

THE GLEANER.

AND NORTHUMBERLAND, KENT, GLOUCESTER, AND RESTIGOUCHE
COMMERCIAL AND AGRICULTURAL JOURNAL.

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Nec araneorum sane textus ideo melior, quia ex se filaginant, nec noster vilior quia ex alienis libamus ut apes.

No. 20.

Miramichi, Wednesday Morning, February 21, 1844.

Sheriff's Sales.

On SATURDAY, 6th July next, in front of Hamill's Hotel, Newcastle, between the hours of 12 and 5 o'clock, P. M., will be sold at PUBLIC AUCTION:

A Lot, containing 100 acres of LAND, lying on both sides of the Brook which empties itself into Black River, called McBeath's Brook, granted to Donald McBeath.—Also, A Lot, containing 50 acres adjoining the above Grant, and lying on both sides of the same Brook, granted to John McBeath, both in the Parish of Glenelg and County of Northumberland.—also, all other Real Estate of Alexander McBeath, Donald McBeath, and John McBeath, in this County—the same being seized by me to satisfy Executions issued out of the Supreme Court against Alexander, Donald and John McBeath.

JOHN M. JOHNSON, Sheriff
Sheriff's Office, North'd., 26th Dec., 1843

On the Third TUESDAY in May, 1844, between the hours of 12 and 5 o'clock, P. M., in front of Hamill's Hotel, Newcastle, will be sold at Public Auction:

All the Estate, Right, Title, Interest, Claim and Demand, of THOMAS COUGHLAN, of the parish of Blackville, in and to
Lot No. 2, 80 rods front, on the north side of Bartholomew's River, containing about 210 acres, and granted to Peter Lancaster.

Lot No. 3, on the second tier of Lots, 80 rods front, situate on the north side of Bartholomew's River; containing 200 acres, and granted to John Reilly; and all other Real Estate of the said Thomas Coughlan; the same having been seized by me to satisfy executions issued out of the Supreme Court at the suit of Thomas W. Underhill and Phineas Williston, Esquires, against the said Thomas Coughlan.

JOHN M. JOHNSON, Sheriff.
Sheriff's Office, 8th November, 1843.

On the first Saturday in March, 1844, between the hours of 12 and 5 o'clock, P. M., in front of Hamill's Hotel, Newcastle, will be sold at Public Auction:

All the Real Estate, Right, Title, Interest, Claim and Demand—

Of JOHN CUPPAGE, Esquire, in and to certain LANDS, situate in the County of Northumberland, or as much thereof as may be necessary; the same having been seized by me to satisfy an Execution issued out of the Supreme Court at the suit of Alexander Rankin, Esquire, against the said John Cuppage.

J. M. JOHNSON,
Sheriff of Northumberland.
Sheriff's Office, 25th August, 1843

On Saturday, 27th July next, in front of Hamill's Hotel, Newcastle, between the hours of 12 and 5 o'clock, P. M., will be sold at Public Auction:

All the REAL ESTATE of Leonard Hawbolt in the County of Northumberland, or so much thereof as may be necessary to satisfy an Execution issued out of the Supreme Court, against the said Leonard Hawbolt, at the suit of Johnston and Gate.

Also—all the Real Estate of John Archibald, in the County of Northumberland, the same having been seized by me to satisfy an Execution issued out of the Supreme Court against the said John Archibald, at the suit of Phineas Williston, Esquire.

JOHN M. JOHNSON,
Sheriff.
Sheriff's Office, North'd.,
January 22, 1844.

On Saturday, the 13th July next, between the hours of 12 and 5 o'clock, P. M., in front of Hamill's Hotel, Newcastle, will be sold at Public Auction:

All the Real Estate, Right, Title, Interest, Claim and Demand of Phineas Williston, William Williston and Alexander Williston, or either of them, in the County of Northumberland; the same having been seized by me to satisfy Executions issued out of the Supreme Court, and now in my hands against the said Phineas, William and Alexander Williston.

JOHN M. JOHNSON,
Sheriff of Northumberland
Sheriff's Office, December 18, 1843.

Notice.

The Co-partnership which has hitherto existed between the Subscribers, under the firm of Phineas Williston & Brothers, is this day dissolved by mutual consent.

P. WILLISTON,
WM. WILLISTON,
ALEX. WILLISTON.

Chatham, 10th November, 1843

Blank Forms

Of various kinds, for sale at the Gleaner Office.

Dry Goods, &c.

The Subscriber has received by recent arrivals, a consignment of a choice selection of DRY GOODS, which he will dispose of wholesale or retail, at the residence of his father, in Chatham, at very reduced prices, for CASH.

WILLIAM TAYLOR.
Chatham, December 26, 1843.

Notice.

At a General Session of the Peace of our Lady the Queen, held at the Court House, at Newcastle, in and for the County of Northumberland, on the second Tuesday in January, 1844.

Ordered, That no Sheep, Rams, or Lambs be allowed to go at large in that part of the parish of Newcastle, lying between James Ledden's, lower line, and Thomas Ledden's, upper line, at any time of the year; and in that part of the parish of Chatham, lying between St Andrew's Church, and James Murphy's lower line, so called, between the first day of November and the first day of May, in each year, under the penalty of sixpence, for each sheep, ram or lamb so found going at large contrary to the regulation, to be paid by the owner or owners thereof, before the same shall be released from Pound.

And further ordered, that it be the duty of the Hogreaves in the said parishes to take up and impound any and every sheep, ram or lamb found running or going at large contrary to or in violation of the foregoing regulations, and that they shall be entitled to demand and receive the sum of five shillings for each sheep, ram or lamb taken up and impounded, to be paid together with the charges of the Pound Keeper, before the same shall be released from Pound.

Extract from the minutes
THOMAS H. PETERS, Clerk.

In the matter of James Jardine, Bankrupt.

Notice is hereby given, that I appoint a general meeting of the creditors of the said Bankrupt, to be held on Saturday, the second day of March next, at eleven o'clock in the forenoon, at the commercial building, in Chatham, for the purpose of receiving proof of, or contesting any claim presented against the said Estate; at which meeting, or at any adjournment thereof, the said bankrupt will be examined on oath, touching his estate and dealings; and such other business will then and there be transacted as may be deemed necessary. Given under my hand, at Chatham, this fifteenth day of January, A. D. 1844.

WM. CARMAN, Junior,

Commissioner of the estate and effects of effects of Bankrupts, in the County of Northumberland.

NEW YEAR—1844—NEW SERIES

THE BROTHER JONATHAN: A Mammoth Family Journal of Literature and News.

On Saturday, the sixth day of January, 1844 will be issued the first number of a NEW SERIES of this olden and most popular public favorite. It will be printed on entire new and beautiful type, and its form changed permanently to a folio of NINE LARGE COLUMNS to each page, and its price reduced to

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in advance—thus rendering it, in all and every respect, the cheapest and best folio paper in the United States! This is not an unmeaning assertion, as every one of our numerous subscribers will be able to testify. Increased attractions and a new spirit will be infused into all its departments; gentlemen of first talents having been engaged as editors and contributors.

In its original and selected matter, it will be "various, that the mind of desultory man, studious of change and pleased with novelty, may be indulged." It will be splendidly illustrated by the finest wood engravings. In short, the proprietors pledge themselves to make it the most comprehensive and interesting family newspaper published in the Union.

We are perfectly confident that our untiring efforts will not fail to please our thousands of old subscribers, and attract to our list large numbers of new patrons from every quarter of the Union.

To this end, in accordance with the times, and to bring it within the means of every family in the Union, it will be sent to subscribers at the following unparalleled low rates:

TERMS.

Two Dollars, one copy one year. Five Dollars, three copies one year. Fifteen Dollars, ten copies one year. Twenty-five Dollars, twenty copies one year. Fifty Dollars, fifty copies one year.

We earnestly hope our numerous old and staunch friends throughout the country will spare no exertions to increase our list. Address post-paid,

EDWARD STEPHENS, Publisher,
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Provincial Legislature.

Extracts from the Journals.

HOUSE OF ASSEMBLY, February 6.

EXTRACT OF A DESPATCH FROM LORD STANLEY TO SIR WILLIAM COLEBROOKE.

Downing Street, 31st July, 1843.

Sir,—I have received your Despatch, No. 45, of the 12th May, transmitting two Acts passed with suspending clauses, by the Legislature of New Brunswick: the one (No. 1434) to improve the Law relating to the election of Representatives to serve in the General Assembly; and the other (No. 143) to repeal the several Acts now in force for establishing a Legal Tender in all payments to be made in this Province, and to make other provisions in lieu thereof.

The last mentioned Act is still under the consideration of Her Majesty's Government.

The Provincial Act, 9 Geo. 4, cap. 36, sec. 4, declared that an appointment of a Member of the Assembly to the Council should create a vacancy, and that the Speaker, during the recess, might cause a Writ to be issued for a new Election. In the event of the appointment of the Speaker himself to the Council, any four Members were, during the recess, to cause a Writ to be issued for a new Election in his room. As at that time the Council was a Legislative as well as an Executive Body, an appointment to it, of course, vacated the Seat of a Member of the Assembly. But the thirty-fourth enables the Speaker, or the four Members, as the case may be, to issue the Writ during the recess, not merely in the two cases of death or appointment to the Legislative Council, but in any case of vacancy, whatever the ground of it may be. The words are "in the event of any vacancy by death, resignation or appointment to the Legislative Council, or otherwise."

As far as I can ascertain, this Act, by clauses Nos. 31 and 32, for the first time, introduces a Law enabling Members of Assembly to resign their Seats in that House.

His Excellency Sir Wm. Colebrooke.

Downing Street, 4th September, 1843.

Sir,—I have to acknowledge the receipt of your Despatch, No. 31, of the 17th April last, in reply to mine of the 11th August preceding, stating the objections entertained by Her Majesty's Government to the Act (No. 1408) "to vacate the Seats of Members of Assembly in certain cases."

With your present Despatch, you enclose an address to yourself from the House of Assembly, with a Resolution passed by that Body, declaratory of their adherence to the principle which the act is intended to establish, that Members of Assembly shall vacate their Seats on accepting appointments in the Executive Council.

The Assembly, I observe, notice but one of the three objections urged in my Despatch against the confirmation of this act. Their Resolution and your Despatch are both silent on the subject of the disqualification of Members from sitting in the House on their becoming Contractors for Public Works not undertaken at the cost of the Government; and also on the subject of the Speaker having to adjudicate on the question, whether a Seat is vacated or not.

As no attempt has therefore been made either by yourself or by the Legislature, to vindicate the provisions of this act, to which your own and their attention has been called in my Despatch above referred to, Her Majesty's Government have felt it their duty to recommend the disallowance of it; and I have the honor to enclose an Order passed by Her Majesty in Council on the 23d instant, disallowing the act accordingly.

I have, &c.

STANLEY.

His Excellency Sir Wm. Colebrooke, &c. &c.

EXTRACT OF A DESPATCH FROM LORD STANLEY TO SIR WILLIAM COLEBROOKE.

Downing Street, 16th November, 1843.

Sir,—I have received your Despatch of the 29th August, 1843, No. 83.

I am happy to acknowledge, that, subject to one exception, the Attorney and Solicitor Generals have now satisfactorily explained and justified those innovations.

The exception relates to the power given to the Speaker to issue new Writs, not only when the vacancy is created by the death of a Member, or by his advancement to the Legislative Council, but by any other cause. I do not pause to consider whether the construction given by the Attorney and Solicitor General to this enactment could really be maintained. Admitting, for the sake of argument, that it is the right construction, yet, as it presupposes the existence of the Statute 5 Victoria, cap. 18,

and as that act has been disallowed by the Queen in Council, the basis on which the whole of this legal argument rests, is subverted and therefore the argument itself must fail.

I trust that there will be no indisposition on the part of the local Legislature to narrow the Speaker's authority within its former limits. If that course be taken, Her Majesty will be advised to confirm the act. If it be declined, I cannot undertake to say that Her Majesty's sanction will ultimately be given to it.

I have, &c.

STANLEY.

Downing Street, 24th August, 1843.

Sir,—I have to acknowledge the receipt of your Despatch No. 54, of the 13th of June, transmitting a certified copy of an act (No. 1454) passed by the Legislature of New Brunswick in the month of April last, intitled "an act to provide for the greater safety of Passengers on board Steam Boats."

The 5th section of this act, which prohibits the customs Officer from granting a clearance of a steam vessel, without the certificate of the commissioners appointed under the act, that such vessel is duly equipped, appears to me objectionable, inasmuch as it is inconsistent with the duties of the customs Officer as defined by the Possessions act, which requires him to give a clearance upon certain necessary formalities being completed.

You will bring this objection under the consideration of the local Legislature, and in the meantime Her Majesty's decision on the act will be suspended.

I have the honor, &c.

STANLEY.

His Excellency Sir Wm. Colebrooke, &c. &c. &c.

TIMBER DUTY ACTS.

Downing Street, 4th September, 1843.

Sir; I have to acknowledge the receipt of your Despatch, No. 38, of the 20th of April last, transmitting certified copies of two acts which had been passed by the Legislature of New Brunswick, the first [No. 1432] intitled "an act relating to the collection of Duty on Timber and other Lumber," and the second [No. 1433] intitled "an act to establish sundry Regulations for the future disposal of Timber and other Lumber cut on crown lands."

Each of these acts contains a clause suspending the operation of it until Her Majesty's pleasure shall have been signified.

I transmit for your information the accompanying copy of the opinion of the Queen's Advocate, and of Her Majesty's Attorney General and Solicitor General, in answer to questions proposed to them respecting the act for the collection of Duty on Timber and other Lumber.

For the reasons assigned in that opinion, Her Majesty will abstain from confirming the act to which it refers. It will therefore not take effect, or come into operation as a Law.

The act to establish Regulations for the disposal of Timber and other Lumber cut on crown lands, must of course be disposed of in the same manner as the first mentioned act, to which it is supplementary and auxiliary. Even without reference to this conclusive objection, there would have been great difficulty in confirming this act. Without any previous intimation of the Royal Pleasure, it repeals a part of the civil List act; it grants, with no sufficient reason, extensive privileges to the owners of Mills in actual operation; and it does not require the payment in ready money of the fee required for the Timber Licence.

From the statement contained in your Despatch, and in the Reports accompanying it, I however conclude, that the present system of Timber Licences requires modification; that it is expensive in its working, and that, under shelter of it, frauds are committed which reduce the actual receipts much below their just amount.

As you are fully aware of these evils, I trust that you will be able to obviate them by adopting, with the advice of the Executive Council of New Brunswick, some such arrangement as that to which you refer in the latter part of your Despatch.

I have, &c.

STANLEY.

His Excellency Sir Wm. Colebrooke.

ENCLOSURE OF DESPATCH, NO 184.

Doctor's Commons, August 5, 1843.

My Lord,—We are honoured with your Lordship's commands, signified in Mr. Addison's letter of the 25th ultimo, stating that he was directed to transmit to us the accompanying letter from the Colonial Department, dated the 17th of June, together with its enclosures, on the subject of an act which was passed by the Legislature of New Brunswick in the month of April last, relative to the collection of Duty on Timber and other Lumber, and to request that we would take these papers into consideration, and report to your Lordship our opinion, whether with reference to the third article of the Treaty between this country and the United