

THE CARLETON SENTINEL.

WOODSTOCK, APRIL 29, 1851.

TO OUR READERS.

Business of importance requiring our attention in the United States, we are compelled to absent ourselves from our duties for a few weeks. We have however secured the services of a friend, who has kindly consented to assume the responsibility of *standing sentinel over the Public Weal*. CHARLES H. CONNELL, Esq., takes charge of the Editorial department of the Paper, during our absence, and we have authorized him to act for us until our return. His receipt will be a full discharge to any person indebted to us, and we particularly request that all arrearages may be settled without delay. All Communications to be addressed as heretofore.

LAW REFORM.

(Concluded.)

We are not disposed to make much farther comment on Mr. Needham's Bill. However good and patriotic may have been the object of its author, enough we think has been advanced to convince "everybody" who can read, and has arrived at years of discretion, of the inadequacy of the Bill, to meet the alleged requirements for change in our Legal System. If other reasons were wanting to induce us to leave this Bill without farther notice, the conviction that it never can receive the sanction of the Legislature without great alteration—if not complete reformation, induces us to do so, and believe that that obnoxious portion of this work of reform will be rejected without further evidence being adduced of the propriety of this course. If we are not mistaken the Needham Bill has been shown by internal evidence to be crude, inconsistent, insensible, and by no means calculated to allay the cry of the people for cheap law. We think the Legislature is prepared to embrace this view, and that there is but little reason to doubt but that the Bill will be dishonoured.

To do Mr. Needham justice, we must remark that with becoming modesty he indirectly acknowledges his own incapacity to assume the office of a Law-maker.—The Law giver should have sufficient confidence in himself to speak definitely, positively, and unhesitatingly.—He should not be a man the characteristic words of whose speech are "if," "but," nevertheless," and "notwithstanding;" his mind and his law should be at unity with themselves. We admire the mind which feels itself authorized to say this is, and shall be law.—Shall be Law because there is obvious necessity for some such rule of conduct, and none can shew that a better, wiser or equally well adapted law for the present exigency can be adopted. But Mr. Needham has no confidence in his Bill, in his proposed system of Civil Law. When he had arrived at the end of his Bill he was evidently in doubt as to the efficiency of his work, he knew not whether to pronounce it good or bad;—we have sufficient confidence in Mr. Needham's judgment to believe that the more he reflects on his production the more disposed he will be to agree with us in pronouncing it—very bad. We beg leave for a moment to ask the reader's attention to the concluding paragraphs of the Bill. They will justify our encomium on the learned authors modesty—and we might add becoming diffidence.

"And be it enacted, That all the Sections and all the Articles of any Section of this Act shall if necessary, be so construed together as best to render them operative and effective for the purpose intended."

"And be it enacted, That this Act may be altered or amended during the Session."

"And be it enacted that all Acts, and parts of Acts inconsistent with this Act, be and the same are hereby repealed."

Now we would ask who is to construe the articles of the conflicting sections of this Bill together? If we are justified in our view, many of them, according to well ascertained rules of reason, logic and common sense, are utterly irreconcilable:—by no construction can they be made to harmonize. We fear that so far from "everybody's" being able to understand this Bill, Mr. Needham himself, would fail to satisfy any Judge of the Supreme Court that it was comprehensible:—that it was anything more than an incongruous mass of rules and enactments. We do trust our Legislators will avail themselves of the merciful provision at the close of the Bill, by which it would appear he anticipated, at all events, granted that it might be altered and amended during the present Session.

Experience fully shows that Law Reform is a work of rare difficulty and danger. To all who contemplate the undertaking, we would say:

"Periculosa plenum opus alee tractas.

"A labour vast,

Doubtful the dye and dire the cast"

England and America have teemed with law reformers, and modifiers, but the event proves that all sudden, rash, and ill matured schemes to overthrow our legal system,

if not met by the immediate discomfiture of their authors, have entailed far more serious disasters on the public. Long since our British Ancestors discovered the best materials which this world affords to lay the foundation of their well tested legal constitution—failure has, and we confidently predict will attend any effort to reconstruct a system of Law, without regard to the principles, the instruments, the arrangement, and proportions which in their deep wisdom and far seeing intelligence were suggested for adoption.

In now bidding good by to Mr. Needham's Bill, we request the attention of those who in our Province are so anxious for the overthrow of our existing mode of enforcing the performance of legal duties and maintenance of positive rights to the following remarks in the New York Herald, a journal characterized for its independent exposure of real abuses, and advocacy of wholesome and necessary reform. We much fear if adopted, the Needham code would call for similar observations from the future journalists of New Brunswick.—Com.

THE NEW CODE—ITS GROWING UNPOPULARITY, AND PROBABLE REPEAL.

The new code, which was so suddenly, and, as some say, so thoughtless adopted by the Legislature of this State, does not seem to acquire strength or popularity with the months and years of its existence. Indeed, we have every reason to believe that the whole profession of the law, with some very amusing exceptions, both the bench and the bar, are opposed to the new code, in consequence of its unsettling, and throwing to the winds of heaven, all the old and well established common sense principles, in both civil and criminal practice, which had grown up by a long succession of intellectual experiments during past ages. It is very well known among a large body of clients, that for many years previous to the abolition of the Court of Chancery, great objections were made to the looseness of its practice and the uncertainty of its proceedings. In fact those characteristics of the Court of Chancery had passed into a proverb, such as that the length of the Chancellor's foot was the measure of Chancery proceedings and practice. Now the Court of Chancery was a mere civil law court, very different and very opposite in its practice, to common law jurisdiction and practice; yet it is very well known that the common law practice approached nearer the perfection of good sense, as applied to difficulties between man and man, than any other species of practice. The new code, however, like some new issue, came before the country arrayed in all its charms of a first fashion, and at one blow, the unsettled practice of the Court of Chancery, which had given so much annoyance for many years, was rendered permanent and was adopted in the new code, while the old common law practice was hooted at and kicked out of court without any ceremony.

But it is not only in practice that the new code has exhibited its deficiencies, increased its unpopularity, and troubled clients and business men of all kinds. In its civil administration the confusion of the new code increases litigation and expense tremendously.

Taking the whole of the experiments which have been made under the new code—both civil and criminal—during the last few months, in this city, there has been growing up a strong conviction in the public mind, that while the old system required some amendment, its entire abolition, and the substitution of the new code, have worked a revolution that is manifestly leading to the injury of the State, the great detriment of justice, and the wide spread and utter uncertainty of all law and all practice in the courts of the State. In every branch of practice and every class of cases, intellectual lawyers concur in the opinion that the new code has already exhibited itself as an ism of a most superlative character—as a modern humbug of a most unquestionable kind—clearly demanding revision if not a final repeal of the whole system, and the return of the old and certain practice of the law, and the dispensing of the common sense justice which we were accustomed to for years before the new code got in vogue.

We have much more to say on the working of the new code since its enactment, and many details to give in reference to particular and special cases—both civil and criminal—in the courts of this city.

FIRE.—We have to record this week the destruction of another building by fire in this place. The House occupied by Mr. Betts, near the Episcopal Church, and owned by Mr. Stephen Parsons, was entirely consumed on Saturday afternoon. The fire originated in the barn from the carelessness of some children when playing with lucifer matches. It is to be hoped this may be a useful lesson to those parents who allow their children an indiscriminate use of such combustibles. Mr. Betts was fortunate in getting out all his furniture, while the owner had an insurance of £100 on the premises, in the Central Fire Insurance Company. We are requested by the Agent of that Company to state that parties having buildings insured by him, and not provided with ladders, &c., are liable by their policy to lose their insurance.—A word to the wise is sufficient.

FROM OUR FREDERICTON CORRESPONDENT

MONDAY, April 21.

Since the Ritchie resolutions have received their quietus in the House, the business of the Session has proceeded quietly and rapidly. Several Bills have been advanced

ced a stage or two, and others have been passed and disposed of.

The Council and House have at last agreed on one thing at least—their pay Bill. You will recollect that the House sometime ago rejected the Bill for paying the members of the Council, which that hon. body reciprocated in full last Saturday. However to remedy the whole matter the House of Assembly passed a new Bill to-day for the payment of both branches of the Legislature, and then so as to allow themselves £10 each more than the members of the Council. The upper House of course will take wit in their anger and pass this without opposition.

FRIDAY, April 25.

Several resolutions of importance have passed the House in the course of the two last days. The one surrendering the Initiation of Money Votes to the Executive—on a division of 17 to 14. Two others that will be the means of affording some matter for a newspaper war. The first takes away £1100, or the half of the annual grant to the College. The second declares that four Judges are sufficient for this Province, and that the Master of the Rolls is to be employed as one of them.

The House has just reversed their vote by a majority of one, passed the other day, on the yielding up of the Initiation of Money Grants to the Executive.

His Honor the Speaker gave a splendid Ball on Wednesday last, to a large Party in the Masonic Hall. The estimated expenses were over £150, thereby more than eating up his whole allowance from the House.—It is only a small matter to him. He has plenty of the needful.

Yours,

W.

The Steamer *Carleton* came up from her winter quarters at Bedell's Cove last Saturday, and resumed her trips on the River yesterday.

FARMING IN NEW BRUNSWICK.—As one fact is worth a thousand theories, we give below a statement of the sales made in this market last season by a Farmer living on a rented Farm in Sussex Vale, about 40 miles from this City. We vouch for its accuracy.

4500 lbs. Cheese, at 6d. per lb.	£112 10 0
Calves,	21 0 0
Pork,	46 14 10
Poultry,	5 0 0

£185 4 10

As this Farmer keeps sixteen Cows, the above shews the produce of cheese from each to have been 282 lbs., and the value from each cow, in cheese and calves, to have been eight pounds seven shillings. By the returns furnished to Professor Johnston, the average produce of cheese in New Brunswick for each cow is 140 lbs. Our farmers, therefore, had better stir up. What one man can do, another can, and there is no good reason why every cow in the country should not be made "to do her duty."—*St. John Courier*.

CONSECRATION OF THE BISHOP OF NOVA SCOTIA.—The ceremony of the consecration of Dr. Binney, of Worcester College, Oxford, to the Bishopric of Nova Scotia and its dependencies, was performed yesterday morning in the chapel of Lambeth Palace. The service was performed by the Archbishop of Canterbury, the Bishops of London, Chichester, and Oxford; the Rev. Dr. Binney, (father of the new bishop,) the Rev. Dr. Gouldburn, and the Rev. Dr. Thomas, chaplain to the Archbishop. The whole of it was conducted in the most simple manner, no chanting or singing, but every part read—very different from the "histrionic" manner, as it has been called, of performing the services of the Church in other places. The chapel was pretty well filled with visitors among whom were many clergymen.—*London Sun*, 26th March.

HOGGISH.—Josiah Woodman, of Minot, recently slaughtered a hog, 22 months old, 769 pounds. John Smiley, of Augusta, killed a pig, 10 months old, which weighed 569 pounds. He was so fat he could not stand, and was fed on corn, boiled and dry, with as much charcoal as he wanted.—*Portland (Me.) Transcript*.

In Alabama, recently, two brothers-in-law quarrelled about the property of their father. Segrest went to the house of Breedlove to shoot him, but Mrs. Breedlove, Segrest's sister, going between them was shot in the head. What comes nearer to a "hell upon earth" than a family quarrel?—*Id.*

NO RUM.—The new expedition from England in search of Sir John Franklin, is to be conducted on the tee-total principle. No spirituous liquors are to be served out to the crew. Sir John Franklin was himself a great promoter of temperance.—*Id.*

NEW ADVERTISEMENTS.

ADVERTISEMENTS for insertion in this paper must be sent into the Office not later than 10 o'clock A. M. on Mondays, to insure their appearance on the following day; and all Communications intended for insertion must be left at the Office before 10 o'clock A. M., on Saturdays.

NOTICE.

THE Subscriber, having been called away on business for a few weeks, has appointed CHAS. H. CONNELL, his agent to act for him during his absence, and requests all persons indebted to the SENTINEL to make immediate payment to him. All communications and other matters intended for insertion in this paper will be addressed as usual.

April 24, 1851.

JAMES S. SEGEE.