PROVINCIAL LEGISLATURE.

[*From the Fredericton Sentinel.*]

HOUSE OF ASSEMBLY—FREDERICTON,

Thursday, September 12.

The House upon motion of Mr. Partelow resolved itself into a Committee of the whole, for the consideration of the Bill for preventing fires in the City of Saint John. Mr. Hayward in the chair.

Mr. PARTELOW made a few brief observations with reference to the Bill, which he said explained itself. It had been unanimously agreed to at a very large meeting of respectable inhabitants of St. John, by whom it had been sent up to the House. He believed it met the views of his colleagues, and he presumed it would become a law.

As there was no general principle to be discussed, whatever remarks were made referred to the details of the Bill, the height and thickness of the partition walls, the slope of the roof and other subjects of minor importance. Mr. Johnston described the difficulty which existed with respect to Nelson-street in building partition walls of stone, where it is difficult to procure a foundation unless piles are driven, at great expense: and Mr. Woodward wished the consideration of the Bill deferred for a day or two until an opportunity could be afforded to parties who were disposed to petition against the passage of the Bill. There was a general disposition however to proceed with it.—Some progress was made in it on Thursday—it was again taken up on Friday—and ultimately passed on Saturday—limiting the height of wooden houses in the burnt district to fifteen feet exclusive of the roof, which cannot exceed ten feet more, with one slope, and to be covered with tin or slate, or some other material that is not combustible.—There was an interesting debate with reference to a clause which went to make provision for reducing or carrying away buildings which may be in progress of erection; and which are at variance with the provisions of the Bill under discussion, which we have reported.

Friday, September 13.

BILL FOR PREVENTING FIRES.

The House again resolved itself into a Committee on the Bill for preventing fires in the City of Saint John.—Mr. Hayward in the Chair.

Mr. WELDON called the attention of the committee to the case of people who were at present erecting wooden buildings in the fire district in St. John, exceeding in height those contemplated by bill then under consideration.

Mr. PARTELOW said there could be no difference of opinion upon the subject, and they should not be permitted to remain; but the small expense of removing or reducing them should be paid by assessment. It was desirable that clauses should be prepared to that effect, and erections would then be made conformably to the wishes of the people.

Mr. J. M. WILMOT said it was a subject of grave consideration. The buildings alluded to were erected before the passing of any act to the contrary, and he did not see why parties should not be protected, as they have not violated any law. He should have no objection, therefore, if they were to be remunerated for any loss they might sustain by a law, which would operate generally.

Hon. Mr. SPEAKER said the consideration of the subject was not unattended with difficulty; those parties were as much under the protection of the law as before the occurrence of the fire.

Mr. PARTELOW was satisfied some of the buildings alluded to must come down, as there was a bill then before the House to widen the streets. The individuals who had put or were putting up these buildings, all knew that a law was about to pass, and they were not entitled to that lenity with which the hon. Speaker was about to treat them.

COL. ALLEN considered it a difficult point; but thought they had better confine the assessment to the district alone; he could have no consideration for persons who would evade the law, and if they were prudent they would not proceed with their erections, when an assessment was about to be made to pay for pulling them down.

Hon. Mr. JOHNSTON said, however desirable it was to reduce the height of the buildings alluded to, yet he would not do an act of injustice. The parties, many of them, had leased land at a very high rate, and they should be remunerated for taking those buildings down, and in addition to what they would sustain by the loss on those erections, there should be an allowance for the difference of rent. It would be an evil, however, to allow them to remain, and he saw no course to be pursued but to reduce the buildings, and assess the city for the expense. It was a tax which would be cheerfully borne.

Mr. END considered the erection of those buildings as a trick, and sufficient had fallen from hon. members to justify him in that opinion. Every disinterested person was fully aware of what had occurred after the first fire in St. John, and a law had passed prohibiting the erection of wooden buildings above a certain height, founded upon a petition from the City of Saint John. He need not make any observations upon what had subsequently occurred, but would let that pass. The City is visited by another fire—a public meeting had been called—and parties were not ignorant of the state of public feeling, or what would be the action of the Legislature; but in the teeth of all this they threw up buildings of a large size, in contravention of what they were satisfied would be the law of the land; and persons were found who would ride down the law were they to be permitted to do so. He would not gratify such persons, and would declare all buildings above the regular size to be nuisances, as they were built with a view to circumvent the proceedings of the Legislature and in defiance of public sentiment. If nothing but the mere shell was put up it could easily be removed, and they ought to do so at their own expense. The learned gentleman concluded by saying he felt called upon to express his opinion most fully.

Hon. Mr. SPEAKER could not agree with the learned member for Gloucester that those people were actuated by vicious motives; they were governed by the principle of self which more or less actuated the entire human race; and in this instance had probably been misguided by that principle, and had given more than was prudent, under existing circumstances, for certain portions of land. Still they were not to be punished for that; and were the House to declare those buildings to be a nuisance, they would be punishing persons for doing that which was consistent with the law of the land. As there were only two erections of the description alluded to, the hon. Speaker said he thought they had better be left alone, and let the bill apply only to such as might be erected after the passing of the Act. The Legislature could not consistently punish persons as criminals who had not offended against any existing law, and he never was more surprised than when he had heard such a doctrine laid down by a professional gentleman.

Mr. WELDON said while the Legislature should see that the public good was secured, they should take care that no personal injury was inflicted. Such buildings as those which had been described, were not only dangerous in themselves but they endangered others; they should therefore be altered or removed, but the loss should be borne by the whole community, and not by those in the burnt district exclusively. He should, therefore, prepare an amendment to that effect.

Mr. WOODWARD was anxious that the parties who may have built should not be considered as being actuated by vicious motives. If they were taken down, their owners could only expect to be remunerated for what their removal would cost. The learned member for Gloucester had attributed to them improper motives; and would then proceed to punish them for their conduct. He said he thought the commissioners whose duty it would be to widen the streets, should attend to the removal of those erections, and assess the city for the expense; he knew of no better mode of proceeding than that.

Hon. Mr. SPEAKER.—The difficulty was how or whom to assess; and the question was whether the assessment should be confined to the burnt district or whether it should extend over the city. The enquiry itself was a slight one and it was not worth while to take up time—they had better pass the bill as it had been read, and let the buildings remain.

Mr. GILBERT considered it impossible to legislate in such a way as to meet every case. Hon. members had attributed impure motives to certain parties; there were but two buildings at present erected; and when it was considered that last session the Legislature had repealed the act passed in consequence of the late fire, against the erection of wooden houses, and that these people wanted to get accommodations, having been burnt out; the proceeding was not one that should call forth punishment.

COL. ALLEN said if he understood the Speaker, he would let those persons alone. He could not subscribe to that doctrine. If they had attended the public meeting, they would have been satisfied that such buildings should not have been erected. The law, he admitted, was arbitrary, but why exempt those individuals from its operations when others were restrained. These parties did not seek a mere temporary accommodation—they had erected buildings three stories high. He thought the buildings should be reduced to coincide with the enactment.

Hon. Mr. JOHNSTON said the object was not to pull down but reduce those buildings. He thought there were more than two of them, and if so it would increase the risk of fire. To meet the expense of the alteration, he would assess all visible property; and the tax would not be complained of. He would not institute a poll tax, but something like the watch tax.

Mr. END said to avoid difficulty, they had better call them all nuisances, as the intention evidently was to evade the law, which in spirit though not in letter, was already in existence. Reference had been made to the poll tax, but why should a poor man pay the same as the hon. Speaker. Very properly had it been observed with reference to the rich man, that it was as difficult for a camel to go through the eye of a needle; and here it was proposed to make a poor man pay the same as one wallowing in wealth. He thought they had better take the simple course, and declare them all nuisances.

Hon. Mr. SPEAKER wished to explain. If the assessments were upon property it would not affect him one farthing, as he had not a house in the city—but he thought it his duty at all times to protect the community against a burthensome enactment.

Mr. JORDAN said he was afraid, it would be an arbitrary enactment, were they to compel persons to take down those buildings, which had recently been erected, at same rate they to tax the city. Although the legislature were about meeting, these parties did not know that a law would pass against such erections. The Speaker had expressed his sentiments most fully.

Mr. BROWN was anxious that the bill should embrace the buildings complained of; and he left it for the legal gentlemen in the house to construct the enactments in such shape as might be proper. He agreed perfectly with the arguments of the learned member for Gloucester; they came there to legislate for the good of the city, and the arguments that had been used, were against legislating altogether. These persons knew the law was about to pass; and he thought it no hardship to compel them to reduce their buildings to the height of fifteen feet, without assessing others to defray the expence. Let all be used alike. He hoped there would not be a majority to assess.

There being a desire to ascertain the sense of the house, as to the course which should be pursued; the chairman was requested to put the question, with a view to prepare a specific section before the following morning; which was decided in favor of the removal or reducing the buildings.

The House resumed.

Hon. Mr. JOHNSTON laid before the House by command of His Excellency, certain dispatches which were referred to at the opening of the session, together with those connected with the grant of land to the New Brunswick and Nova Scotia Land Company, which were read; and it was made the order of the day for to-morrow, to take the same into consideration.

Saturday, September 14.

The House again resolved itself into a Committee on the bill for preventing fires at St. John. Mr. Partelow had prepared a section providing for the removal or alteration of houses erecting in the burnt district, and assessing the city generally. To this Mr. End proposed an amendment, declaring those which had been erected, in defiance of public opinion, to be nuisances; which after a short discussion similar to that of the preceding day, was lost; and the original section was carried.

Friday, Sept. 13.—Mr. Partelow, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of this House of yesterday, on the subject of proceedings being had against Duncan Barber, for a debt due to the Crown, reported, that they had attended to that duty, and that His Excellency was pleased to say, he would direct that the wishes of the House should be carried into immediate effect.

Mr. End, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of the House of yesterday, praying His Excellency that no coercive measures should at present be adopted against actual settlers for Monies due to the crown on purchases of Lands, reported, that they had attended to that duty, and that His Excellency was pleased to say, that the wishes of the House had been anticipated by the Government, and should be complied with.

Saturday, Sept. 14.

The House resolved itself into a Committee for the consideration of a Bill granting a loan to St. John. Mr. M'Leod in the Chair.

Mr. Partelow said the first question to be considered, was whether the Committee were disposed to effect a loan at all. But he hoped there would be a large majority, if members were not unanimous, after the passage of the Bill, which went to compel persons erecting buildings above a certain height to make them of stone. He trusted there would be a disposition to loan a sum not exceeding £25,000 or £30,000 to assist those proprietors who might require it, and who must now erect buildings of an expensive description, in consequence of the passage of what must be termed an arbitrary law. If, however, contrary to his expectations, there should be objections which would be fatal to the passage of the Bill then under consideration, he should move that the other be re-committed, in the hope that it might be thrown out. He knew individuals who possessed property, and who could give ample security; but who, unless aid were afforded in the manner proposed, could not erect such buildings as were required. The various provisions of the bill might be altered if it were wished, the object at present being to discuss its principles.—The loans would be for a certain time, when they would be paid off. He should make no further observations, until he ascertained that there was any opposition to the bill.

Hon. Speaker said he fully agreed with what had been urged by the hon. member for St. John, and should not go over the same ground. But there was an additional reason why such loan should be effected. A large revenue had lately been handed over to the province, and the legislature were at a loss in what manner to fund it. That difficulty would be removed by the bill then under consideration; a large sum might be made to bear an interest of six per cent. and appropriations would not in future be made in a lavish manner. The opinion he said was abroad, that too large a sum had been laid out on roads, and that labour had in this way been withdrawn from agricultural pursuits to its injury. This evil would no longer be felt, as the appropriations of the legislature must in future be restrained within due bounds, and the surplus revenue would be appropriated to other purposes. In this way a great temptation would be removed. He felt satisfied that such would be the result; and upon that principle, if no other, he would give his support to the bill.

Mr. End said hon. members must regret that they had voted the address; for the fire, instead of being a calamity, had in the hon. Speaker's estimation been a great blessing, and must contribute to the prosperity of the province. In fact it had happened most providentially, and was a sort of political flagellation, with which the members of the House were to punish themselves; a sort of moral sackcloth and ashes, which is to prevent them from satisfying their propensity to expend monies on roads and bridges. The learned gentlemen said, that he came from a part of the province where agriculture had not been affected in the manner described, and where roads and bridges still remained to be provided for. In fact they need not go there to discover the necessity for increasing the road appropriations; for it would be found that a person could not travel from Fredericton to Quebec, without being carried on poles. And yet hon. gentlemen were told that the province had so much money, they did not know what to do with it. He presumed however the opinion that too much money was appropriated for roads and bridges would not go down with country members. Instead of too much, they had not enough; and it was not the amount of labour expended on the road that enhanced the price of it. The learned member said he was decidedly opposed to the bill; in the first place they had not the money to lend, and in the second place, he would not lend it if they had.—They were not to become money-mongers or to pledge the revenues of the country for mere local purposes. And for whom were the funds required? The inhabitants of a place, who they had been told that day did not mind taxation. The hon. member for St. John had said, that unless the bill should be passed, he would have the other recalled. But it struck him, if all the members for St. John should exert themselves for that purpose, they would fail; simply because the passage of a law for the erection of stone buildings, was in accordance with the voice of the country. But even should they succeed, let them go back and face their continuents if they dare. It was stated that lots had been sold since the fire, for double what they would fetch with the buildings on them And were the inhabitants of a commercial city like St. John, one fast rising in prosperity, and where lands were as high as they are in New York—were they to look to the province for a loan of money, or rather for a gift, for a loan was out of the question. Where was the necessity: was it shown that they were a people overwhelmed with misery; on the contrary they were wallowing in wealth, and long might they enjoy it. There had been no cause produced to induce the Assembly to vote the province money in this way; not even to the city, but to a few individuals; thus intending whatever benefit was to be incurred for a particular class. Such a measure he contended would be unjust to the province at large. This was not a case in which he felt called upon to give his support, and he should oppose the bill then before the committee.

Hon. Mr. Johnston said that the learned member for Gloucester had not met the subject fairly, nor had he taken a correct view of it. He had asked who ever heard of such a provision being made. He would reply that it was frequently the case that loans were granted. Again, he asked what case of suffering had been made out? It was generally known that individuals had lost property to a large amount; and it was reasonable to conclude, that they could not carry on business and erect costly buildings, with the funds which they could command. A loan therefore should not be refused, if it could be made without public inconvenience. The only question to be decided was, had they the ways and means. He thought for his own part that a loan could be granted, without interfering with other measures. In the first place, the Province had at this time £29,000 on interest; and if that sum were applied to this object, it would be an advantage. In addition to that, he hoped before six months the sum due by the Land Company would be available; and he agreed with His Honor the Speaker that he did not know a better manner in which it could be invested; the security would be undoubted, as it was not contemplated to advance in any one instance a larger sum than the estimated value of the land. The learned member for Gloucester spoke of the proposal as a local measure, and for the relief of a small district; but the interests of the province at large were involved, and if the community there became cramped or harrassed, the remotest parts of the country must feel it more or less; while from a contrary state of things, general benefit must result.—With this view of the subject he should support the bill.

Mr. Fisher said he should oppose the Bill from principle and because it embraced a special application; and even if he were favourable, he could not tell where the funds were to come from. The hon. member for Queen's said they were in the banks, but if he understood correctly, it was decided last year that those monies should be paid over, to meet the engagements with other banks. The fact is the money is wanting for the actual improvement of the country; and so far as the high rate of wages had been referred to the demand for the road service, that was not the case; the bye roads in particular are made at a time when the people are not employed about their farms, and it is all clear gain. With reference to the great roads it was much the same; and the contracts were taken at very low rates. But allowing it was the case; would it be fair to take the funds of the Province, and expend them on the city of St. John. And were the bill to pass, could the House stop there. No, they must go on and provide for every future loss. The arguments that had been urged in support of the measure, were weak and insufficient; and went to prove that persons owning valuable properties, cannot put up such buildings as the law requires. If the funds of the Province were voted in this way, during future sessions, half their time would be expended in legislating on the subject; there would be a feeling of sympathy excited, whenever the day of payment should arrive. He was warranted in making this assertion, from what had already occurred. He felt deeply for the sufferers in St. John, and possessed an honest pride in their welfare; and he certainly thought he would best consult their interests by opposing the bill. The moment this money was obtained, the banks and individuals who previously felt themselves bound to assist them, would withdraw their assistance. It was better therefore that they should struggle on without this questionable aid. He considered the flattering picture which had been drawn of the finances of the Province as a delusion.—In his opinion it was in debt.—And if they possessed the funds, it would be far better to expend them in opening roads, and thus encourage the settlement of the country and increase its value and importance. The learned gentleman said he opposed the vote upon general principles; it would be a dead weight upon the energies of the Province, and he expected never to see the day when it would be removed. Every attempt at improvement would be met by the loan; which if a benefit at all, would be for the special advantage of one part of the Province to the injury of the remainder. Should the bill pass, the House would be called upon to make provision to meet it. He hoped it would not pass; and he called upon those members to oppose it, who were favourable to the general improvement of the country.

Mr. Weldon said he came prepared to support the Bill; not because it gave any particular advantage, but because parties would be prevented from putting up any other than fire-proof buildings by legislative enactments.—That was an arbitrary act, and prevented persons from using their property in such way as might be most beneficial to their individual interest. And if in such a case they could benefit the parties, they were bound as legislators to do so. In this instance no gift is required; all that was asked was a pledge of credit, and debentures would issue, upon which there could be no loss; while there would be a gain to the province from the erection of fire proof buildings. In compelling persons to make such erections, they were restraining the natural rights of parties, who were entitled to compensation, and the province would be ultimately benefited. There was doubtless individuals who were not able to erect buildings such as the law required, and to whom pecuniary assistance would be of importance; and at the present time when there were difficulties of no ordinary magnitude existing at home, the effects of which were generally felt elsewhere, it was in vain to look for relief from ordinary means. It were therefore good policy to comply with the requirements of the bill. The learned gentleman said he saw by the bill, that it contemplated lending money upon the ground itself. In this way ample security would be afforded, and no loss could be sustained; and by granting the loan the Province would be benefitted without any possibility of injury. He would not agree to effect this at the expense of the great road appropriations of the country; he would be sorry to trench upon these. As to any difficulties that might occur hereafter, that lay with themselves. He hoped aid would not be afforded to mere speculators; and trusted the bill would pass; but it would require alteration. And if it was the disposition of the committee to pass it, they could report progress, and prepare such alterations as might be necessary.

Hon. Speaker explained. He said persons who owned valuable property previous to the fire, retained only the land upon which it stood In ordinary times they would experience no difficulty in obtaining funds to replace those buildings that had been destroyed; but at present if a loan could not be obtained from the public, it could not be obtained at all. Such was the distress for money at present, that all felt the pressure, and individual aid is out of the question. Unless it were obtained from the Province therefore, there must be a great sacrifice of property, as a number of valuable lots would be driven into the market at once in consequence of the enactment of what had been termed an arbitrary law; he felt satisfied therefore that upon every principle of honour and justice, the House was bound to render the assistance contemplated by the bill, because persons had been forced into measures by an act of its own.

Mr. Allan supported, and Mr. Beardsley opposed the bill.

Mr. Partelow said the circumstances of St. John were not such as they were in 1837; there is at present great difficulty in obtaining money on any terms. In fact it could not be obtained on any terms from individuals; and that was the reason they now came forward. The situation of the money marked had been ably depicted by His Honor the Speaker, and would be found substantially correct. The learned member for York talked of St. John as if it were Stanley he was alluding to; while last year he wanted £30,000 for the town of Fredericton, with which to erect a public building. He would call the attention of hon. members to the scarcity of money at present in the United States, where it is worth one and a quarter per cent. per month. Indeed he did not know any place on the continent where money could be obtained except Halifax, and there they would not lend it in St. John upon property; but £25,000 upon the credit of the province could be procured in a moment. The learned member for York, he said, talked of sympathy, and said he was willing to give a small sum as a gift, when £5,000 had been voted after the fire in 1825 he believed to Miramichi alone.

Mr. Rankin said the vote was not for that amount. It was £1000 for the whole province.

[We have not room for the remainder of the debate. Mr. Hill and Mr. Stewart opposed the bill; Mr. J. M. Wilmot, Hon. Mr. Crane, and Mr. Brown spoke in its favour. It finally passed, 15 to 13.]

BRITISH NEWS.

STEAM COMMUNICATION WITH AMERICA.

House of Commons, Aug. 21.

Mr. Hume moved for a copy of any contract or agreement entered into by the Board of Admiralty, or any other department of Her Majesty's government, respecting the conveyance of the mails to the West Indies and America.

Mr. C. Wood, Secretary of the Admiralty, said, with respect to the conveyance of the N. American mail to Halifax, the lowest tender which government had received in answer to public advertisement was £45,000 a year. The Mail to be conveyed once a month. This appeared to government much too high, and they had consequently made a private bargain, by which, for a slightly increased sum, they would have twice the quantity of work performed. The contract was for the conveyance of the mail to Halifax, once a fortnight at the rate of £50,000 yearly. Government had also made arrangements for a mail from Halifax to Boston once a fortnight, and the total yearly expense would be £60,000. Those arrangements were made for seven years. With respect to the conveyance of the mails to the West Indies, no contract was yet made, but he did not anticipate that the service would be performed at the same low rate, unless the party contracting to do it had important interests of another kind at stake in the West Indies. No offer had been made to the Admiralty half so good as that which had been taken. Certain persons had come to the Treasury and Admiralty and said they would perform the duty for £240,000. That was agreed to. What was the service to be done? There was now a communication by sailing vessels twice a month between this country and the West Indies, and there was a communication once a month by the same means with Mexico. But the mode of communication by sailing packets was altogether difficult and unsatisfactory. There was no regular communication at all with Malabar, and the communication between the whole of our West Indian possessions and the coasts of South and North America was very defective; thus there was no packet communication whatever between Mexico and the West Indies, and no direct communication between Cuba and the east coast of America. If specie were to be conveyed from Mexico to any part of the West Indies, there was no mode of doing it but by a ship of war. In fact, there was no communication that could be depended upon between the West Indies and the whole of North America. These were deficiencies which would be supplied by the parties with whom this contract had been made. Twice a month steamers of 400 horse power would cross the Atlantic; and such lines would be established as would connect all the islands of the West Indies, whether British or foreign, and as would also connect our colonies in the West Indies with those in Demerara and Berbice; with the Caracoas and Honduras; with Havana; with Vera Cruz, and the Western part of the United States. A connexion also would be established between Havana and New York. The number of steamers required would be about 14; and the result would be, that they would have communications between the whole northern part of South America, and the whole southern part of the United States, and with the British islands; and such a one, too, as might be reckoned on as certain. This would be established early in the summer of 1841, which was as soon as so many steamers, which would be of a size of which there were as yet only two examples, could be built. This he thought was as satisfactory an arrangement as could be; and that it was a fair one there could be no doubt, when it was considered how heavy must be the expense of building so many vessels, and also sending out coal from this country to supply them. The arrangement has been made to last for 19 years.

Ocean Steam Navigation.—By October, 1841, there will be thirteen large and splendid steam-ships running across the Atlantic ocean. Not one will be smaller than the Liverpool, and more than half of them will be larger than the Great Western. Four of the thirteen will ply between Liverpool, Halifax, and Boston, and the balance will run from Bristol, London, Liverpool, and the Clyde, to New York. The British Queen and President will be followed by the United Kingdom, City of New York, the Clyde steamer, and the United States, in rapid succession. The four Halifax steamers will be ready early in 1840. There may be twenty or thirty steamers running over the Atlantic from different ports in Europe to America, but we can only speak positively of thirteen. A gentleman who arrived in the Liverpool told us that the frame of the President was up, and that she would be ready to enter the lists by the first of next May. She is larger than the British Queen.—*London Courier.*

It appears by a return presented to the House of Commons on Friday week, that the total expense of her Majesty's coronation was £69,421.

It appears that no less than 321,600 muskets have been shipped, with 10,000 carbines, 10,000 swords, 4000 rifles, and 6,000,000 of ball cartridges for the service of the Queen of Spain. What has become of all these arms?

It appears by a return laid before the House of Commons, that the hon. house has expended for printing Parliamentary papers, within the last eight sessions only, no less a sum than £373,116 5s. 2d.

Her Majesty's uncle, the King of Belgium, with his royal consort, was about to pay a visit to the Queen at Windsor Castle.

On Thursday the address of the House of Lords to Her Majesty, was presented by the Duke of Argyle. Her Majesty states that she will direct measures to be immediately taken to carry into effect the object of that address, that is, to compel the observance of treaties by Portugal and other states, entered into for the effectual suppression of the slave trade.

PENNY POSTAGE.—It will no doubt be a matter of surprise to learn that the number of letters required to make up the amount of the nett post-office revenue equal to 1838, amount to 561.537,120, the revenue for that year being L.2,389,738.

L.30,000 sterling worth of Foreign Apples were imported into England last year.

The Cyclops Steam Frigate.—This magnificent vessel, the largest steam man-of-war in the world, was launched from Pembroke Dock-yard a few days ago. Her dimensions are as follow:—Length 225 feet, beam between paddles 38 feet, depth of hold 21 feet. Her tonnage is about 1,300, being 200 tons larger than the *Gorgon*, launched from the same slip about 18 months since. Her equipment, as a man-of-war, will be in all respects as a frigate, having a complete gun or main deck, as well as an upper or quarter deck. On the main deck she will carry 18 long 36 pounders, and on the upper four 48-pounders, and two 96-pounders, on swivels, carrying a ball of 10 inches diameter, and sweeping around the horizon 240 degrees.

The *Queen*, now building in Portsmouth Dock-yard, is the finest and largest ship in the British navy. Her burden is 3100 tons. She has an eliptical stern. She will mount 120 guns—84-pounders on her lower decks, with hollow shot; 68's on her gun decks; 48's and 32's on her upper deck. This vessel is 220 feet long, 60 feet wide, and six feet between decks, (in the clear). The expense to the nation for the building and outfit of such a ship as this, is about L.1000 a gun, or L.120,000.

The brig *Wanderer*, 18, Commander Bushby, recently arrived from the West India station, has been paid off at Sheerness.

The *Gorgon*, steam ship, Captain Henderson, fitting out at Sheerness, report sends to the West India station, to relieve the Medea.

The *Curacoa*, 24, Capt. Jones, is hourly expected to proceed to Jamaica, with the new Governor Sir C. Metcalfe, and thence to the South American station.

From the London Colonial Gazette, August 7.

USES OF A COLONIAL JOURNAL.

We are not among those who have imagined that the principal use of a Colonel journal published in London would be to supply information respecting the Colonies to readers in this country. If the information could be procured, the readers would be wanting. Except as regards new settlements, there is no general curiosity here respecting the affairs of any colony, nor any partial curiosity except occasionally as to particular subjects. The Colonial public, again, of this country is divided into classes, as distinct from each other as the colonies in which they happen to be interested respectively, and even more indifferent than the British public in general about every colony with which they have no special concern. It seems impossible, too, to divine any means for producing a common feeling amongst these different classes. Upon the whole, therefore, we are satisfied there is no demand in this country for a collection of mere intelligence, or news, relating to the Colonies. To afford the supply without any prospect of a demand, would be sheer waste.

But subjects frequently occur relating to various colonies, upon which correct information is desired by numbers in this country who have no means of procuring it. These subjects are of two kinds,—first, those which possess a general interest, because they are really of importance to the empire; secondly, those which affect particular classes residing here. For instance, a London journal which had furnished accurate intelligence respecting the rebellion in Canada, would have a great circulation in England; and those who have embarked capital in the new colony of South Australia, actually support a stamped newspaper, which is published once a month for the sole purpose of giving information as to the progress of the settlement.* From these examples, the true principles of Colonial Journalism in England may be deduced, so far, at least, as relates to the collection or dissemination of mere news. The supply must be according to the demand: the matter taken for publication as news, must be carefully selected from an immense mass of useless materials—must consist only of that which will gratify an existing curiosity, and must appear in the form calculated to convey the desired information with the least trouble to the reader. A mere heap of facts would be as rubbish: the success of the journalist in the department of news will depend on his skill in selection and arrangement. Add to this, what it must take time to acquire, a character for accuracy as well as impartiality, and the Colonial Newspaper will make its way here, even though it should consist of a mere record of facts.

But the recording of facts, with whatever skill in selection and arrangement, is, we think, a small part of the business of a Colonial journal. We shall presently notice its use *in the Colonies*: the purposes which it may most usefully serve *in this country*, otherwise than by furnishing Colonial news, are those of exciting amongst English readers a more general interest than is felt at present in Colonial questions—of enforcing sound principles in Colonization and Colonial Government—of assisting Colonial communities and individuals in the prosecution of their just demands on the Imperial Government—and, above all, of bringing public opinion here to bear upon the only irresponsible, and assuredly the worst-managed branch of the public service. Notwithstanding the general ignorance and indifference about Colonies, there is one Colonial subject on which all men it may be said, hold the same opinion,—namely, the defects of our system of Colonial Government. Few indeed can specify those defects; still less trace their origin, point out their causes, and suggest fitting remedies for the acknowledged evil. But the existence of the evil is denied by nobody. The inadequacy of the Colonial Office to the purposes for which it was intended, is perfectly notorious. It will be impossible to discuss many Colonial questions without shewing, though it should be but incidentally, that the principal vice of the system consists in the secrecy with which vast powers of Colonial Government are exercised in Downing street. In China, a newspaper is called an *eye*. If any thing is more wanted in these days, than an eye upon the Colonial Office, public opinion, as well here as in the Colonies, is very much mistaken. This we promise that the *Colonial Gazette* shall be. To watch and report those proceedings of the Colonial Office which have hitherto been shrouded in mystery, will be a leading function of this journal. We hope to perform it without hostility to any one. To find out and tell the simple truth, will be our only object. We invite information from all quarters, both here and abroad. And we do this, knowing that it is considered an offence at the Colonial Office to give information respecting the measures of that department. Correspondents may confide in us.

It is within the Colonies, however, that a London journal devoted to Colonial interests may perhaps be of the greatest use. The ignorance of the people of this country respecting their Colonies, is not more remarkable than that of colonists in general respecting circumstances in this country which exert the greatest influence on their fate. In all Colonies the powers of the Crown are far greater than in England; in Crown Colonies they are absolute. Now the manner in which the Colonial powers of the Crown are exercised here, including the power of appointing to powerful offices in the Colonies, depends upon a variety of English circumstances,—such as the personal qualities of the Colonial Minister for the time being, the degree of his influence in the Cabinet, his self-reliance or dependence on others, the personal qualities of those on whom he may rely, the stability or insecurity of his own position in English politics, and a hundred other matters with which colonists have no present means of becoming acquainted. Colonial legislation also in the Imperial Parliament, is greatly influenced by the state of parties at home. It is from hidden sources of various kinds in this country, that good or evil reaches the distant parts of the empire. We allude now, not to the secrecy of the Colonial Office, but to those personal and party influences on Colonial affairs, which grow out of events in this country, which affect the Colonial Office itself, and which are as little understood in colonies as if they came from the moon. In order further to explain our meaning, we refer to a subsequent article on the prospects of Canada. This topic of home influences on the destiny of colonies, will occupy a large space in our columns; for it is a subject of never ceasing importance to the Colonies, and to all Colonies equally. Here at least, we shall find matter of common interest for the whole colonial empire. The inhabitants of Jamaica, Canada, and New South Wales are equally concerned in knowing from time to time what sort of a person the Colonial Minister is; what other members of the Cabinet take any part, and what part, in Colonial questions; which Under-Secretary manages this or that group of colonies; when and why any change is expected; how English party politics bear on Colonial subjects; the direction or tendency of opinion upon various Colonial questions; and many other matters of the same kind which it is needless to enumerate. The *Colonial Gazette*, therefore, is especially intended for Colonial circulation.

Readers of the *Colonial Gazette* will learn from this number, that it has fallen into new hands. We cannot subscribe to the doctrine that such a journal should avoid all expression of political opinion. The public affairs of colonies are as essentially political as those of the mother country or the empire. It would be difficult to name any political subject that has not two sides. To steer impartially, as it is called, between the two sides of a question, is to have no opinion at all. A political journal without opinions would be like a Member of Parliament who should never vote, or a judge who should never decide. Let us avow, therefore, that we have formed opinions on most of the Colonial questions of the day. These we shall express whenever the occasion seems to require it. And further, we are desirous of stating here, that our opinions have not been hastily taken up, but have resulted from the application of a general principle to particular questions. This principle is an especial, not to say an exclusive regard for the well-being and prosperity of our Colonial fellow-subjects. The people of this country and all its various interests have organs and advocates in abundance: the Colonies have been as little represented in the Press as in the Legislature. Our aim then is, to further Colonial interests without reference to any others. Whatever may seem to us conducive to the advantage of any colony, or of the Colonies generally, *that* we shall earnestly support. Error of judgment as to the means, we may not avoid; but about the end in view there shall never be any mistake. We adhere to the original motto of this journal—"Ships, Colonies, and Commerce!" It follows from this declaration, that the party politics of the Mother Country can have no place here. The *Colonial Gazette* is neither Conservative, nor Whig, nor Radical,—but purely Colonial. We do not attempt to steer between two opinions in English politics, but shall keep clear of such opinions altogether, as being calculated to interfere with the merely Colonial objects for which this journal was established and is continued.

*The South Australian Record.

COLONIAL.

Montreal, Sept. 11.—10 o'clock.—A very strong guard of the Grenadiers, is under arms to escort the *conscientious* and *scrupulous* French portion of the JALBERT JURY, out of harm's way. We have seen no symptoms, nor heard of any preparations to give these friends of *even-handed justice* a warm reception; but still, there is nothing like precaution against popular fury. Tranquillity seemingly reigns, but the glistening arms of the soldiery, speak of uneasiness on the part of the authorities. At half-past eleven, the jury are expected to deliver their verdict,—if they can agree on one.

The Jury, as was expected, could not agree, and have been discharged by the regular course of law, at 12 o'clock. The Court House was crowded; and at the close, great disappointment was evinced by the British inhabitants.—*Courier.*

From Neilson's Quebec Gazette, Sept. 13.

We have copied from the *Montreal Gazette* of the 10th instant, the report of the evidence in the case of *Jalbert*, on an indictment for the murder of Lieut. Weir, 32d Regt. at St. Denis, on the 23d Nov. 1837. The report is more ample than that given in the *Montreal Herald* of the same date. Our wish is that the whole evidence should be before the public, as far as is in our power.

It must unavoidably be very imperfect, as it is in English, and most of the evidence must have been given in French. The manner of the witnesses, which very much affects their credibility is, of course, entirely lost: but the report seems to be able and impartial.

We will not pretend to judge a Jury, which, in matters within their competency, constitute the highest tribunal known to our Laws; the Criminal Law of England which is in force in this Country, as it stood in 1774, with such alterations as have since been expressly introduced by legislative enactment. It will, besides, be recollected that Jalbert's case may still be brought before another Jury.

We shall only observe that the accused and the murdered gentleman being of different national origins, and the act having been committed at a time when civil dissention, too much connected with feelings of national origin, prevailed to the extent that actual hostilities had been resorted to between the parties and the public authority been required to enforce the Law, there was imminent danger of these feelings extending to and influencing the Jurors, and the community at large. We regret exceedingly, that pending the trial these feelings were manifest in several newspapers published in the English language at Montreal, to the extent of threatening the Jurors and exciting to violence; and we regret still more, that violence was actually resorted to at the close of the Sessions of the Court, when the Jury was discharged without having agreed upon a verdict, after having been out four days. The Jury may have been biassed by political or national feeling, so as to disqualify them from the proper exercise of their sacred engagements of judging "well and truly" between the Crown and the prisoner and giving "a true verdict according to the evidence;" but those who *prejudged* the case without having heard the whole of the evidence, who have interfered with the legal tribunal, and resorted to violence, have proved that *they* are still more disqualified, and the public sufferance of such a state of things shows that this disqualification is very much extended. Who, in short, would trust the life of any man with a Jury composed of those who have been in any way implicated in such proceedings? Who would venture to say that Justice was to be expected from them, in a case where a person of the national origin of Jalbert or of an opposite political party was to be tried? And without Justice rendered according to law, to all her Majesty's subjects, neither life nor property is safe: there can be no peace, no security, no public prosperity or individual happiness in this country.

We rejoice that precautions had been taken to provide a Military force at the Court House, to suppress violence; but the necessity of such a force in the presence of the sovereign sitting by his deputies in the discharge of his coronation oath, "to cause law and justice in mercy," to be administered, will entail lasting disgrace on this part of her Majesty's Dominions, and prevent us from holding up our heads when we read of the shameful acts of violence perpetrated in the adjacent Republic.

MONTREAL, Sept. 12.—*Unfortunate Occurrence.*—We are truly sorry to state, that during the night of Sunday last, the whole ceiling or inner roof of St. Paul's Church, including a number of the rafters, beams, and other wooden parts of the roof to which the plaster was connected, fell down into the body of the church, smashing the most of the seats to atoms and otherwise doing a great deal of damage, the amount of which cannot, as yet, be ascertained. The canopy of the pulpit was also broken; but the pulpit itself escaped with but little injury, though the stair-case leading to it was smashed to pieces. It is, indeed, melancholy to witness the present condition of the interior of this fine building; being one chaotic mass of rubbish and fractured timber of all sizes and dimensions. The church is lofty; and the descending force of the ceiling must have been very great; so great, that had the accident taken place during divine service, almost the whole of the worshippers would have been killed on the spot. Providence, however, ordered otherwise; and they cannot be too grateful for the merciful interposition. Some pieces of lime, we are told, were found in one or two pews during divine service on Sunday, which occasioned a great deal of alarm; but it was not anticipated so great a calamity awaited the church. Bibles and psalm books are mingled with the rubbish in terrible confusion; and many of them have been cut through, as if done with some sharp instrument. We are glad to learn that immediate steps will be taken to repair the building in a more efficient manner; and that in a few weeks the church will again be open for divine service.—*Gazette.*

THE OBSERVER.

ST. JOHN, TUESDAY, SEPTEMBER 24, 1839.

The news by the Great Western, contained in our last paper, is the latest from Europe.—The British Queen was expected to arrive at New York on Thursday or Friday last; intelligence by her will probably be received in this city in the course of the present week.

KING'S COUNTY.—A sperial court of Oyer and Terminer, for the trial of the four persons charged with the murder of Bernard Coyle, at the house of Terence Ferguson, in King's County, on the 30th July last, was opened at Kingston on Tuesday the 17th inst. Verdicts of *Guilty* were returned against three of them—*Leonard, M'Gunnagle,* and *