

Poetry.

A MOTHER AND HER ABSENT SON.

BY T. K. HERVEY.

Oh, that morn when he left us!—mine eyes are grown dim,
And see little that's bright, since they looked upon him;
And my heart, in its dulness, hath learned to forget,
But the light of that morning shines clear to it yet;
No record is lost of the far sunny day
When passed my fair boy like a spirit away.

We waited—how long—but we waited in vain,
And we looked over land, and we looked over main,
And ships—oh how many, come home from the sea,
Bringing comfort to others, but sorrow to me;
In all those gay ships, oh—there answer was none
To the mother who asks if she yet have a son.

And he fell upon hope—until hope was denied—
Till our health of the spirit it sickened and died;
And his father sat down in his old broken chair,
And I watched the white sorrow steal over his hair,
And I saw his clear eye waxing feeble and wild,
And the frame of the childless grew weak as a child.

And the Angel of Grief, that overshadowed his brain,
Now wrote on his forehead, in letters of pain;
But I read the hand-writing, and knew that the breast
Of the weary with waiting was going to rest;
So he left a fond word for the lost one—and I,
I linger behind him to tell of my boy.

Shall he come to his home—perhaps sickly and poor—
And meet with no smile at his own cottage door?
Shall he seek his fair land, from the ends of the earth,
And find the fire quenched on his once happy hearth?
None to love him in sorrow, who loved him in joy?
Oh, I cannot depart till I speak with my boy!

I have promised to wait—I have promised to say
What grief was his mother's at going away,
Will he come?—will he come?—oh, my heart is
Grown old.

And the blood in my veins it runs languid and cold,
And my spirit is faint, and my vision is dim,
But there's that in my eye will be light yet for him!

They tell me of countries beyond the broad sea,
Where stars look on others that look not on me,
Where the flowers are more sweet and the waters
More bright.

And they hint he may dwell in those valleys of light;
That he rests in some home with a far foreign bride—
Oh, this world is a wide one! why is it so wide?

But they surely forget—which my sailor does not—
That I'm sitting while years in my lone little cot;
He knows—oh, he knows, if I may, I shall wait,
Till I hear his clear shout at the low garden gate;
He is sure his sad mother will strive not to die,
Till the latch has been raised by her lost sailor boy.

I believe that he lives!—were he laid in the mould,
There's a pulse in my heart would be silent and cold,
That awoke at his birth, and through good and
Through ill,
Has played in its depths, and is playing there still;
When its star shall have set, then that tide shall be
Dry.

And the widow be sure where to look for her boy.

THE FARMER'S WIFE.

BY JAMES T. BELLS.

Who hath a happier smile than she
Who waits on yonder sward,
Beneath the spreading walnut tree,
The coming of her lord.

Who makes his hearth gleam fresh and bright
When daily toil is done,
And sheds around a holier light
As swiftly fades the sun.

Who, open hand and hearted, meets
The cheerless fainting poor,
And kindly looks on all she meets
That pass her lonely door?

Tis she, the merry farmer's wife,
Who sits his chair beside,
And tells him what a happy life
It is to be his bride.

And when misfortune's cares arise,
And earthly hopes grow dim,
She'll point him upward to the skies,
And place their trust in Him.

Who rich in love, with goodness ripe,
Rules over land and sea,
Then blessings on the farmer's wife
Wherever she may be!

Provincial Legislature

HOUSE OF ASSEMBLY.

Monday, February 12.

ORPHAN SOCIETY.

The House went into Committee on the Bill to incorporate the St. John Orphan Benevolent Society. Mr. Hayward in the Chair.—On the second section being read, Mr. End said, that the object of this Society was a very laudable and philanthropic one; it had already done a great deal of good, and would, no doubt, continue to be a very beneficial institution, if managed as it now was; but still, in passing such a Bill as this, the Committee should look at the possible consequences of such an Act of Incorporation, if the management of the affairs of the Institution should hereafter get into improper hands. He had no apprehension of any evil from the direction of the present managers; but the rules and regulations of the Society ought to be such, as would be satisfactory to all the branches of the Legislature. The object of the institution was to stamp a character on many of the rising generation, by educating and bringing up a number of orphans of both sexes; and therefore its rules ought to be such as would effectually protect posterity from any danger or injurious influence. This institution was a very good one now, but it might hereafter become a nest of sedition, or of infidelity, if under the management of improper hands. He thought therefore that the bill should provide, that no rules or regulations should ever be allowed to go into operation in the institution, until they had first been approved and confirmed by the Lieutenant Governor and Executive Council. (Suppose the institution should hereafter become corrupt, as all human institutions might, (for even the Church of Christ had become corrupt in some countries,) and suppose also that the House of Assembly should become tainted too; (his propositions seemed to elicit a smile from Hon. Members, but such things might happen; they had occurred in others and possibly might in this;) and suppose a future corrupt House of Assembly would not interpose to throw down a corrupt institution, what fatal evils might not be the consequence? The Legislature therefore ought now to afford every protection to poor orphans; it was a fundamental theory of the Constitution, (though he hoped it never would prove to be the practice,) that whoever had power would abuse it if he could,

and therefore the Legislature should protect the community against the evil consequences of an abuse of this benevolent institution, by enacting that all their rules and regulations should be first submitted to the Executive, and approved by that body, before being put into operation.

Mr. Partelow (who had come into the House from one of the Committee Rooms during Mr. End's speech,) expressed his astonishment at hearing any debate on this bill. He (Mr. P.) had brought the bill into the House, and it had been so generally approved by Hon. Members, that he had conceived there could be no opposition to it, and had therefore consented that it should be committed during his absence on a Select Committee. He was quite surprised therefore, to hear the Hon. and learned Member for Gloucester opposing the bill, and wondered how he got into this Committee at all, because he was actually a nominee on the same Select Committee (the Charlotte County Election Committee,) as himself, and when the bill was committed that Hon. Member was in the Committee Room attending to his business there. But if there was to be any serious opposition to the bill, it would be better now to report progress, &c., because both that Hon. Member and himself (Mr. P.) were absolutely required to be attending to their duties on the Election Committee. He thought, however, that the Hon. and learned Member's argument would have no weight, because the Legislature would always have it in their power to put an end to any Act of Incorporation, if they should deem it necessary. He (Mr. P.) was not at all alarmed at any probability of such a very remote contingency, as that the House of Assembly might at some future day become so corrupt that they would not put an end to any corporate body, that might become so detrimental to society as the Hon. and learned Member for Gloucester seemed to fear.

Mr. End replied, that the Hon. Member for Saint John (Mr. Partelow) was a nominee on the Election Committee, as well as he (Mr. E.) and therefore he wondered how that Hon. Member got into his place here, when he (Mr. E.) had left him in that Committee; therefore they were both equally situated on that point, as both were nominees on the same Committee. He (Mr. E.) did not want to oppose the bill; he had commenced his observations with a commendation of its object; but there was a natural proneness in all things to decay, and this bill did not provide such securities for the best interests of the rising generation as it ought to contain; and therefore such a provision as he had suggested ought to be introduced into it. He could easily imagine a case, when such an institution might actually become a nest of sedition; and he could also imagine a case where even the House of Assembly might become so too. [Mr. Partelow: "Not in New Brunswick."] He (Mr. E.) hoped the day never would come when such a dreadful change should be known, and that the ashes of the patriots and loyalists who had originally settled this Province would never be disturbed in their graves by such a deplorable event; but such things had happened in other countries, and might possibly occur even here; and therefore it would be far better that such a guard as he had suggested should be adopted now.

Mr. Partelow thought that the Hon. and learned Member for Gloucester and himself had better pair off on this bill, and let the Committee settle it among themselves; or else progress should be reported, till after the Election Committee had adjourned.

Hon. Mr. Speaker thought the Hon. and learned Member for Gloucester had entirely mistaken the bill; the institution it referred to was merely a society to raise a fund, to afford relief to poor orphan children, and had nothing to do with the future interests of society. But the Hon. and learned Member had mistaken it altogether, and had gone into a thousand vagaries for nothing at all, which had no bearing at all on the subject, but merely gave him an opportunity of making a number of strong observations.

Mr. Weldon thought the argument of the Hon. and learned Member for Gloucester's most extraordinary one; that the Society might possibly become corrupt, and that the House also might become corrupt. The Hon. Member should have gone a little farther, and said that the people too might all become corrupt, which would be the natural inference in such case, as the general corruption of the people must be the cause of the other results. But it was pretty certain, that whenever the House might become so corrupt, as to refuse to prevent such an evil as that Hon. Member anticipated, it would be dissolved by the Executive, and an appeal made to the people for a better choice. Such a remote possibility of evil, therefore, it was quite unnecessary to mention. This Society was a very humane and charitable institution, and its object was highly laudable, and ought to be encouraged.

Mr. End replied, that he had uttered no vagaries at all, but had merely stated a possible difficulty, which should be guarded against. The bill provided that the affairs of the Society should be managed by a corporation, under certain rules and regulations, subject to future alteration; and that the President should be authorised to bind out the children as apprentices. The corporation undertook to take charge of the orphan children of the country, and to controul their future destinies; and therefore they ought to be under the controul of the Executive. This was no vagary, but was the same kind of regulation as prevailed in such matters in England.

Hon. Mr. Johnston said there could be no doubt of the object of the society; they had voluntarily associated together and subscribed a fund, to educate and provide for poor orphan children. As the population of the country and the number of orphan children increased, such an institution could not be kept up by private subscription alone; the object of the bill therefore was to incorporate

the Society, and to obtain some legislative assistance towards effecting their object. That object was a very proper and praiseworthy one; and he (Hon. Mr. J.) had no apprehension at all of the evils suggested by the Hon. and learned Member for Gloucester; but, at the same time he thought the observations of that Hon. Member, as to the rules of the Society being submitted for approval to the Executive, before becoming part of the law of the land, were worthy of consideration. He thought it would be better that they should be so submitted.

Hon. Mr. Speaker said that the bill referred only to such orphans as were paupers; the Society of course intended only to provide for such as had no other means of support, but would have nothing to do with orphans entitled to property, who would be wards of Chancery. There certainly could be no objection to the bill.

Mr. Connell briefly expressed his approval of the bill.

The bill was then read, section by section; and upon the reading of the 5th section, Mr. Brown thought that the section ought to be struck out, because its effect would be to grant a permanent appropriation to the Society; that should not be the case, but the Institution should be dependent, like all other objects of the Provincial care, on the annual bounty of the Legislature, as there would be no fear of its being regularly provided for, as long as it was deserving of support.

Mr. Weldon expressed similar views.

Hon. Mr. Johnston said there could be no objection to striking out the section, as it would be no expression of opinion against making an annual grant in aid of the Institution.

The 5th section was then, on motion of Mr. Brown, struck out, and the bill agreed to as amended.

Tuesday, February 13.

LUMBERING.

Mr. Taylor moved a resolution, that the late orders in Council, requiring deputy surveyors to inspect the operations of lumberers before the 1st of April, and to report the amount of timber cut by lumberers, exceeding their licensed quantity, should in the opinion of the House be rescinded. The Hon. Member complained that there was considerable ambiguity in the regulation, inasmuch as it stated that lumberers should have till the 1st of April to make returns of the quantity of timber they had cut, and to obtain licences for any excess, and that all excess not so reported or licensed by the 1st April, should be subject to double tonnage duty; and yet that surveyors were required to inspect the lumberer's operations, and to report the quantities of timber cut, before the 1st April. He also contended, that the old practice, of going on till the 1st May, and then reporting the quantities of paying the duty therefor, was preferable, while the present system of collecting the duties continued in existence.

Hon. Mr. Johnston was at a loss to know what particular part of the regulation the Hon. Member complained of. There was very little in it that was new, excepting the change of time from the 1st May to the 1st April. Lumberers very commonly applied for licences for a moderate quantity of timber, but for a very large extent of land on which to cut it, which was evidently intended to enable them to cut more timber than their licence specified; and therefore the Commissioner of Crown Lands very properly sent out deputy surveyors, to inspect their operations, and to ascertain the quantity of timber cut. There was nothing new, therefore, in that respect, in these regulations, and that practice must continue as long as the present system remained in operation. There was no inconsistency in the regulations at all; the parties might still go on and cut timber beyond their licences, up to the 1st of April, and only the regular duty would be exacted on it, if duly reported and licensed by that time, although the officers might inspect the quantities at any time. But certainly the practice of allowing such exceeding of licences was a very bad system, and ought to be put an end to. If a party applied for a licence to cut a particular quantity of timber, and afterwards found that the season would enable him to go on and cut more, he ought to be compelled to apply for another licence, before proceeding to cut. The contrary practice however had long been in use; and the Executive Council thought it would be doing injustice to parties, who had gone into the woods this winter, under the faith of the continuance of that practice, to make a sudden alteration; but it was thought there could be no hardship in fixing the limit of such indulgence to the 1st April, because that arrangement would be a kind of preparation for what might take place hereafter, and would lead lumberers to expect that a change of system would ere long be effected. It appeared, however, that lumberers had been under the mistaken notion, that surveyors were no longer to be sent into the woods at all, to watch their proceedings, and that they might go on and cut as they pleased without any interference; and therefore when this order appeared, they felt disappointed and dissatisfied, as if they had been taken by surprise. But it was no new arrangement; it was nothing more than had always been practised, and the same necessity for the services of surveyors existed now as on all former occasions. It was not even a measure that had originated with the Executive Council, but it had been adopted upon a representation from the Commissioner of Crown Lands; that, unless such a course was pursued, the whole revenues of the Crown would be wasted, and scarcely any duties would be collected at all, as lumberers would pay for a very small proportion indeed of the timber that they actually cut.

Hon. Mr. Crane was pleased that this discussion had arisen, because it was a subject on which he did not possess much information, and therefore it gave an opportunity for practical lumberers to state the results of their own knowledge and experience, which would afford such correct information as would enable him and other Hon. Members of the Executive Council to arrive at correct conclusions. He regretted that the Hon. Member for York had not specifically stated the grounds of his objections, but had merely urged generally that the order in Council varied from the law. That however, he (Hon. Mr. C.) conceived to be a mistake. He thought the first of April a far better time for lumberers to apply for additional licences than the first of May. Most probably no prudent man would at first apply for a licence for the whole quantity of timber he intended to cut, because it would first be necessary to examine the berth, and to see how far he would be likely to obtain all that he desired, during the continuance of the season; but he (Hon. Mr. C.) thought that every practical man must be very soon able to ascertain what additional quantity he might safely apply for; and that by the first of April at farthest, every person requiring an additional licence, should make his application for it; and therefore it was very proper, that a penalty of double tonnage on all timber cut and not licensed by that time, should be held out, not so much with the expectation of being enforced, because it was to be expected that all parties would secure themselves by complying with the rules, but as an inducement to them to make their applications in due time. This resolution also referred to the time of sending out surveyors; and it would seem, from the Hon. Member's observations, that some lumberers supposed the surveyors would be authorised to seize unlicensed timber at any time; but such was not the case; if the parties duly made their applications for licences before the first of April, no surveyor or any other person would have any authority to touch it. He (Hon. Mr. C.) had been of opinion, when this matter was debated in Council, that the employment of surveyors would be unnecessary, and that their services would cause great expense without any adequate benefit, but on being informed by others, having more practical knowledge and experience on the subject, that it was necessary for the interests of the country, during the continuance of the present system, that surveyors should be employed, he had given up his own opinion, and consented to this order. These were the reasons which had influenced the Council in making the order; but of course the Members of that Council would be exceedingly pleased to receive any information from practical men, that might bear upon the question.

Mr. Connell saw no great objection to the order, excepting that he did not think it at all necessary that surveyors should go out at the present time; because, if they found more timber cut than was licensed, they would report it, and it would be subject to double tonnage duty. [Hon. Mr. Johnston. Oh! no.] But the first of April was a far better time for inspection than the first of May. Lumberers had no objection whatever to surveyors going out whenever they pleased, but it was totally useless for them to go at this period of the season, because the timber was mostly scattered widely about, and much of it was covered with snow, and could not be seen. Later in the season all could be seen, gathered together; but the going out of surveyors now could neither hurt the lumberers nor benefit the Crown.

Mr. Stewart briefly supported views similar to those of Mr. Connell, and contended that the employment of surveyors would be a great expense for no purpose.

Mr. Weldon expressed sentiments in accordance with the observations of the Hon. Mr. Johnston, and Hon. Mr. Crane, contending that it was quite necessary that surveyors should go out to inspect the operations of lumberers, and that licences should all be applied for by the first of April.

Mr. J. M. Wilnot briefly concurred in the same views.

Mr. Brown contended that the regulations would not be construed as Mr. Weldon and other Hon. Members construed them, but that surveyors, if sent out before the first of April, would conceive they were authorised to seize all excess of timber at any time, and to subject it to double tonnage duty. The Hon. Member also corroborated the observations of Messrs. Connell and Stewart, with respect to the time of sending out surveyors, and observed that this discussion shewed the necessity of a total change of the system.

Mr. L. A. Wilnot decidedly opposed the resolution, as he did not see any thing in the order in Council so very objectionable as to require it. He thought, however, that there was some little ambiguity in the order, and that from the mode of its construction nine-tenths of the surveyors would consider themselves entitled to seize unlicensed timber before the first of April; and therefore, as they really were not authorised to do so, it was quite useless to send them out before that time.

Mr. Partelow could see no ambiguity at all in the order; it was perfectly plain, that no act of seizure could take place till after the first of April, and that surveyors were entitled to nothing till such seizures were actually made.

Mr. McAlmon contended that it was wholly unnecessary for surveyors to go out, at any season, because they never could discover all the timber that was cut, as it was usually piled together in large lots in various parts of the woods, distant considerably from each other, and some of which the officer never would discover. It was therefore only at the time of rafting timber, or getting logs to the mill ponds, that the quantity could be actually discovered. The Hon. Member clearly exposed the measures adopted by lumberers to conceal part of their timber, and to evade the duty; observing, that he was an old lumberer himself, and therefore he knew all about the matter.

Mr. Allen strongly supported the views of Hon. Mr. Johnston, Mr. Weldon and others, and opposed the resolution.

Hon. Mr. Johnston further explained his previous remarks.

Mr. Hayward thought that no good could arise from sending surveyors out; and that the present arguments shewed the necessity of adopting the recommendations of the report of the select Committee on lumbering.

Mr. Gilbert considered that the testimony given by the Hon. Member for Kent, (Mr. McAlmon,) who had turned King's evidence on the subject, shewed the necessity for the regulations complained of.

Mr. Taylor, after a reply to other Hon. Members, then withdrew the motion.

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THE Subscriber offers for sale the under mentioned valuable tracts of Land, at very moderate prices, for satisfactory payments, viz:—

600 acres fronting on the River Saint John five miles below the Court House in Woodstock Carleton County, and immediately opposite the Caledonia Mills, in separate lots or together; the anticipated Rail Road will go through the ear of it.

Also—800 acres within seven miles of Fredericton, on the Pennycook Stream, three quarters of a mile above Smith's Mills.

Considerable improvements are made on both these tracts, and the latter especially abounds with very large Birch and Spruce Timber. Application for this tract to be made either to William Irvine, or to GEORGE WOODS.

Fredericton, July 17, 1837.

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Champagne in Baskets, 1 doz. each, and cases, 3 doz. each; Port, Madeira and Claret, (in bottles); Tenerife, Brown and Light Sherry, (in wood); 10 year old Jamaica Rum, (in bottles); Brandy, Whiskey, and Gin, (in wood); Coffee; Loaf Sugar; Wine and Soda Biscuits; and Hams; all of which is warranted to be of the first quality.

H. JACKSON.

Fredericton, 21st Nov. 1837.

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MARK NEEDHAM.

Fredericton, September 12, 1837.

NOTICE.

ALL persons having any just demands against the estate of SIMON CRONKHITE, late of Southampton, in the County of York, deceased, are requested to render the same within three months from the date hereof; and all persons indebted to the said estate are requested to make immediate payment to

JOHN C. CRONKHITE.

Sole Administrator.

Southampton, 25th October, 1837.

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R. EGGAR.

Fredericton, September 6, 1837.

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Miles & Smith.

and commenced business in the new Store, in the upper part of Queen Street, next Store above F. E. Beckwith's, respectfully give notice, that they will keep constantly on hand a general supply of PROVISIONS, GROCERIES, DRY GOODS, HARDWARE, &c. &c. All of which will be sold at the lowest rates for cash.

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Fredericton, Nov. 20, 1837.

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One set only of Books of Music for a BRASS BAND, just received per ship *Habe*, from LONDON, and for sale by

Saint John, December 9, 1837.

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