

Why, then, are the children so joyless? It cannot be that they are to be harshly restrained, or ruled by fear; for a cruel discipline is no part of the French character, or the French educational practice; on the contrary, a French boy soon becomes his own master, and studies or lounges as he pleases. Is it not that there are no fire-sides—no homes? It seems a fine independent thing for a Parisian shopkeeper to dispense with the plague of domestic servants—take every day, with his wife, the freedom of the restaurant and the cafe; and when he shuts up his shop, leave it to take care of itself, while he lounges, or dances, or smokes, or reads a journal, or does all these in some public garden—or better than all, goes to the play. But the pleasures and comforts of children are of home growth, and require a home shelter. They are here only sad, wearied, wondering spectators of the gaities of their parents, which are all associated with coquetry, gallantry, and feeling akin to these, in which they do not participate; and though some amends is made by an early initiation into their essences and an earlier emulation of their symbols, still children, as children, have no food for their affections in the whirling kaleidoscope which dazzles them.

In Prussia children are happier, because they are under a stricter discipline; but England, with all its imputed sins of flogging and flogging, and excess of Latin versification, is the place where childhood is most happy in restraint, happy in indulgence, happy in the habits of obedience and respect, and filial love! You would not find such a set of care-worn, pale, unhappy faces in any charity-school in England, as you may mark in a throng of wandering, dissipated boys in the gardeas of the Tuilleries."

Communications.

[For the Gleaner.]

SEPTUAGESIMAL SERIES

ANYTHING AND EVERYTHING
By Physiologic Philomath, Esq., P. D.

NO. II.

I once saw, or heard, a professed philosopher posed by a little boy. The following is the tenor of the conversation in which occurred the catastrophe so fatal to the case of "Book-lore versus Simple Observation!"

Boy. Please sir, you have been telling us about the Comet; but what is its tail made of?

Philosopher. The tail, as you vulgarly term it,—more properly speaking *The Train*,—is a distinct mass of chaotic, but luminous particles, obeying a primary law of nature, in a twofold manner;—first, the said particles, together gravitating, labour to form a globular or spherical concretion;—secondly, the whole (though, because of their diffusion, apparently the greater) being, in reality, the lesser body, naturally tend to the nucleus, or comet itself,—though the said nucleus, or comet, because of its own velocity, flees as rapidly from the chase,—thus exhibiting, through the medium of our atmosphere, what appears to our vision as an orb with a tail, or train appended!!!

Boy. Well, that beats Dilworth all hollow! What in the world is the use of confounding one with hard words? Why, Mr Stronomy, did you ever see a red hot cannon ball fired off in the air on a very dark night?

Philosopher. Wherefore do you ask, sir?

Boy. Because I would like you to see a comet in miniature. The red hot cannon ball would be the nucleus, as you call it;—the stream of light it would leave behind it, the train. Hurrah for our side! and down with philosophy!

Further note or comment this simple relation needeth not. The youngster's imaginative artillery explodes the veteran's magazine of learning, throwing, meanwhile, more light on the subject than would a thousand tapers lighted at the shrine of science. Not that comets are red hot balls; or orbs of fire. Fire feeds on combustible matter, which diminishes in quantity as its insatiate consumer triumphs. But comets are as bulky now as ever they were:—ergo, and so on.

We might as well suppose the restless ocean to be overcome of heat, because of the phosphorescent smiles that illumine her wrinkled countenance.

But pray, Mr Author, do you uphold that saucy little urchin in opposition to a gentleman of parts?

I have nothing to do with parts, Madam!

Well, I do declare, sir, I don't know what you're like!

Nor do I, Madam; but I do profess to know what a Comet is like!

Of all things in the world, sir, do—oh do tell me.

Well, madam,—(yes sir!)—a Comet ma-

dam—(yes sir)—is like, madam,—(like what, sir?)—a monkey, madam!

A monkey, sir?

Yes, madam!

What do you mean, sir?

Precisely, what I say, madam!

Be so good as to explain, si!

Well, madam, a Comet has a tail, has it not?

Certainly, sir!

And so has a monkey, madam! Good morning!

END OF NO. 2.

JURISPRUDENCE.

Mr. Pierce,

A few days ago, after returning from our Court House, an article in a late Nova Scotian, under the head of Jurisprudence, from the pen of its highly talented Editor, the champion of Reform, and expositor of abuses in high places in the adjoining colony, caught my attention, and although he disclaims allusion to any particular locality, yet from what I had seen shortly before in the Court House, I could scarcely drive the idea from my imagination, that the remarks were intended especially for this section of the country. I enclose the paper containing the article, and will feel obliged by your giving it a prominent place in your paper of next week. I particularly call the attention of some of our Judges of the Common Pleas to the article, and request them to read it over two or three times, and after having done so, I put the following question to them: "Whether the public, with their 'thousand eagle eyes,' have lately caught any of them smiling at the eloquent harangues of one attorney, while to the other their bearing has been all stern gravity?"

From what I have seen and heard in England and other countries, and from what I have seen and heard in this "ere" country, I think although our Courts are said to be a transcript as near as possible, of those in England, yet in their transmission to this country they have become bastardized to an alarming extent. Of course this is simple sort of argument, but I have high authority for it, as it is the late reasoning of a very learned Judge.

Your obedient servant,

PINCH.

Newcastle, February 1, 1845.

"Perhaps an impartial and faithful administration of the jurisprudence of a country, is more essential to the liberties of the people, than is either legislation, or the administrative policy of the Executive. And although legal tribunals may derive their authority from the Legislature and the Executive, yet in Courts where Judges of integrity, and possessed of competent legal knowledge, preside, and where Juries are honestly drawn, the people will find the best protection against oppression, and a security against party prejudice and animosity, which too often predominate in parliamentary bodies, and greatly bias intriguing politicians, who may conduct the general Government."

"Wherever party feeling is running high, as it necessarily must in all free countries, it is indispensable in Courts that nothing should lead to a suspicion of political influences operating upon the Bench. How much sorer party dissensions may prevail at the Bar, the Judge should be, like Goldsmith's cliff, above the storm, with the 'eternal sunshine' of justice not only 'resting on his head,' but giving lustre to his decisions. Whatever favourites he may have among the members of the Bar in private, he should have none in the open Court: he should not for some of them have a perpetual smile, while towards others his countenance is ever 'sternly grave.' The public have a thousand eagle eyes, which are ever scrupulously watching the tribunals of justice; and if once partially or lavishly perceived, popular respect is withdrawn, and confidence is no longer entertained for decisions, that emanate from Jurist who are influenced by party predilections."

"It is also important that a Sheriff, who has so much to do in the empanelling of Juries, and in filling the box upon a prayer for a tales, should be an individual of too much integrity to be influenced by Party motives. He should possess such a character of unwavering rectitude and honesty, as will elevate him above all suspicion of bias in the performance of his official functions. His duties, as the principal officer of the Court, are such that he should avoid everything that, by the remotest possibility, could be construed into a party bearing."

"But there is nothing more essential to an impartial administration of justice, than that all other persons eligible to serve should be on the Jury List. For instance, where men of experience, character, influence, and property, who refuse to be the tools of a particular party and therefore excluded from Grand Juries, while very young men, who have no other personal qualification than zealous partisanship to recommend them for judicial duties, in which the interests of a whole community are deeply involved, are selected to form the Grand Inquest of a County, dissatisfaction must ensue. There sometimes arise cases in Court that may have grown out of party strife; and when a Special Jury is to try it, if the Grand Jury

lists greatly preponderate in favor of one Party, nothing like justice or fair play can either be hoped for or had. It is also a fact, where the principal officers of a Court have strong political leanings, even Petit Juries are occasionally so drawn as to create suspicion, and compromise the interests of litigants. In these remarks we are making no allusion to specific cases, or to particular countries or localities. We are arguing for impartial justice upon general principles, and not adverting to instances that have occurred, but showing what must be the necessary result of political and Party influences finding their way into Courts, and polluting the channels of legal justice."

"A Judge in an English Court is placed in an important and sacred position. He holds his office for life, and is made as independent of the Crown as of the subject. While it is his business to so perform the duties that pertain to the ermine he wears, as to check the movements of popular sedition, he is equally bound to guard against any encroachment which the Sovereign may make upon the liberty of the most insignificant individual in the realm. In all cases, an upright Judge, while on the bench will show as much courtesy, and have as many smiles for one Barrister as for another; and where the Bench and Sheriff impartially perform their respective duties, we shall seldom hear of packed Party Juries, or of the existence of suspicions in the public mind, as regards the fair and unbiased exercise of those judicial functions, which transcend in importance the wisdom and equity of the Legislature, and the policy of the general Government. Statesmen and courtiers necessarily enter into party combinations, and, without loss of reputation, pandering to the passions and prejudices of the multitude; or court the favour of those in high places; but a Judge must studiously avoid all popular or governmental influences, and in his office, know nothing but the Law, and the immutable principles of justice upon which law is supposed to be founded. A Judge possessed of the requisite legal and moral qualifications heeds not the petty party squabbles around him, expresses no opinion of conflicting political views, nor even in his social intercourse with mankind, leaves room for the suspicion that his decisions could be possibly influenced by any motive but that which is as pure as the dews that descend from Heaven."

Editor's Department.

MIRAMICHI:

CHATHAM, TUESDAY, FEBRUARY 4.

MEETING OF THE LEGISLATURE.—The Legislature of this Province met for the De-patch of Business on Wednesday last. The following is the Speech of H's Excellency on opening the Session:—

Mr. President and Gentlemen of the Legislative Council,

Mr. Speaker, and Gentlemen of the House of Assembly,

I have convened you at the usual period of the year for the consideration of the affairs of the Province, relying with full confidence that your labours will be resumed in a spirit which will attest your zeal for the Public welfare.

You will participate in the lively gratification which the birth of a Prince has afforded to the Queen's subjects in all parts of Her Dominions, and in thankfulness to the Almighty for Her Majesty's health and safety.

Of the measures for which provision was made in the last Session, none have been of greater interests to the people of every class, than the inspection of the Parish and other Schools throughout the Province. This duty has been satisfactorily accomplished, and the Reports of the Inspectors will be laid before you.

The correspondence which I have held with Her Majesty's Government on this subject, containing the observations of her Majesty's Privy Council for Schools, will also be communicated to you. The reports of that Board contain original information of great value, and I earnestly hope that the Session will not be allowed to pass, without the adoption of an improved system for the management of the Parish Schools, founded on those principles which have been successfully applied in the United Kingdom.

Some amendments are found to be required in the Acts of 1843, for ameliorating the Criminal Laws; and I regret that the increase of Juvenile delinquency and vagrancy has rendered necessary some special enactment for the reformation of that class of offenders.

In adverting to measures which it had not been found practicable to mature, a correspondence will be laid before you relating to the Act of 1843, for improving the Election Laws, which Act her Majesty in Council has been pleased to confirm and I request your attention to the amendments which the Act is considered to require.

The Laws relating to Prisons and Debtors, and for the regulation of Savings' Banks will also require some revision.

From the defective state of the Provincial Lunatic Asylum, some Reports have been obtained which will be laid before you, in which it is recommended that more suitable accommodation be provided for its inmates.

Her Majesty's Government having sent a Survey, to be made for a new line of Road to be carried through this Province to Quebec, I recommend to you, in accordance with the instructions I have received, that such facilities may be given for the settlement of the Lands adjacent to the Line as will provide for keeping open the Road when completed.

The importance of making more effectual provision for improving the Communications throughout the Province, and the Navigation of the River St. John, will also be apparent to you.

Mr. Speaker, and Gentlemen of the House of Assembly,

I congratulate you on the great improvement which has taken place in the Revenues of the last year, not only affording relief to the public burthens, but as enabling you to foster those interests which depend on the public contributions.

The Accounts of the last year will be laid before you from which you will perceive that every attention has been given to economy, where it could be promoted without injury to the Public Service.

The ill effects which have arisen from fiscal restrictions on the Trade with the neighbouring Provinces is a subject which I hope will occupy your attention.

Mr. President, and Gentlemen of the Legislative Council,

Mr. Speaker, and Gentlemen of the House of Assembly,

The favourable change which has occurred within the last year in the Commercial prospects of the Province, had a beneficial influence upon other branches of industry, while it has shown the close relations subsisting between the prosperity of the Colonies and of the Mother Country.

Acknowledging with gratitude our dependence for these and other blessings on the bounties of a beneficent Providence, I fervently hope for their continuance, and that the measures of the present Session may conduce to the honour and advantage of the Province and be productive of lasting satisfaction to yourselves.

The Loyalist of Thursday, thus speaks of the sayings and doings of members.

"After the return of the Members from the Council Chamber, they were chiefly occupied in routine business, but on one or two occasions they seemed ready to break out into debate about the late appointments. However, as some of the leading Members seemed to think the proper time was not yet come, they forbore. Some discussion was next elicited of rather an interesting nature, about 'Responsible Government,' which will appear in our next among the debates. Next came up the Contingencies, on Taylor moving that a Committee on Contingencies be appointed. Several Members here expressed themselves against the measure, and proposed that the Clerk of the House should propose every thing necessary that can properly come under that head, and at the close of the Session present his Bill, which, if the House could then pay. Mr Taylor then withdrew his motion, and the following resolution (by Mr Bartelow) received:—

"Resolved, That the Clerk of the House be instructed to make up an account of the Contingencies of this House at as early a period as practicable at the present Session, and that the same be reported upon by the Committee of Public Accounts to the House for its action thereon, before a grant be made therefor."

TRIAL FOR MURDER AT ST. JOHN'S. Patrick Mullin, and two others, have been tried at St. John for the murder of Mr Yerxa, an account of which we published a few weeks since. He was found guilty of Manslaughter, and the other parties acquitted.

Sentence—eighteen months imprisonment, with hard labour in the penitentiary.

NOVASCOTIA.—The Legislature of the sister Province was opened on Thursday last. The following is Lord Falkland's Speech on the occasion:

Mr President, and Honorable Gentlemen of the Legislative Council;

Mr Speaker, and Gentlemen of the House of Assembly,

It is gratifying to me that the state of the public business has again admitted of my calling you together at a moment when the duties required for the discharge of your Legislative functions will interfere less with your ordinary