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AUGUST, 1899.

The New Brunswick Magazine

Vol. III.

No. 2.

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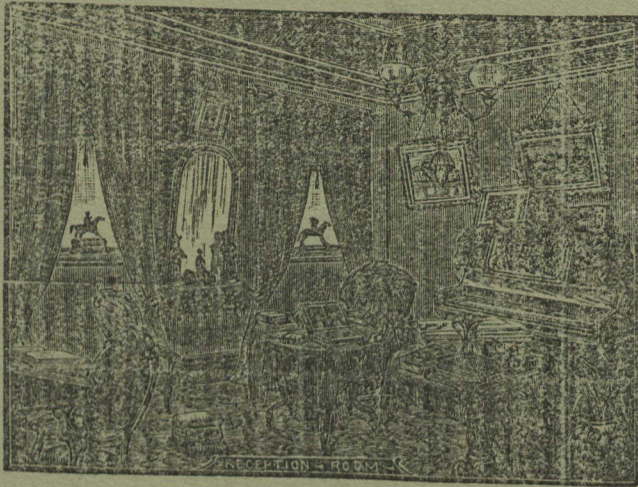
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THE FISHERY QUARREL.

After James Simonds and James White had established themselves at Portland Point in April, 1764, they prosecuted the fisheries industriously and in the course of time erected a considerable number of weirs. For twenty years they remained in undisturbed possession; but shortly after the founding of Parr Town by the Loyalists the right of the old grantees to a monopoly of the fishing privileges along the Portland shore was called in question, the new comers claiming that in navigable waters the right of fishery was common to all.

There seems to have been from the very first a good deal of friction between the Loyalists and the old inhabitants of the country. The founders of the city of St. John had made great sacrifices for their king and country and they, perhaps not unnaturally, experienced a sense of irritation as they compared the meagre bounds of their city lots with the wide domains of Simonds, Hazen and White by which they were surrounded. At all events they were not disposed to concede any favors to these gentlemen as regards their right to a monopoly

of the fishery. Accordingly when the charter of the city was drawn up, provision was made that the fisheries between high and low water mark on the eastern side of the harbor, from the falls at the mouth of the river to Reed's Point, should be for "the sole use, profit and advantage of the freemen and inhabitants of the city," who were to have the right of fishing, hauling the seine, erecting weirs, and taking fish between high and low water mark to the exclusion of all others.

We need not be surprised that this provision in the city charter did not accord with the views of Hazen, Simonds and White who insisted it could not apply to their "vested rights" along the north shore of the harbor of which they claimed to have held undisputed possession for a score of years. Before long the citizens of St. John came into violent collision with the old Portland grantees and their tenants over this fishery business, and the animosity aroused soon became intense. The controversy occasionally shifted its ground a little. At one time it was insisted that the freemen and inhabitants of the city were entitled to the sole and absolute possession of the fisheries in dispute; at another it was claimed that all the fisheries within the harbor were common to the public. Both claims were stoutly resisted by the three old partners, who insisted on their right to absolute control of the shores in front of their property from high to low water mark.

The controversy was the source of much ill will and trouble from the first, but it assumed an acute form about the beginning of the present century. The St. John fishermen were assured by certain gentlemen of the law that they had a good cause and they found influential citizens to back them in their claims. Encouraged by the prevailing public sentiment, the overseers of the fishery, about the year 1800, laid out

the entire Portland shore in fishing lots, driving stakes as boundaries, and thence-forward these lots were commonly drawn* along with the lots in front of the city proper. Litigation ensued, and a decision of the Supreme Court in May, 1801, was claimed by Hazen, Simonds and White as clearly showing that all land holders had the right of setting nets along the shore in front of their respective properties. An attempt, nevertheless, was made the same year by a number of St. John fishermen to occupy the Portland shore, and in the struggle that followed offences were committed against the law and convictions were had on both sides.

The old Portland grantees evidently had the sympathy of Governor Carleton and the majority of the Executive Council of the province, for on the 25th of February, 1802, they were granted a license of occupation by which they were allowed to possess and occupy the shores from high to low water mark in front of their respective lots between the falls and Portland Point. This license was issued in response to a memorial presented by Hazen, Simonds and White stating that doubts had arisen as to whether the boundary of their lands extended to low water mark, and in consequence great inconveniences had been experienced and animosities had arisen between the memorialists and the inhabitants of the city of St. John.

The action of Governor Carleton and his council in granting this license of occupation was a source of much dissatisfaction to the fishermen who had now for some years been in the habit of taking salmon and other fish along the Portland shore, employing both

* In early times fishing lots were disposed of by draft in the way described further on in this paper. Every freeman who paid his shilling was entitled to a chance of drawing a desirable lot. Practically the whole thing was a lottery run by the city.

seines and set nets, and had lately begun to build weirs there also. The fishermen had hitherto been excluded from the cove to the eastward of Portland Point on the ground that all the flats in that quarter were within the bounds of the line running due east across these flats to York Point, as described in the first grant of land made to James Simonds and his associates in 1765. The three old partners had further fortified their claims to ownership in that locality by building wharves for their own private use and advantage, and by using the flats for timber ponds, etc.

In consequence of Governor Carleton's license of occupation just referred to the St. John fishermen were disposed to abandon the Strait Shore. However, subsequent events showed that the controversy was by no means put to sleep by the Governor's action. In the Executive Council itself there were eminent legal gentlemen, including the Chief Justice of the province, who deemed the license of occupation to be *ultra vires*, and the right of ownership of the flats east of Portland Point was disputed in like manner. The fishermen thus encouraged resolved to continue the contest and in the year 1803 took up the nets of some of the Portland fishermen and set their own in their places. This, naturally enough, provoked another collision, and offences against the law were again committed. Hand to hand fighting ensued and much bad blood was aroused between the combatants.

At this stage of the proceedings two prominent St. John aldermen and magistrates, Hugh Johnston and George Younghusband, endeavored to mediate between the parties. They addressed a communication to Hazen, Simonds and White dated June 9, 1803, the substance of which is as follows:

"In order to put for ever to sleep the disputed question of

FISHERY, which has heretofore created and still continues to excite so much disturbance and confusion, we beg leave on the part of the Freemen and Inhabitants of this city to say we are willing, provided it shall meet with your approbation, that the cause in dispute shall be fairly stated and referred by way of an amicable suit to the decision of the Judges of the Supreme Court; and in the meantime until such decision can be had, that the shore shall be fished in common between your Tenants and the said Freemen and Inhabitants; that is every party to have the liberty of setting every alternate nett."

In a second communication Messrs. Johnston and Younghusband refer to the controversy as being:—

"A dispute which has long been the cause of violence and confusion between the Inhabitants of the City and your Tenants—of lawsuits and ill will between yourselves and the Inhabitants. A dispute which yearly makes wretched several poor men and their families and to yourselves cannot be otherwise than a source of vexation and expense. * * We do not conceive it a matter of so much consequence, even to the Public, in *whose* favour it is determined, as to *have it determined.*"

The letters from which we have just quoted were answered at some length by Hazen, Simonds and White,* who claimed that decisions already given by the courts were virtually in their favor; that other suits were now before the courts in which the question as to the right of fishery might be tested; and they objected to an amicable suit to determine whether they had the exclusive right "to take fish upon their own shores" as seemingly a tacit admission that their title was doubtful. About this time the Supreme court began to be regarded with great interest by the contending parties, the fishermen anticipating a decision in their favor whilst Ward Chipman, the counsel for Hazen, Simonds and White, seems to have been apprehensive of a decision unfavorable to his clients. As an indication of the state of expectancy that existed, we learn from the columns of the St. John Gazette that on July 15, 1803, the fishermen gave a sumptuous entertainment on Navy Island to a number of the leading

* The whole correspondence appeared in the "St. John Gazette" and General Advertiser" of June 25, 1803.

citizens of St. John. Among the toasts proposed on the occasion were "The four Judges of the Supreme Court," and "May the City of Saint John enjoy their *Rights and Privileges as British Subjects.*"

In March, 1804, the Supreme Court gave a decision respecting the fishery along the Portland shore adverse to the interests of Hazen, Simonds and White. It was this probably which led Hon. Edward Winslow to allude to the fishery dispute in an interesting letter of the 16th of April, 1804, addressed to Governor Carleton, who had but lately gone to England.

"Your Excellency has not forgot the bitter controversy which subsisted between a lawless rabble at St. John and the proprietors of the soil respecting the rights of fishery in front of their lots to low water mark. This dispute, many of the gentlemen of the law seem to agree, would eventually be settled in favor of the proprietors and some very strong reasons were assigned in support of their opinion, particularly, it was observed that this right was recognized in similar situations by our ancestors in America before the Revolution, and that those of them who removed to Nova Scotia carried with them that custom and privilege among others, and yet continue to enjoy it in Nova Scotia. When Hazen and Simonds originally took up their lands, the privilege of fishing in front of their lots was undoubtedly considered one of the rights and immunities secured to them by their patents, and it was undoubtedly one of the greatest temptations which the country held out to them, and they remained in the uninterrupted enjoyment until we came here."

Winslow in his letter proceeds to argue that the clause in the St. John city charter relating to the fisheries was intended to provide that the fishery along the shores in front of the city should belong to the inhabitants as owners of the soil, but was not intended to interfere with the privileges already possessed by Simonds, White and Hazen for more than twenty years.

If Ward Chipman drafted the clause in the charter of the city of St. John relative to the fisheries, it must have afterwards afforded him food for very uncomfortable reflection in the capacity of Mr. Hazen's son-in-law and legal adviser. In one of his letters he terms the

proceedings instituted against Mr. Hazen as "the most damnable and malicious persecution that was ever witnessed in a civil society."

By the decision of the Supreme Court in 1804 the control of the shore fisheries from Portland Point to the falls was virtually taken out of the hands of Mr. Hazen and his old partners despite Governor Carleton's license of occupation. The following year a decision of Chief Justice Ludlow respecting the rights of fishery in the cove eastward of Portland Point practically removed all claims to a monopoly in that quarter. This we learn from Ward Chipman's letter of October 5, 1805, to Edward Winslow—the latter then being in England. Chipman says :

"Our Government goes very smoothly on, the President (Col. Ludlow), more retired than ever at Carleton, and everything done by a committee of council of which the Chief Justice is the head. In his judicial capacity he has lately given a death blow to all the piscary interests of our good friend, Mr. Hazen. The latter brought an action for trespass against certain parties for taking possession of his weir erected upon the flats on the east side of the Point within the boundaries of his grant near the King's Provision store, of which he proved himself to have been in possession 40 years—but the Chief, without hesitation, directed the jury that it was an arm of the sea and common to all; that even if the fisheries there had been *expressly* granted to him, the grant would not have been worth a farthing. That the grant of the city fisheries (by charter) was good for nothing, and that the citizens therefore applied to the General Assembly to confirm it by a law. Such tergiversation, such unfounded thirst for popularity with the fishermen here is too provoking! We mean to resist such decisions and, if we can, to appeal in the last resort to the King in council. I wish you could procure some opinions on the subject from the law characters you may fall in with. To me it appears absurd to apply the obsolete articles of Magna Charta and principles of the Common Law to this country whose settlement depends upon principles and practice diametrically opposite to them."

After the overseers of the fishery had in 1800 staked out the lots along the north shore of the harbor, the Portland fishermen continued for a few years to enjoy some benefit from the salmon fishery by retaining

possession of certain spots and by taking care to be the first to put out their nets. But in the year 1804, about the beginning of the salmon fishing, a large party of men from the city interfered with them; they were "threatened, assaulted, beat and wounded," their nets carried off by force and other nets set in their places. For the next two seasons the St. John men held absolute control of the salmon fishery from the falls to Portland Point. Nor did they rest satisfied with this. In the spring of 1805 a party of more than one hundred came into the weirs that had been built by Hazen, Simonds and White or their tenants and carried away the greatest part of the fish. This action they repeated the next year and it seemed as if "the free-men and inhabitants of the city" had carried all before them.

During the prevalence of the animosity created by the quarrel over the fishery, the people most to be pitied were those unfortunate settlers who had been led to take up their abode in Portland on account of the convenience of the situation for prosecuting the fishery as a means of livelihood. Some of these people were pre-loyalist settlers, others Loyalists who had purchased or rented lands from the old proprietors; a few were disbanded soldiers of the King's New Brunswick Regiment. These settlers, about the year 1807, united in petitioning the legislature for the passing of an act giving the right of fishery in all waters to the adjoining soil. The petitioners stated that in the full expectation of enjoying the right of fishing in front of their dwellings they had built houses and from time to time erected wharves, stores, weirs, cooper shops, etc., and also provided boats, nets, seines, and many other necessary implements for carrying on the fishery. The old soldiers of the King's New Brunswick Regiment are

described in the memorial as "advanced in years, in very indigent circumstances, and altogether unable to clear and cultivate lands for their future support; they therefore continued to reside in their huts with their families and placed their chief dependence upon the weir fishery to supply themselves with provisions and other necessaries of life."

After being for two seasons dispossessed of their old fishing grounds most of the Portland fishermen made terms with their opponents agreeing to accept wages from them, or to fish for them on shares, but this privilege was shortly afterwards denied them in consequence of the enactment of a bye-law by the St. John Common Council prohibiting all persons who were not free men or inhabitants of the city from using any net or engaging in any way in the business of fishing under a penalty of £4 for each offence. This drastic measure serves as an indication of the local feeling that prevailed.

The citizens of St. John appear to have been much irritated at the passage of an act of the legislature in 1807 which practically gave the fisheries in front of all lands to the owners of the adjoining soil. A memorial was immediately drawn up and presented to the Common Council, signed by a great number of the citizens praying that a sufficient sum of money might be set apart to defray the expense of an appeal to the King in Council for a disallowance of the law. The City Council accordingly ordered that one hundred pounds should be advanced for that purpose and they sent Samuel Denny Street to England to act in their behalf. Ward Chipman wrote to his friend Edward Winslow April 4, 1807, in the following terms respecting the action of the Council:—

"We shall all be mortified in the extreme if the fishery law, which we have been battling for so many years, and at last with

success, should finally miscarry by the arts made use of to secure the Royal disallowance of it. In the inclosed paper you will see a copy of the vote of the Common Council. The committee have applied to the Attorney General* and he, I understand, has undertaken to draw up their petition and remonstrance against the law. Altho' I cannot believe that it will be attended to, I think we must make every exertion to prevent its success. It is not improbable that in consequence of the daubing resolutions of the Common Council respecting Lord Sheffield, his little picture, etc.,† some attempt may be made to interest him in their favor; this must be guarded against, and I know not who can do it but yourself. To enable you to make a fair representation to him, I have sketched some leading facts in the inclosed paper which you may dress in your own way, and add to them whatever you please."

The efforts of Ward Chipman and his friends were fruitless. Early in 1808 they were informed of the disallowance by the King in Council of the New Brunswick Act "For ascertaining the right of Fishery." William Knox, the Province Agent in England, in making the announcement wrote, "The Master of the Rolls was unfortunately one of the Committee of Council who had to determine upon it, and he is too good a lawyer to permit a provincial legislature to abrogate a law of England." It would therefore appear that the view of Chief Justice Ludlow respecting the non-existence of private rights in navigable waters was sustained by His Majesty's Privy Council.

Another attempt was made in the New Brunswick legislature in the year 1830 to pass an Act of a somewhat similar nature, but the bill, after passing the Assembly with some amendment, was lost in the Council.

The period of active controversy over the fishery question lasted nearly half a century. The elder Ward Chipman, William Hazen and James White all died before it ended. Only James Simonds was living in 1830 when the last general attempt to perpetuate the claim to the shore fisheries failed, and he died at

* Charles J. Peters, Esq.

† See Lawrence's "Footprints," pp. 35, 36.

Portland Point the following year at the patriarchal age of 96 years.

In the month of February, 1764, the Hon. Montague Wilmot, Lieut. Governor of Nova Scotia, issued under the great seal of that province the first license of occupation at St. John:—

“License is hereby granted to James Simonds to occupy a tract or point of land on the north side of St. John’s River opposite Fort Frederick, for carrying on a fishery and for burning lime stone, the said tract or point of land containing by estimation ten acres.”

It was in the same month of February sixty-seven years later, that the sturdy old pioneer closed his eyes at his home on the “point of land” where he had first pitched his tent, and it is a curious coincidence that he and the controversy over the fisheries of the Portland Shore should have been laid at rest together.

For the sake of completeness it may be well to add to what has already been said respecting the fisheries, a short account of the way they were disposed of in early times. This was by what is known as the Fishery Draft. It was really a public lottery under the sanction of the laws of the time.

Up to about a quarter of a century ago, any male British subject might become a “Freeman” of the city of St. John on payment of a certain fee according to the qualifications of the applicant. The fees ranged from £1. os. 6d. to £6. os. 6d. The highest fee was paid by a man not native born, whose father had never been a freeman or inhabitant of the city. A freeman had certain privileges; he could vote at elections whether he had a property qualification or not, he was not obliged to take out a license to do business, and he was entitled (as were resident widows of freemen) to a chance in the fishery draft upon the payment of one shilling a year. Each year the City Council appointed two

directors of the fishery draft for the East side and two for the West side of the harbor. The fishing lots were staked off, in width 100 feet each, and in the drawing number one meant a first choice of the fishing lots, and so on according to the numbers as the drawing proceeded. The number of those who registered varied from year to year. In 1856 for example 2,138 names were registered for the draft on the East side and 563 names were registered for the West side.* The number registered, of course, never represented all who were qualified. Some were too indifferent to take the trouble, and some were prejudiced against a lottery even under official sanction. The place for the East side drawing was in the Council room at the Court house, and on the West side at the old Carleton market house. Both places on the day of drawing were packed by an eager crowd. Two large revolving wheels were used, one of which contained the names of every freeman who had registered and paid his shilling, the other the numbers of the fishery lots intermingled with a sufficient number of blanks to provide a ticket for every one who had registered for the drawing. At each wheel was a boy blind-folded with his right arm bare to the shoulder, while members of the Common Council stood by to oversee the proceedings. Two other boys were at hand each with a needle and string on which the tickets from the wheel were strung after having been announced. The drawing took many hours and the proceedings were watched with intense interest. If a number of blanks followed in succession indignant voices were apt to exclaim, "Give that wheel a shaking up." Many are the stories that are told as to the scenes attending the drawing of the fishery lots,

* For the information respecting the Fishery Draft in older times the writer is indebted to an article by Mr. W. K. Reynolds, which recently appeared in the Daily Telegraph.

but on the whole it may be assumed the spectacle was not very edifying. The winner of number one sold his chance to the fisherman who offered the largest sum, probably about \$400, and the winners of other numbers disposed of them in the same way.

The drawing of a choice lot was not always without its attendant disadvantages. A story is told that on a certain occasion number one was drawn by an impecunious citizen whose creditors were many. A friend rushed to tell him the good news. "I am sorry for it, I shall be in jail before night," said he. His fears were verified; his creditors pounced upon him and he was in custody in very short order. In other instances it is said that a man would be so elated over his success that with the assistance of his friends he would expend much more in celebrating his good fortune than the amount he had acquired by the lottery. One usually temperate fellow is said to have indulged in a three months' spree as a result of drawing a lucky number.

The actual receipts to the city were inconsiderable—not more than three or four hundred dollars under the most favorable circumstances. In the year 1851 Moses H. Perley, in his report to the provincial legislature on the fisheries, recommended that the fishery lottery in St. John be abolished and the lots disposed of by auction, the proceeds to form a fund for a free public school. The recommendation was not acted upon, but in the year 1862, it was determined to abolish the drawing, and from that period to the present the fishery lots have been sold by auction and the proceeds, so far as the city is concerned, have been very much more satisfactory than under the old arrangement. The change was brought about not entirely on moral grounds but the idea was advanced—at first by the

people of the West side—that the sale of the fisheries might be better utilized in *keeping down taxes* than in pandering to a depraved instinct of human nature.

W. O. RAYMOND.

THE STORY OF AN EMIGRANT.

(CONCLUDED.)

In the last number of the MAGAZINE an account was given of the arrival at St. John, in the year 1816, of John Mann and his fellow immigrants from Glasgow, and some quotations were added from the story of his "Interesting Adventures and Disasters" published at Glasgow in 1824. He published at the same time and place a pamphlet of 48 pages called "The Emigrant's Instructor," containing information respecting the soil, produce, mode of clearing land, style of buildings, manners and customs of the inhabitants, etc., in the provinces of Upper Canada and New Brunswick. His advice to emigrants is extremely sensible and often quaintly expressed. Among other things he remarks that axes made in the old country are neither answerable in shape nor temper for use in America, it is therefore altogether unnecessary to bring them. This statement recalls a curious incident that occurred in the early days of the province. An English carpenter, finding by experience the great superiority of the American axe over the one in use in the old country, conceived the idea of making a profitable speculation by importing from England a large number of axes made in the American fashion. He accordingly prepared a carefully proportioned model in wood and sent it home as a pattern. Unfortunately he conceived it unnecessary to bore out the eye of the axe in his wooden

model as he thought "any fool" would know enough not to make an axe without an eye. In due time he received the axes he had ordered, but to his supreme disgust every one of them was an exact copy of the model, there was not an eye in the lot. He was not only the loser financially but had to endure the remarks of his neighbors with whom the thing was regarded as a huge joke.

Mann remarks that every intending settler should bring his ox chain, which," he says, "can be purchased more cheaply in the Old Country than in America and is of all articles of iron the most useful." No laborer need take with him linen for shirting as he will find cotton answer fully better as well as less expensive, while flannel, for a man constantly employed in the woods, is generally worn in the new settlements. Among other bits of sensible advice Mann says, "Beware of associating with strangers on landing, particularly grog sellers." He gives an interesting and intelligent account of the industries then pursued in the country including the timber trade, shipbuilding, the fisheries, farming and the manufacture of potashes and maple sugar. Under the head of "Strictures on the manners and customs of the Inhabitants of New Brunswick," he writes thus:

"The greater part of the inhabitants of this Province are originally from the United States. The men are generally tall, strong, comely and active; well accustomed to endure cold, fatigue and hardship. The women are somewhat pale and delicate, but are well acquainted with cooking, washing, knitting, sewing and dressing. They are not in general inclined to work much in the fields where they would be exposed to the sun, excepting in gardening, planting of vegetables, etc. They take great pains in teaching their children

politeness which indeed is very commendable, and the effects of their instructions are very manifest in the polite manners of their offspring.

When the females arrive at the age of fourteen the neighbors are collected on the evening of their birthday, and frequently the whole night is spent in joviality and merriment. At these frolics (as they are called) many foolishly hurt themselves in procuring accommodations beyond their station. The most respectable among them, when their daughters arrive at fifteen or sixteen, invite the girls in the neighborhood to a quilting frolic. Their brothers collect in the evening without invitation and the young people spend the night in music and dancing. Excess of drink, quarrelling and fighting frequently result from these foolish practices.

Women have meetings of the same nature occasionally when spinning the wool; and men in the time of mowing, reaping, cutting wood, etc.

At the time of marriage nothing is asked with the bride but what her parents give of their own pleasure. It is customary with the common farmers to give a cow and some sheep, according to their ability, besides bedding and some house furniture. The "wedding" is commonly appointed on the marriage day. It is generally held at the house of the bride's father who furnishes all the victuals. The bridegroom furnishes the liquor only. Supper is ready at 10 o'clock, and after the couple is bedded the rest of the company continue dancing until daylight. A few days after the wedding the bride is brought home and a number of her relations invited to a second entertainment. The next Sabbath is commonly spent in visiting the bride's relations who provide a splendid dinner for the visitors."

It will be interesting to compare with the foregoing, Mann's observations on the manners and customs of the people of New England, which very well illustrate the crude state of New England Society at that period.

"Those born in the United States are commonly known by the appellation of Americans or Yankees. The youth are generally very fond of riding, sailing, visiting, etc. The first step of courtship is to prevail on the intended spouse to sit at the fireside after the rest of the people are gone to bed, which they call smoking the ashes. The second step is to get a grant of one side of the bed with only a single ply of a blanket between them, which they call bundling; after which they go a sleigh riding. Being then brought to public notice none else will be apt to interfere knowing that the bundling must have taken place previously. After marriage the husband indulges his spouse with all the pomp and grandeur in his power, furnishing her with silks and other costly apparel; some even on such occasions contract debts which they are never able to pay.

During the winter season the husband gets up early in the morning (that is if he has no servants), puts on the fire, milks the cows, takes in the water, and cooks the breakfast, which when ready, he calls on his partner, saying, 'Come dear, get up, breakfast is ready.'"

Quite a fair idea of the condition of the infant settlements of the province eighty years ago may be gleaned from Mann's pages. The extracts that follow are selected out of many.

"By the old plan of surveying lots, they run six miles back in a direct line from the river, which makes them so narrow that the houses on the banks of the river are quite close to one another. They are elegantly

built, being framed and shingled all over excepting the side next the river which is generally covered with narrow boards of six inches broad over lapping each other. The sides are all painted white and the roof blue which makes them appear from the river exactly like those built with lime and roofed with slates. Those lots fronting the river with a dwelling house and barn are valued at from one to two thousand pounds. It is seldom, however, that any of these is offered for sale."

"The inhabitants mostly are employed in the timber trade, by which the farming is in a great measure neglected in its proper season, and many are obliged to buy a proportion of their provisions from the merchants to whom they sell their timber."

"There is great emulation among the farmers respecting which of them has the greatest quantity of potatoes from his planting, counting the number of bushels. In the fall of the year great care is taken in measuring them by bushels, making up as many as they possibly can, which when done, inquiry is made to ascertain the quantity each has, and whatever quantity you profess to have your neighbor is sure to be above you."

"When the wood is burnt off the ground they plant the potatoes with hoes amongst the stumps, digging between the roots and dropping down four or five slits into each hole and drawing the burnt ashes and earth over them. In this manner great crops of potatoes are raised. One bushel commonly produces from fifteen to twenty. They generally sow summer wheat in the bed of the potatoes which produces, if manured, from seven to eleven for every bushel sown. Some of the old inhabitants sow a small quantity of oats for their horses and cattle, but there is no oat meal used as yet as there is no mill for the purpose of shelling oats in the country."

"The houses that are first built by the settlers are constructed of spruce logs. After clearing a considerable part of their possessions, they built frame houses with brick chimneys, generally in the middle but nearer the front, and a large room with a fire place in each end. There is generally a porch at the back door for containing fire wood and other necessaries."

In the last number of the *MAGAZINE* a description was given of John Mann's very interesting journey down the St. Lawrence and thence across the portage to Lake Temisquata. We left him ensconced for the night at the habitation of the solitary family then living on the lake near what is now the charming little village of Notre Dame du Lac. We shall now take up the story of his journey from Temisquata to Fredericton.

After spending the night in the cabin by the lake he early the following morning aroused the Indians who accompanied him, and enquired when they intended to start. They said immediately after breakfast. The squaw getting up began to cook. The "Sunap"—her husband, placed two stakes in the ground with another across on which the kettle was hung. The squaw had some flour of which she made porridge, cutting up some unsavory herrings they had brought with them and mixing them with the porridge. When cooked it was poured into a platter made of bark. Each of the Indians had a spoon also made of bark. They offered one to Mann and invited him to partake with them. "Fearing that I should disoblige them," he says, "I complied. The diet was a rarity to me and I believe would be so to any European. After breakfast one of them made a paddle for me to help them. One of the Indians went in the bow of the canoe and the other in the stern. I sat next to the latter paddling away, and the squaw sat next to the former smoking her pipe.

Towards the middle of the day it began to rain and we came ashore to shelter ourselves. Here I had some suspicions that they might leave me in the wilderness, or that they might even for the sake of any little things that I possessed be tempted to take my life. Could I at this time have conversed with my friends I would have earnestly persuaded them to content themselves in their native country. My suspicions, however, were without foundation, and betrayed a heart perhaps more treacherous than that of the poor Indians who never offered to do me the least injury.

The day cleared up and we re-embarked, but in a little while it rained again very heavily, and as we were on the middle of the lake the rain penetrated to our skin. We paddled away till we reached the end of the lake, for the wind was rising and the canoe was very small and rather heavily loaded and fear of consequences made us overlook what we suffered from the rain. However, we gained the end of the lake and then we had a fine calm and swift current down the river, which is called the Madawaska. The day was far advanced and though we had an appetite for dinner we had no provisions and there was no house within fifteen miles of us. The squaw found two cold potatoes amongst her rags in the bottom of the canoe; she gave one of them to her sunap and ate the other herself, which caused the boy and I to feel more keenly than if we had not seen them.

After a good while we came to a small cottage bordering on the river, I called there and brought a few potatoes to my companions, which they boiled, and having a few herrings, partook of the mess with great cheerfulness. I got some bread and milk for myself which formed one of the most palatable meals I ever took.

Late at night we arrived at the next settlement. As we approached the first house on the river side we heard the murmur of a waterfall right before us. The two Indians both stood up in the canoe setting their paddles against the rocks and stones to steady our course as the current ran quite rapid. The noise of the falls rendered me a little uneasy but my anxiety was in a little relieved by the sight of a landing place at the edge of the falls. Here* we hauled our canoe ashore. The people who lived here were very civil, and as they kept accommodations for travellers they entertained us very kindly. After supper the landlady made me a bed before the fire. The sunap and his wife were accommodated on one side of it, and the boy on the other. The landlord and landlady retired to a kind of a bed in one of the farthest corners of the house and the two sons lay on the floor in the other corner. The daughter slept also on the floor at the foot of her parents' bed with a couple of old thread-bare blankets rolled about her.

We got up early in the morning and after settling with our landlady we departed. We carried the canoe to the river side below the falls. We proceeded a little ways when the Indian seeing a wigwam went ashore with his companions. They neither requested me to go with them to the wigwam nor to remain till they would return. Through bogs and brooks I made my way down the river side until I met a canoe about ten miles below where I left the Indians. Here I crossed the river and arrived at a Frenchman's house."

Mann was delighted to meet here a young Frenchman who had formed one of the exploring party that had ascended the Aroostook River with him on the occasion of the boundary survey a year or two before and the two spent the remainder of the day recalling

*This is now the site of the town of Edmonston.

their adventures. Mann remarks, elsewhere, that he had never witnessed such abundance of trout, some of them of great size, as he saw gathered in the pools on the Aroostook River. They captured them with the greatest ease by means of jig hooks. At another time two of the surveying party, who were expert spearmen, killed thirty-seven salmon in one salmon hole on the Aroostook in the course of a single night.

After spending the day with his French friend Mann resumed his journey, which was thenceforth more expeditious. He bought a small log canoe for a dollar. It had been so long unused and exposed to the sun that there were chinks in the bottom which he filled up with tow. "I hauled it," he says, "into the water to see how it would do, but being very light and having no ballast it overturned and tumbled me into the river. I then dragged it ashore, put in some stones for ballast and, lest it should again upset, tied my bundle to a small line which was made fast in the bow. The Frenchman made me a small paddle and then I set off. The wind blowing straight down the river I had very little to do but steer. I made the Grand Falls portage of the St. John river about noon which was twenty-four miles from the place I left in the morning. I paid a quarter of a dollar for dragging the canoe across the portage which is three quarters of a mile. I had great difficulty in getting through the White Rapids; the water being so low and forming a rapid stream in the middle of the channel enrolled with foam, formed by the current dashing against the rocks and stones partly seen and partly concealed.

Being very much fatigued paddling all day through the Rapids, and the night now approaching, having paddled about forty miles, I went ashore and called at a small hut on the bank of the river which was full of

grain without any individual near it. Returning to my canoe I afterwards went ashore nigh a small house which I found occupied by an old soldier, one of the West India Rangers. He made me heartily welcome to a share of such as he had. A number of the neighboring soldiers collected in his house to drink a cag of rum. They had finished reaping the same day. After leaving the soldier's house I came to another settlement* distant ten miles from it. Here I took breakfast and got some potatoes and salmon, boiled them and placed them in the fore part of my canoe. I then proceeded paddling down the river. The wind being favorable I erected a pine bush in the bow for a sail, by the assistance of which it ran amazingly swift through the water while I had only to steer. When I approached the Meductic Falls I had to lower my sail and haul the canoe along the sand bar for fear of being drawn into the current. After dragging it for the distance of 100 yards amongst a number of large stones, the water coming up to the ankle, I got it into smooth water again. I then jumped in, set up my former sail and steered away. After being on the water from daylight till dark I went ashore at a house near the river side. It was occupied by a Frenchman. I signified to him by signs that I wanted lodgings. He gave me an old quilted rug and directed me to the barn. A cartful of hay stood in the middle of the floor. I ascended to the top of it, prepared and rolled myself into the quilt and lay down covered with hay. In a little while I heard some person coming into the barn which somewhat startled me, thinking that it might be the Frenchman coming to rob me. But the person retired to a corner and lay down to rest himself. I concluded he must be some poor traveller like myself

* This was in the vicinity of Andover.

and my fears being removed I slept comfortably until daylight. I got up early in the morning, left the quilt at the door and set off in my canoe and about noon arrived at Fredericton."

Mann gives, elsewhere, an interesting account of his visit to the Indian village in Central Kingsclear, about eleven miles above Fredericton. On his arrival at the wigwams he met a young Indian with his bow and arrows who was amusing himself in aiming at a half penny, expecting no doubt that the visitors would set up more for him to shoot at, and in this he was not disappointed. Mann says, "Every copper we set up he succeeded to hit with his arrow, though at some distance, and then put it in his pocket. By his dexterity he deprived us of all the coppers we carried. On entering one of the wigwams, the landlord told us he had a young beaver which we were very anxious to see. He promised us a sight of it for some money, after paying which he introduced it. After visiting the wigwams we took a view of the church. The priest, a Frenchman, who lived in a small house at the end of the chapel without a living creature beside him, came out. We asked him if we might be allowed to see the inside of the chapel. He shook his head signifyng that he had no English; but by means of signs we made him sensible of our desire and then he immediately opened the door. The inside was neatly finished with plain work. The pulpit was erected in one end and a number of figures and printed papers were pasted on the front of it but we could make nothing of their contents."

John Mann proceeded soon after from Fredericton to Magaguadavic, where his relatives lived, having in his tour journeyed nearly two thousand miles, much of it through a wilderness and on foot. He returned to Scotland a little later where he published his narrative.

HISTORICUS.

PUNISHMENTS OF SEVENTY YEARS AGO.

A brief sketch of the modes of punishment for small thefts and misdemeanors in vogue in the early years of the century may be interesting, as showing the manner in which our forefathers dealt with rogues and vagabonds. In addition to imprisonment for theft, it was generally the rule to add so many lashes with the cat o'nine tails, as the whip used in the punishment was usually termed. A common mode of dealing with minor offenders, and also often an accompaniment of more serious cases was "standing in the Pillory;" in some cases mutilation, such as branding, and cutting off the ears was added. The whippings generally took place in the vicinity of the jail, and the law to inflict them must have been continued down to quite a modern period. A hale and hearty citizen still with us, in relating his reminiscences tells how, when a boy, he was often attracted to the neighborhood of the jail by the lusty howls of the unfortunates who were having their backs scored by the vigorous arm of the jailer. The pillory was usually erected in some public place, like the foot of King street, where all could get a look at the unfortunate creature undergoing this, to say the least, most uncomfortable mode of punishment and also, I am sorry to say, to get a shot at him with any garbage or decayed vegetables that came to hand. The pillory as we see it pictured in old prints was composed of two upright posts, with a cross piece attached, about the height of a man's shoulders, this cross piece was divided into two parts, upper and lower, in each of which were three semi-circular indentations,—the centre

one received the head of the culprit, and the two side ones his hands, the top piece was then shut down on his neck and held him fast,—in this position he was perfectly helpless. The miserable man set up in this conspicuous fashion, in addition to the shame of his public exposure, was a target for all the garbage and other promiscuous missiles that the mob chose to throw at him, though, I believe, a sense of humanity required that they be of some soft material, except he had been charged with some infamous crime, in which case turnips and cabbages were often added to the usual ammunition of dead cats, rotten eggs, and the mud of the streets.

As examples I have selected a few out of many cases I have gathered from old papers of these old time barbarous modes of punishment. One of the cases before the Supreme Court in 1819 was that of John Cory charged with a serious misdemeanor. In addition to a term of imprisonment, he was sentenced to stand in the pillory, and this is how the editor, Mr. Chubb, records the event in the *Courier* of September 21, 1819: "John Cory convicted of a misdemeanor at the last Supreme Court, stood in the Pillory one hour in the Market Square, during which time he was heartily pelted with eggs, rotten apples, &c., (that &c. may mean a great deal). He appeared to be callous to every sense of feeling and common decency. The spectators were numerous, and to a reflecting mind the scene was solemn and impressive." They certainly had queer ideas of solemnity in those old times. John Lewis Puttun was corrected of uttering forged Provincial notes at Halifax, N. S., July 25, 1825. He was sentenced to be committed to jail for one year, to stand one hour in the pillory, and to have "one of his ears cut off," in this case a barbarous mutilation was added to his degradation.

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In St. John in August, 1827, Daniel Kar, and William T. Green were convicted of having passed counterfeit money, and having in their possession machinery for graining (?) counterfeit Spanish dollars—they were sentenced to three months in the county jail, and to stand one hour in the pillory on the 27th inst. The following description of their public appearance appeared in the "Herald," written by the editor, who evidently received his information from a jubilant spectator of the scene: "Kar and Green made their appearance (a grotesque one truly) in the pillory on Monday last, being the first exhibition of the kind in this country: we understand that during the performance they participated freely of eggs and onions, the quality whereof is said to have been infamous, and absolutely unwholesome, still we trust it will have the salutary effect of deterring the knaves from the prosecution of the trade of dollar making, unless by honest industry." With regard to the above it would appear that the punishment of the pillory was infrequent in St. John—in his remarks the editor calls it "the first exhibition of the kind in this country" evidently having forgotten the case of John Cory, who stood in the pillory as before mentioned, on September 21, 1819—eight years previous.

The first recorded case I have, was that of John Smith, a lay reader of Trinity church who was paid £20 a year for reading the gospel and conducting a public school in a small building on the west side of the harbour—he was convicted of a shameful offence, in the June term of the Supreme Court, 1806, and sentenced to stand in the pillory in front of the City Hall, foot of King street.

There is no account of a woman having been put in the pillory, although in one instance she came very

near to it. On Sept. 20, 1827, Mrs. Matilda Lally was ordered to be imprisoned for six months, and to stand in the pillory for one hour, for maliciously setting fire to her husband's house, but on account of her sex, the pillory part of her sentence was not carried out.

In cases of house breaking, and stealing, the culprit, when he escaped hanging, was generally whipped, in addition to imprisonment. From a number of old trials I select the following examples as having a local application: At St. Andrews on Aug. 1, 1820, John Barton Morris, sailmaker of London, and Ebenezer B. Paine, late of St. Stephen, shoemaker, were severally sentenced to receive 39 lashes, for stealing sundry articles from the store of Mr. J. Hunter of St. Stephen, under the value of 20 shillings—the sentence was the next day carried into execution in front of the jail yard—also on the same day, John Dunn and James Hazen were publicly whipped for stealing some articles of clothing from William McLeod and three pairs of ear rings from Terence McKenny. Paine, Dunn and Hazen were ordered to leave the country in five days from receiving punishment. At the sessions of the peace for the city and county of St. John, Sept. 9, 1820, Anthony Robert Johnston, for stealing three kegs of powder, to be whipped at the end of the North Market wharf. It is not stated why this place was selected, but there must have been some particular reason for it, as in almost all cases that I have noted the whipping was done at the jail. At the same time Edward Powers for larceny to be twice whipped—(he must have been bad). On the 11th April, 1838, the shop of Henry Watkeys, gunsmith at Lower Cove was broken into, and £60 in money, besides guns and pistols stolen, one pair of pistols was valued at £14.14. John Smith and David Bailey were committed for trial by Alderman Vanhorn,

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for the robbery. At the Sessions of the Peace, for the city and county of St. John, Sept. 22, 1838, David Bailey and John Smith for breaking into Watkeys were convicted of larceny—Bailey to be imprisoned in the common jail two years, and whipped 50 lashes on the bare back, Monday next, and 50 lashes following Monday the 24th. Smith same imprisonment, and 50 lashes Monday next. At same Sessions James Dairie for robbery at Barlow & Ketchums, 50 lashes on Monday next.

I could give many more instances of the severity of the punishment for minor offences against the law in old times, but I think that from the foregoing it is evident that "the way of the transgressor was hard." Another noticeable thing about the trials of those days, was the remarkable swiftness of the punishment or correction—no delay or appeal, but sentence and speedy execution. Of this I give an instance or two, which to my mind are most noteworthy, of the stern manner in which justice dealt with the offender. On the 29th March, 1826, Thomas Freeborn, a constable, had a warrant for a man named Dan Cunningham at Westfield. Cunningham resisted the arrest and shot Freeborn dead. He was captured at Carrick's tavern on the Fredericton road in bed. On the 5th of May he was tried at Westfield before Judge Chipman, found guilty and sentenced to be hanged on the 8th, and on Monday the 8th of May he was hanged at Westfield. Again, Richard and Maria Stewart (colored), brother and sister, were placed on trial at St. Andrews 12th August, 1826, for the murder of an infant—in this case Chipman was also the judge before whom they were tried—they were found guilty and sentenced to be hanged on the 26th, and on that day at St. Andrews they were executed. The most notable thing in the above described cases is the extremely short interval between

sentence and execution, Cunningham especially having only been allowed three days. The dispensers of justice of the time did not consider imprisonment for minor offences a full satisfaction for crimes committed, but generally added, as has been shown, some extraneous punishment, such as whipping, pillory, etc. Still another form generally used in cases of manslaughter, was branding the left thumb with the letter M.

An interesting instance was that of Harry Grant, a black, drummer of the 104th regiment. A number of soldiers had been drinking in Mr. Merritt's tavern at Indiantown on the 15th October, 1812, and got into a row with the citizens. The drummer was singled out for the most violent attack, and in defending himself stabbed Charles Henry Dalton in the arm. Dalton died of his wound, and Grant was tried for murder. It appeared on his trial, that he acted mainly in self defence, and he was convicted of manslaughter only. He was sentenced to imprisonment in the house of correction for 12 months, and to be branded on the left thumb with the letter M. I don't think he served out his full time, if he is the drummer alluded to in Col. Playfair's account of the march of the 104th to Quebec in February 1813, where he says: "Some of the men would slide down the hills on the tobogans, and cap-sizes were of frequent occurrence. Our big black drummer straddled the big drum which was lashed on a tobogan to try the experiment, but it jumped the track, shooting him off at a high velocity, and the sable African came up some distance from where he disappeared in the snow a white man from head to foot." Grant evidently survived all the dangers of the campaign in Canada, and peacefully ended his days in Fredericton.

Lieut.-Col. Baird in his "Seventy Years of New

Brunswick Life " mentions that in his boyhood Harry Grant was one of the " odd-characters " of Fredericton. He says: " Bryan Brady, alias Bryan Boon, a butcher, Concave Smith an architect, Peter Duff and " Black Harry " were all oddities in their way, the last named had been a soldier of the 104th Regiment. Under the influence of drink and irritated by a lad named Dalton he used his bayonet stabbing him fatally at St. John. He lived in the farm houses above Fredericton and was a good cook. When visiting Fredericton, he was harmless under the influence of drink, but his dress was made up of all the colors of the rainbow, and a profuse sprinkling of tinsel, which in the bright sunlight made Harry an object of general attention."

I will conclude with an instance of the loyalty of our patriotic forefathers, showing that annexation ideas would have found little encouragement from them.

On the 9th September, 1820, Beriah Wait, master of an American vessel in the harbor was corrected at the Sessions of the Peace of using seditious and contemptuous words in " Damning the King," and fined £25.

CLARENCE WARD.

A SERGEANT OF THE QUEEN'S RANGERS.

The Queen's Rangers was one of the famous loyal corps that fought for the Crown during the American Revolution, and although a century has passed since the corps ceased to exist, there still clings to its history a romantic interest that time has not effaced and the name has perpetuated. The unique organization of the corps, the genius and soldierly qualities of the commander, and more especially the devotion and loyalty of the men who composed the rank and file, have given

it prominence in the history of that conflict. This, in a measure, may be due to the scholarly history of the corps, written by the commander, Colonel John Graves Simcoe, at the close of the war, and even yet prized by military men as a work of great value.*

But the Queen's Rangers have a greater interest for us in this province than that of their military record, honorable as it is, for hither came the survivors after the disastrous surrender at Yorktown, and evacuation of New York in 1783, and their descendants are with us yet.

Among some old papers of the last century, in possession of the writer, is a letter that was written by one of the Queen's Rangers, under peculiar circumstances, around whose life time has partially cast the mantle of oblivion. The letter was written by Sergeant Morris Haycock, then a prisoner of war at Reading, Pennsylvania, to Lieutenant Alexander Matheson, quarter-master of the Queen's Rangers in New York, and is a model of its kind, characteristic of the men who filled positions as warrant officers in the British army at that time. It had to pass under the critical eye of an officer of Washington's army and bears his signature. The letter is written in clear, plain English, in a manly hand, and the wants expressed in a manly way. It would do credit to those who held a much higher rank, and claimed greater social distinction. Old letters become interesting as well as valuable with age, and often throw light on the checkered lives of the writers, revealing many hidden or forgotten virtues, more especially if written in an era that has left its mark deep and indelible in our history; and this soldierly epistle, after the lapse of a century, is

*A Journal of the Operations of the Queen's Rangers, from the end of the year 1777 to the conclusion of the late American War, by Lieutenant-Colonel Simcoe, commander of that corps. Exeter, 1787.

A SERGEANT OF THE RANGERS. 89

worthy of reproduction as an historic relic of the great conflict:—

Ex'd & forwarded—A. SKINNER.

READING GOAL, JULY 27th, 1780.

To Lieu't MATHESON, Quar-Master,
Queens Rangers New York.

SIR:

I take this opportunity of informing you by Col. Van Heime! that I with Jerry Ownings John Stephens and James Pennington are here Prisoners of War greatly distressed for want of Necessaries and as here are a Number of Hessians who are to be supply'd with Cloathing, &c., we beg that such things as you may think suteable may be sent along with theirs for to be Prisoners is distressing and to be without Cloaths or money makes it still worse so we hope you will use your best endeavours to supply us with a little of both.

I am Sir

Your Humble Ser't

MORRIS HAYCOCK Serg't

Queens Rangers

Capt'n Dunlaps Comp'y.

Sergeant Haycock, the writer of the letter, was born on Long Island, New York, December 24, 1756, and in 1776, at the beginning of the American Revolution, enlisted in the Queen's Rangers. Although but twenty years of age, he was appointed a sergeant, and to have merited that position in one so young was evidence of soldierly qualities and intelligence. The family to which he belonged were Loyalists, and to that is attributed his early entry into the British army, and the devotion that characterized his subsequent services. None of the name remained on Long Island after the evacuation of New York by the British, and local tradition described the family as Loyalists of the most pronounced type.

The Queen's Rangers was one of the first of the

loyal corps, organized in America, and in its ranks a number of enthusiastic young Loyalists were early enrolled, and to their devotion, and the ability of their officers, was largely due the fame of the regiment during the years of conflict that followed.

Colonel Simcoe tells us in his Journal that the original Loyalists who formed "the gross of the corps, were the source from whence it derived its value and its discipline; they were men who had already been exiled for their attachment to the British government, and who now acted upon the firmest principles in its defence." And again the talented author refers to the good conduct of the Loyalists when he states that "the soldiers had admirable examples of discipline and good order from the native Loyalists of the corps, who were mostly non-commissioned officers." This was due to the fact that the native Loyalists were well educated, and came from well regulated homes, and the young sergeant belonged to that class. But strange as it may appear, the number of Irishmen who served in the Rangers was large, and formed nearly half of the effective men enrolled. Captain James Dunlap, Sergeant Haycock's captain, was an Irishman, and was killed at the close of the war, in the Carolinas, fighting for the royal cause.

In the early battles of the war the Rangers distinguished themselves, and in consequence of their behaviour at the battle of Brandywine, Sir William Howe, the commander-in-chief of the British forces, promised that all promotions should go in the regiment, and consequently promotion from the ranks was more frequent in the Queens Rangers than in any of the loyal corps.

In all of the movements and engagements that followed, in which the Queen's Rangers bore a part,

Sergeant Haycock was present, until he was captured, in the early summer of 1780, with his comrades Owings, Stephens and Pennington, by Washington's army.

There is no record of what Lieutenant Matheson wrote in answer to Serg't Haycock's request, but as the letter was found among the muster rolls of the Queen Rangers, there is no doubt the quarter master supplied the prisoners of war as liberally as he could, and filed the letter as a voucher for what he had sent, where it remained for a century unnoticed and forgotten.

*Morris Haycock Serj
Queen Rangers*

Signature of Sergeant Haycock taken from the original letter printed in this Magazine.

In December, 1780, Sergeant Haycock and his comrades were exchanged, and he again returned to duty with the Queen's Rangers. In the meantime Captain Dunlap, his former captain, had been transferred to the Carolinas, and Sergeant Haycock was made first sergeant of Captain Cook's troop of cavalry, and with it took part in the campaigns in Virginia during the following year; but with the surrender of Earl Cornwallis' army at Yorktown, on the nineteenth of October, 1781, his military career may be said to have ended, and he became for the second time a prisoner of war. In these campaigns a brother sergeant, Daniel Morehouse, ancestor of the Morehouses of York county, gained his commission.

Colonel Simcoe had great confidence in his command, and previous to the surrender had formed a plan

of escaping with the cavalry, and as many of the men of his corps as could have been mounted, from Yorktown. The composition of the Queen Rangers, he states in his journal, "suited it for any enterprise; the huzzars had been practised in swimming their horses, and the native Americans and emigrants were expert in whatever might facilitate the passage of rivers, or prevent an enemy from effecting it." But Earl Cornwallis, though he expressed himself favorably in regard to the scheme, would not permit it to be undertaken, and the whole army had to share one fate.

The evacuation of New York followed in 1783, and with the survivors of the corps Sergeant Haycock came to New Brunswick. A grant of 19,655 acres of land, on the easterly side of the river St. John, in the parishes of Queensbury and Southampton, York county, was set apart for the Queen's Rangers, but Sergeant Haycock's name does not appear among the list of grantees, and only sixty-seven officers and men drew land in the grant. The corps has given its name to the parish of Queensbury, where the largest portion of the grant is located.

It was difficult for men who had seen so much service, and had become inured to the hazardous life of a soldier, to settle down to the quiet and laborious duties as pioneer farmers in the newly organized province, but members of this very famous corps, nevertheless, became the enterprising merchants and industrious farmers of the first decades of settlement. A great many of the disbanded men, however, found the task too difficult or monotonous, and sought other fields of adventure, and left but the record of their names.

Very little is known of Sergeant Haycock's life from his arrival in the province until April, 1798, when his appointment as adjutant of the Sunbury County

regiment of militia was published in the newspapers of the day. In 1803 he was a resident of Gagetown Parish, and a member of the vestry of the parish church, as shown by the records, but only attended two meetings of the vestry. This is the only record that exists there, and the traditions of the old shiretown are silent regarding him. It is supposed that early in the century he removed to Brier Island, Nova Scotia, where he resided for a number of years, and where he died on the 22nd of December, 1833.* His sword, a memento of his military life, he carried with him, and it is still preserved by his descendants on Brier Island.

The Loyalist soldiers who found homes around the rugged shores of New Brunswick and Nova Scotia, were the progenitors of a hardy and adventurous race of fishermen and sailors who have carried the British flag to every sea. Many of their descendants have also won distinction in the higher walks of intellectual life—a talented professor of Acadia College bears the name and claims descent from the gallant sergent whose faded letter is an interesting relic of the Queen's Rangers.

JONAS HOWE.

EARLY COMMERCE BETWEEN DIGBY AND ST. JOHN.

After English settlements had been established at Portland Point, Conway, and Maugerville in New Brunswick, tradition relates that Christopher Prince, junior partner of the firm of "Prince Brothers," of Boston, Massachusetts, entered upon the fishery business quite extensively on the shores of the Annapolis Basin. The Prince Brothers prior to this had established a "Trading Post" about the year 1760 on the northern

*Augustus Haycock, of Brier Island, to the writer.

side of the Racquette Brook at its mouth adjoining the present town of Digby, for trafficking with the Indians in furs and other articles.

Christopher Prince had, it is sad, among his early customers, James Simonds and his neighbors over the Bay. So important, inviting, and lucrative had the fishery business become in 1766, that Joseph Webber, Prince's master mariner, with his family and others from Annapolis river, determined to establish themselves at Digby, or as the place was then called, Conway. There had formerly been a large and flourishing Indian village here, which had been ruthlessly destroyed some years previously by Major Samuel Rogers and his celebrated "Rangers." About the time Conway, now Digby, was settled by Webber and others, some fishermen from the older colonies settled on Brier Island and the south-eastern side of St. Mary's Bay while two of the same class removed from Granville to Sandy Cove, in order that they might more conveniently and successfully prosecute their profitable avocation. Boston and the West Indies were the chief markets till the American Revolution, and as far as possible, throughout its progress. In consequence of the coming of the Loyalists at the close of the war the settlement of Conway was speedily transformed into the prosperous town of Digby, while the environs of Portland Point across the bay became the large and opulent city of St. John.

The infantile commerce heretofore carried on by the little settlements advanced by leaps and bounds. New branches of trade presented themselves which were prosecuted with much activity. Two sailing vessels or "Packets" were placed on the route between St. John and Digby shortly after the arrival of the Loyalists. In the year 1784, the "Sally"—one of the

transport ships which brought some of the Loyalists to both places under her master, Jeremiah Bell,—was employed as the first packet. She was placed in the hands of John Beyea as Captain. He lived in St. John. Four years later, the ship "Mary Ann," Captain Robert Turnbull (who resided near Digby) appeared as her rival. Both plied, when weather permitted, during many years. The "Matilda" was another early participant in the rapidly increasing commerce. Digby smoked herrings or "Digby chickens," continued one of the staple articles of trade for more than eighty years. The sloop "Hairm," Captain Wiley, owned by William Taylor of Digby, took the place of the "Matilda" in 1815, and remained a lengthened period in the bay service.

But a new era dawned on transportation in the second decade of the century. On Wednesday, July 4th, 1827, the steamer St. John, schooner rigged, having foresail, mainsail, and jib, made her first trip from St. John to Digby and Annapolis; she was the earliest steam craft to cross the Bay of Fundy. Her owners were John Ward, Richard Smith, Hugh Johnston and Peter Fraser. The same gentlemen were also proprietors of the steamer "General Smyth," the first of her kind upon the river St. John. When the steamer St. John landed in Digby one beautiful July morning all the citizens were alive with curiosity and feverish expectancy. The Inferior Court of Common Pleas, then in regular session, adjourned for an hour in order that its officials could improve the opportunity to inspect her, after which she proceeded to Annapolis, and returned by same route to St. John the same evening. Without seeking aid from government, trips were made weekly during the initial year, but in 1828 the sum of £50 per annum for five years was granted as a subsidy

to her owners by the Nova Scotia House of Assembly, on condition that the steamer should make regular trips during seven months of each year, the owners to run a good sailing vessel on her route during the other five months. The "St. John" being deemed insufficient to buffet the billows during the winter months, James Whitney in 1831 commenced running the "Henrietta." She was succeeded two years afterwards by the "Maid of the Mist." In the summer of 1834, the ill-fated "Royal Tar" became her successor. She was the earliest vessel employed on the round trip between Annapolis, Digby, St. John and Boston. The story of her destruction in Penobscot Bay, October 25th, 1836, while on the voyage from St. John to Boston is well known. Thirty-seven lives and much valuable property were lost. Captain Thomas Reed of St. John was her commander.* The "Maid of Erin," another Whitney steamer, succeeded the burned ship. Then followed in succession the "Fairy Queen," and the "Pilot," owned by Thomas Walker. The latter was wrecked on Condon's Point, near Digby. The steamers owned by Messrs. Hatheway & Small, with others in recent years, have kept the route well supplied with steam power, carrying an ever increasing volume of passengers and commodities.

In addition to the steamers, two or more sailing vessels have been continuously employed in the bay service between St. John and Digby in which immense quantities of merchandise of every description have been transported,, including nearly all the foreign commodities needed by the people of Digby and Annapolis counties. Large cargoes of lumber and ship timber have from time to time reached St. John from Digby.

*See New Brunswick Magazine for August, 1838.

Many ships, brigantines, and barques, were built in Digby for St. John firms. The largest was, I think, the ship "Eudocia," 1,400 tons, launched from the the shipyard of Edward J. Budd, in 1849.

ISAIAH W. WILSON.

SPECIAL ANNOUNCEMENT.

The publication of *THE NEW BRUNSWICK MAGAZINE* will in future be under the direction of Mr. John A. Bowes, from whose printing office it has been issued since the beginning. The staff of writers who have contributed to it in the past will continue to add to its interest and value in the future, and it is the earnest wish of the writer that as *THE MAGAZINE* grows older it will become more and more worthy of the generous support it has so far received.

It is not without regret that the editor and promoter of this publication severs his business and editorial connection with it, and he only does so because it is impossible for him to continue that connection in justice to *THE MAGAZINE*, its readers and himself. His removal from St. John and the necessity for devoting his time and attention to duties in connection with a position in the public service have made the step an imperative one, and indeed, for the last three months he has found it out of the question to give any personal attention to the publication and its affairs. The active and ever pressing duties devolving upon all who have responsibilities in staff work on a great railway system may not be fully understood by many of the public, but they are sufficient to demand all the spare energy of any man who feels an interest in his work and has an ambition to do his duty by the department in which he

holds a position. The whole trend of one's life and the daily touch of one's work are directly out of keeping with the conditions which should attend the management of an historical magazine, and though a man might feel sufficiently versatile to undertake to succeed in the two spheres at the same time; the result would show that in one or the other—and probably in both—he would make a failure.

While the announcement was recently made that THE MAGAZINE would be continued by the writer, it was done with the belief that he could arrange for the editorial and business management and retain his nominal connection. This was found not to be practicable, and the only course open to ensure the continuance of the publication was to do as has now been done. It will matter little to the readers under whose auspices it is conducted, so long as the standard under which it has succeeded so far is maintained, and the writer has every faith that not only will this be the case but that in the light of the experience of the past the publication may be very materially improved.

The writer has recently, in these pages, expressed his grateful acknowledgement of the support given to THE MAGAZINE both by contributors and subscribers. He asks a continuance of that support under the new auspices, so that year by year the publication that was started as an experiment will be more and more recognized as one of the permanent and valued institutions of the country.

W. K. REYNOLDS.

PROVINCIAL CHRONOLOGY.

MEMORANDA FOR AUGUST.

1.	Morning Courier started, first issue.....	1855
2.	Large boat with a berrying party going through the falls, struck on Daunts rock and capsized—25 men, women and children on board—19 drowned.....	1838
3.	Prince of Wales landed at Reed's Point	1860
4.	Flour mills at Little River operated by Owen's & Duncan.....	1838
5.	Atlantic cable landed.....	1858
6.	Princess Louise and Marquis of Lorne visit St. John.	1879
7.	Rev. Alexander McLeod Stavely arrived, pastor for the Reformed Presbyterian Church, Lower Cove—Divine service performed on Sunday 8th.....	1841
8.	Bridge over the Falls broke down, 30 men working on it, 14 went down with the bridge, 7 maimed and bruised	1842
9.	New Brunswick boundary lost.....	1842
10.	Remains of Major Andre disinterred at Tappan, New York, for removal to England.....	1821
11.	Duration of House of Assembly, New Brunswick limited to four years.....	1842
12.	Corner stone of a Province House in the City of Halifax laid at 3 o'clock in the afternoon by Sir George Prevost, the anniversary of His Royal Highness the Prince Regent, and the 51st year of the reign of His Majesty George the third.....	1812
13.	Roman Catholic Bishop of New Brunsck incorporated	1846
14.	Water turned on from the new Water Works. Fire plug at Barlow's corner, foot of King street tested, a joint of hose with branch pipe attached, threw a stream of water over Barlow's house. The Reservoir near the Poor House not yet completed.....	1838
15.	Dissenting ministers permitted to solemnise marriage in New Brunswick.....	1834
16.	New Brunswick erected into a separate province....	1784
17.	Ladies Bazar and Art Exhibition opened in the Mechanics Institute, by Sir William and Lady Colebrooke.....	1842
18.	Toma Pierre, an old Indian, discovered by Sir Howard Douglas at Meductic, 93 years old, was a soldier in the battle on the heights of Abraham, 1759, where he lost an eye and an arm. He was provided for by Sir Howard.....	1827

100 THE NEW BRUNSWICK MAGAZINE.

19.	Emigrants 24,187 from Ireland arrived at Quebec this year to date, an increase of 4,680 over arrivals to a corresponding period last year.....	1841
20.	E. & N. A. Railway, first train between Shediac and Moncton; two engines and 22 cars. H. A. Whitney Driver.	1857
21.	St. Stephen Church, foundation stone laid.....	1824
22.	Partridge Island Light House bill passed House of Assembly to erect.....	1788
23.	Madras School incorporated, Rector and Church Wardens Trinity church, Rev. George Burns, D. D., Henry Wright, Wm. Scovil, John Head and Edward J. Jarvis, trustees. The central school is always to be in the city of St. John.....	1819
24.	Steam packet brig New York burned of Petit Manan on a voyage from Portland; 24 passengers and crew saved.....	1826
25.	Wolves killed 13 sheep on the farm of Col. G. Anderson, Musquash.....	1844
26.	Large fire in Portland, commenced in Owens & Duncan shipyard. A ship of 900 tons and 60 houses destroyed. 1 150 people homeless; total loss £30,000	1841
27.	Fort Jemseg restored to France.....	1670
28.	Richard and Maria Stewart (colored) hanged at St. Andrews for the murder of a child	1826
29.	Emigrants, 20,599 from Ireland arrived at Quebec this year to date	1840
30.	Malignant yellow fever raging in New York.....	1822
31.	Proclamation of non-intercourse between U. S. Ports and vessels coming from St. John or Halifax.....	1818

AUGUST MARRIAGES.

1. DOUGLAS-FROST.—1827. Thomas Douglas to Jane, second daughter of the late Henry Frost.
2. STREET-CAREW.—1879. Henry Alfred Street, commander Indian Troop Ship "Tenasserim," youngest son of the Hon. John Ambrose Street, to Emma, daughter of George O'Brien Carew, at Bombay.
3. LARKIN-COXETTER.—1841. Capt. Caleb Larkin to Sarah, second daughter of the late Bartholomew Coxetter of this city.
4. CONNELL-WOLHAUPTER.—1822 Mr Jeremiah Connell to Mary P. second daughter of John Wolhaupter at Richmond, by John Bedell, Esq.
5. NOYES-OLDHAM.—1822. Jacob Noyes, merchant, to Hannah M. daughter of the late Capt. John Oldham, at Kingston, Kings Co., by Rev. M. Cookson.
6. GILBERT-SIMONDS.—1812. Henry Gilbert, Merchant, to Eliza, youngest daughter of James Simonds.

7. BLISS-WETMORE.—1819. George Pidgeon Bliss to Sarah, fourth daughter of the Hon. Thomas Wetmore at Fredericton, by Rev. J. Somerville.
8. MILBY-BONNELL.—1822. Capt. Benjamin Milby to Harriet Young Bonnell, only daughter of George Bonnell of this city.
9. TOLSON-HERRINGTON.—1819. Mr. James Tolson to Miss Mary Herrington, in Kings County, by David Pickett, Esq.
10. REED-MELICK.—1816. Mr. Nathan Reed, of Bath, District of Maine, to Sarah, daughter of the late William Melick, of this city.
11. HARE-MCGEORGE.—1813. Lieutenant Charles Hare. H. M. Bream, to Mary Stewart McGeorge.
12. LONGSHAW-HOWE.—1822. Mr. Samuel Longshaw, merchant of this city, to Sarah Howe, youngest daughter of John Howe, Esq., at Halifax by the Rev. Mr. Twining.
13. FORTUNE-HATFIELD.—1821. Captain William Fortune, to Nancy, fourth daughter of David Hatfield, all of this city, by Rev. R. Willis.
14. WOOD-MOUNT.—1820. Rev. Abraham Wood, assistant Missionary in the Parish of Lancaster for the Venerable Society, to Miss Susan Scott Mount, second daughter of the late John Mount, of Lancaster, by Rev. R. Willis.
15. STEPHEN-REED.—1825. Samuel Stephen to Ann, youngest daughter of the late James Reed.
16. THORNE-CHESTNUT.—1837. Henry J Thorne, merchant, St. John, to Agnes, youngest daughter of Robert Chestnut, Fredericton.
17. RAYMOND-SIMPSON.—1816. Mr. Thomas Raymond, master H. M. S. Menai, to Miss Jane Simpson, of this city, by Rev. Mr. Pidgeon.
18. ANTHONY-MILLS.—1824. John Anthony to Elizabeth Mills.
19. MANN-MALCOLM.—1821. James Mann to Jane Malcolm, both of this city, by Dr. Burns.
20. HOOPER-BAIRD.—1844. Edwin Hooper of Devenport, England, to Jane B., fourth daughter of the late John Baird.
21. PETERS-SMITH.—1838.—C. J. Peters, second son of Attorney-General Chas. J. Peters, to Isabel, youngest daughter of James Smith, of Chester, N. S., at Chatham.
22. HATTON-CAMPBELL.—1821. Mr. Henry Hatton of the Island of St. Vincent, late supercargo of the brig Charlton of this port, to the amiable Miss Mary Campbell, lately from Ireland, in the jail. The cruel hearted keeper (being absent during the ceremony) on his return home turned the bride out of doors, leaving the beloved couple the only consolation of taking a peep at each other through the gratings.

23. MOTT-BURT.—1819. Gabriel F. Mott, (formerly of this city), Editor of the Blakely "Sun," Blakely, Alabama Territory, to Ann Burt, daughter of Judge Burt of Lansingburg, New York, at that place.
24. BRADFORD-DAVIES.—1819. Mr. P. Bradford to Miss Davies, at St. Andrews, by Rev. Jerome Alley.
25. THAIN-ILEY.—1817. Mr. John Thain to Miss Harriet Iley, both of this city, by Rev. Mr. Pidgeon.
26. HAMM-HARDING.—1820. Mr. Matthias Hamm to Ann Harding, second daughter of Wm. Harding, at Westfield, by Rev. Elias Scovil.
27. DESBRISAY-WOODWARD.—1825. Thomas B. DesBrisay to Lucia, daughter of Jesse Woodward.
28. HANCOCK-TAYLOR.—1834. James Hancock to Mary Ann, daughter of James Taylor.
29. LITTLE-GREENLAW.—1819. Mr. William Little to Miss Ann Greenlaw at St. Andrews, by Rev. James Wilson.
30. BARNES-WILLIAMS.—1845. Ellis Barnes, of St. John, N. B. to Eunice D. Williams, of Newark, N. J., by Rev. Mr. Greenwood.
31. WELSH-ELLIOTT.—1822. Robert Welsh, of this city, to Margaret Elliott, of the Parish of Portland, in Trinity Church, by Rev. R. Willis.

DEATHS IN AUGUST.

1. ALLEN.—1829. Jane Allen, wife of Col. Allen of Kingsclear.
2. AGNEW.—1820. Agnes Sophia Winifred, consort of Stair Agnew, Esq., in the 52nd year of her age, at Monkton, York County.
3. BRIDGES. 1841. In Calais, Maine, Mrs. Anna Maria, consort of Otis L. Bridges, Esq., and eldest daughter of Samuel Abbott, Esq., of St. Stephen.
4. JOHNSTON.—1841. Annie Johnston, only daughter of the late Alexander Johnston, merchant of St. John, and granddaughter of the late Capt. Wm. Baillie, Half Pay Loyal American Regiment, died at the residence of Dr. Emerson, Fredericton, in the 23rd year of her age.
5. MERRITT.—1820. Caleb Merritt died, age 58, born in New York, came with the Loyalists 1783, funeral from his late residence, King street.
6. WADE.—1816. Mr. Peter Wade in the 55th year of his age.
7. HOLLY.—1812. Holly, Mrs. Mary, wife of Capt. James Holly.
8. Fowler.—1813. Capt. Daniel Fowler, died at his house, Westfield, Kings County, in the 65th year of his age, after a short illness, which he bore with exemplary patience and Christian resignation, he was an affectionate husband, a tender and indulgent father, a sincere friend, a good neighbor and an industrious worthy man.

9. FOSTER.—1823. Lawrence Foster, drowned, father of S. K. Foster.
10. BECK.—1820. Catherine Beck, relict of the late Mr. Joseph Beck, after a short illness, funeral from the house of Mrs. John Melick, Market Square, on Sunday afternoon immediately after Divine service.
11. STOCKTON.—1879. Fanny M. Stockton wife of Capt. S. H. Stockton and daughter of Wm. Causey, died, age 34.
12. TREPAGER.—1817. Mr. Henry Trepager, in the 74th year of his age. Mr. Trepager was among the first settlers of this place.
13. NISBET.—1811. Wm. Nisbet, a native of Dunse, Berwickshire in Scotland, and for many years a most worthy and esteemed inhabitant of this city. For upwards of forty years he had been a member of the Wesleyan Methodist Society, and had with great credit to himself and usefulness in the church, sustained the office of class leader, local preacher and trustee, besides that of Supt. of the Germain Street Sunday school, died in the 69th year of his age—his end was eminently that of the righteous.
14. CHILLAS.—1823. Christiann Chillas, wife of Robert Chillas, died, age 73, came 1783.
15. PBAMART.—1820. Mrs. Mary Peamart died, aged 81 years, relict of the late Francis Peamart of this city.
16. GORDON.—1812. Wm. Gordon, Esq., A. D. Commissary general for the garrison of Fredericton, died, age 63 years. For some time past Mr. Gardiner has been sinking under accumulated pressure of sickness and trouble, but there are many respectable members of this community who with lively emotions of friendship will recollect his kindness, hospitality and other valuable qualities, and will lament his loss.
17. HARDING.—1810. John Harding, died, age 24.
18. FRENCH.—1820. James French, Esq., died at his house on the Nashwaak, in the 75th year of his age, one of His Majesty's Justices of the Peace for the County of York, and a Captain upon the half pay of the first Battalion of DeLancey's Brigade. This gentleman after having made many sacrifices in his native country, readily joined the standard of his rightful king in the late rebellion of the British Colonies in North America, and at the Peace with many others similarly situated came to this Province, and set down to cultivate the arts of peace. His house was the seat of hospitality - his urbanity, his charity, and his benevolence endeared him to all who had the pleasure of his acquaintance, and it might be questioned, whether his friends or the poor, most effectively felt the good effects of his open hand and liberal heart. As a Magistrate he discharged his duties with cheerfulness, as a practical farmer and a good neighbor he was excelled by few, his

children mourn the loss of perhaps a too indulgent parent, and his friends will never cease to recollect the pleasures of former days.

19. DEAN.—1818. Mr. Jacob Dean in the 80th year of his age, he was among the first settlers of this Province, and left behind him a numerous progeny.
20. STOCKTON.—1813. Mrs. Mary Ann Stockton, relict of the late Major Richard Stockton, died at Sussex Vale in the 82 year of her age.
21. LEAVITT.—1851. Francis Leavitt died, aged 72.
22. GARDNER.—1822. Mr. Henry Gardner died age 54, after a long illness, which he bore with exemplary fortitude, universally regretted by all who knew him, funeral from his late residence Prince William street on Sunday morning after divine service.
23. FINCH.—1814. Capt. Henry Finch, an old inhabitant of this city.
24. MOUNT.—1818. Mrs. Ann Pintard Mount, wife of John Mount, Esq., died at Musquash in the 50th year of her age. She was remarkable through life for the amiable mildness and goodness of her deportment, religious with austerity, charitable without ostentation. Her death will be sincerely regretted by her family and a numerous circle of acquaintances.
25. SANCTON. 1821. Mrs. Jane Sancton, wife of Thos. Sancton, Esq., aged 45, leaving an affectionate husband and six children to lament her loss.
26. WOOD.—1820. Mr. Thomas Wood, died suddenly in the 23rd year of his age, his remains were interred on Monday, respectably attended.
27. WATERBURY.—1813. Mrs. Jane Waterbury, wife of David Waterbury, in the 55th year of her age, much regretted by her friends and acquaintances.
28. GAYNOR.—1820. Mrs. Ann Gaynor, wife of Mr. James Gaynor, after a long and tedious illness, in the 56th year of her age.
29. BOLDWEEN.—1840. John Boldween, died, at St. George, aged 91, a soldier of the Revolutionary War; came 1783.
30. CLARK.—1820. Mr. James Clark died in the 90th year of his age, he was one of the country's earliest settlers and much respected by all who knew him.
31. WARD.—1821. Caleb Ward, eldest son of Major John Ward, in the 43 year of his age, after a short illness of nine days. Few men have died in this place more sincerely and more generally lamented.

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