

The sum of 90l. to assist in building sundry bridges and improving the road from Moody's Point to Tabusintac, in the parish of Alnwick.

March 2.

SHERIFF OF NORTHUMBERLAND.

In Committee on the Report of the Committee of Public and Private Accounts, brought in yesterday, the Petition of Richard S. Clarke, Esq., High Sheriff of the County of Northumberland, was taken up. The petition, in effect, prayed relief from various pecuniary liabilities, incurred in consequence of laches in the execution of the office of Sheriff; the petitioner alleging various causes in extenuation, and pleading his inability to satisfy the demands.

Mr PARTELOW contended that it would be a very dangerous precedent to comply with any such petition; although the petitioner was wholly unable to satisfy the demands against him; and the Province, whether legal proceedings were stayed or completed, would unavoidably lose a large sum.

Mr KINNEAR expressed similar opinions. Mr CUNARD could not advocate the petition, or extenuate the conduct of the petitioner, as a Sheriff. But he was a man of excellent principles—had a large family to provide for, and had no means whatever of satisfying the demands against him; which, indeed, if pressed, would cause the loss of his office, and his total ruin. The hon. member contended that if the late Attorney General and the Treasurer had done their duty in strictly following up the extents to which the petition had reference, the petitioner would never have become so situated, but that their neglect had caused him to be indulgent and negligent, and brought him to this present state. The hon. member therefore, though he could not advocate the Sheriff's conduct, yet, under all the circumstances, pleaded for a merciful consideration of his case.

Mr PARTELOW insisted on the danger and impropriety of proceeding on the petition at all; but recommended the appointment of a Committee, to investigate the whole affair, and to report thereon to the House next session.

Mr RANKIN suggested that in the mean time legal proceedings be stayed; which suggestion, however, was not seconded.

Mr SPEAKER observed, that the House could know nothing of how far it would be safe or proper to relieve the petitioner, till full investigation had been made, because certain sums, on account of the extents in question, had been from time to time paid over by the Sheriff to the late Attorney General, Mr Wetmore; of the application of which sums the House knew nothing, as that officer's accounts had not yet been completely rendered to the House. Those accounts should, therefore, be required.

Mr PARTELOW said, that about 4000l. also appeared to have been paid over in three years to (we believe) the present Attorney General; and coincided in the necessity of obtaining the late Attorney General's accounts during the recess.

Mr KINNEAR perfectly coincided in the views of Mr Partelow, and said, that it was a well known fact, that the manner in which the office of Sheriff had been executed in the County of Northumberland had been a crying evil for many years; and that that officer had long been continued in his situation only on account of his family and his misfortunes; which the hon. member deprecated as highly improper.

Mr END bore testimony to the humanity, goodness of heart and amiable disposition of the Sheriff, but contended that he was, by so much, unfit for his office, as he was induced to show such indulgence and to commit such negligence, as were highly inexcusable and mischievous. The hon. member corroborated Mr Kinnear's observations, but observed that the Province had some security, as the Sheriff had given bonds, and indentified them by a transfer of Land. The hon. member solemnly disclaimed all private feeling and motive, and testified to the excellence of the private character of the petitioner, but designated him as one of the worst of all bad Sheriffs; asserting, that he had got to such a pitch, in the negligent discharge of his office, that he actually allowed other persons to sign his name to writs; and contended for a total rejection of the petition.

Mr CUNARD made a few additional observations; after which Mr Partelow's motion was adopted by the committee.

February 29

COMMITTEE OF SUPPLY.

The House went into Committee of Supply, for the purpose of taking up the accounts of Robert Doak, Esq. late Supervisor of the Great Road from Fredericton to Newcastle.

Mr RANKIN moved a resolution, for a grant of a sum of— to Robert Doak, Esq. &c. being the amount over-expended by him, such sum to be taken from the road appropriation of this year.

The debate which followed this resolution was the most violent and strong we have ever heard within the walls of the House of Assembly; personally invective and raucous being unpaired; and we find ourselves in a very unpleasant dilemma, in the discharge of our duty.

[The following report is a concise epitome of the excessively extensive discussion on this question. The discuss on lasted about 4 hours; and we feel much exhausted by the attention it required.]

Mr CUNARD said that he understood Mr Rankin had some further important information to give in this case, and he therefore asked him to bring it forward.

Mr RANKIN said he had no wish to withhold the information. He was perfectly willing to bring it forward.—We could scarcely hear any thing the hon. member said, but we understood him to state that since the last discussion on this subject, he had seen several persons from Northumberland, who had travelled the road in question, and who had pronounced the works to be quite satisfactorily executed. The hon. member also read a letter from the Honorable R. Simonds, Province, Treasurer, stating that in September, 1829, he had travelled over the road, in company with— Peters, Esquire, that it was dark when they passed over the part disputed about, that they went over it without impediment, and that in conversation on the subject, he (Mr Simonds) remembered having remarked what an excellent line of road it was. The hon. Treasurer also, in his letter, stated that when he resided in that part of the country, he always heard Mr Doak spoken of as a man of excellent character.—The hon. member also said that he had another letter, written by the late Hon. Governor of the province, in favor of Mr Doak, (which, however, the committee seemed to think, it was not necessary to read); and he stated his conviction, from general testimony, that Mr Doak was a man of

strict integrity, skill and ability, and he (Mr R.) knew no man who bore a better character for uprightiness. The hon. member also strenuously contended that there had been no collusion between Mr D. and his son-in-law. He thought Mr D. might very well ask of the House a much larger sum than he really claimed, which was his balance of 119l. 13s. 4d; as much more than that sum would not compensate him for his sleepless nights, the restless days, and all the anxiety and mental distress he had endured in this business. Even if it were a claim for nine times that amount, he (Mr R.) would stand up in his place, and advocate Mr Doak's cause.—After some few further observations, the hon member said he should move for the sum of 119l. 13s. 4d.

Mr S Humbert thought Mr Doak stood before the house in a very fair way. He had done his duty; was a man of unimpeachable character, and ought to be compensated. The hon. member then (as far as we could hear, for he spoke at sometimes a very low tone, and at others with vehement rapidity,) stated that the Province Treasurer had lately mentioned to him the circumstances of his journey with Mr Peters over the road in question, and that he had then remarked how well it was done, far beyond his expectations; and that the hon. Treasurer had also remarked that Mr Doak was a man of unblemished character. The hon. member proceeded to make some comments on the inestimable value of character, and of the impropriety of tampering with any man's reputation, and expressed his conviction that Mr Doak was fully entitled to the allowance he prayed.

Mr Partelow said he was really sick and tired of the subject, and he would not have arisen, had it not been attempted to establish a claim for the whole amount of the balance. It was expressly understood, when this matter was referred to the Committee of supply, that no further sum could be sustained than the balance of 37l. 2s 2d, as established in 1829; but after the extraordinary steps that had been taken, he (Mr P.) felt it to be his duty to object even to that.

Mr Scott at considerable length argued against the resolution, and contended that the road money had been misapplied by Mr Doak, and that he was entitled to no allowance whatever.

Mr Cunard said that he would not go over all the history of the transactions, but that if fifty witnesses came forward in favor of Mr Doak, it would not protect the Province from this current imposition. Every individual in Miramichi had spoken in strong terms in confirmation of his Mr C.'s statement. The hon member then at some length indulged in strictures on the conduct of the Province Treasurer, both with reference to the letter read by Mr Rankin, and to the certificate given by that officer to Mr Marter, tide surveyor, of St John, and asserted that he had admitted to him [Mr C.] that the money had been wasted by Mr Doak on the road in question. The hon member contended, that not one person from Miramichi had said the road was good, and that his own prior statements had been fully explained, and expressed his determination, as a duty he owed the country, to resist imposition, to oppose the resolution to the extent of 1l. or even 1d.

Mr Chandler deprecated the warmth shewn by hon. members in debating on this subject, but expressed his conviction that they were conscientiously actuated. He had no doubt that they were actuated by the best motives, but they appeared more to assume the character of advocates than judges. The hon. member proceeded to support similar views with Mr Partelow, to the extent of 37l 2s 2d, and observed, as to the Province Treasurer, that he thought that gentleman should not be spoken of disrespectfully, without some very good cause. He [Mr C.] thought there should have been some certificate in this case; but the hon. Treasurer, having a due regard to his own character, could not make any such certificate; but had merely written a letter. The hon member then observed, that the testimony was evidently that of a person not hostile to Mr Doak. If the Treasurer had said to his fellow-traveller, 'how well the road is made,' that must have been said after actual observation, and there would then have been a certificate of the fact. But the Treasurer had ridden over the road in the dark, and had merely observed what a good line of Road it was. He could not, therefore, answer as to whether the road was well made. He thought the Treasurer deserved credit for the cautious manner in which he had stated his observations. The hon member then contended that the Committee could not grant this large balance, in the face of all the resolutions and understandings of the House; and thought the hon. mover was not justified, in treating the Committee well in moving it.

Mr S. Humbert said a few words in reply.

Mr Simonds was fully convinced there was nothing whatever to impeach the character of Mr Doak in the slightest degree. He stood as fair for honor and integrity as any man; tho' he certainly had been injudicious in his management. The hon member from Northumberland (Mr Cunard), had not allowed himself to understand the letter of the Province Treasurer. He had made many very unnecessary observations on that hon gentleman's conduct, but he (Mr S) was perfectly satisfied it was not in the power of that hon member to prejudice the character of that officer. Any such attempt would be totally unavailing. Any thing that hon member could say on that subject would not have the slightest weight, and he (Mr S) would therefore pass over the observations. The hon member then contended that Mr Doak's character stood unimpeached, tho' he had been rather injudicious; and he, (Mr S) would ask, where was the Supervisor who had not been so? Many Supervisor's accounts had come before the house fully as injudicious. The hon member insisted that there was a great deal of party spirit evident throughout the whole of this business; that many accounts, more objectionable, had been passed by the House, and that Mr Doak was entitled to his full balance.

Mr Allen expressed his desire to do justice in this case, and his conviction of the integrity of Mr Doak's general character, and concurred in Mr Chandler's interpretation of the treasurer's letter. The hon member declared his opinion, that the resolution could

not be sustainable for more than £37 2 2.

Mr Simonds replied. Mr Kinnear went over some of the circumstances of the case, and concluded that the whole question was, whether the sum of £37 2 2 or £119 13 4 was sustainable; and requested further information on that head from the Chairman of the committee of Public and Private accounts.

Mr Partelow, in reply, entered into the details of the case, and contended that the balance claimed was wholly made up of sums which the house had before solemnly resolved were inadmissible charges; and that the question simply was, whether the Committee should revise and overthrow the whole former proceedings of the House on this case; and grant money for building a bridge, which the Supervisor had never been instructed to build, and on which he had misapplied the money.

Mr Chandler said, the whole line of road was already paid for; the £37 2 2 was, in fact, part of the money expended on the bridge; but as that balance had been struck in 1829, the house had felt disposed to allow that balance.

After some few words from Messrs. Simonds and Partelow,

Mr End rose, and after some remarks in reply to personal allusions before made use of by another hon member, entered into a detail of facts, to prove that the road in question was bad; that the contractors had executed the work badly and thus misapplied the money; that Mr Doak was deceived by them, and not the deceiver, that he was an excellent bridge maker, but a very bad road maker, and therefore properly dismissed; that he had been spoiled by the praises of Sir Howard Douglas; that he had erected the bridge in question at the suggestion and instigation of Judge Bliss, and not for his own convenience; and that his faults were more of the head than the heart.—The hon member stated his opinion, that Mr Doak was an honest and disinterested man, and that there was a vast deal of election feeling and party spirit in this business. He was not for allowing the sum of £119 13 4, but thought £37 2 2 too little. He thought the house ought at all events to divide with him the loss on the bridge, and to give him £50 on that account.

Mr Wyer thought Mr Doak had a fair and just claim for the whole balance.

Mr Weldon supported Mr End's proposition.

Mr Harrison said, that from all he had heard, he was convinced that Mr Doak had as fair and just a claim as ever came before the house. He did not know the man; but it seemed he had been induced to build the bridge by Judge Bliss, and had sufficient reasons for his claim. He (Mr H) thought, that if every Supervisor of roads were called on for the purpose, many of them would be put to it to furnish such fair accounts as Mr Doak's.

Mr Speaker briefly reviewed the case, and expressed his determination to oppose the resolution. He had seen or heard nothing to induce him to alter his opinion of the impropriety of Mr Doak's conduct; and if any thing was wanted to confirm him more strongly in that opinion; it was effected by the Treasurer's letter, and by his knowledge of that officer's general cautious character. The hon Speaker concluded with some few remarks in reply to other hon members; and expressed his opinion that by passing the resolution the house would be contradicting themselves.

Mr Brown opposed the resolution.

Mr Taylor thought Mr Doak had acted from no improper motives, and supported the views of Mr End and Mr Weldon, as to the amount of the grant.

Mr Rankin withdrew his resolution, in favour of one moved by Mr Weldon, for the sum of £— to Robert Doak, Esquire, &c. &c. in full of all claims, to be paid out of the road appropriations.

Mr Hayward expressed his opinion that Mr Doak's character was re-established, and that he was entitled to his whole balance.

The question was taken on Mr Weldon's motion, which was adopted.

Mr Chandler moved that the blank be filled up with the sum of £37 2 2; which was negated.

Mr Gilbert thought Mr Doak had stood the test of all the calumny and obloquy which had been heaped upon him. Like gold tried in the fire, he had come out