

# THE SENTINEL.

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### THE SENTINEL.

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### SECOND REPORT OF THE GEOLOGICAL SURVEY OF THE PROVINCE OF NEW BRUNSWICK.

BY A. GESNER, PROVINCIAL GEOLOGIST.

(Concluded.)

Manures are of three kinds, namely—animal, vegetable, and mineral. It would seem that the Chinese had arrived at a more perfect knowledge of these substances in the support of vegetation than any other people. So essential do they consider manure to be to the production of crops, that night-soil mixed with fat marl and formed into cakes, is an article of commerce throughout the Empire. Geology, as applied to agriculture, takes cognizance of the different conditions of mineral matter adapted to the nourishment of plants, the composition of soils, whether in a natural or artificial state, and the means capable of rendering them fertile. Soil may be unproductive from the absence of certain mineral or vegetable ingredients, or from the presence of some noxious principle. These conditions can be overcome by the addition of the matter required in the first case, and by producing such chemical decomposition in the latter, as shall render the poisonous matter inert. These are objects to be gained only by the sciences of geology and mineralogy.

The soil of New-Brunswick is extremely variable in its composition, having been produced by a variety of causes, and from many different kinds of rocks; therefore it is more necessary that it should be cultivated with an extensive view of all facts connected with its former and present conditions. To this inductive knowledge experiments should be added, to afford those practical illustrations which unite in the mind philosophical reasoning with absolute demonstration.

Peat is abundant in this Province, and most of its varieties will afford manure; but it sometimes happens that the low situations where it is accumulated have been exposed to the earth containing much iron, and where the salts of that metal render it unfit for the purpose. Such peat may be known by its ochraceous appearance, and the presence of "bog and shot" ore.

Sir Humphrey Davy seems to have been the first who endeavoured to discover, by the aid of chemistry, the manner in which manures act upon the soil, and the influence they hold over its productions, and although his labours have rendered an important advantage to agriculture, there is a wide field unexplored in this department of physical science. Oxygen, hydrogen, and carbon are the principal simple elements entering into the composition of vegetables. Nitrogen, potash, lime, sulphur, and magnesia are sometimes procured from the sap and solid parts of plants. The peculiar process by which these kinds of matter are drawn from the earth, seems to be placed beyond the reach of human observation. There are, however, some reasons for believing that heat, light and electricity are the principal but silent agents by which the earth produces both the lofty oak and the blushing rose, and is covered with the green mantle, affording life and nourishment to innumerable creatures upon its surface. All the elements of vegetables have been found in the soil beneath them. It is by adding manure that a more abundant supply of those elements is afforded, and consequently a more luxuriant growth is the result of their application.

The different kinds of manure, many of which are abundant in the Province, might be applied with the greatest possible advantage to the soils of every country; but of all these the excruciating matter of stables forms almost the only kind used in the country.

Some of the foregoing substances will be noticed in this Report, but as it cannot embrace a particular description of the varieties, application, and uses of manures in general, it is intended to give such an account adapted to the Province as early as possible, and one that shall be founded on a course of analytical and experimental examinations.

The subject of agriculture has already en-

gaged the attention of Your Excellency, and the different branches of the Legislature; and the Counties of Northumberland and Charlotte, by their Agricultural Societies, have sustained under circumstances of discouragement those enlightened views, which, by being more extended, will prove of vast advantage to the rural industry of the Province.

An inquiry will naturally arise, what advantages have already accrued from the geological exploration of New-Brunswick? In this early period of the survey it will not be expected that every useful discovery, or the confidence of the public in the success of mining should be such as to have any great influence over the resources of the country. The recent difficulties in monetary affairs in the United States and the British Provinces, have much retarded the progress of successful enterprise, and English capitalists hesitate to apply their funds for any object in New-Brunswick, until the disputed line between this Province and the United States shall be adjusted, for it is evident that the Colony would suffer a great loss were the Americans allowed to extend their eastern boundary upon her soil. But, notwithstanding these obstacles to the immediate extension of foreign and domestic capital, the beneficial results of the labour of a single season, are such as indicate a certainty of the final utility of the enterprise. The application of marl and lime to the soil has already commenced. The excellent quarries of granite on the Saint John have been opened by Messrs. Wetmore, and from the cheapness, superior quality, and beauty of the rock, it will evidently be extensively used. Hitherto the granite employed in the Province has been imported from Nova-Scotia and the United States at a great expense.

During the last year the coal and iron of Queen's County have been applied for; also, leases for coal and other minerals in the County of Westmorland. Petitions have also been laid before the Provincial Government for coal and other minerals discovered during the past season. Independent of the survey, the Gloucester Mining Association, from the exertions of William Stephens, Esquire, has been successful in exploring for copper ore in the County of Gloucester, and a bed of manganese is worked at Quaco, where it had been discovered many years ago.

The discovery of the Westmorland Coal Field, and the explorations of its boundaries, and the out-cropping of the coal itself along an extensive tract of the country, as detailed in this Report, scarcely require a remark. It may, nevertheless, be affirmed, that few examinations in any part of the world have produced more important results under similar circumstances.

A more general spirit of enquiry has become manifest throughout the Province; and I have devoted much time, patience, and labour in examining a variety of specimens from different quarters. Only a few of these have been found to be worthy of notice. Many individuals have suffered much disappointment when informed that the objects of their search were of no practical value, and made acquainted with the fact "that all is not gold that glitters." Even in this case it is hoped some good has been performed by correcting erroneous opinions, and by directing the attention of individuals to objects of real value.

The "mineral or divining rod," invented by the Druids to awe their superstitious followers, has been introduced into the British Provinces from the Eastern American States, and has found its votaries even among persons otherwise intelligent. The power of divination contained in two small phials and fixed on pieces of whalebone, and borne along by the seventh son of the seventh son, has been considered infallible in the discovery of concealed money and all kinds of minerals. Indeed there are instances of ruinous sacrifices of time and money having been made by persons who have bowed down to this shrine of superstition and folly.

A number of communications have been received from scientific societies and distinguished individuals in Great-Britain and America. In almost all these a degree of interest in the Geological exploration of New-Brunswick is expressed in terms highly commendatory of the Provincial Government, and gratifying to the persons to whom the charge of the Geological survey has been committed.

Specimens of the different rocks, minerals, and fossils have been carefully preserved: a collection of the minerals will be laid before Your Excellency with this Report.

The Geological Map of this Province has been commenced, and is advancing towards completion.

It was intended to devote a part of the present Report to Economic and Agricultural Geology; but, upon consideration, it was deemed most proper to treat of those parts of the subject at the close of the survey.

The discovery, by Captain Ruel, of bones of a large fossil Elephant, which had been mistaken for wood, and sold in the market for fuel, gives a new and interesting feature to the Geology of New-Brunswick. These bones are now in my possession, and such information has been obtained as will probably lead to the recovery of the skeletons of these gigantic animals, which have long since ceased to exist upon the earth.

The following details will exhibit more fully the discoveries of the past season, and the vast importance of the Geological exploration, as one of those judicious acts which have ever characterized Your Excellency's administration.

THE POETRY OF THE BIBLE. The following remarks on the poetry of the Bible, by the Rev. Dr. Spring, full of eloquence and beauty as every one will assuredly acknowledge them to be, are yet not more eloquent than just, nor more beautiful than true:

One of the most eminent critics has said, that "devotional poetry cannot please." If it be so, then has the Bible "carried the dominion of poetry into regions that are inaccessible to worldly ambition." It has "crossed the enchanted circle," and by the beauty, boldness, and originality of its conceptions, has given the devotional poetry a glow, a richness, a tenderness, in vain sought for in Shakspeare or Milton, in Scott or Byron.—Where is there poetry that can be compared with the Psalms of David; with the Song of Solomon, and with the prophecies of Isaiah! Where is there an elegiac ode to be compared with the Song of David upon the death of Saul and Jonathan, or the Lamentations of Jeremiah? Where in ancient or modern poetry, is there a passage like this? "In thoughts from the visions of the night, when deep sleep falleth on men, fear came upon me and trembling, which made all my bones to shake.—Then a spirit passed before my face: the hair of my flesh stood up. It stood still, but I could not discern the roof thereof. An image

was before mine eyes. There was silence.—And I heard a voice saying, Shall mortal man be more just than God; shall a man be more pure than his Maker? Behold the putrefaction in his servants, and his angels he chargeth with folly. How much less in them that dwell in houses of clay, whose foundation is in the dust, and who are crushed before the moth!"

Men who have felt the power of poetry, when they have marked the "deep working passion of Dante," and observed the elevation of Milton, as he "combined image with image, in lofty gradation," have thought that they discovered the indebtedness of these writers to the poetry of the old testament. But how much more sublime is Isaiah than Milton! How much more enkindling than Dante is David! How much more picturesque than Homer is Solomon or Job! Like the rapid, argumentations of Paul, the poetic parts of the Bible may be read a thousand times, and yet have all the freshness and glow of the first perusal. Where, in the compass of human language, is there a paragraph which, for boldness and variety of metaphor, delicacy and majesty of thought, strength of invention, elegance and refinement, equals the passage in which "God answers Job out of the whirlwind!"

What merely human imagination, in the natural progress of a single discourse, and apparently without an effort, ever thus went down to the "foundation of the earth"—stood at "the doors of the ocean"—visited "the place where the day-spring from on high takes hold of the uttermost parts of the earth"—entered into the treasures of the snow and the hail—traced the path of the thunderbolt—and penetrating the retired chambers of nature, demanded, "Hath the rain a father?" or who hath begotten the drops of the dew?" And how bold its flights, how inexpressively striking and beautiful its antithesis, when from the warm and sweet Pleiades it wanders to the sterner Orion, and, in its rapid course, hears the "young lions crying unto God for lack of meat;" sees the war horse pawing in the valley; describes the eagle on the crag of the rock—and in all that is vast and minute, dreadful and beautiful, discovers and proclaims the glory of Him who is "excellent in council and wonderful in working!" The style of Hebrew poetry is every where forcible and figurative, beyond example. The book of Job stands not alone in this sententious, spirited and energetic form and manner. It prevails throughout the poetic parts of the scriptures, and they stand confessedly the most eminent examples to be found of the truly sublime and beautiful.

### Provincial Legislature.

#### HOUSE OF ASSEMBLY.

In the Sentinel of last week we inserted a part of the Debate on the Bill relative to Memorials of Judgments. After the other members had spoken, whose sentiments we have reported,

His Honor the SPEAKER stated that he was anxious something should be done, to meet the difficulty that occurs with reference to the claims of the Crown which are scattered all over the Province, the priority of which claims is the cause of much hardship, if not injustice. A case had recently occurred, where a party had purchased a property, and some delay having taken place in executing the mortgage, during which the mortgagee became indebted to government, the consequence is the real owner of the property will be deprived of all remedy. The evils which may result from this state of things, is greater than hon. members were aware of; there being a great number of persons who are indebted to the Crown, whose property is thus rendered liable, and purchasers are often placed in circumstances of great peril. He thought means might be devised, by which this could be obviated; and the claims of government be made known. Such a course might have a bad effect in St. John, where the names of mercantile men are frequently on bonds; but still he thought innocent men should be protected from injury. If any thing could be done he considered it should be effected, perhaps it would be as well to repeal all the laws bearing upon the subject under discussion, and another might be brought in to effect the object to which he had alluded.

Mr. WELDON was averse to repealing the laws now in force; they must leave them where they are; for otherwise half the property in the country would be scattered to the winds. With respect to crown debts they could not be touched in the Bill, but any Act having such an effect must go home, as they could not be legislated upon in this Province. They should not however attempt to unsettle a wholesome enactment, which gives to the Crown a priority of claim; and which is essential to the interests of the State.

Hon. SPEAKER explained.—He did not wish to distrust the claims of the crown; he was only desirous that such claims should be recorded, and that an innocent person should not be misled.

Hon. Mr. CRANE referred to what had been the former state of the law, with reference to judgments, until 1837; when the present Judge Parker, who then belonged to the House, introduced a Bill which provided that the memorial of judgment should be recorded, but not to interfere with execution, subsequently taken out; he should therefore be averse to any Bill, giving to those documents the same force as mortgages. As to the difficulty which had been alluded to by His Honor the Speaker, caused by the priority of claims of the Crown, he saw nothing that would justify the repeal of the laws upon the subject. By the law of the land at present, personal and real estate are all considered as chattels; and the effect is to render persons more careful to whom they give credit.

Mr. WELDON considered the proposed amendment of the law as called for. By the old act subjecting real estate to levy and sale, under execution for payment of debts, a subsequent judgment creditor, by proceeding to sale under his execution, shut out the prior judgment incumbrance, and the purchaser at Sheriff's sale could hold, free from the incumbrance of the prior judgment. By the act sought to be amended such effect would be destroyed, and the purchaser under an execution on a subsequent judgment took the real estate, subject to all the claims of prior judgment creditors, who had slumbered on their rights. Now all lawyers knew very well that the registry of judgment gave no title in law, but only operates as an equitable incumbrance upon the debtor's lands; in the event therefore of a sale under a subsequent judgment, the prior creditor could only obtain relief in a Court of Equity, and under the operation of the act of which the bill was an amendment. If then the bill registry gave a

continuing priority, the first creditors would in many instances be induced to sleep on their rights, knowing that their incumbrance would follow the lands into the hands of all subsequent purchasers by Sheriff's sale or otherwise, and thus litigation would be increased by the necessity imposed upon the prior creditor to resort to Equity to enforce his claim. The Legislature should encourage judgment creditors to active measures, and should tell them in plain language that if they lie by and allow others to come in and sell on their subsequent judgments the incumbrance of the prior judgment will be destroyed.

SATURDAY, FEB. 15.

The House resolved itself into a Committee for the purpose of considering the Bill for the better regulation of the office of Sheriff.

Mr. STREET said the present law upon the subject was a mere dead letter. A hope had been entertained that some improvement would take place with reference to the office of Sheriff; but that had not been the case; and the same person continued from time to time to be appointed. He did not mean to bring charges against the Sheriffs indiscriminately; but the manner in which the office is sometimes filled, is very generally complained of throughout the Province. Mr. L. A. WILMOT agreed with the learned member for Northumberland, that the present law is a dead letter; and the remedy which it provides was as bad as the disease; as proceedings must be taken against the Sheriff, before a party could proceed against the sureties, when monies were received by the Sheriff and not paid over. There was one of those officers in particular who cared little for an attachment, and who refused to pay money which he holds in his hands, and laughs at the act. He would give immediate relief by proceedings against the sureties in a summary manner, who would then look out, and be satisfied of the character and integrity of the principal before they signed bonds on his behalf. There were exceptions, and he would mention the Sheriff of the county of York, as one of the most honorable kind.

Hon. SPEAKER said there was also another remedy. If a Sheriff does not perform what is required of him, and charges are made out to the satisfaction of the people, an address should be passed providing an immediate remedy; which he was satisfied would produce the desired effect. It was monstrous if such abuses existed as had been represented, and they ought not to be continued, contrary to the spirit and letter of the constitution, which requires that every man should perform the duties which belong to his office; and if he fail in performing that duty, to the injury of the public, he ought not to continue after it became known. This rule should apply to all public officers; and at the present time they must either fulfil their duty or retire; and he hoped hereafter those duties will be performed to the satisfaction of the public.

Hon. Mr. JOHNSTON thought the mode proposed by his Honour the Speaker was the most summary one; why not make application to his Excellency, when cause of complaint exists, the new Commission will issue on the first of March, and in cases of malversation some other person would be appointed to do the duty; a party offending in the manner represented should not be allowed to retain office, and there should be no delicacy observed in making use of his name.

Mr. PARTELOW said great difficulty existed in getting persons to make allegations; as in the case of another Sheriff, it might happen that those who talked most, often do not use their influence to obtain the dismissal of the person complained of; and in the instance alluded to, they had not the manliness to complain until the officer had been re-appointed. Perhaps the same conduct would be pursued now, and nothing more would be done till after the next appointments.

Mr. WILMOT said he had waited patiently till now in the hope that some alteration would take place; but things had arrived at such a pitch, that the Sheriff alluded to would not receive his letters; and when he wanted any rents served in the County of Northumberland he had to disguise the hand-writing on the back of the letter. He did hope that officer would have purged himself of his contempt, and that he would amend. But finding that was not the case, he had told him he should complain.

Hon. Mr. CRANE agreed with the hon. member for St. John, that if influential men would do their duty, that redress would not be so remote which the public good may require. Probably cause of complaint did exist, it could not be expected but that such should sometimes be the case. Still it should be known in the proper quarter when a Sheriff did not faithfully perform his duty, and he should be discharged. If the evil were permitted to exist, those who allow it, could only blame themselves. He believed in the case alluded to by the hon. member for St. John, that were it not for the humane and charitable feelings of individuals, the officer must have been deprived of his situation.

Mr. END said he had been told on a preceding day, that it was not proper to bring charges against an individual when he was not present in person to answer them; and he thanked the gentleman who had made the remark, as no person felt more disposed than himself, after the warmth of debate was over, to acknowledge his error and humble himself to the House. They were not there to decide upon the goodness or unworthiness of a Sheriff; that question should be brought under the notice of the Executive. Until the present Bill should pass and become a law, the Sheriff would not know what was his duty. The Committee ought to pass the Bill, for he would rather see the appointment of the Sheriff made by arbitrary power, than that the people should elect that officer. He would say let the Bill pass without further remarks, as that was not the place to make them. He was satisfied the Bill would work well.

Mr. L. A. WILMOT said he had been induced to make the observations he had done, in consequence of the learned member for Northumberland having said the present law was a dead letter; and was very different from the case alluded to upon the preceding day. The present was a very proper time to allude to the misconduct of an officer, whose duties the Bill was intended to define. All he wanted was a prompt and effectual remedy, and that he thought would be obtained, by proceeding summarily against the bondsmen, without proceeding in the first instance against the Sheriff; and he trusted the Bill would not pass, until he should have an opportunity of proposing an amendment to that effect.

Hon. Mr. WELDON said that was a very desirable and reasonable course; and all that would be necessary to prove would be, that the Sheriff had received the money, and that a demand had been made. As regarded what had

been stated against that officer in Northumberland, his conduct was so openly notorious, that it had been found necessary to call a public meeting, and pass certain resolutions upon the subject. It was lamentable that such was the case, and perhaps information will now be afforded, which will lead to the adoption of proper measures in another quarter.

Mr. STREET in making the remarks he did, and declaring the present law to be a dead letter did not say whose fault it was that such was the case. It certainly was a dead letter, and did not effect that reformation in the office of Sheriff which was intended. The plan proposed by his learned friend for the county of York was very desirable, if it were practicable to introduce it; but his amendment would require consideration. He believed after all the remedy lay with the Executive, who could displace a Sheriff who might be proved to have acted improperly. With reference to the officer alluded to by the hon. member for St. John, who had said no representations were made till after the reappointment had taken place; he understood a combined representation was made previously by the three members for Charlotte County, and the two Legislative Councillors, as to the manner in which the duties of the office were performed. The officer had been furnished with a copy of the charges; and upon his own shewing alone had been reappointed. Persons then came to Fredericton and refuted the reply which he had made. He believed that was the true statement of the case; and he mentioned the circumstance to shew that the object of the present act had not been attained. As regarded the officer alluded to in Northumberland, if complaint had not been made long since, it arose from feelings of delicacy towards his family and in the hope that an amendment would take place; the officer himself he believed to be a well disposed man, but quite unfit for his office.

Hon. Mr. CRANE did not consider the present discussion an improper one. He would just state to the learned member for Northumberland, that although he had represented the case alluded to as he heard it; yet the account was not quite correct. The impression upon his mind was, that there were conflicting statements; which resulted in the appointment being continued. The original complaints were not substantiated.

Hon. Mr. JOHNSTON said with reference to the case of the Sheriff for the county of Charlotte, he would state what had occurred. Improper conduct had certainly been attributed to that officer, and he had been furnished with a copy of the allegations which were made; which produced a counter statement accompanied by affidavits, and which were borne out by certificates from almost all the practising attorneys in the county, stating that he performed his duty to their satisfaction; and upon these being laid before the Executive Council he was reappointed. He afterwards heard from various quarters, that it was considered in that way an injury had been inflicted upon the county of Charlotte; and individuals who felt interested waited upon His Excellency, and made a reply; but the Sheriff had given security, which had been approved of; and it was not deemed advisable to displace him unless for some subsequent misconduct.

Mr. STREET would not object to bringing a complaint before the House; but he was desirous of seeing if any measures would be adopted, to meet a difficulty which was so generally complained of.

After a few words from Mr. Partelow, who considered his statement as fully borne out, that complaints were made subsequent to the reappointment of the Sheriff; it was agreed to report progress and the Committee adjourned.

TUESDAY, FEB. 18.

The House resolved itself into a Committee for the consideration of Bill to regulate the choosing of Jurors.

Mr. BEARDSLEY stated that the present Bill was in substance and with very little alteration similar to the act at present in force, except that it went to take from Sheriffs, the power to select jurors, and which is liable to abuse; and it went on to describe the manner in which Jurors should be drawn to serve. It is a transcript of the Law passed in Nova Scotia during the 36th year of the reign of George the III, and which had been found to operate well in that country. The second section he said was an important one and to which he would call the attention of the Committee; as it went to alter the present mode of selecting Jurors, and provides that once in each year, the Sheriff should return a list of all persons eligible to serve as Jurors to the Clerk of the Common Pleas; and the names of such persons were to be written on separate pieces of paper, folded up and placed in a box to be kept for that purpose. From this box was afterwards to be drawn in the presence of one of the Justices of the Inferior Courts in the Counties respectively, where a Jury may be required, the names of 24 persons for Grand and the same number for Petit Jurors; and a list of such names so drawn, should be summoned by that officer to serve, and no other. This would be a most important and he contended a beneficial alteration. There was also a clause providing for the execution of the duty by the coroner, in cases where the Sheriff might have a direct interest. With respect to the Acadian French, the learned gentleman said, when he formerly brought in a Bill for the regulation of Jurors, that objections were taken to the Acadian French, as not being qualified, owing to their ignorance of the English language; and this Bill provided that they would not be qualified except in special cases where those people were the parties interested, when three of the Jurors were to be of that description of population. He had no feeling against these persons whatever, and had no objections to the other provisions of the law being extended to such as could speak English. The other enactments of the Act of George III passed in this Province, could remain as they are. The fact was, he wished to remove from Sheriffs, the dangerous power which they at present possess in choosing Grand and other Jurors, and that they should not act from the impulse of those feelings to which the best of men are subject. He was not wedded to the details of the Bill, and if the Committee thought they could be improved, its principles being discussed, they might report progress; and any amendments, if they were necessary, could be introduced in the shape of another Bill.

Mr. WELDON was favourable to the principles of the Bill; as at present Sheriffs might use the power which they possess for a bad purpose: the great difficulty was, how the object of the Bill was to be obtained, and in what way a corrupt Sheriff could be prevented from returning incompetent or improper persons. There was one part of the Bill with which he did not agree; under its provisions, persons might be