

Communications.

TO THE PUBLIC.

I address this letter to all, as it relates to a matter in which all are, or at least should be, interested. The due execution of the laws, by those in authority, is a subject which readily comes home to every one. When they are impartially administered, every member of the community feels a degree of satisfaction; but when they are wilfully violated, every person feels the insult and the injury. Society, then, are linked by a common duty to a common purpose:—to watch over, to preserve inviolable, and to guard as sacred, the rights, the liberties of all, even the meanest individuals. When laws are just, there is a constant appeal as well to the passions as to the understanding, to promote their lawful execution,—to feel jealous of their slightest violation. The case of one individual interests all, because it may be their own. Jealousy, then, ceases to be criminal,—it becomes a virtue. A constitution framed in wisdom, and based on virtue, has provided in the public Press the most formidable censorial power ever exercised over executive Magistrates. It penetrates their minutest actions,—influences the whole tenor of their life,—weighs their public character,—denounces or applauds their public conduct. But this blessing like all others, is liable to be abused. It had been of more than human contrivance, if wicked men could not use it for wicked purposes. It may minister as well to private malice as to public justice;—it may become the vehicle of vile abuse, equally with just indignation;—it is as much the weapon of the assassin as the soldier. By its public character may be slandered, as well as public rights protected. If, then, there be one person more base than another, it is he who, whether through malice or ignorance, traduces the character of public men; and if this benevolent feeling be indulged in behind the screen of darkness, "it does honor to his heart"—it betrays a true greatness of soul.

I have been led to this train of thought by perusing the communications of a writer styling himself *Civis*; who, with a degree of modesty which seems truly unaffected, has impugned the character of a public man. Before, however, he had extended his charity to a suffering public, to warn them of the viper they were cherishing—before he had opened the fountains of his heart, to send forth its stream of undying affection, he should have consulted his understanding, to ascertain if his own character were worth the preservation. There is a generosity bordering on rashness, which induces disinterested minds to offer themselves sacrifices on needless occasions, for the public weal. It becomes the more valuable, on account of its singularity in an age of selfishness. If *Civis* had made himself fully acquainted with all the facts of that transaction, he would have reserved himself as a victim on a more dignified occasion. If (which there is reason to believe) he concealed part, and disclosed only what would answer his purpose, the public may judge of the value of the sacrifice, by a statement of the remainder. I have been at some inconvenience to ascertain the true facts of the case, which I also "unhesitatingly advance for the truth," the whole truth, and nothing but the truth.

On the second day of November last, about midnight, two individuals were discovered in the act of making off with a schooner, the property of William Scott. They did not succeed. One was arrested; the other contrived to escape. On the following morning, the prisoner, who called himself John Arne, of the "Lord Glenelg," was examined before John Wheten, Esq.; the depositions on oath of Scott, and two other individuals who had aided in arresting Arne were taken,—the voluntary deposition of the prisoner was also taken. The Justice was perplexed whether the offence amounted to larceny; the Clerk of the Peace, whose duty it is by law, to assist Justices on such occasions, was sent for, but he was absent on a visit to Halifax. The Justice consequently was obliged to decide according to his own knowledge of the law. Justices are not, neither are they presumed to be, lawyers. It was concluded that the offence was felony, and the man was committed. On the return of the Clerk of the Peace, the affidavits of the witnesses, and the deposition of the prisoner, were laid before him, and his opinion was requested as to the propriety of the course pursued. His answer, as Clerk of the Peace and Crown Officer, was, that however appearances might evidence a felonious intention, yet, in his

opinion, the facts disclosed did not amount to larceny; the asportation was insufficient—it was a mere trespass, the commitment was not justified, and that as an officer of the court, he could not conscientiously prefer an indictment. He further advised the J. P. to discharge the prisoner. Acting upon the advice of a man at the head of his profession and also I presume a legal adviser of Justices of the Peace in criminal matters, an order of discharge was directed to the Gaoler and Arne set at liberty. An indemnification was offered to and accepted by him for the involuntary mistake which led to his false imprisonment.

Such are the facts connected with Arne's case—such are the facts which must justify or condemn the imputations and insinuations of *Civis*. I am uninterested in the result, but the same motives which would lead me to denounce the magistrate if acting through malice would induce me to defend him if erring through mistake. It is of as much importance to know that magistrates act from upright and honorable principles when they are accused of corruption, as that the liberty of the subject has been invaded under the sanction of authority, or that the spirit of the law has been set at defiance while the forms have been obeyed or recognised. Guilt has a foe and innocence an asylum, while confidence can be placed in the integrity of the magistrate. He may err. The wisest of men may err. The present age can boast but of one perfect man, intellectually and morally. I believe it is sound doctrine that a magistrate is not guilty unless malice be an ingredient in the offence. He may be liable in civil damages but guilt is the consequence of the commission of a crime. Let us analyze his conduct and see if *Civis* be justified. A man is accused of felony and brought before a magistrate—appearances are against him—the magistrate is unable to receive that advice which the law in its wisdom has provided for him, and is obliged to act on his own experience. Two different courses of conduct suggest themselves; the adoption of one hazards his public character—of the other also his private interest. The latter course is pursued and for what purpose? of love of power? Its consequences forbid such an assumption; the conclusion is obvious, it needs no demonstration; the man was committed from a desire to protect society against such daring offenders. A legal opinion decides that the prisoner is not guilty in law of the charge laid against him; the Justice respects it and Arne is discharged. The only reparation which can be made is offered not as has been falsely stated, to an innocent man, but to one escaping justice by a technicality of law. Let the most zealous advocate for the people's liberties point out under the same circumstances a more laudable line of conduct and I doubt not, even the pen of *Civis* shall "record his praise." I leave it to the lawyers whether the Justice would have been justified had Arne been acquitted on a trial at law; Let the public decide whether his conduct was not marked with an equal tenderness for the laws of the land and the rights of the subject—whether it was not such as should distinguish the magistrate and cast no discredit on the man.

I owe it to the Public to state why after my introduction, I do not give my name. First, it is too insignificant to add any weight to this facts disclosed or arguments advanced. Secondly, I have not sufficient philanthropy to make myself an object for the exercise of the amiable feelings of *Civis*. But, if any one have the boldness to deny the facts above stated, I am prepared to authenticate them with evidence undefinable. The Public can require no more. Let them decide.

AN IMPARTIAL OBSERVER.

Richibucto, January 7th, 1847.

LINES.

Written on the Death of A. A. W., who departed this life at Shediac, January 2nd, 1847, in the 20th year of her age.

How few her years, how short her life,
Call'd like a rose, and borne away,
From pains and scenes of grief and strife,
To realms of uncreated day.

Her graceful mien, her modest air,
Her sense, and virtue so refined,
Her every wish was so sincere,
In life beloved, in death resigned.

But she's removed from grief and woe,
To seats of bliss, where seraphs raise
Sweet songs of triumph to the Lamb,
All lost in wonder love and praise.

Farewell! But while we thus lament,
And fain would have thee longer stay,
'Tis for thy good thy Saviour sent,
To take thee to himself away.

Now thou art gone, let us prepare,
While life is spared to follow thee,
By Holy life, by faith and prayer,
In Heaven, we hope thy face to see.

J. C.

Cocaigne, January 9th, 1847.

Editor's Department.

MIRAMICHI:

CHATHAM, TUESDAY, JANUARY 19, 1847.

The Subscriber having been compelled to consume a large amount of time, and incur considerable expense, in his too often fruitless endeavours to collect his far-spread Outstanding Debts, hereby notifies all persons to whom he is not indebted, and with whom he has not a running account, that orders for Advertising in the Gleaner, and for Printing, in future, must be accompanied with the CASH, otherwise they will not meet with attention.

JAMES A. PIERCE.

Gleaner Office, October 23, 1846.

COUNTY WESTMORELAND.—We have received information from a very correct source, that a Steam Boat has been recently purchased in Britain by Messrs Scovill's, of Shediac, which may be expected there early the ensuing spring, which in addition to the towing of logs and other lumber to and from their Steam mill and shipping, will also run as a regular weekly Packet between Shediac, Bedeque, Charlotte, Town and Pictou. Such a speedy and direct conveyance will be of infinite utility to the travelling public. We trust that arrangements will be so made, as to afford individuals arriving here with the mail on Saturday, an opportunity of visiting each and every of the above places if so disposed, and meet it again on its return on Sunday week following, giving also our neighbours on the Southern side of the Province the privilege of enjoying a similar treat. We wish the spirited proprietors of this enterprise every possible success, and hope that the Provincial Assembly of both this and the sister province, as well as that of P. E. Island, will grant and bestow on them commensurate encouragement.

During the past year no fewer than 13 interments have had taken place in the Shediac Burial ground, the greater part of whom were children. Since the commencement of the present, two others have been called away from time to eternity.

MEETING AT QUEBEC.—A meeting of the inhabitants of Quebec was held at the city Hall on the 7th instant, to take into consideration the establishment of an Electric Telegraph between Halifax and Quebec, when a series of Resolutions were passed, from which we select the following:—

That the political and commercial connexion between the United Kingdom of Great Britain and Ireland, and Canada, renders the sure and speedy conveyance of intelligence between them, of great general importance.

That the line of royal Mail Steamers from Liverpool to Halifax has, for several years past conveyed the earliest intelligence from the United Kingdom and Europe to North America, which will probably continue to be the case, Halifax being the nearest port on this continent to Great Britain and Ireland, open at all seasons of the year.

That the establishment of a Line of Electric Telegraphs from Halifax to Quebec, and prolonged throughout Canada, would furnish the most important part of the intelligence brought by the said line of Steamers several days earlier than it can be conveyed through any other channel.

That the establishment of such a line by the Post roads to New Brunswick and Nova Scotia, or by such other route, within British territory, as may be found most eligible, the distance being about six hundred miles, might be effected at an expence not exceeding £25,000.

That the cost from Quebec to the Province line of New Brunswick is estimated at £6500.

That a Joint Stock Company be formed and Books of Subscription now opened for the purpose of raising the said capital of £6500, to be divided into 650 shares of £10 each, a

deposit of £2 per share to be paid on subscribing, and no person be allowed to take more than 20 shares until after the expiration of one month from the opening of the Books.

That a Joint Stock Company be formed, and books of subscription be now opened for the purpose of raising a capital of £24,000 in shares of ten pounds each, making 2400 shares 800 to be reserved for Quebec, 800 for New Brunswick, 800 for Nova Scotia, no subscriber to be allowed more than 50 shares, until after the first month after the opening of the books.

That so soon as 400 shares are taken up, a meeting of Shareholders be called to appoint Directors, with full powers to act for the benefit of the Shareholders, and that a deputation or agent be sent, if requisite, to New Brunswick and Nova Scotia, to promote the formation of similar Companies there, and that petitions be presented to the Legislature for an act of incorporation, on such terms as the Directors may deem most advantageous.

MEXICO.—The following extract of a Letter from an officer belonging to the Louisville Legion, presents a most frightful picture of the doings of the American volunteers serving in Mexico:—

"If you would witness wickedness and vice, drunkenness, and all the vicious propensities of the human heart—if you would see the worst passions, with which our fallen nature is cursed, in their most odious colors, the American camp, I grieve to say, is the place where you may behold them. Full many a bright and promising youth, who looked forward to a life of usefulness and honor, may date his ruin, it is greatly to be feared, to this campaign—the grand school of vice. The ingenuous mind shrinks appalled from the revolting scenes daily exposed to view. Pity, indeed, I have frequently thought it were, that a victorious army should be composed of such unprincipled materials."

GOOD ADVICE.—John Dow, Jun., in one of his recently published sermons, gives the following piece of advice to the female portion of his flock:—

"The buxom, bright-eyed, rosy-cheeked, full-breasted, bouncing lass—who can darn a stocking, mend trousers, make her own frocks, command a regiment of pots and kettles, feed the pigs, chop wood, milk cows, wrestle with the boys, and be a lady withal in 'company,' is just the sort of a girl for me, and for any worthy man to marry—but you, ye pining, moping, lolling, screwed-up wasp-waisted, putty-faced, consumption-mortgaged, music-murdering, novel-devouring daughters of Fashion and Idleness—you are no more fit for matrimony than a pullet is to look after a family of fourteen chickens."

"The truth is, my dear girls, you want, generally speaking, more liberty and less fashionable restraints—more kitchen and less parlour—more leg exercise and less sofa—more pudding and less piano—more frankness and less mock modesty—more breakfast and less bustle. Loosen yourselves a little; enjoy more liberty, and less restraint by fashion—breathe the pure atmosphere of freedom, and become something nearly as lovely and beautiful as the God of nature designed."

EMIGRATION TO NEW BRUNSWICK.—A late number of the New Brunswick Royal Gazette contains an abstract return of emigration to New Brunswick during the year ending 31st December, 1846, shewing the whole number which arrived during the year to be 9,765, nearly half of whom were females. The New Brunswicker says:—

"New Brunswick, however, benefits little by immigration, as we do not believe that out of the whole number mentioned above, 500 settled in the province. And so it will ever be under the present vexatious and troublesome system of obtaining lands in the country. This subject deserves the serious consideration of the new Assembly."

HAYTI.—The new constitution of this state prohibits a white man from becoming a citizen of the republic, and from holding any real estate.

LATE LORD METCALFE.—A meeting was held at Montreal on the 28th December, to consider the propriety of Erecting a Monument, to testify the gratitude which so many feel, for the benefits conferred on the Province by the lamented Governor, the late Lord Metcalfe; when a Committee was appointed to prepare Resolutions to carry out the object of the meeting.

RAILWAY SURVEY.—We copy the following highly interesting notices of the progress of the railroad survey, from the New York Albion of the 9th instant.

We have been favoured with the following extract of a letter received from Saint John, quite recently.

"The railway survey (I should rather say 'exploration') terminated abruptly this season