, it is intended to resume the subject, when several luminous experiments will be exhibited.

Next Monday evening, 14th inst. Mr. Boyd will lecture on "Intellectual Improvement, and its claims upon Young Men of the present age."

The brick building known as St. Stephen's Church, with the lot of ground, fronting 80 feet on King's Square and 100 feet on Charlotte street, was sold at public auction on Wednesday last, for £2,475. Capt. Joseph Stephenson was the purchaser.—Auctioneer, Mr. Thomas Raymond.

The Hon. Charles Simonds took his seat as a Member of the Legislative Council, on Tuesday last.

☞ We this morning received from Miramichi, post paid, an anonymous letter, signed "*A Creditor*," containing an advertisement purporting to be an assignment of the estate and effects of a certain mercantile firm at that place, in trust, to parties who are named in the advertisement, and requesting its insertion "for the information of the public." The request being anonymous, we must decline its insertion until it comes to us in a more official or *authorized* manner.

The Obituary notice from a correspondent at Hopewell, will be inserted in our next paper.—Also the lines signed "Ellen."

The steam ship Acadia, from Liverpool, via Halifax, arrived at Boston on last Tuesday morning. The passengers had unanimously presented Capt. Stone with a complimentary address respecting the seamanlike and gentlemanly conduct of the captain and officers of the ship, on this the first voyage of Capt. Stone as commander.

The exports from Quebec to the United Kingdom last year amounted to £1,413,539; to British Colonies, £88,551; United States, £921; Cape of Good Hope, £1,859; Bremen, £329—Total, £1,505,259.

LEGISLATIVE.—The most exciting debate of the Session took place on Thursday, on the presentation by Mr. Tibbets, of a Petition from the Magistrates of King's County, praying the late roads at Woodstock. This application was moved by Mr. Tibbets to a Select Committee, and opposed on the ground that instead of being referred to a Select Committee it should be laid on the Table. Mr. Tibbets refused to allow it to lie on the Table, and the question being taken on his motion, the petition was thrown out. Several members here observed that they were willing to give the application their fullest consideration; and that it had been totally lost only on account of the pertinacity of Mr. Tibbets. Mr. Brown then moved that it be received and lie on the Table, and his motion was carried—Messrs. Tibbets, J. Earle, Taylor, Fisher, Barberie and R. D. Wilmot, voting against it.—*Fredericton Reporter.*

Hon. Mr. Rankin, Mr. Fisher, Mr. Hanington, Mr. Montgomery, and Mr. Miles, were subsequently named by the Speaker as the committee to report on the above subject.

The correspondent of the *Mail* says that the Assembly, on Saturday last, on motion of Mr. Partelow, resolved to appropriate the sum of £25, for the purpose of having a Daily Mail between Fredericton and St. John, during the present session.

The Petition of Lieut. Kortwright, master of the Steamer Columbia, for the return of duties on Wine, consumed by him while conducting the Survey of the Bay of Fundy, was unanimously rejected.

Mr. Ritchie brought in a Bill to incorporate certain parties into a Company, for the erection of a Temperance Tempie in the City of Saint John.

PROVINCIAL SECRETARY'S OFFICE,

Halifax, 2nd February, 1848.

His Excellency the Lieutenant Governor, has been pleased to appoint the following Gentlemen to form Her Majesty's Executive Council in this Province:

The Honorable James B. Uniacke,
" Michael Tobin,
" Hugh Bell,
" Joseph Howe,
" James McNab,
" Herbert Huntington,
" Wm. F. DesBarres,
" Lawrence O'C. Doyle,
" George R. Young.

The above Gentlemen were sworn into Office this morning.—*Halifax Royal Gazette.*

No official announcement has yet been made regarding the appointment of Attorney or Solicitor Generals, or Provincial Secretary.

The following resolutions were moved in the House of Assembly, by Mr. Huntington:

Whereas, it is indispensable, in order that the Departmental system of Government should be carried out in this Province in accordance with the enlightened views propounded by Her Majesty's Government, that the office of Provincial Secretary should be held by a different tenure from that which has hitherto obtained.

And whereas, Sir Rupert D. George has resigned his seat in the Executive Council, and consequently vacated the office of Secretary of this Province:

Resolved, That it is the sense of this House, that Four Hundred Pounds, Sterling, *per annum*, chargeable on the Casual and Territorial Revenue, be allowed him for and during his life as a retirement, and the further sum of One Hundred and Sixty Pounds, Sterling, should he resign the Office of Registrar of Deeds, which this House contemplate arranging by Bill during the present Session of the Legislature.

Robbery.—On Thursday night, the house in Paddock-St. occupied by Capt. Vaughan, was entered through the kitchen window, and wearing apparel, spoons, knives and forks, and other articles, to the value of about £40, carried off. We trust a sharp look out will be kept for the property which has been stolen of late, and that any information which would lead to the detection of parties engaged in or connected with the recent robberies in the City, will at once be communicated to the authorities.—*Courier.*

CORRECTION.—We were in error last week in stating that Mr. Smithers, who had recently left this City for London, would be connected in business with the House of Messrs. Pollok, Gilmour, & Co.—*Ib.*

The "Gateshead Observer" states that nearly all the cases tried at the present winter assizes in York had their origin in strong drink.

We learn that Mr. Thomas Otty, a son of Col. Otty, of Hampton, was an officer on board of H. M. Steamer *Avenger*, whose dreadful shipwreck was recorded in our last, and has no doubt shared the fate of all on board the ill-fated vessel.—*New Brunswicker.*

FATAL ACCIDENT.—As Mr. Tisdale Lyons of Sussex Vale, was proceeding to town on Thursday last, with a load of produce, he halted at Beldon's Inn to feed his horses, for which purpose he had removed their bridles. While the horses were feeding, a carriage approached from behind, at which they took affright, and started at full speed along the road. Mr. L. in attempting to arrest them, was thrown down, and the wheel of the waggon passing over his head, caused almost instant death. By this sudden and unforeseen casualty, a wife and four children are deprived of an affectionate husband and kind father, who is deeply lamented by a large circle of relatives and friends.—*Mail.*

INFANTICIDE.—The body of a newly-born infant, packed in a cigar-box, was found in Wright's Shipyard, Courtney Bay, on Tuesday morning.—The little creature had been killed by filling its mouth with cotton.—[Her.

SERIOUS ACCIDENT.—On Friday last, as a young man named John Cleary, was hauling logs from the Woods, on the Black River Road, three miles from this City, he met with an unfortunate accident which, it is feared will speedily result in his death. It appears that a chain was fastened to the wiffle-tree, which should be held up by the hand, to keep it from the ground, but the unfortunate man had, for his own convenience, fastened it about his body, and the horses taking fright, ran away, dragging and mangling him horribly over the stumps, stones, &c. This should serve as a warning to many who are in the habit of making themselves fast to horses in the way mentioned, as it is impossible to get clear of them should they become frightened and start off.—*Ib.*

Two boys named McMullin and Redding, were drowned in a pond, at Milton, Yarmouth, on the 26th ult. They were standing, with another on the ice, when it broke, and the three fell through, but one was fortunately got out in safety.

We were shewn the other day, one of the model penny pieces which have been approved by the British mint. It consists of a distinct circular insertion of a small piece of silver in a copper frame, of the size and substance of a shilling. The obverse represents the head of the Queen, and the reverse a simple figure of 1 (one penny.)—*Quebec Chronicle.*

Melancholy and Fatal Accident.—The Rev. Mr. Bowles, of the Congregational Church, in returning to Montreal, from a meeting last evening, in a sleigh, in company with a lady, drove into a hole in the ice in the Chateauguay basin, and was drowned. His body had not been found at two, P. M. The lady escaped.—*Ib.*

THE FRENCH STEAMERS.—The losses of this line, up to the present time, are said to amount to two millions of francs, or about $375,000. The company are about asking the government to make up this loss. For the present the four ships are to cease running, in order to be refitted and provided with new furnaces, increasing the power of the engines. They will resume their trips in March or April.

A little over forty years ago, Aaron Burr was brought to trial on a charge of treason for undertaking to raise within the limits of the United States the means of wresting Mexico from the dominion of Spain. It was treason *then* to dream of the conquest of Mexico, but it is *now* the height of patriotism to undertake it!—[Louisville Journal.

SMALL POX.—This disease is reported to be quite prevalent in Caledonia, Orange and Washington Counties, Vermont, proving fatal in numerous cases. It is also prevalent about Bangor, Maine, and in the back country a[illegible] the lo[illegible]tere.

HIGH WIND.—A number of signs were blown down in Philadelphia, on Sunday, by which persons were badly hurt. Mr. Daniel Moore, a printer, had his leg so badly crushed that it was amputated. Mr. Cyrus Holborn was knocked down senseless. Mr. Mattack, a carpenter, was thrown down twenty feet from a ladder, and very severely injured.—[N. Y. Com. Adv.

The Right Hon. Thomas Earl of Dundonald, G. C. B., Vice Admiral of the Red, has been officially appointed Commander-in-chief of Her Majesty's Naval For