

for. But I suppose they like better to deal with small matters, as they have more than once shown an aversion to deal with anything great—for instance, the seven millions. But when they take a notion to be liberal, they are nowise particular; they have heretofore, and I believe some of them would yet if they were not well watched, put their hands into their employers' pockets, and give away money by the hundreds, to any clever fellow they may take a notion to, while at the same time they take especial good care of themselves.

Look at their actions in reference to public salaries. The Judges and Postmasters, or functionaries of a like nature, whose offices are of vital importance to the public, or well being of society, are sure to be hauled over the coals. Now to tamper with the Judges, and force them to become political partisans, which assuredly they must become, if the present system is pursued, is most dangerous. Above all, let the ermine of justice be untainted. Let them know no party or person, and be in a position to care not what party rules. I would give each of them one thousand pounds a year. Place them in circumstances beyond the danger of bribery; it would have a talismanic influence throughout the Bar, as every Lawyer might conclude, that if he be not straightforward in his dealings, and obtain for himself a character that will bear scrutinizing, he need not expect to arrive at the zenith of his profession. It would then become an object worth contending for. Abolish the Court of Chancery, and the disgraceful Courts of Common Pleas, which I shall notice more fully hereafter. Give them work to do, and let them discharge their duty faithfully to the public, and I am persuaded no honest man would grudge the above named sum, as a reward for their labours. But I am sorry to say I have seen some of our Judges fall far short of a faithful discharge of their duty. Is it not a notorious fact, that in almost every case occupying any length of time, that the Court is dismissed for dinner; and should not intervene before the case is got through with, the Jury sitting thereon is allowed to mingle with the crowd, and have their minds prejudiced; emissaries are frequently sent in among them, and it is no uncommon thing for Jurors to lodge in the house of Plaintiff or Defendant, and to sleep in the same bed, when the merits of the case is fully discussed; and on these occasions inducements are held out, or words fully spoken, equally potent as proffers of gold; and notwithstanding the glowing eloquence and powerful reasoning of gentlemen of the Bar, together with the grave charge of a Judge, I tell you Sir, there is more done out of doors in ten minutes, to sway the minds of Jurors than Judge or Lawyer would effect in twenty-four hours.

I have said, Sir, the Judges were to blame. It cannot be possible that they are so little acquainted with human nature, as to think for a moment that a Jury rambling round the streets, mixing with the crowd, or perhaps meeting with their fellows at a bacchanalian board, where any case pending is sure to be tried, argued, and decided in favor of one or the other, with as much *sans froid* as a case is done up in court. Now, this kind of work is not chargeable on one place or county, but is acted more or less, throughout the Province. This should be remedied.

I have seen in other countries, when a Jury was impanelled to try a cause, and it occupied more days than one, the Sheriff was ordered by the Judge to find a room for the Jury to occupy by themselves, a Constable sworn to attend them, charged on his oath, to allow no one to speak to any one of them, and not to speak to them himself, but in case of providing them with meat and drink. Likewise a Constable to attend them to and from their meals; and further, a Constable sworn to attend outside the court house, to prevent baskets of bread and liquor being hauled up to the jury room, for the purpose of brightening their ideas and assisting them in making up their verdict, and I see no reason why our Judges might not do the same, if it is their desire strictly to carry out the ends of justice. It is truly ridiculous to see the farce sometimes practised in Court, when it happens that a Juror is obliged to leave his box to answer a call of nature, the Judge ordering a constable to attend him, and a few minutes afterwards, allowing each and all to go helter skelter, where they pleased.

Fearing I have trespassed on your space, I shall conclude, and in my next call your attention to the Post Office Department.

OBSERVER.

THE WAY THE SESSIONS TREAT THE APPOINTMENTS OF THE PEOPLE.

By the Act of 13 Victoria, chapter 30, the Ratepayers in the several parishes are empowered to meet, and elect certain Parish Officers therein named, by the fifth section of that Act, it is provided that after such election, a correct list of such appointments shall be made, certified by the Chairman, and attested by the Town Clerk, and forthwith forwarded by the latter Officer to the Clerk of the Peace, "to be laid before the next General Sessions at the opening of the Court." By the sixth section it is imperative that "the Person so selected and certified shall in all cases be confirmed in their offices by the General Sessions, and shall continue in their Offices for one year." The seventh section provides for the occurrence of certain emergencies, viz., "that if the Rate Payers of any Parish fail so to elect the Officers as hereinbefore provided, or shall not elect a sufficient number, or if no certified list be laid be-

fore the Court the General Sessions are authorized to make the appointments."

Such is the Law—now for facts. The Town Clerk for the Parish of Newcastle gave the necessary notice—the meeting was duly held—the appointment of officers made—the list certified by the Chairman, attested by the Town Clerk, and forwarded to the Clerk of the Peace on the morning of Tuesday the 11th of January, being the day on which the Sessions opened; on the following day it stood on the files of the Court, and on the following Thursday week, being eight days after the list was so filed in Court, the Sessions made the appointments; but instead of confirming those made by the People as required by Law, made two important changes in the same, or to use the words of a Magistrate deeply implicated in the act, "we set aside your list altogether, and made such appointments as we saw fit"—on being asked the grounds for such an extraordinary course, the reply was, "Your list is informal, inasmuch as it is not sworn to by the Town Clerk" which we consider is meant by the word *attest* in the Act, and it was not in, at the opening of the Court—but he did not pretend to say, that the Commissioner of Highways that they removed, was unfit to perform the duty; nor that the person they appointed as Assessor would give the People more satisfaction than the Gentlemen they superseded.

Admitting for sake of argument that both these objections were correct; were they such as to justify the course pursued? Are either of these the exceptions provided for, and above referred to in section seven, for, by this Act, and on the occurrence of which events, the Sessions have alone the power to make such appointments.

As to the first objection, it could not prevail, inasmuch as the *certified list* was before the Court at least eight days before the appointments were made. And as to the second, it is an objection so ridiculous, and so fallacious, as almost to exceed the belief that it emanated from a body of respectable individuals, holding the important situation of Magistrates of the county. Can it be possible that they really believed in the objection that they made—were they ignorant of the definition of an English word, so common, that even the Clock Pedlars, who vend their wares in our country, use *attest* in preference to the word *witness*, when they require to take Promissory Notes; and the school boy who would fail to pronounce those terms as synonymous, would be voted a dunce.

Whether such objection was taken in sincerity, or otherwise, will depend whether the conduct of the Magistrates deserves our censure or our pity; and in either case, our position is to be regretted. If sincere, they may be free from the more serious charge of an additional wrong, while they remain fit subjects of pity for their ignorance: if insincere, then they merit our contempt for assuming a position that is unjustifiable, while defending it by arguments so shallow and artificial; and in either case, whether such objections are honestly taken or otherwise, our position is not an enviable one, as we are under the control of a body of men whose acts warrant us in the belief, that they are either deficient in the information to interpret our laws aright, or are wanting in the integrity necessary to administer them with justice.

But assuming that one or both of those objections were valid, was the conduct of the Sessions such as a body of prudent men would have pursued, or is it not such as we might have expected from tenacious occupants of office, and power, who perceived in the extension of popular privileges, and the progressive spirit of the age, that their power is fast passing into other hands, and that their antiquated existence could not much longer be tolerated—like the drowning man grasping at straws, they seek to annoy the people by assuming a power they cannot sustain, and thus excite only their contempt—How much more generous—nay how much more just, would it have been for that august body the Sessions of Northumberland, in a case where it was apparent that the spirit, if not the letter of the Law had been complied with, to have said by their acts to the Ratepayers of Newcastle—Supposing your list is not in strict conformity with the letter of the Law, still we will show you by confirming it, that we seek not to interfere with a power which you value as a privilege; nor arrogate to ourselves by a quibble of the Law, or informality or neglect of an officer, a right which you claim as your Prerogative; such a course would at least have merited the respect of the people, even tho' I am forced to admit, that it would have been at variance with many of the previous acts of the Sessions.—I do not mean to imply that all that body merit the censure contained in these remarks, on the contrary there are several Gentlemen, a minority of the Bench whose good intentions are too frequently over mild but whose efforts for the public good entitle them to credit.

What are we to do under these circumstances?

This question I have frequently been asked by the Rate Payers, whose privileges have been interfered with, and it is one that is at present exciting a good deal of attention in this parish. I would beg to suggest what appears to me to be the duty of parties interested.

The privileges of the Rate Payers being assailed, it is their duty to resist the first attack upon them, no matter from what source it may spring, nor whether it may arise from private spleen against an individual, or be caused by the attempt of an irresponsible body to gain power that should be vested in

the People; forbearance in such a case ceases to be a virtue; and the toleration of such high handed acts sounds the death knell of popular privileges. The Officers appointed should refuse to qualify or act, until their appointments are legalized, for the following reasons: first, because their privileges as Rate Payers have been grossly violated, and they should not either directly or indirectly, sanction the act. Secondly, because their resistance now may prevent the recurrence of such a violation of the law. And thirdly, because, if they do qualify, and act under the present appointment, and if I am right in assuming it to be illegal, their personal liability for acts done under an illegal appointment, would scarcely be doubted.

It may be said that the Magistrates will prosecute parties for the fine imposed for not qualifying, and that the illegality of their own act, will not be sustained by them. I admit the force of this argument, although I believe there are gentlemen in the Commission, who are above such a course, and who despise as heartily as the people do, some of their associates. To remedy this objection, I would suggest, that the Legal opinion of the Attorney General be obtained as to the validity of the appointments; and should he pronounce them to be illegal, no Justice of the Peace in the face of such decision, will dare to convict, and should he do so, his decision would be reversed. But it will be necessary to go further, if the appointments are illegal, then we have no officers, and the Sessions even if they felt inclined, have no power to confirm the list, and the only provision in the law, which would at all come near the case, is where parties appointed refuse to qualify, two Magistrates may appoint others in their stead; but while this course might give us Officers, if they could find persons who would act under such circumstances, it would deprive the People of the privilege of having the men they had elected.

The remedy that I would suggest would be an application by Petition to the Assembly, to pass a bill confirming the appointments, made by the people, which I doubt not would be complied with, and would at the same time attract the attention of our Legislators to the impropriety of requiring any confirmation of popular appointments from a body of men, whose feelings are antagonistic, and whose acts are generally hostile to the self-government of the People.

How different would our position now be had we succeeded in our efforts of securing Municipal Institutions in this County—Our Parish would not be as it now is without Officers—The appointments of the Rate Payers would not thus have been set aside—The recommendations of the Grand Jury disregarded as they have been, and the Local Authorities of the County brought into contempt, or if they were, the People would have the remedy in their own hands, and the annual election would remove the evil—Let us then urge upon our Representatives to get the Municipal Law amended, so that we can avail ourselves of it, and by its adoption, at once, and for ever supersede the interference of the Sessions in the Civil affairs of the County. Let it not be longer said that while it has been in efficient operation in Canada for years, is now in force and working well in Carleton in our own Province.—is sought for by all parties in Nova Scotia—that we in Northumberland are unfit for it. Such acts as I have just recorded, afford ample illustration of the necessity for such Institutions.

A RATE PAYER.

Newcastle, 2nd February, 1853.

FRIDAY'S MAIL.

EUROPE.

FOUR DAYS LATER FROM ENGLAND.—The steamship Arctic, with Liverpool dates to the 12th instant, arrived at New York on the 29th, with 49 passengers. The following items of news have been received at the News Room, by the Quebec line.

The Africa arrived home on the 9th inst. The Herman left Southampton for New York on the 10th.

Cotton was unchanged and quiet. Grain was dull, and in limited demand at previous rates.

Flour sold slowly, and was rather easier. The new Cunard steamer Alps had reached Liverpool, and would leave for New York on the 3d of Feb.

The contest between Mr Gladstone and Mr Percival for the representation of Oxford University, continues doubtful. The Election keeps open for some days.

The over-due Mail Steamer from Australia, with upwards of £1,000,000, had arrived in England.

Forgeries to the extent of £100,000 by a London Commission Merchant named Peys had been discovered on the house of Callman & Stifford, of London, who had become consequently bankrupts, with liabilities to the extent of £300,000. They transacted a large Commission business for the United States. The forgeries are supposed to have influenced the late extraordinary transactions in the London Corn Exchange hitherto supposed to have been connected with the declaration of the French Empire.

The new Duke of Wellington has been appointed Master of Horse to the Queen.

The will of the late Duke of Wellington is stated for Registry at £800,000 only.

ITALY.—Francis Madiai, whose case has

excited so much interest, has died in Florence. A correspondent of the London Times says he believes he was poisoned. Madame M. remains in prison.

THREE DAYS LATER FROM ENGLAND.—Boston, Jan. 31st, 1853.—The steamship Africa has arrived at New York. She was detained at Liverpool by order of the Government, in order that they might send to Canada the decision upon the Clergy Reserves Bill, and important matters relative to Cuba and the United States, and the imprisonment of British subjects in Cuba.

Breadstuffs are reported dull. Corn was improving. Wheat one penny dearer. Flour 3d to 6d per barrel dearer. Cotton was improving, and rather higher.

It is said Kossuth will probably return to the United States.

The war at the Cape still languishes; the Kaffirs are not entirely quelled.

Lord Eldon has been declared a lunatic.

France is quiet. The death of Maidai in Italy, is not confirmed.

NEW BRUNSWICK.

ST. JOHN SUSPENSION BRIDGE.—We learn that Alexander L. Light, Esq., the Engineer in Chief of the St. Andrews and Quebec Railway, has been appointed to inspect the Suspension Bridge prior to its being publicly opened for traffic, in place of Mr Wilkinson, who has not yet recovered from his late severe attack of illness. We understand that Mr Wilkinson is convalescent, but still exceedingly weak.

DOMESTIC MANUFACTURE.—Our attention was yesterday attracted to a new Piano Forte, the manufacture of J T Hunt which has been pronounced of an excellent tone and finish, and superior to any ever seen in this Province. It is a semi-cottage, circular front, with French legs. This fine instrument, for equality of tone and power, and certainty of touch, has received the encomiums of all who visited Mr Hunt's rooms, and is another proof that our artisans and mechanics are not behind those of any other country in skill and ingenuity.—Those who may be desirous, can see this Piano this afternoon at the ware room in Prince William-street.—New Brunswick.

TALK ON CHANGE.—The Liverpool Journal furnishes its readers from time to time with opinions expressed on Change on various matters of importance to the mercantile community. The "talk" contained in the paper of the 8th January closes as follows:—

"The further talk was, that, among the undertakings ushered in with the year, the establishment of a regular line of packet-ships between this port and the city of St. John, N. B., maintains a prominent place; that the two well-known and respectable firms in that city who have united in carrying out this important enterprise, deserve well of their fellow-citizens—and that, as the arrangements on this side seem complete, success will be the result; that this line was much, very much, wanted, and that the merchants in this province, the shippers here, and the underwriters on both sides, will unite in testifying that they appreciate its value."

The weather has, for the last few days been beautiful in the extreme; bright, clear and bracing. Our streets and the suburban roads still remain entirely bare and dry; so that none but wheel carriages can be used. This on the first of February.—St. John Observer.

FROST'S HOTEL.—We learn that the new hotel now fitting up in King Street, will afford accommodation to one hundred lodgers, and that it will be a superior establishment in every respect. We understand that it has been taken by an American. The objection which stares us in the face in our New Hotels, is in the shabby looking entrances which they have. If the "Waverly House" and the Hotel now in question had front doors like that of the St. John Hotel, we believe they both would attract ten per cent more business. Who ever heard of a large Hotel out of St. John, with a small hole, or ordinary door way, to creep through? A sad mistake altogether. But perhaps we had better mind our own business.

NEWFOUNDLAND.

The Mail Steamer Ospray, arrived from St. John, N. F., on Sunday evening, dates received by her are down to the 22nd inclusive.

Intelligence had been received of the Loss of the brig Maomi, belonging to Messrs. Prenton and Munn, of Harbour Grace, bound from Cadiz to that Port, had the quarter-board, says the Post, with the name of the vessel upon it, was picked up yesterday, together with the dead body of one of the crew, at or near Outer Cove and the wreck of the vessel was beating about at Middle Cove. It is supposed the vessel had anchored, and that finding it impossible to save her in the storm of Monday night the people had taken to the boats, and, it is feared, have all perished, as the boats were seen drifting with the surf in a wrecked condition.