risdiction. With that view, under the first mentioned of those agreements, it was only in case of necessity for dispersing notorious trespassers, or protecting public property from depredation, that armed force was to be employed on either side, and then the operation was to be conducted by concert, jointly or separately, according to agreement between the Governments of Maine and New-Brunswick. The other was the result of the contemplated "concert" between the Governments of Maine and New-Brunswick; was intended to carry out the object of the first, confiding to the State of Maine the duty of protecting the timber recently cut, and of preventing further depredations, and prescribed that those objects were to be accomplished through the agency of a civil possee.—Accordingly, the Governor of Maine engaged to withdraw, without unnecessary delay, the military force of the State. Without regard, therefore, to the limits within which either party had before exercised jurisdiction, resort to military force, for any purpose whatever, was interdicted to both parties. With reference to the extent of territory within which each party was to continue to exercise jurisdiction, the first agreement left the question of right where it had before stood, and only expressed the conflicting understanding of that question by the Governments of the United States and Great Britain, respectively.—The agreement between Governor Fairfield and Sir John Harvey, provided, likewise, that the question of possession and jurisdiction should remain as it then stood; but stated where it stood, by providing that Great Britain was to continue holding, in fact, possession of a part of the territory, meaning that part embraced in the Madawaska settlements, in the occupancy of which, as well as in the enjoyment of the usual communications between New-Brunswick and her Her Majesty's upper provinces, the Governor of Maine disclaimed all intention of disturbing the British authorities. Beyond the Madawaska settlements, therefore, circumscribed by the limits within which they stood at the date of the agreement, the U. States cannot, under the terms of that agreement, recognize in the British authorities the right of extending jurisdiction, much less that of forming any military establishments beyond or within them; and those, consequently, which formed the subject of the representations in the note of the undersigned of the 12th of December, pushed, as they are alleged to have been, into tracts of country far beyond any acknowledged limits of those settlements, and wholly unconnected with them, cannot be viewed in any other light than a bold infraction of existing arrangements. That such is a just view of the agreements, cannot be disputed by Great Britain, as her Majesty's Government has adopted and acted upon it. In the note of Mr. Fox complaining of the encroachments on the part of Maine, and of an armed occupation of part of the disputed territory by that State, both are treated as inconsistent with the existing arrangement; and it is presumed her Majesty's Government will not attempt to apply one rule of construction to defend the military movements of its colonial authorities, and another to sustain complaints against the State Government, for acts which are not founded upon any apprehended necessity of the use of a regular force for offensive or defensive purposes.

Nor can it be imagined that it will be contended that those arrangements are not perfectly reciprocal, or that there is any difference in the character and the extent of the jurisdiction to be exercised by Great Britain in one portion, and that by the State of Maine or the United States in the other portion, of the disputed territory, comprehended within the temporary arrangements made to preserve tranquillity in both, and guard against any hostile collision between the State and Colonial Governments.

The undersigned having laid Mr. Fox's note before the President, is instructed to state to him that no reason is perceived for doubting the disposition of the Governor of Maine scrupulously to adhere to the spirit of the existing arrangements, to avoid all acts tending to render more difficult and distant the final adjustment of the main question of boundary between the two countries; but, in repeating assurances of the readiness of the United States Government to contributed, by all means in its power, to an amicable termination of the difference, the undersigned is bound to declare that a persistence in, or a repetition of, such acts, on the part of her Majesty's agents, as those now complained of, would, if avowed by Great Britain, be considered as but little in accordance with those assurances.

The undersigned avails himself of this occasion to renew to Mr. Fox the expression of his distinguished consideration. JOHN FORSYTH.

HENRY S. FOX, Esq. &c. &c.

Mr. Fox to Mr. Forsyth.

WASHINGTON, Jan. 26, 1840.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honor to acquaint Mr. Forsyth, Secretary of State to the United States, that, since the date of his last official note of the 12th instant, he has been furnished by her Majesty's authorities in North America with more correct information than he then possessed respecting certain reported movements of British troops within the disputed territory, which formed the subject of a part of that official note, as well as of the two official notes addressed by the Secretary of State to the undersigned on the 24th of December, and on the 16th of the present month. The same reported movements of troops were referred to in a recent message from the Governor of Maine to the Legislature of the State, and also in a published official letter addressed by the Governor of Maine to the President of the United States on the 23d of December.

It appears, from accurate information now in the possession of the undersigned, that the Governor of Maine, and, through him, the President and General Government of the United States, have been misinformed as to the facts. In the first place, no reinforcement has been marched to the British post at the lake Temiscouata; the only change occurring there has been the relief of a detachment of her Majesty's 24th regiment, by a detachment of equal force of the 11th regiment; this force of one company being now stationed at the Temiscouata post, as it always has been, for the necessary purpose of protecting the stores and accommodations provided for the use of her Majesty's troops, who may be required, as heretofore, to march by that route to and from the Provinces of Canada and New Brunswick. In the second place, it is not true that the British authorities either have built, or are building, barracks on both sides of the St. Johns river, or at the mouth of the Madawaska river; no new barracks have in fact been built any where. In the third place, her Majesty's authorities are not concentrating a military force at the Grand Falls. The same trifling force of sixteen men is now stationed at the post of the Grand Falls, which has been stationed there for the last twelve months.—It was perhaps, however, needless for the undersigned to advert to this last matter at all, as the post of the Grand Falls is beyond the bounds of the disputed territory, and within the acknowledged limits of New Brunswick.

The undersigned, while conveying the above information, upon a matter of fact, to the Secretary of State of the United States, takes occasion to repeat distinctly his former declaration, that there exists no intention on the part of Her Majesty's authorities to infringe the terms of those provisional agreements which were entered into at the beginning of last year, so long as there is reason to trust that the same will be faithfully adhered to by the opposite party. But it is the duty of the undersigned, at the same time, clearly to state that her Majesty's authorities in North America, taking into view the attitude assumed by the State of Maine with reference to the boundary question, will, as at present advised, be governed entirely by circumstances in adopting such measures of defence and protection (whether along the confines of the disputed territory, or within that portion of it where, it has been before explained, the authority of Great Britain, according to the existing agreements, was not to be interfered with) as may seem to them necessary for guarding against, or for promptly repelling, the further acts of hostile aggression over the whole of the disputed territory, which it appears to be the avowed design of the State of Maine sooner or later to attempt.

For the undersigned has to observe that, not only is the extensive system of encroachment which was denounced and remonstrated against by the undersigned in his official note of the 2d of last November, still carried on and persisted in by armed bands employed by the authorities of Maine in the districts above the Aroostook and Fish rivers; but that acts as above stated, of a character yet more violent and obnoxious to the rights of Great Britain, and more dangerous to the preservation of the general peace, are with certainty meditated by the inhabitants of that State. The existence of such designs has for months past been a matter of notoriety by public report; these designs were plainly indicated in the recent message of the Governor of Maine to the Legislature of the State; and they are avowed in more explicit terms in the letter addressed to the President of the United States by the Governor of Maine on the 31st of November, which letter has, within the last few days, been communicated to Congress and published.

The undersigned, it is true, has been assured by the Secretary of State, in his note of the 16th instants, that the General Government see no reason to doubt the disposition of the Governor of Maine to adhere to the existing arrangements, and to avoid all acts tending to render more difficult and distant the final adjustment of the boundary question. But in face of the above clear indications of the intentions of Maine, as given out by the parties themselves, the Secretary of State has not given to the undersigned any adequate assurance that Maine will be constrained to desist from carrying those intentions into effect, if, contrary to the expectation of the General Government, the Legislature or the Executive of the State should think fit to make the attempt.

The undersigned not only preserves the hope, but he entertains the firm belief, that, if the duty of negotiating the boundary question be left in the hands of the two National Governments, to whom alone of right it belongs, the difficulty of conducting the negotiation to an amicable issue will not be found so great as has been, by many persons, apprehended.—But the case will become wholly altered, if the people of the State of Maine, who, though interested in the result, are not charged with the negotiation, shall attempt to interrupt it by violence.

Her Majesty's authories in North America, have, on their part, no desire or intention to interfere with the course of the pending negotiation, by an exertion of military force; but they will, as at present advised, consult their own discretion in adopting the measures of defence that may be rendered necessary by the threats of a violent interruption to the negotiation which have been used by all parties in Maine, and which the undersigned regrets to find confirmed by the language (as above referred to) employed by the highest official authority in that State.

The undersigned avails himself of this occasion to renew to the Secretary of State of the United States the assurance of his distinguished consideration.

H. S. FOX.

The Hon. JOHN FORSYTH, &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
WASHINGTON, Jan. 28, 1840.

The undersigned, Secretary of State of the United States, has the honor to reply, by direction of the President, to the note addressed to him on the 26th instant, by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain.

The President derives great satisfaction from the information conveyed by Mr. Fox's note, that, with reference to the reported movements of British troops within the territory in dispute, no actual change has taken place in the attitude of her Majesty's authorities in the territory since the arrangements entered into by the two Governments at the commencement of last year for the preservation of tranquillity within its limits; and from his assurances that there exists no intention on the part of her Majesty's authorities to infringe the terms of those arrangements, so long as they are faithfully observed on the part of the United States. The President however cannot repress a feeling of regret that the British colonial authorities, without graver motives than the possibility of a departure from the arrangements referred to by the State of Maine, should take upon themselves the discretion, and, along with it, the fearful responsibility of probable consequences, of being guided by circumstances, liable as those are to be misapprehended and misjuged, in the adoption within the disputed territory of measures of defence and precaution, in manifest violation of the understanding between the two countries, whenever they may imagine that acts of hostile aggression over the disputed territory are meditated or threatened on the part of the State of Maine. The President cannot but hope that, when her Majesty's Government at home shall be apprized of the position assumed in this regard by its colonial agents, proper steps will be taken to place the performance of express and solemn agreements upon a more secure basis than colonial discretion, to be exercised on apprehended disregard of such agreements on the part of the State of Maine.

It is gratifying to the President to perceive that Mr. Fox entertains the firm belief that the difficulty of conducting to an amicable issue the pending negotiation for the adjustment of the question of the boundary is not so great as has, by many persons, been apprehended. As, under a corresponding conviction, the United States have, with a view to the final settlement of that exciting question, submitted a proposition for the consideration of her Majesty' Government, the President hopes that the sentiments expressed by Mr. Fox have their foundation in an expectation of having it in his power, at an early day, to communicate to this Government a result of the deliberations had by that of her Britannic Majesty upon the proposition alluded to, which will present the prospect of a prompt and satisfactory settlement, and which, when known by the State of Maine, will put an end to all grounds of apprehension of intentions or dipositions on her part to adopt any measures calculated to embarrass the negotiation, or to involve a departure from the provisional arrangements In the existence of those arrangements, the United States behold an earnest of the mutual desire of the two Governments to divest a question abounding in causes of deep and growing excitement, of as much as possible of the asperity and hostile feeling it is calculated to engender; but unless attended with the most scrupulous observance of the spirit and letter of their provisions, it would prove but one more cause added to the many already prevailing, of enmity and discord. Mr. Fox has already been made the channel of conveyance to his Government of the desire and determination of the President that the obligations of the country shall be faithfully discharged; that desire is prompted by a sense of expediency as well as of justice, and by an anxious wish to preserve the amicable relations, now so manifestly for the advantage of both, subsisting between the United States and Great Britain.

The undersigned avails himself the occasion to renew to Mr. Fox assurances of his distinguished consideration. JOHN FORSYTH.

HENRY S. FOX, &c. &c. &c.

From Hunt's New-York Merchant's Magazine.

SAMUEL HENRY, ESQ.—Among the individuals who perished on board the ill-fated Lexington, there was no one more generally beloved and respected than Samuel Henry, Esqr., of Manchester, England. Intimately connected as he was, in his mercantile pursuits, with a large class of merchants in this city, this magazine seems a proper medium to express the deep sympathy which his death has occasioned in this community. Though not a native of this country, Mr. Henry had, for many years, been actively engaged in extensively commercial operations with America, and he has left behind him a large circle of friends, who ever welcomed him to our shores with sincere regard and affection.

In his business intercourse with his fellow-men, rigid, uncompromising integrity, marked his character. No one knew better the true requirements of a merchant, or the generosity becoming a man; and throughout his life, he ever maintained the strictest consistency of high mercantile principles, and the most generous liberality. During the commercial distress which affected every class in the country for the past three years, Mr. Henry was here, yielding relief and assistance to those whom misfortune had crushed; and there are many, in this city and elsewhere, who will bear honourable testimony of his open confidence and generous forbearance, when they were most needed and appreciated. Indeed in all his business transactions, there was a free, honest spirit, a manly, straight-forward course of conduct, which won the esteem and confidence of all with whom he came in contact.

In his private relations, Mr. Henry was no less estimable than in his mercantile position. Simple, open, frank, in his manners, he drew around him a host of friends; and such was his sincerity and courtesy, that we feel he has not left an enemy behind him. At home he was distinguished for his unbounded hospitality, and whenever an American placed his foot on the English shore, Mr. Henry was among the foremost to extend the right hand of welcome, and by his kindness and attention, made him feel that he was not wholly a stranger, though in a foreign land.

We dare not speak of the heart rending catastrophe which caused Mr. Henry's death, nor of the sorrow and anguish which a knowledge of it will create in those hearts in England, where he was most loved and valued. Cut off in the rich maturity of noble manhood, with a brilliant prospect before him, the heart sickens when it reflects on his mournful end. He died a true and HONEST MAN. A friend who knew and valued him, pays this inadequate but sincere tribute to his memory.

It is estimated, according to the latest advices from England, that the stock of tea at present in London, is 35,000,000 lbs.

PROVINCIAL LEGISLATURE.

House of Assembly, February 8.

Mr. Partelow, by leave, presented a Petition from William Scovil, Robert W. Crookshank, John Lawton, George Waterbery, William A. Robertson, and 33 others, of the burnt district in the City of Saint John, and recommended by a number of the Magistrates and other Citizens, praying for an amendment to the Laws passed at the Session in September last, for the widening of the Streets in the said City, or for such other relief as to the House may seem expedient. *Ordered*, That the said Petition be received, and lie on the Table.

The Honorable Mr. Johnston, by command of His Excellency, delivered the following Message:

"J. HARVEY, *Lt. Governor.*

"The Lieutenant Governor lays before the House of Assembly a Report by the Gentleman who has been employed in making Geological Explorations, of a discovery in the mineral treasures with which this Province is known to abound, which promises to be of considerable value; and submits to the consideration of the House whether it may not consist with the true interests of the Province to enable the Executive Government to prosecute these interesting and important researches.

"Accompanying this Report is an Account of Expenses incurred in the performance of the service, which the Lieutenant Governor also submits to the favourable consideration of the House. "J. H."

On motion of the Honorable Mr. Johnston,

Ordered, That Five Hundred Copies of the said Report be forthwith printed.

Tuesday, 11th February.

Mr. Woodward, by leave, presented a Petition from Ralph M. Jarvis, William Scovil, Robert W. Crookshank, and 48 others, sufferers by the Fire at the City of St. John, on the 17th of August last, (recommended by 256 other inhabitants of the said City,) setting forth that the operation of the Acts passed at the last session, for opening and improving the Streets, and requiring buildings to be erected of Stone or Brick, bearing very heavy on the Petitioners, and praying relief in the premises.—*Ordered*, That the said Petition be received, and lie on the Table.

Mr. Partelow, by leave, presented a Petition from Abraham Gesner, of the City of Saint John, praying that an Act may pass authorizing him to light the said Citry with Gas, and for an exclusive privilege for that purpose, for a limited period.—*Ordered*, That the said Petition be received and lie on the Table. A Bill was subsequently brought in and read a first time.

Mr. Boyd, by leave, presented a Petition from the Honorable Thomas Wyer, the Honorable Harris Hatch, Samuel Frye, and John M'Lachlan, Esquires, formerly Directors of the Savings' Bank at Saint Andrews, praying to be relieved from the responsibility occasioned by the defalcation of the Cashier to that Institution.—*Ordered*, That the said Petition be received and referred to the Committee of Supply.

On motion of Mr. Woodward, *Ordered*, That the Petition from Lauchlan Donaldson, Esquire, President of the Chamber of Commerce at Saint John, praying that some measures be adopted towards establishing a daily Mail Communication between Saint John and Halifax, and which was presented to the House on the 29th January last, be referred to the Committee appointed on the 7th instant to take into consideration all Petitions or applications for aid in promoting Internal Communication within this, and to the neighbouring Colonies; and farther that the said Committee be authorized to correspond with similar Committees of the Legislatures of these Colonies.

On motion of Mr. Partelow, Whereas it is understood that a very large amount of base Copper Coin has, during the last two yeas, been clandestinely imported into the Province, and put in circulation by the parties so introducing it, to the very great injury of Trade and to the annoyance of the whole community where the same is so circulated: And whereas nearly all the Copper Coin in circulation is almost valueless, in comparison with the rate at which the said Coin passes: And whereas it is deemed necessary that the present Copper Coins, as well as the base metal of which some of them are made, should be prohibited by Law from passing, and another and better Coin be substituted; therefore

Resolved, That a Committee be appointed to take the subject into consideration, and report thereon, by Bill or otherwise.

Ordered, That the Honorable Mr. Weldon, Mr. Fisher and Woodward, do compose the said Committee.

Mr. Brown moved for leave to bring in a Bill to continue an Act for the better regulating the Office of Sheriff in this Province. Leave granted.

Wednesday, 12th February.

Read a second time the following Bills, viz:—

A Bill to grant to Abraham Gesner the privilege of lighting the City of Saint John and its vicinity with Gas:

A Bill to Incorporate St. Luke's Church in the Parish of Portland:

A Bill to regulate the Assize of Bread in the Parish Woodstock, in the County of Carleton:

A Bill to provide for the expenses of Grand and Petit Jurors serving in the several Counties in this Province:

The Honorable Mr. Johnston, by leave presented a Petition from Samuel Scovil and Charles Harrison, Esquires, and 70 others, of Queen's County, praying that the Militia of that County may not be again called out for Drill during the period of harvest.—*Ordered*, That the said Petition be received, and lie on the Table.

On motion of Mr. Partelow,—*Resolved*, That a Select Committee be appointed to investigate the arrearages due from sundry individuals, on the purchase of Lands from the Crown, of Five Hundred Acres, and upwards; and that the same Committee be instructed rigidly to enquire into every particular case, whether the said Lands were purchased for actual settlement, or on speculation; and also what, if any, instalments have been paid on the same, the condition of the party owing the money; and further, particularizing the acts of ownership over the said lands, and in how many cases Timber or Lumber has been taken therefrom,—and Generally to obtain such further information as may influence the House in their decision upon the subject,—*Ordered*, That Mr. Partelow, Brown, and the Honorable Mr. Weldon be a Committee for that purpose.

Mr. End, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of the House, of the 10th instant, relative to information as to the Metis, or what is commonly called the Kempt Road, reported, that they had attended thereto, and that His Excellency was pleased to make the following reply:—

"*Gentlemen*,

"During the last Summer an Exploration and Survey of the Road leading from Restigouche to the St. Lawrence, by the Lake Metipediac, was made by a Military Engineer Officer, by the direction of the Lieutenant General Commanding at Halifax, of whose Report, accompanied by an Estimate, His Excellency was pleased to allow a copy to be sent to me.

"The estimate apppeared to me so considerable in its amount, that, under the apprehension that it might operate to retard or prevent the undertaking, I directed my enquiries to the subject, and procured from two highly intelligent, respectable and responsible individuals, perfectly acquainted with the line, and practically conversant with the expense of Road Making, a proposal predicated upon the Report to which I have alluded, to construct and perfect that Road, agreeable to the proposed Plan and Specification, for a sum not exceeding £12,000, currency.

"Having myself received no authority to conclude any agreement or to incur any expense connected with the Metis line of Road, I could only communicate the result of my enquiries to the Authorities of Canada and Halifax,—which I accordingly did, and I have since heard nothing further upon the subject;—but I feel it to be one of deep importance, secondary only to the improvement of the Line of the Saint John, (and I will add, to that of the proposed Canal for connecting the Bay of Fundy with the Gulf of Saint Lawrence,) and I accordingly not only recommend it to the favourable consideration of the House, but offer myself as the medium of communicating with the Governor General and with the Governments of Lower Canada and Nova Scotia upon it. "J. H."

The Honorable Mr. Johnston, by command of His Excellency the Lieutenant Governor, laid before the House:

Report by the Honorable William Botsford, and the Honorable Robert Parker, Judges of the Supreme Court, upon the state of the Gaol at Saint John, accompanied by various Queries and Answers to and by the High Sheriff and visiting Magistrates.

Communications.

FOR THE OBSERVER.

MR. EDITOR,—I understand that a petition, signed by upwards of 1200 individuals, has been forwarded to the Legislature, praying for their interference to procure from the Home Government a repeal of the present duty on Foreign Wheat Flour and Salt Provisions when imported into this Province.

There can, I think, be only one opinion (except by Mill owners,) as to the effects of the present system operating most injurjously upon the commerce of this Province.—It is an admitted truism that the prices of the necessaries of life regulate the rate of labour—consequently the duty on Wheat Flour, Beef and Pork, not only directly affect the poor in the first instance—but that the price of our exports are in consequence enhanced so much in price, that the Merchant cannot compete abroad with those who are furnished with provisions at a cheaper rate.—Exclusive of this all-important feature in the case, we are by the present restrictive system deprived of a considerable part of the trade of the out-ports in the Bay of Fundy. There cannot be a doubt that our Representatives will give this important affair their most serious and impartial consideration—in which case there can be no doubt of the conclusion they will arrive at.

Yours, &c. A. B. C.

FOR THE OBSERVER.

MR. EDITOR,—In the Halifax *Acadian Recorder* of the 8th instant, I perceive a communication signed an "*Old Coaster*," making some very severe remarks on my letter to the Chamber of Commerce of this City, touching the running a Steamer to the South side of the Bay of Fundy, in the Winter months. Now I assert that no person, but an *ignorant coaster*, would have made such assertions, for I do say that I think I am as well acquainted with the Bay of Fundy as most *old coasters*.

That I never was in Baxter's Harbor is true, but I am as well acquainted on the South side of the Bay of Fundy as the general run of *old coasters*, for I have been at anchor and sounded in it more in one season than many coasters have done in their lives. But be that as it may.—I beg to send you a description of Baxter's Harbor, from Capt. Robert Fields, who I *know* to be a very *old coaster* for some 20 years.—And also a certificate from Capt. John Hennebery, concerning the ice in that part of the Bay of Fundy, and I likewise know *him* to be *an old coaster*, and a man of veracity.—The public may judge who is right or who is wrong. For my own part I am not accustomed to writing for the newspapers, and I do not wish to continue a correspondence with any person or persons who are afraid to sign their names to their communications. Let there be proper persons appointed to examine into the merits of the business, and point out the best place. Your most obedient servant,

THOMAS REED.

St. John, 15th Feb. 1840.

St. John, 14th Feb. 1840.

MR. REED,—Sir: At your request I give you a description of Baxter's Harbour, on the South side of the Bay of Fundy.—That the said harbour is *dry* at low water, and also is a *barr'd* harbour, and will hold say *four* vessels of 100 tons, and *no more*, with safety, and they must warp in at high water. The said harbour is not a safe place to go to except in summer, and in day time.

I have followed Coasting in the Bay of Fundy for nearly 20 years, have been very often in Baxter's Harbour, and consider myself as well acquainted with the said *Harbour*, and the Bay of Fundy, as any *old coaster*, as you must very well know from your long experience and acquaintance with me.

It is proper to say, that should a Breakwater be built on the West side of Baxter's Harbour, a greater number of small craft, say 20 sail, could be sheltered. But this harbour *cannot be a Winter harbour*, on account of the drift ice in the Bay of Fundy. I have seen the drift ice driven as far as Isle Haute, in March, and have known vessels detained by it, and in one instance one vessel lost in the Gut of Minas.—As regards running a steamer or sailing packet in the winter months to any place to the Eastward of Annapolis Gut, is *madness*. Your's, &c.

ROBERT FIELDS.

St. John, 14th Feb. 1840.

I do hereby certify that I left Windsor on the 10th January, 1833, and was detained at Parrsboro' four days by the ice; left Parrsboro' on the fifth day, and was driven back by the ice and remained there two days longer; the wind blew from the North, and drove the ice to the South shore,—we kept the North shore close and cleared the ice by so doing. The ice reached below the Isle Haute.

In the beginning of March following, on my way up the Bay of Fundy, wind West, fell in with the ice in large quantities off Quaco Ledges, (about 35 miles from St. John,) and we put into Quaco until next day—when the wind came out from the North, which carried the ice to the South shore, and would of course prevent *any vessel* from approaching that shore.

It is my opinion that no vessel can run to that side of the Bay of Fundy above Annapolis Gut, in the Winter months.

I am well acquainted with the Bay of Fundy, have coasted it for many years, and consider myself as well acquainted as any *old coaster* in this country.

JOHN HENNEBERY.

THE OBSERVER.

ST. JOHN, TUESDAY, FEBRUARY 18, 1840.

One Day later from England.—The packet ship Philadelphia, at New York from London, brings papers of that city to the 27th, and Portsmouth to the 28th Dec.

The news carried out by the British Queen was regarded as favourable.

Sales of cotton were full, without change in prices.

The London Times of the 27th, says that money, without being in any great request, still commands interest at the rate of six per cent. per annum at the stock exchange.

The committees of the Belfast public bakery lately addressed a memorial to the Lords of the Treasury, praying that they might be permitted to import foreign flour into Ireland, as the people of England may do in England.

The ministry have been successful, in the organization of the French Chambers.

There had been more severe fighting in Algiers between the French troops and the natives. The French were successful. About 2000 of the French army were on the sick list.

The news from Madrid states that the elections in that city had all terminated in favor of the Exaltado or radical party. This was to be expected.

LONDON, Dec, 27th, 12 o'clock—"The stock markets remain in the same dull state, particularly in the Foreign House.

LONDON, Friday, Dec. 27, half-past two o'clock.—Now that those commercially concerned with the United States have had time to compare notes, the feeling is pretty general that the accounts received per the British Queen are much more favorable.

Two o'clock.

The money market is in a very tranquil state, and the only occurrence likely to disturb it for the present is the occurrence of the 4th of January, which when commercial affairs are in a thriving condition, is generally what is termed a heavy day.

London, Dec. 27.—The speech from the throne appears to have produced much disappointment in the French capital, and the only phrase in it which has given universal satisfaction is that which declares that France will never relinquish its conquests in the North of Africa. With that exception the speech is considered to be moderate, even to despondency, and people wonder why Louis Phillippe has been induced to speak in so humble a tone.

No accounts of the arrival of the steam ship *Liverpool* at the latest dates from New-York.

CROWN LANDS IN NEW-BRUNSWICK.

A copy of the Earl Durham's Report to Her Majesty, and the accompanying Documents, having reached us, we submit to our readers a few extracts, commencing with the evidence taken in this Province by Major Head, relative to Crown Lands and Emigration.

The first person examined appears to have been the Hon. Thomas Baillie, Surveyor General and Commissioner of Crown Lands; he states that the Province contains about 16.500.900 acres, of which he considers about 560,000 acres barren; that about 3,000,000 acres were granted previous to the sale system in 1827, and about 1,400.000 acres have been sold since; that, in round numbers, there are about 11,000,000 acres of land available to Government, but from the nature of the soil where the dense Pine forests exist, not much more than half of it can be said to be fit for agricultural purposes at the present moment, but the remainder would doubtless be available at a more remote period when land shall become more scarce.

Of the 4,400,000 acres granted, Mr. Baillie supposes there are about 250,000 acres cleared; but as the clearings are principally on the margins of streams, and on bye-roads which have never been surveyed, it is difficult to form a correct estimate. The number of agricultural settlers, or proprietors residing on farms, Mr. Baillie states to be from 12,000 to 16,000, which would be averaging about 150 acres to each farm, a quantity he supposes ample for a poor man to have. With respect to large grants of land we give a part of Mr. Baillie's evidence.

"What grants were made prior to 1784?

Several large grants were made when the Province formed part of Nova Scotia, most of which were escheated and subsequently regranted.

Are there any large grants of land still existing in this Province?

None of an extent to be prejudicial to the country.

What is the largest grant now existing in one name?

Five thousand acres were granted to the Honorable J. Saunders, in 1819.

Is this tract in course of improvement?

Very partially; and the settlers in the vicinity complain bitterly of having to pass through a long wilderness, through which they have to break the snow roads in winter time."

In addition to the above, Mr. Baillie states that large tracts of land have been disposed of to different parties for the purpose of enabling them to erect extensive saw mills for the manufacture of lumber. The principal tract disposed of for that purpose is stated to be 50,000 acres on the River Tobique; that the next tract in extent or importance is 32,000 acres, embracing the heads of the Musquash streams, which fall into the Bay of Fundy, about fifteen miles to the westward of St. John, where there are extensive and valuable mills at work; and next, 24,000 acres belonging to the Nashwauk Mill Company; the Nashwauk being a branch of the St. John and the mills situate about three miles from the River. With respect to the roads Mr. Baillie gives the following evidence:—

"Do you think this system (the statute labour) one that works advantageously to the Province?

No; I think the labour for the most part thrown away, half the amount of money judiciously laid out would be preferable.

Are annual grants made by the Legislature for the Roads?

Very extensive grants of money are made, and the great roads throughout the Province have of late years been very much improved; the bye-road system is, I think, very bad, as the money is frittered away in small grants for portions of road.

Are those funds managed by Commissioners?

Yes; Commissioners are appointed by the Lieutenant Governor and Council, receiving five per cent. on the money expended; the great roads are managed by Supervisors who receive ten per cent. and are also appointed by the Lieutenant Governor and Council.

Are those persons generally who are qualified for the business?

Generally speaking, I think not; some of the Supervisors are very good, and some of the commissioners may be tolerable.

Are the roads laid out by the Commissioners?

No system has ever been adopted, and the Executive are quite ignorant of the direction of the Bye Roads."

From Mr. Baillie's statements it appears that our Road system is very loose and ill-regulated, and absolutely requires to be put under more efficient management. The appointment of salaried officers to take charge of this department of the public expenditure, and be responsible to the Executive, has been again recommended by His Excellency in his opening speech to the General Assembly, and we trust that body will perceive the advantages to be derived from following His Excellency's recommendation.

With respect to the settlement and prosperity of the Province, Mr. Baillie states that they have by no means advanced so much of late years as its natural resources and capabilities have led him to expect; and he attributes the slow march of improvement to the want of a systematic encouragement of emigration, which, in addition to opening the extensive forests, would naturally increase the consumption of British manufactures, and thereby increase the revenue of the Province.

The Honorable Mr. Shore in his examination states with respect to roads, that he does not consider the system acted upon by any means perfect, but that the roads of late years have much improved; that the system of statute labour admits of abuse, and would be much improved if money were paid instead of labour. That many of the supervisors and commissioners of highways are well qualified persons, and understand the business, but that a general and scientific supervisor is essential to ensure good and permanent roads.

Mr. Shore states that he has had opportunities of observing the progress made by emigrants who have settled in the Province; that those who have a knowledge of agricultural pursuits succeed best; that emigrants from the North of Ireland, the North of England, and the lowlands of Scotland make good settlers; that if such settlers are located free of expense on good soil, they could in five years contribute towards purchase or rent.

The evidence of Captain Maclauchlan, H. B. Rainsford, Esq., W. J. Bedell, Esq. and others, all tends to afford information of the great difficulties poor settlers have to contend against, and to show that such persons ought not to be encouraged to become landholders, but should remain for a time at least in the class of labourers. Until a laborer has acquired some little capital, he should not attempt to become a farmer on his own account, as instead of the real prosperity of the country being thereby advanced, it is rather retarded.

On this point we quote from a Despatch forwarded by Lord Glenelg to this Province in 1836, in which he lays down the above principle very strongly:—

"It is essential in the administration of the Crown Estate that such a system should be pursued as will maintain a just equilibrium among the different classes of society. Without denying the force of the arguments which have been urged in favor of encouraging by free grants of land, or by an extreme lowness of its price, the resort to the Province of the poor but industrious classes, I must yet be allowed to observe, that the system has been found, in practice, to be attended with many and very serious disadvantages. By forcing into the class of Landholders all those who under ordinary circumstances, would gain their subsistence by daily wages, it destroys that division of labour which is essential to the well-being of every community. By inducing every man to work only on his own account, it cripples the exertions of capitalists, and materially impedes the advancement of society in that career of prosperity, which its natural resources, under a more enlightened system, might command."

It has always been a favourite plan in this Province to encourage the settlement of wild lands, by offering them at an exceedingly low rate to actual settlers, and the evils of the system are now felt in the high price and scarcity of labour, the tardy progress of agriculture, and the difficulty of carrying on farming operations upon an extensive scale in the cultivated parts of the country. If the labour of that numerous body of poor settlers who now scarcely raise sufficient food for themselves, were bestowed in the proper cultivation of the soil under the direction of good farmers possessing the requisite skill and capital, we should not long have to complain of the scarcity of agricultural produce, but in a few years would be quite independent of our neighbours for supplies, and in our turn become *exporters*.

No better illustration of this doctrine can be found, than is at present exhibited in the West Indies. Before the emancipation of the slave population they worked as labourers on the estates of the Planters, who having the necessary capital and skill, conducted business on an extensive scale, and were enabled to export large quantities of sugar, molasses, coffee, &c. Now that the slaves have ceased to be labourers, and have become small planters on their own account, raising just sufficient for themselves, the whole business of the country has dwindled to nothing, and we hear only of the great scarcity of West India produce. Unless some plan is devised to supply the Planters with the requisite amount of labour, the whole of the West Indies will in a few years sink into a condition little superior to that of Africa, and may in process of time import the very articles which are

In the course of his inquiries in this Province, Major Head collected some valuable information relative to general matters connected with the situation and capabilities of the country. Dr. Robb we perceive was examined relative to the mineralogical resources of the Province, and among the documents printed by order of the House of Commons, we find a letter and report on the same subject from Dr. Gesner, which have not yet been published here. They give a very good general idea of our mineral wealth in a clear and concise manner, and we are pleased to see them in so prominent a situation. At present we are prevented from going further into these voluminous documents, but will advert to them again on some future occasion, as they contain much information which will be found highly interesting to the people of New-Brunswick.

We beg to acknowledge the receipt last evening, from Dr. Gesner, of a copy of his second Geological Report of New-Brunswick, just published.—A more extended notice of the work hereafter.

A fire in New-York on the 3d inst. destroyed the extensive Cabinet Warehouse of Mr. Sharp, on the corner of Beekman and Gold streets, a five story brick building. His loss is estimated at 38,000 dollars. Two or three persons were killed by the falling of one of the walls next morning.

A recent fire in Philadelphia destroyed nine new brick houses in Lombard street. The fire was kindled by an incendiary.

A resolution has been very properly bro't before the Assembly, by Mr. Partelow, on the subject of the large quantity of base copper coins which have recently been clandestinely introduced into the Province and put in circulation.

Our Western neighbours have had an over-abundance of snow this winter. It fell to the depth of about 8 inches over the whole country from Massachusetts to Washington, a few days ago.

Passengers in the ship *Ward*, for Liverpool, sailed this morning—The Hon. John Robertson, Lady, and family; and Miss Waddington.

We are informed that the Chamber of Commerce of this city is about to make application to the Deputy Postmaster General at Halifax, for the purpose of obtaining his sanction to a proposed measure for a reduction of the postage on letters, passing through the Post Office in this colony. We are decidedly of opinion that this is a measure of great importance to all classes of our fellow subjects, and especially to the Mercantile community, and one that will meet with general approval. The Chamber of Commerce, after making due calculation, are fully of opinion that notwithstanding the contemplated reduction of postage, so great would be the number of letters that would be received and sent by Mr. Cunard's steamers, that the gross receipts of the Post office would be *more than double* the present amount.

We have also much pleasure in learning that efforts are being made to obtain a more safe and commodious building for the use of the Post office, in this city; we hope that this object will be accomplished, as it would be an accommodation to the public, and also to our present worthy Postmaster, whose urbanity of manners and obliging deportment in the performance of his official duties, have deservedly made him a general favourite in this community.—*City Gazette.*

We understand that on Saturday last, the Hon. J. S. Saunders was sworn in, at the office of the Secretary of the Province, as Provisional Commissioner of Crown Lands and Surveyor General; till the pleasure of Her Majesty's Government respecting the permanent appointment to those important offices can be known. That the Hon. Gentleman's appointment may be confirmed by Her Majesty, is our sincere hope; and from the similar opinions we have heard expressed in various quarters, we have no doubt, that that appointment will prove more generally acceptable to the people of this Province, than any other which could have been made. Mr. Saunders is a native of New-Brunswick; a gentleman of the highest standing in society; whose character, talents and manners render him deservedly popular among all classes; whose station and property in the country are a strong guarantee for the faithful discharge of his official duties; and who, having the good fortune to be well known and respected among the ruling powers in the Mother Country, will undoubtedly possess, as well the confidence of the parent Government, as that of his native Province. The eminent services of his late venerable father, Mr. Chief Justice Saunders, who was universally esteemed among us, also constitute some claim for attention to the son; and as Mr. Saunders has hitherto performed many *gratuitous* services for the Province, under various confidential commissions from the Executive, we rejoice at the prospect of his being at length rewarded by an office of emolument as well as trust. Some of those services, we believe, required Mr. Saunders at various times, to inspect the management and accounts of the *Crown Land Office*, under its former incumbent; and the knowledge thus acquired is a sufficient assurance, that he does not assume its control, in ignorance of its duties or unqualified for the performance of them.—*City Gazette of Thursday.*

WARLIKE!—Her Majesty's ship *Vestal* has arrived at Halifax, where, we understand other vessels of war are soon expected, for the purpose of bringing Troops and munitions of War to this Province, in case they should be required.

We learn, also, that the 23d Fusileers, now in garrison at Halifax, instead of being about to proceed to the East Indies, is the first Regiment for service in this Province, and has received orders to be ready to move at the shortest notice.

We are further informed, on good authority, that the erection of Barracks at Woodstock, in this Province, for the accommodation of a large military force, has been determined upon, and the work is to commence immediately.—*Courier.*

MAIL ROUTE TO BOSTON, *via Fredericton, Woodstock, Houlton, &c.*—It is not generally known that the mail communication between Boston and this City by the above route, has been so much improved that, by the present arrangement, letters mail