CITY AFFAIRS.

To the Editor of the Observer.

SIR,—

The following documents and statements are published for the information of the Citizens generally:

Shortly after the late Fire, His Worship the Mayor after examining eleven Witnesses at length, respecting the origin of the fire and the present state of the Fire Apparatus, made a Report to the Common Council, of which the following is an extract:

"The evidence of Daniel Jones, who commands No. 4 Engine—of Thomas M. Smith, the General Superintendent—of John Thomas, the Water Company's Engineer—of James Finn, a party present at the fire—of Michael Thompson, in charge of No. 3 Engine, and of John Smith and John Jones, in charge of No. 5 Engine:—Amidst much contradiction in more minute matters, nevertheless fully show, that probable ruin to the City hangs over it unless steps are instantly taken to replace our rotten Hose with new ones—our varied Screws to one uniform pattern—and the establishment without any delay of a number (probably 30) additional Fire Plugs on the various ranges of the Water Company's mains. This subject is all important, as were another fire to arise now, the Fire Department could not work, for they have not the requisite apparatus; and this board would receive the unqualified blame of their constituents.

Respectfully stated by

L. DONALDSON,

St. John, Aug. 8, 1845. *Mayor.*

At a Common Council holden at the Council Chamber on the 8th day of August, A. D. 1845.

Read a communication from His Worship the Mayor, relative to the origin of the late Fire, and the state of the Hose, &c.,

And thereupon Ordered, that the matter be referred to the four Aldermen on the Eastern side of the Harbour to report thereon and to recommend what means are to be adopted to provide the necessary Hose and other apparatus.

Before making their Report, two of the Committee waited on the Mayor, to obtain his views as to the best mode of procuring the necessary funds for this important object—with which His Worship was pleased to comply as follows:

St. John, 13th August, 1845.

"GENTLEMEN,—As you were pleased to ask my opinion regarding the best measures to be adopted, in order to prevent the city from being left as it now is, at the mercy of the first fire—I beg to state, that no chance exists in my opinion, of the City Corporation being able to borrow money for the purpose of having additional Fire Plugs—mending and altering some of those now in use—importing 1000 feet of new Hose—repairing all the remaining ones—painting the engines—engineer's salary, &c. &c.—£500 to £600 is absolutely necessary, unless a make-believe system is followed, and which God forbid.

Fearful of such a crisis, I have as I promised, thought much on the subject, and have concluded, that the only thing left to be done is (FOR NOW AND IN FUTURE *to avoid all the unfortunate disputes which have existed and will continue to arise,*) for the city to purchase, as they were asked to do in 1836, Water Stock to the extent, with their own 200 shares, of 1000 shares: to give security on it to the city, as they cannot now pay it: to enter into an engagement with the Water Company, that the City shall be represented at their Board: that an agreed upon Tax shall be imposed on properties fronting on the streets through which mains lead: that Fire Plugs and Hose shall be furnished and kept by the Water Company, and at their sole expence: that the stock shall in no case exceed in its dividends 10 *per cent.*, and that (if possible) no more heart-burnings should arise between two bodies which should go hand in hand.

Do this, *and I think it probable, for I do not know so much*—the Water Company will be satisfied, and on your bond payable out of the Fire Tax, will lend the city the £500 or £600 required.

It is neither just to the citizens nor to the Insurance Offices to keep them in ignorance of the present state of things; nor can it be for the benefit of either party to keep their present antagonist position. Unite and the £5000 to the Province will disappear—hold on and both parties will gain—the city will do so, not only in security and respectability, but also *and to a certainty in funds*—while the streets will be clean and the poor washed.

In much haste, Your's truly,

L. DONALDSON.

Henry Porter and G. Van Horne, Esqrs.

The Committee to whom were referred the examinations taken before his Worship the Mayor respecting the origin of the late Fire, and his Worship's report on the present state of the Fire apparatus to report thereon

Beg leave to report as follows:—

That from a careful perusal of the examinations taken, although there may be some doubt as to the particular building in which the Fire originated, there is no doubt in the mind of your Committee, that the Fire was purely accidental. And although they lament the magnitude of the loss occasioned by this calamity, they have still cause of congratulation and thankfulness that the foul crime of incendiarism cannot in this instance be charged upon this community.

Your Committee are satisfied that the statement contained in his Worship's Report of the bad state of the Hose, and the quantity of new Hose required is correct, although they are of opinion that a much smaller sum than that mentioned by his Worship would supply the deficiency.

It is certainly a matter of vital importance to this community, that the Fire Department should be made as perfect and effective in all its parts as possible, and constantly kept in that state.

It will be remembered that this Board, aware of this necessity, and anxious to make provision for the same, applied to the legislature at their last session, for a Law to make an assessment on the inhabitants for this indispensable object. In their application to the Legislature for this Law, they stated their want of means to supply the materials requisite or to make the repairs thus required on the Fire apparatus. But the Legislature regardless of the primary importance of this most necessary work, were pleased to place it in a secondary point of view; and although they passed an Act authorizing the assessment, they coupled it with a condition that Three Hundred Pounds should first be assessed on the Inhabitants for the payment of Interest to the Saint John Water Company. (8 Vic. cap. 68.)

It is unnecessary for your Committee to advert to the discrepancies between the last mentioned Law and the Law it was designed to enforce or inflict on this community (7 Vic. cap. 13.) whereby the public at large were intended to be taxed to make up the losses or for the benefit of a private Company. The injustice and illegality of the measure are now (your Committee believe) apparent to the members of the Legislature themselves, and the impossibility of carrying it into operation, is obvious to every individual.

While your Committee deeply deplore the position in which this board is placed by the improper Acts of the Legislature in this matter, they have the satisfaction of knowing that they have done all in their power to remedy the evil; and that the heavy responsibility of thwarting or frustrating their measures rests on the Provincial Legislature.

Your Committee recommends that an estimate be made of the cost of the new Hose required, and also the expense of repairing all the Hose now on hand, that can be made serviceable; and that application be made to the Trustees for the money necessary to pay for the same. And if the money cannot be obtained from this source, then that an appeal be made to the Public—confident that such an appeal to this community, under all the circumstances of the pressing emergency, cannot be made in vain.

The suggestion contained in his Worship's communication respecting the appointment of men to attend the Fire Plugs, if adopted by the board, must be carried into effect by a Law of the Corporation to do so.

The Committee have received the suggestion of His Worship the Mayor respecting the mode of raising means to put the Fire apparatus in order.—But they confess they cannot see how it can be made available in the present emergency. His Worship's communication is however herewith respectfully submitted.

H. PORTER,
W. O. SMITH,
G. VANHORNE, } *Committee.*

August 20, 1845.

At a Common Council holden at the Council Chamber on the 20th day of August, A. D. 1845.

Read a Report from the Committee appointed to report on the examinations taken before His Worship the Mayor as to the origin of the late Fire.

And Ordered, that the same be received, and the Committee do make an estimate of the quantity and price of Hose required; and that application be made to the Trustees for the necessary money for paying for the same, and report to this Board.

At a Common Council holden at the Council Chamber on the 10th day of Sept., A. D. 1845.

Re d an extract from the minutes of proceedings of Trustees as follows:—

"At a meeting of the Trustees of Corporation Property held at the Bank of British North America Monday 1st Sept., 1845.

"Present—Messrs. Wright, Smithers and Swinney.

"Read a letter from Alderman Porter, addressed to the Chairman of this Board, enclosing copy of Report to the Common Council respecting the Fire Department, with an extract from the minutes of the Common Council therein, dated 20th August last, and an estimate of the amount required for new apparatus, and the repair of the present Hose and Engines.—*Whereupon Resolved*, that the Trustees have no authority to appropriate any part of the Trust Funds in the manner proposed by the Common Council.—*And Further Resolved* as the *opinion* of the Trustees, that considering the pressing emergency of the occasion, and the danger to public property of further delay, an heavy responsibility now rests upon the Common Council, and that it is their imperative duty to carry into immediate effect the provisions of the Acts of Assembly 7th Victoria cap 41 and 8th Victoria cap. 63. The Trustees cannot agree with the Committee of Common Council in thinking the assessment of £300 upon this large community an unfair remuneration to the Water Company for the sacrifices they have made, and the important benefits they have so often conferred upon the city in times of utmost need, and which in the opinion of the Trustees widely distinguishes their case from that of other private companies: and the Trustees consider direct taxation as far more just, and far more effectual than any appeal to the public for voluntary contribution.

(signed) "WM. WRIGHT,

"*Chairman, &c.*"

And thereupon Resolved, as the Trustees will not consent to the advance of the money for the purpose, that a Committee be appointed to prepare an estimate of the necessary expence for repairing the Hose and putting the Fire Department in good order, also to prepare a statement of the reasons for making the application, and apply to the Community for a voluntary contribution for defraying the expence. *And Ordered*, that the Aldermen and Assistants on the Eastern side of the Harbour be the Committee for that purpose.

EXTRACT from the minutes.

JAS. PETERS, jun., *Common Clerk.*

As reference has been made in the foregoing documents to two acts of the Provincial Legislature, it is here deemed necessary more particularly to notice their provisions.

1st, The Act 7 Vict. cap. 43. The preamble of this Act states in substance that "the Saint John Water Company has proved highly beneficial to the Public—and has been the means under Providence of preserving the said city from almost total destruction; and it is therefore just and reasonable that property thereby deriving benefit from the said company, should in future be made liable to contribute towards the charges and expences of establishing, upholding, and preserving the same."

The 2d section, enacts that the Common Council shall "once in every year, between the first day of April and first day of June, order a rate and assessment of a sum not to exceed the sum of Three Hundred pounds, to be made upon the owner or owners of every Store, House, Out-House, or other Building, situated at the eastern side of the Harbour of the said city."

By the preamble it is stated to be just and reasonable "that property thereby deriving benefit from the Water Company should be made liable to contribute to the charges of the same," but the Common Council think it unjust and unreasonable that every Store, House, Out-house, &c. at the eastern side of the harbour should be taxed for this purpose, most of which can derive no benefit from the Water Company's works for many years to come. We are aware that it has been stated that the whole city is interested in the preservation of every part thereof, but to this it might with equal justice be answered, that the whole Province is interested in the preservation of the City, and therefore the whole province should be taxed for the support of the Water Company.

2d. The Act 8th Vic. cap. 63. This Act was passed to enable the Common Council to levy an Assessment not exceeding £250 per annum, for the express purpose of keeping the Fire apparatus in good repair. But here also the influence and interest of the Water company was predominant, at the serious risk and expence of the city. By the 2nd section it is provided "that no rates or assessments shall at any time be made under the authority of this Act, until the Common Council shall have ordered the annual rate and assessment for the sum of £300, and no more, as directed and required by the second section of an Act." (7th Vic. Cap. 43, already adverted to.)

Here we would notice the glaring discrepancies or inconsistencies existing between these two Acts. By the first mentioned Act the sum to be assessed is not to exceed £300, so that the Common Council could have complied with the strict letter of the Act by ordering an assessment of Five pounds, if they had thot proper to do so; and by the second Act they must order an assessment of "£300, and no more"; but let it be remembered it must be no less.

The attempt to coerce the Common Council with this measure, in the manner above shown, is considered by that body unjust, and unconstitutional. If it is just or legal, why does not a mandamus issue to compel the Common Council to carry it into effect, and not let it remain as at present a dead letter on the Statute Book. We will venture to assert that no such species of legislation occurs in the annals of any other British colony.

It has been stated that a heavy responsibility will rest on the Common Council, for not having ordered this assessment,—but we hope an unprejudiced public will place this responsibility where it of right belongs, that is on the Legislature. They have virtually told us, we know your wants—we know your inability to supply these wants—we know that these are indispensable necessaries of vital importance to the safety of the city—but the city may burn, or shall burn, unless you first assess £300 to "defray the annual legal interest on the Invested Capital of the Saint John Water Company." (See 7th Vic. Cap. 43. Sec. 6.)

We believe a majority of the Common Council would assent to an enactment, authorising an assessment on all property within a reasonable distance of the extent of the Water Company's mains, to enable that Company to extend their works—this would be taxing all who derive any benefit from the said works—But as already stated, we think it unjust and unreasonable to tax the whole community for this object. We acknowledge the benefits derived from the Water Company's works on several occasions, but we are not aware that they have made any great sacrifices in rendering such services, neither can we consider them gratuitous; by Law they are bound to furnish a supply of water in cases of fire, and for this they have the privilege of opening the streets, to lay down and extend their works.—They have received an equivalent, and are therefore only doing their bounden duty.

In conclusion, we would inform the citizens generally, that the estimate furnished by the Chief Engineer of the cost of 1000 feet of new Hose, repairing the old Hose, Engines, &c., is upwards of £360, without taking into account the expense of any new Fire Plugs that might be thought necessary to be placed in various parts of the city. To obtain £250 towards this expence, we must tax the citizens in the sum of £550—£300 of which by Law must go towards paying the interest on the invested capital of the Water Company.

Our wants, and the emergency of our case, is now before the public, and we have now no other resource but in this appeal to that public. By the words of the Act, the assessment should have been made between the 1st April and 1st June, consequently the assessment cannot be made this year.

It the Common Council have taken a wrong view of this case, we hope they will receive such an expression of public opinion as will convince them of that error; but if they are right, they will naturally expect to be sustained in their opinion; and the Legislature will then be taught to remedy in their next Session, the serious evils they have thus created.

☞ As this is a matter of vital importance to the safety of the city, the Committee, in accordance with the above Resolution, will wait upon the citizens during the ensuing week, for the purpose of soliciting their aid towards putting the Fire Department of this city in an efficient state.

HENRY PORTER, | J. FAIRWEATHER,
WM. O. SMITH, | L. WHITE DURANT,
THOS. HARDING, | J. MAGGERY,
G. VAN HORNE, | EDW. HIPPESLEY,
Committee.

St. John, September 17, 1845.

From the Courier.

THE GREAT RAILWAY.—A prospectus appears in our paper to day, inviting the attention of capitalists and others to the splendid scheme of Railway proposed to be established through the valley of the Saint John,—connecting the St. Lawrence with the Bay of Fundy and the Atlantic Ocean, and prospectively affording, through a great portion of its extent, a remuneration not to be calculated upon by any other route.—The Prospectus, we learn, has been drawn up with much care and after diligent examination and enquiry as to the difficulties likely to be encountered, and is allowed by well informed persons, to be much below the mark in its calculations as to the amount of traffic carried on with the fertile territory of the upper Saint John. We understand that a Certificate, approving of the plan, and confirming the views and statements of the Prospectus, is in progress of signature, and has already received the names of several of the principal Officers of the Provincial Government.

PROSPECTUS
OF THE
New-Brunswick Railway,

From the City of Saint John, in the Province of New-Brunswick, to the City of Fredericton, on the River Saint John, and from thence to the Grand Falls of the River; with power of establishing connecting Branches from any part of the Province, as also of plying Steam Vessels on any part of the River Saint John or its Branches, and on such of the Lakes as the Company may deem desirable.

Capital £1,500,000, in 30,000 Shares of £50 each; Deposit £2 per Share.

Owing to the River Saint John not being navigable for Steamers from the City of Fredericton to the Grand Falls, in this Province, it has been attended with enormous expence and labour in conveying merchandize to the thickly settled country between the City of Fredericton and the Grand Falls, as well as to a large population of British subjects and American citizens above the same, and to Lumberers engaged in cutting and getting out timber. When it is taken into consideration that the chief part of the timber shipped from the port of Saint John to the mother country is procured from this part of the Province, it is easy to conceive what a vast expence and labour would be saved were a Railway established and Steam Boats put on the River above the Grand Falls, where it is navigable for Steam Vessels through a fine and improving country for about one hundred miles, settled on one side by British subjects, and on the other by American citizens; and indeed it is it might be more advantageous for the Company to establish a Branch of the Railway leading to the River Saint Francis, than by placing Steamers on that part of the River Saint John; but either can be done with profit to the Company.

A steamer could also be placed above the Falls to ply on the River to the Madawaska River, and thence up the said last mentioned River, a distance of twenty two miles, to Lake Temiscounta; thence up the Lake, a distance of fifteen miles, to a good road, of thirty six miles, across the Portage, to River du Loup, on the River Saint Lawrence, which would secure all passengers from Canada.

It is only necessary to refer to the Map of that part of the country through which the contemplated line is intended to pass, to be convinced of the importance of the project; and by the accomplishment of this great object thousands and thousands of valuable settlers would resort to this part of the country who are now only deterred from so doing by the difficulties incurred in ascending the said River, and of getting their supplies from St. John, and making returns of the produce of the land.

The Town of Woodstock is situated about sixty miles above the City of Fredericton, and is now a very large Settlement, and is the Shire Town of the County of Carleton, through which the contemplated Railway will pass, and to which Town very large quantities of merchandize are annually transmitted from the City of Saint John, for the consumption of a thickly populated country around; and as Houlton, a large Settlement in the United States, and a garrisoned town with extensive Barracks, is within twelve miles of Woodstock, it would, with more facility, obtain a supply of merchandize from Saint John by means of the Railway, than in any other way.

At the Grand Falls there is already a considerable Settlement, and at this place Government are about erecting Barracks for the accommodation of Troops, where it is expected a Garrison will be stationed for the protection of the frontier of that part of the Province,—at this place there is now a detachment of soldiers constantly on guard; and as a Town plot has already been laid out, there can be no question of a large Town being built there, if the Railway be got into operation.

By means also of the Railway the Grand Falls may be brought within eight or nine hours reach of the City of Saint John, one of the most flourishing commercial sea port towns of British North America. The grandeur of the Falls, the fertility of the country around, and the picturesque scenery of one of the finest Rivers in America, would no doubt attract an immense number of visitors annually, from which much profit must accrue to the Company; and the City of Fredericton being the capital of the Province, would, necessarily, occasion a good deal of passing and re passing on the Railway from the country above.

As the River St. John is navigable for Steam Vessels from the City of Saint John to the City of Fredericton, and on which there are now Steamers plying nightly and daily, the object of this Company is to commence the Railway at Fredericton, and to extend it to the Grand Falls, and afterwards to connect it by a line direct to Saint John.

It ought here to be observed that if the contemplated Halifax and Quebec Railway should be undertaken, it could best come in connection with this Company's line at the City of Saint John, by a line from Halifax *direct* to some convenient and safe harbour on the Bay of Fundy, accessible to Steamers at all seasons of the year, thence by Steam Boat to the City of Saint John, a distance of about thirty five miles; and the line from Quebec could again come in connection with this Company's line at the Grand Falls.

The distance from the City of Fredericton to the Grand Falls by the post road is 136 miles, but the line by which the Railway will probably run must shorten the distance several miles; taking then the distance at 130 miles, and the situation of the country through which it will pass, and the average cost of Railways per mile in the United States, it is estimated that £500,000, currency of this Province, or £400,000, Sterling, will be the outside cost of the Railway, including Cars and Engines, from the City of Fredericton to the Grand Falls; and the distance from Fredericton to the City of Saint John, by the line that the Railway will probably run, would be about 60 miles;—and taking into consideration the probable expence of Branch Railways, and also of Steam Vessels which the Company may find it advantageous to put on different parts of the River as well as lakes, it is estimated that the Capital of £1,500,000 will be more than sufficient to accomplish the whole—and there can be no doubt in the mind of any reflecting person of its yielding profitable return to the Stockholders. But in order to prevent the possibility of loss to the Company, the Province will grant to the Company a Bonus of from £10,000 to £15,000 per year, for five years from the time the Railway is got into operation from Fredericton to the Grand Falls,—which sum was contemplated by the Legislature to be appropriated annually towards the improvement of the navigation of the River Saint John, between Fredericton and the Grand Falls, which would be rendered unculled for, if the Railway be established; and the Province will also give to the Company full permission to carry the Railway through and over ungranted Lands gratis, and all timber and materials that from such Crown Lands can be procured for the work, as well as Grants in Blocks of ungranted Lands that the Company may require at the several stations of the Railway. Moreover, individual land owners will without doubt cheerfully give the Land required for the Railway, for the sake of having it pass through and increase the value of their property; and as the Railway will be carried through a country surrounded with valuable Timber suitable for the purposes of the work, it may be accomplished at a far less expense than in England, and even than in the United States. The fuel also required for working the Engines can be supplied at a very trifling cost along the line, at the different Stations that may be appointed by the Company.

The population of the country through which this Railway will pass, and of that above the Grand Falls, of British subjects who are chiefly engaged in merchandize, lumbering and agriculture, exceeds 40,000;—the population also of the American Territory, there carrying on lumbering to a vast extent, who have no means of getting their Timber to market save by the River St. John, will then by this Railway be able to obtain their supplies from the Port of Saint John at a far more moderate cost than from any other source; which clearly shows the great importance of the project.

The great object of this Company is to get the Railway completed between the City of Fredericton and the Grand Falls as soon as possible, and that the work should commence as early in the ensuing spring as circumstances will admit, not doubting that the Legislature of the Province will, at its next meeting in January, grant all the facilities in support of the Company before set forth.

A Bill for incorporating the Company, embracing all the foregoing objects, will be laid before the Legislature for enactment at its meeting in January next, and will no doubt pass without opposition. The Bill will give power to the Company to commence operations as soon as £300,000 of the stock is taken up, and to make such bye laws and regulations as may be deemed necessary for the good government of the Company.

A fair calculation of the annual profits to be derived by the Company from this Railway will be seen by the schedule hereunto annexed, and which will be increased to a great extent, annually, after the Railway is once got into operation.

In the Province of New Brunswick a large proportion of the stock will be taken up by capitalists, convinced as they are that it will prove a most advantageous investment of their money.

SCHEDULE

OF THE PROBABLE AMOUNT OF ANNUAL INCOME,

As estimated for the transportation of Merchandize, Passengers and various Products on the

PROPOSED RAILWAY

FROM FREDERICTON TO THE GRAND FALLS.

10,000 Tons of Freight, from Fredericton to the Grand Falls, is considered as a moderate estimate, which now costs £4 per Ton; but say by the Railway, 3s. per Mile, makes to the Grand Falls, 31s. per Ton, ...	£17,000
Way Freight, at the same rate per Mile, estimated at	5,000
25,000 Passengers, at 20s. each, (3005 each being the present rate.) . . .	25,000
Downward Freight, say not less than .	7,000
Same amount from the Province, say per year, for the first five years, ...	10,000
	£64,000
Add to the what may be given for carrying the Mails, ...	
Also from Government for conveying Troops, ...	

Forms of application for Shares, and Copies of the Prospectus, with a view of the Plan, may be obtained at the Office of Messrs. GILMOUR, HOGGE, STREET & GUTIERREZ Solicitors, Philpot lane, Fenchurch street, London, and at the Office of Messrs. STREET & WARDLAW, Solicitors, in the City of Saint John, New-Brunswick.

Saint John, New-Brunswick, Sept. 1845.

From the Boston Daily Advertiser, Sept. 13.

DEATH OF JUDGE STORY.—We have the painful duty to announce the death of Joseph Story, LL.D., one of the Justices of the U. S. Supreme Court. He expired at his residence in Cambridge on Wednesday evening. His disease was stoppage of the intestines, or strangulation.—Judge Story was 65 years of age. He was graduated at Harvard University in 1798; he entered early into the practice of the law, in Essex County; he was appointed in 1811, by President Madison, to the high Judicial station in which he has so much distinguished himself; and for a number of years past he has been at the head of the Law School in Harvard University.

The remains of Judge Story were interred at Mount Auburn on Friday.

A full meeting of the members of the Suffolk Bar took place at Boston, on Friday, on the occasion of the death of Judge Story. Chief Justice Shaw was called to the chair, who communicated to the meeting, in appropriate language, the loss which the Bar and the community had sustained in the loss of the deceased Judge.

MR. WEBSTER addressed the Chair in substance as follows:

We have just heard from you, sir, a confirmation of the solemn fact, which we had previously heard through other channels of intelligence, and which has drawn together the whole Suffolk Bar, and all connected with the Courts of this County, to testify their sense of the loss which they have sustained. It has drawn from his retirement that venerable man (Judge Davis) whom we all respect and honor, who was for thirty years the associate of the deceased upon the Bench. It has called here another Judge, (Judge Putnam) who has retired from a seat upon that Bench on which you preside, and who was himself once the instructor in the law, of him whose loss we mourn. The friends with whom he was associated in public or in private life have come here to-day. One sentiment only prevails among all, a sense of profound grief. But all of him is not dead. With all our sense of the irreparable loss, we feel, that he still lives among us, in his spirit, in his recorded wisdom, and in the decisions of authority which he has pronounced. "Vivit, enim, vivetque semper; atque etiam latius in memoria hominum, et sermone, versabitur, postquam ab oculis recessit."

Mr. Chief Justice,—The loss is not felt alone among this bar, or in the Courts of this Commonwealth, but is felt in every bar and every court in the Union. It is not confined to this country, nor to this continent. He had a wider range of reputation. In the High Court of Parliament, in every Court in Westminster Hall, in every distinguished judicature in Europe, in the Courts of Paris, of Berlin, of Stockholm and of St. Petersburgh, in the Universities of Germany, Italy, and Spain, his authority was received, and all, when they hear of his death, will agree, that a great luminary has fallen. He has in some measure repaid the debt which America owes to England, and the mother can receive from the daughter, without humiliation, and without envy, the reversed hereditary transmission from the child to the parent. By the comprehensiveness of his mind, and by his vast and varied attainments, he was most fitted to compare the codes of different nations, and comprehend the results of such research.

His love of country was pure, and he regarded justice as the great interest of man, and the only foundation of civilization. On this foundation he has built his fame, and united his own name with that of his country. It was to constitutional law that much of his attention was directed, and in the elucidation of which he was pre-eminent. "*Ad rempublicam firmandam, et ad stabiliendas vires, et sanandum populum, omnis ejus pergebat institutio.*"

But it is unnecessary for us this day to speak in detail of his public or judicial services. That duty will remain for us to perform, and it will, no doubt, be executed in a manner worthy of the occasion. Still, in the homage that will be paid to him, there is one tribute which may well come from us. We have seen him, and know him in private life. We can bare witness to his strict uprightness and purity of character; his simplicity and unostentatious habits; the ease and affability of his intercourse; his great vivacity amidst the severest labours, the cheering and animating tone of his conversation, and his fidelity to his friends;—and some of us can testify to his large and systematic charities, not dispensed in a public manner, but gladdening the hearts of those whom he assisted in private, distilling happiness like the dew of heaven.

His labors were all subservient to his great object, judicature. "*C'est vain que l'on cherche a distinguer en lui le personne prive et le personne publique; un meme esprit les anime, un meme objet. les reunit l'homme, le pere de famille, le citoyen, tout est en lui consacre a la gloire du Magistrat.*"

Mr. Chief Justice.—One may live as a conqueror, a king, or a magistrate, but he must die as a man. The bed of death brings every man to his pure individuality; to the intense contemplation of that deepest of all relations, the relation between the creature and his creator. This relation, the deceased always acknowledged. He reverenced the Scriptures of Truth, he received from them this lesson, and submitted himself, in all things, to the will of Providence. His career on earth was well sustained. To the last hour of his life his faculties remained unimpaired, and the lamp went out at the close, undimmed, and without flickering or obscurity. His last words, which were heard by mortal ears, were a fervent supplication to his Maker, to take him to himself.

English Tars at Havre.—On the 29th ult. a regatta came off at Havre, under the patronage of H. R. H. the Prince de Joinville, who gave a prize of 1600 francs (about £66) for a rowing match, open to all nations. Some English sailors brought a boat over from Portsmouth with the intention of entering her, but she was found too long for the regulations. Determined upon making a profitable voyage, they borrowed an old leaky French boat of the landlord of Frascati, and caulking her as well as they could upon a few hours' preparation, started with three crack French row-boats, manned with the best mariners of Havre, in a strong north west wind, and rather a heavy sea. The contest was witnessed by an immense concourse of spectators. From the first it was evident that the old boat had got a crew of men in her: the pull altogether, the feathering of her oars, the helmsman's method of meeting the swell, and her constantly gaining upon the other boats told the spectators the plain story that that was the English boat. The best appointed French boat pulled most manfully to keep up with her, but in vain. At length baffled in the attempt they permitted their boat to drift in shore, and shipped a breaker that put them all *hors du combat*. The Jacks absolutely stopped a while to pick them up; but finding old Davy was not likely to get any thing out of the Frenchmen that time, they stretched out their oars again, and reached the goal up to their knees in water. The French admit that the English sailors did their business in very handsome style, but are not a little annoyed that they should have carried off the Prince's best prize with one of their own worst boats.—*English paper.*

THE OBSERVER.

ST. JOHN, TUESDAY, SEPTEMBER 23, 1845.

FIRST SEPTEMBER MAIL.

The steam ship Britannia, Capt. Hewitt, with the first September mail, arrived at Halifax last Wednesday, after a boisterous passage of 13 days from Liverpool. The following gentlemen belonging to this City, came passengers in the Britannia, all of whom, except Mr. Daniel, arrived in town on Saturday evening, via Annapolis:—Messrs. Thomas Daniel, Thomas Gilchrist, James Smellie, Wm. Doherty, Wm. Doherty, Junr., John Walker, and J. H. Waugh. We are indebted to several of these gentlemen for late London, Glasgow, and Liverpool papers.—Mr. Everett, late American Minister to the Court of St. James, and family, and L. J. Papineau, late Speaker of the Lower Canada House of Assembly, (who has been an exile from that Province since the first rebellious outbreak in 1837,) with 75 others for Boston, also came passengers in the Britannia; likewise Mr. J. A. Pierce, of Miramichi.

The Mail arrived at the Post office in this city yesterday morning.

Her Majesty and Prince Albert were still in Germany, and appeared to be enjoying their visit very much. They were accompanied by the King and Queen of the Belgians, the King of Bavaria, Lord Aberdeen, &c.

A fire which broke out in the extensive iron works of Henwood & Co. Roche street, Belfast, destroyed property to the amount of £3000.

A very favourable change in the weather throughout nearly the whole of the United Kingdom which continued up to the time of the mail leaving, had almost entirely allayed the apprehensions for the fate of the harvest.

The Harvest.—The Glasgow Courier of Sept. 2d says—"The harvest is the all-absorbing topic of public solicitude just now; and it is most gratifying to record that present appearances throughout all the British Isles are as favourable as the heart of man could wish. In England the golden flood of harvest has fairly set in, and some portion of the fruits of the earth have already been placed beyond the reach of danger. The fearful prognostications raised in the early part of the month just expired are thus in course of being happily falsified."

In France the weather, after a long continuance of wet, has become fine, and the crops are now being got in in all directions.

DOMESTIC.—Now that the parliamentary session is over, the public and the press talk about the changes which lie in the future. Lord Chancellor Lyndhurst, full of years and honours, sighs for rest. He has attained a good round age—more than the allotted days of man; and although still hale and hearty for his years—he is seventy-three—the woolsack has ceased to delight him. The bar has always been regarded as the high road to fame and fortune; and the career of Lord Lyndhurst is one of the many brilliant examples of success with which it is studded. He has been the sole architect of his own fortune. The son of the republican painter acting as the keeper of the royal conscience in three reigns, is confirmatory of his talents, and a living proof of the irresistible progress of genius, in the case even of the most lowly born. The question is, who will succeed him? Brougham would be glad, but he has lost caste, and the premier is too shrewd not to see that the gravity of the office would be compromised by a legal Scaramouche. A gifted man, even a great man, as times ago, Lord Brougham has snuffed out his own reputation, and become a target by which the caricaturist lives. The bar talk of Mr. Pemberton Leigh, an adept in Chancery practice—great as a lawyer, but small as a statesman, an orator, or a politician. One of the best, most able, and discreet Chancellors of modern times was Lord Cottenham. He went out with the Whigs. This system of changing the man with the garment—of regarding the office as a political, rather than a judicial adjunct—is bad in every point of view. Lord Lyndhurst's successor will make the *fourth* living Chancellor quartered upon the public. Had poor Pollett lived, he would have been the man—it was settled he was to have had the office.

COMMERCIAL.—The Cotton market—that great barometer of public feeling—has shown symptoms of improvement. The fine weather has had a material influence in strengthening this feeling, and in dispelling the melancholy forebodings about the harvest that had taken possession of the public mind. The sales up to the end of the week exceeded 18,000 bags—a daily average of more than 8000. In the four days since nearly 10,000 have been sold, and prices are very evidently getting up. It is true that speculators have bought freely, as will be seen on reference to our report; but this is only a natural course, to be expected now that the harvest is considered secure.

The weather during the last few days has been nearly all that can be desired. The change seems miraculous. The warm weather, we rejoice to say, has set in with every prospect of continuance, and just in time to secure a good harvest. During the last ten days the mercury has become steady, the sun has shone out gaily, there has been considerable warmth; and, at the time we write, these appearances continue, with every prospect of permanency. In many parts of the country—in the southern districts especially—reaping is general, and, in the course of the present week, the sickle will be more or less in operation over these islands. That some damage has been done to the crops from the continuous wet and the want of warmth all the accounts admit, but it is not of a nature to cause much anxiety. In despite, however, of all this, a considerable importation of foreign grain will be necessary, to mix with the soft and inferior qualities of the present year; and those who have speculated early will find a good account in their enterprise. But so many fortunes have been lost during the last three or four years—so many of the "rogues in grain" have been lured to ruin by their boldness in anticipating the course of nature and braving the jumps of the sliding scale—that it is questionable whether, when the danger was imminent, when the "wolf" really did appear, they had courage to act in a manner becoming the emergency. The law of the land has made speculation in "bread stuffs" doubly perilous; for the ordinary calculations of commercial sagacity are frequently baffled by the proverbial fickleness of our climate, and the judgment and foresight which are applied to other branches of trade not unfrequently lead in this, *ignus fatuus* like, to the slough of destruction. Those who speculate largely in corn must make up their minds, like a desperate gamester, to stake all upon a throw. In this point of view, the famine from which we have escaped, and which another fortnight's bad weather would certainly have consummated, may do good, by fixing public execration more intensely upon a system that makes it impossible for the British merchant to pursue a safe and legitimate business with distant countries in the first necessary of life, reduces commerce to the degradation of reckless gambling, and deranges, at the same time, one of the most beneficial ordinations of nature—a fair exchange of the products of one clime for those of another.

That no great amount of speculation has been going forward, in the corn trade, with our more immediate neighbours in the Baltic, is evident from the unexcited state of the Money market, which has hardly been ruffled of late. Whatever is brought from the Continent must be paid for in hard gold, as the demand is irregular, and confined to seasons of uncertainty like the present. The Bank returns, the rate of interest on the best bills at 2½ to 3 per cent., and the abundance of money, even in the face of the gigantic railway speculations and investments, show that the corn factors have been looking further than Germany for their supplies. This year the utility of the law which admits Canadian wheat and flour at a nominal duty, combined with the loss of that province for the admission of United States' flour at a low fixed duty, will be fairly tested; and, as we before remarked, those who were early in the field, and have anticipated the threatening appearances that recently alarmed Great Britain, will find themselves favoured by that most fickle and best-wooed of the deities—Fortune.—*Willmer & Smith.*

Riots in Scotland.—The Free Church.—Scotland, which usually absorbs but little of the politician's attention, has been disturbed, during the last few days, by one or two *emeutes*, not very serious, but sufficient, in the absence of more stirring events, to fix the public gaze upon that part of the island. The scene of the principal outrage was Dunfermline, where the house of an employer was attacked, and his family maltreated, by his operatives, arising out of a dispute about wages. Troops were despatched from Edinburgh, and the newspapers give importance to the circumstance by displaying, in imposing capitals, the "Riots in Scotland." As a set off against this ungodly outbreak, the General Assembly of the Free Church has gone as far north as Inverness to proclaim the "word," and collect the "siller." Sawney is proverbial for his economy—his love of holding fast what he gets—but in all matters of faith his heart is in the right place. He has surprised the world, and done credit to his national character, in the liberality of his spiritual alms-giving to the disinterested church of his fathers....*Ib.*

Poor distracted Ireland, long a prey to the Repeal, is now disturbed by an Orange agitation! The Government in that country is unpopular with all parties—both extremes hate it. Peel's policy has alienated support of every kind in that devoted land. The fact may be quoted as complimentary to his impartiality; but alas! it is also indicative of the chronic disease of the country. Our metropolitan ramesake has sent his "own commissioner" to Ireland, to probe—to heal is out of the question—the "ills that flesh is heir to" there. The Irish journals, thankful for small favours, are in ecstacies at the "commissioner's" arrival. It is a spiritual act, no doubt, on the part of the "leading journal," to send one of its best reporters to the sister kingdom, in order to transmit to his employers a detail of account of the physical suffering endured by the peasantry; but what will it amount to? Every one knows that the ills of Ireland are too deep for legislation, and what can a short-hand writer do to remove them? They are already patent to the world, and have been during the memory of man. The Government, some two years ago, sent a commission across the channel, with the Earl of Devon at its head, which, after scouring the "green isle" through its length and breadth, laid its labours before Parliament in the shape of an enormous "blue book" or report. Upon this report was grafted, in the last session of Parliament, a bill, the absurd provisions of which for regulating the relations of landlord and tenant, caused it to be snuffed out of existence, amidst universal laughter and contempt. The great fact cannot be erased by all the "commissioners" or reports in the world, that the English and Irish aristocracy own the land—are absentees—drain the milk and honey, and leave the people to starve, or agitate, or hang themselves, as they may deem best. Add to this, the infliction of the Irish church, a standing blister, not less by what it draws than by the irritation it produces—and, to crown all, a divided people—two distinct, opposing races—and you have the ills of Ireland enumerated in a sentence. The removal of the British court to Dublin for some two or three months of the year—the erection of an Irish Windsor or Buckingham Palace, or some such residence for royalty—any thing, in short, to make the country *fashionable*, to draw capital to it, would do more to restore it to "sound and pristine health" than all the nostrums which the grievance-mongers of either party have or ever can propound.—*Willmer & Smith's European Times.*

THE QUEEN IN GERMANY.—The visit of the Queen and her husband to Germany, has directed public attention to a country which has been the theatre of some of the most extraordinary events in the history of the world. These visits form an era in Queen Victoria's reign. Her love of sight-seeing, and the becoming dignity of enjoyment, transcends that of all her predecessors put together. It is an amiable feeling, and cements, better than treaties or protocols, the harmony of nations. A female sovereign, receiving the homage of foreign sceptres, and cheered by countless myriads, is a tribute to the pacific characteristics of the age. She is not afraid to be seen—true dignity loses nothing, and gains much, of inherent respect, by showing itself in the broad glare of day, and in the "eye of the sun." English people have been so little accustomed to see their rulers act the part of