COMMUNICATION.

MESSRS. EDITORS,—I observe that you have copied a communication, signed "*Fiat Justitia*," which was originally published in the Head Quarters Newspaper, purporting to be a "statement of the facts as they came out in evidence" in the late Bank trials here. As I believe that communication to have been written by a party closely connected with the Bank, I cannot but express my surprise that it should be so exceedingly incorrect in several important particulars. I unhesitatingly affirm that the facts are not properly stated; the case, as it was submitted to two juries, was a case essentially different from *that* which has been given by "*Fiat Justitia*." Why any one should have so far committed himself as to send forth such a document, when he must have known that it would necessarily bring out all the facts of the case "as they really did appear in evidence," I can hardly conjecture; as, although it might furnish an apparent justification, to be sent to the Court of Directors in London, for what the Attorney-General called "the greatest effort of tyranny and oppression which he had met with in his practice of twenty years," it would, most certainly, be followed by a publication of the "true facts" as they rest on the sworn testimony of witnesses on both sides. The defendants are not men without friends, neither will a small matter frighten them. They did all that men could do to keep out of law; when driven to that alternative, they went into court, and received verdicts based upon the law and the evidences. Immediately after being *legally* exonerated from liability, they offered to settle the whole amicably and equitably; and I repeat it now, the more extensively the facts are known, the more general will be the approbation of their course.

The grounds of defence were twofold—a breach of agreement, and usury—the former was the *equitable* defence, the latter the *legal*. There was positive evidence of a *verbal* agreement to wait *one* and *two* years, on condition that certain increased security should be given, and certain payments made. This increased security was given, because there was an extension of time beyond what was anticipated when the debt was contracted. The payments were likewise made. There was distinct mention made of an "agreement" in the memorandum of assignment of mortgage. There was likewise a note from the manager to one of the defendants, specifically detailing the *terms* of that agreement, which was read at the trial. I am aware that the manager and the opposite witness differed in their recollection as to this agreement; but it was *distinctly* sworn to and corroborated by the documentary evidence which I have named. Such an agreement, although not made in writing, is generally considered binding; but a promissory note having been given subsequently, His Honor Judge Carter explicitly stated, that it did *not* constitute a *legal* defence, and instructed the Jury that it could not be taken into consideration. It appeared, however, that it had been principally relied upon by the defendants, when the actions against them were commenced.

In alluding to this part of the defence, "*Fiat Justitia*" omits to state the *direct* evidence which supported it; he altogether evades it; those who heard the evidence however cannot so regard it. The facts of the trial are now matter of record; and when in the very face of these facts an evasion is still attempted, every unprejudiced man will form his own opinion. Let me further say, that before this agreement was made it was proved that the defendant offered an assignment of lumber in his possession, ordinarily worth £2 500, to be held by the Bank until the price should rise, on condition that an advance should be made him to pay other debts; that it was entirely owing to the great falling off in the price of logs that year; that the defendant did not complete his engagement with the Bank to the very letter; that this was not a solitary case, but one common to lumber merchants during that season; that in June, 1849, the defendant offered to renew his note again at the face, and to pay £100 a month, until 50 per cent. was paid, an unusual amount in the hardest season for money ever known; that the indorser wrote a note to the manager also pledging this amount of 50 per cent. urging the agreement aforesaid, and stating his belief, that his brother had offered to pay *more* than parties similarly situated generally paid—a note which the manager never treated with the courtesy of an answer; that notwithstanding the Bank could have brought them to trial just as soon by sueing them *four months later*, within two days after the maturity of the note, and *five months before the arrangement required them to pay*, both parties were called upon by the Solicitor, and pledged to acknowledge the service of writs; that the only offer of discontinuance was conditional on their each giving – not personal security, as falsely stated by "Fiat Justitia"—but a confession of judgment for £125 a month, for seven months, with a right to enter up judgment, and issue executions against both on the failure of any payment—an alternative that no man in his senses would have accepted; that in addition to separate actions against the drawer and indorser some months had been assigned as collateral security, was foreclosed, and Sheriff's officers sent to serve notices on their sisters and brothers; and that these proceedings were taken, not only against the original debtor, who only required time, but against his indorser, who is a man of undoubted sufficiency, and who had been drawn into these unexpected annoyances by the desire of assisting his brother in these trying times, in transactions in which he had not a farthing's personal interest, and who had merely given up *for a time*, a security of his own, until his brother should pay. Messrs. Editors, you cannot be surprised that all who heard these revelations were astonished.

I have said that the *legal* defence was *usury*, and on this ground, both verdicts were given for the defendants. Before the trials, it had been contended, that the *custom* of the Bank would be allowed to prevail against this plea. I believe that an authoritative exposition of the law on this subject was given during the previous sittings of the Supreme Court by His Honor Judge Parker, whose opinion on legal subjects every person in the Province will respect. His Honor intimated very explicitly that the facts stated in the defendants' plea would constitute an answer to the action. These facts were, the details of the purchase of the Bills of Exchange at 2 per cent. above the market-price as a condition of a loan of money by the Bank to the defendant, which were satisfactorily proved at the trials.

Undoubtedly the contending parties came into court, with entirely different views of the Usury Laws, and both were equally sanguine of success. The Solicitor of the Bank brought forward a witness who was connected with the establishment, who, in his cross examination, admitted that the Bank had a CASH PRICE for Bills of Exchange, and that, in the case of discounting a Note, an additional per centage is always charged; that this is the *rule;* that in the present case, 8 per cent. being the cash price, and 10 per cent. the price paid by the defendant, 2 per cent. above the cash price had been charged. This witness mentioned an additional fact in his second examination which left the matter beyond controversy.

Now, for what was the additional per centage paid? Was it not because the Bank discounted a Note, the proceeds of which were appropriated to the payment of the Bill? The testimony of this witness, clear and distinct as it was on this point, put the matter, as I have said, beyond controversy, and would *alone* have secured a verdict for the defendants on the principle of law previously expounded by Judge Parker, and now again by Judge Carter, in his admirable address to the Jury. It is to this principle, as applied to the present case, that I wish particularly to direct the attention of your readers.

His Honor distinctly stated ,that the *price* of a Bill of Exchange must be settled between the seller and the purchaser; that if a party went to a Bank, and got a Note discounted *unconditionally* and *then* purchased a Bill of Exchange, if the Bank charged him twelve, or fifteen, or twenty per cent. and he chose to pay it, the transaction would be perfectly legal; but if in accommodation on a note from the Bank, it was made a *condition*, either by *his own offer*, or by *the order of the Bank*, that he must take Exchange at a value *above* the cash rate, *because the Bank gave him the loan*, the transaction was *usurious*, as it was a "shift or contrivance" to get more than legal interest. The authority of Lord Mansfield was especially quoted, "that so strict is the law, that no shift or contrivance which the art of man could invent can take it out of the statute. The simple question submitted to the Jury then was, *whether the purchase of the Bills of Exchange, at an advanced premium, was a condition of the discount of the Note*: as there could be no doubt on this point, the verdict was given for the defendant.

I ought to state that the Manager did not, on the first trial, fully admit that the discount of the note had anything to do with the purchase of the bill, and it was only the strong testimony of the Clerk, and the Manager's own explanations respecting the loan, that established the fact. But on the second trial, the drawer of the note was a witness, and swore distinctly, that the purchase of the Bill at an advanced price, *was a condition* of the loan, and as this witness was eulogized, even by the Bank's Solicitor, for his creditable conduct in the witness box, it will hardly be doubted that his recollection was distinct. Besides, the Manager, who followed him, did *not* attempt to deny a single word he had stated on this, or on any other point. Now, will "Fiat Justitia," who has garbled the testimony of this witness, attempt to deny this?

The only difference between the two causes was, that the maker of the note, was the only party concerned; the indorser had merely stepped forward to sustain him, until he could pay his liability out of his own means—until in fact he could collect part of his outstanding debts. The policy of a creditor in such a case of ample security, should be not to bear down upon an indorser, but this Bank seemed to act upon the principle that as the parties would probably raise the money rather than be sued, no matter how much they would have to sacrifice, the money *must* be raised.

Thus the business of a man who was proved to be making extraordinary exertions to pay them has been seriously interfered with by an unnecessary law suit, because it was known he had friends who would not let him be ruined.

I have a word to say respecting the men who tried the causes, as your correspondent has made an implied charge against the justice of their adjudication. The defendants had asked for special juries, and on both sides care was taken to exclude every name which seemed objectionable to either party, so that all the business men supposed to be under the influence of the Bank, as well as the personal friends of the defendants were struck off. The juries, therefore, were composed of men, not one of whom resided in the City whose general standing placed them above any undue influence from either side, and they were men of great personal respectability, who, whatever their private leanings might be, would unquestionably act conscientiously and judiciously.

I for the present conclude these observations, which I have made solely in defence of the injured parties. The cause of the defendants has nothing to gain by concealment; the more extensively it is known the more will their motives be approved. The Bank may throw out its inuendoes, and pay for inserting them, but it shall not put forth statements at variance with the facts as they appeared in evidence, without having them fully contradicted. VERAX.

Fredericton, N. B., March 12, 1850.

The Courier.

SATURDAY, MARCH 16, 1850.

LEGISLATIVE PROCEEDINGS.

The Assembly had under consideration last week, a bill introduced by Mr. Carman, to regulate proceedings before Justices of the Peace in civil suits. The object of this bill is, to take the power of adjudicating on small debts, out of the hands of the Justices generally, and vest it in such Justices only as shall be specially named by the Governor and Council. The bill was strongly opposed, and, finally, progress was reported. It is doubtful if it will pass in its present shape.

A bill authorizing the owners of marsh lands in Westmorland and Albert to elect Commissioners of Sewers, has been agreed to by the House. It fully establishes the principle of Municipal institutions, and was passed at the request of the marsh proprietors in those Counties. Mr. Ritchie remarked, that if these proprietors appreciated their political rights as highly as they did their marsh lands, it would be greatly to their advantage.

The bill authorizing limited partnerships, as amended by the Council, has been agreed to by the House, and finally passed.

A bill for the summary conviction and punishment of persons committing trespasses on timber and lumber, has passed. Its provisions are very stringent; and if certain persons who are accustomed to *look after* other people's timber and logs, as they float down the St. John, are not careful hereafter, they may quickly find themselves in the Penitentiary.

The Attorney General's bills—for consolidating and amending the law of Landlord and Tenant—for consolidating all the laws relating to Coin—and consolidating all the laws relating to Great Roads, have been committed and agreed to. The County and Parish Bill, which consolidates and amends all the laws relating to County and Parish matters, and confers on the ratepayers the power of electing Parish Officers, has passed the House, and is now before the Legislative Council.

On Thursday, the 7th, the House was engaged in passing various bills to continue acts about expiring. A debate of some length took place on the Statute-labour law, but progress was reported, without any action. It seemed to be admitted that the present law should be amended; and time was asked to settle the best mode of doing so.

Dr. Wilson moved an address to the Lieutenant Governor, praying a statement of all pleas, pleadings, verdicts, judgments, rules *nisi*, costs, amounts recovered, and other matters connected with all actions and trials in the Supreme Court, and Circuit Courts, during the year 1849. The Speaker appointed the three *medical* members of the House to present the address.

The debate on the Bill to incorporate the Orange Lodges in this Province, commenced on Friday, the 8th instant, and occupied nearly the whole day. Seven set speeches were made,—Messrs. John Earle, Chas. Connell and Dr. Wilson, advocating the Bill, and Messrs. Brown, L. A. Wilmot, McLeod, and Dr. Thompson opposing it,—and then progress was reported, in order to enable other Members to express their sentiments.

The debate has not since been resumed, and so far as regards the Bill under discussion, it seems to be admitted, that it will not pass this session, as it is opposed by our Fredericton contemporaries, which will give them sufficient publicity.

There was very little done in the Assembly on Saturday last; on Monday, the House went into Committee on the Revenue, when the Hon. Mr. Partelow gave a very able and satisfactory statement of the financial affairs of the Province, and stated his belief, that a large majority of the House was in favor of continuing the Revenue Bill of last year, without alteration, in which course he perfectly concurred, for several very substantial reasons. On the division for continuing last year's bill, without alteration, the numbers were—Yeas, 23, Nays, 10. The opponents of the bill were made up of the ultra free-traders and the ultra protectionists, who, on this occasion, were found voting on the same side.

We have no doubt, that the continuance of the present Tariff of duties will, on the whole, give very general satisfaction. Although various parties may object to particular duties, yet they will be satisfied with this first step toward rendering the Tariff of a more permanent character than heretofore. The continual changes in the rate of duties, were a greater evil than even a fixed duty, of an objectionable character; and we congratulate the public, upon this beginning of a better order of things.

The Hon. Mr. Fisher's bill to impose a tax on wild lands, passed through Committee on Tuesday, after a protracted debate, but upon the third reading on Wednesday, it was thrown out by a large majority.

A bill prepared by the Hon. Attorney General for regulating the Post Office Department within this Province, is before the House. It is prepared under the authority of an Act of Parliament, which confers on these North American Colonies, the power of regulating Inland Posts. The exclusive privilege of regulating all matters connected with the Post Office Department in New-Brunswick, heretofore exercised by the Post Master General of England, is transferred to the Lieutenant Governor in Council. Every thing connected with the department is to be regulated by order in Council, subject to the general regulations agreed upon by the several North American Colonies, which are as follows:—

1. An uniform rate, throughout British North America, of three pence for every letter under half an ounce, and other letters in proportion.
2. No transit postage between the Provinces to be charged.
3. The present rate of two pence sterling on letters from England, for their transmission from Halifax, to any place in these Colonies, to be continued.
4. The prepayment of postage to be optional.
5. Each Province to retain the amount of postage it collects.
6. The postage on English letters collected in the Colonies, to be paid over to the Post Master General in England; the provincial rate of two pence sterling to belong to the Province which collects it; if pre-paid in England, this rate of two pence is to be credited to the Province, to which the letter is addressed.
7. All franking whatsoever, disallowed.
8. Postage stamps for prepayment to be allowed, and Colonial stamps to be engraved.
9. Newspapers, pamphlets, and magazines, to be transmitted at present rates of postage; but with power to each Legislature, to order their transmission free of charge.

The bill contains all the exemptions with regard to the transmission of letters otherwise than by port, which are contained in the Imperial Acts, as also all the penalties which those acts impose for violation of the Post Office regulations. The new regulations are to go into effect on the 6th day of October next, in all the Colonies; and we are quite sure, that all Colonists will hail with delight, the abrogation of the present enormous rates of intercolonial postage, and the establishment of a reasonable and uniform rate for the transmission of all letters in British America, no matter what distance they may be carried.

The free transmission of newspapers will, no doubt, be at once directed by the Colonial Legislatures, and the people will then enjoy the benefits, not only of cheap communication with their distant friends and fellow subjects, but also the blessings which will flow from the wide spread diffusion of information by means of untaxed newspapers. The advantages which will follow from this amelioration of the Post Office laws, can scarcely be prized too highly, or sufficiently appreciated.

The Emigration bill, which we mentioned in our last, has passed the Council without amendment, and now only waits the sanction of the Lieutenant Governor to become law.

The Council have rejected the bill to enable the Rev. Mr. Wishart to solemnize Marriage, as also the bill to authorize an issue of Treasury Notes.

A bill authorizing the establishment of a Board of Health in this City and County, has passed the House. It contains all the provisions of the old bill, with some amendments, and this will be the only Board of Health in the Province; in the other Counties, the powers of the former Boards of Health are transferred to the Justices in Sessions, by the Attorney General's new County Bill, which is now under discussion in the upper House.

Upon the question of continuing the Act for the establishment of the Leprosy Hospital, at Tracady, some sparring took place in the Assembly, with reference to the report of Dr. La Bellois. It appears by the report of the Hon. James Davidson, the Secretary to the Leprosy Board, that several of the friends of the Lepers had applied to the Board, for leave to employ Dr. Charles La Bellois, formerly a Sargeon in the French Army, who resides in Gaspe, to attend the patients in the Lazaretto. The required permission was given in September last, and Dr. La Bellois attended the patients, up to the 15th December, at which time, three of the patients were discharged perfectly cured, and ten others were reported free from disease.

The report of Dr. La Bellois, published in the Journals, is exceedingly interesting. He states his belief, that the disease is not leprosy, but inveterate syphilis, aggravated by being almost entirely abandoned to nature, under the absurd idea, that it was Greek Elephantiasis, and therefore incurable. Dr. La Bellois expresses his surprise, that the real nature of the disease should have escaped the keen observation of gentlemen eminent in the medical profession, and noted for their general acquirements.

It was finally resolved, that the Hospital establishment should be continued for two years longer, within which time, it is hoped the disease will have been entirely eradicated. It is gratifying to learn that means have been found, of sufficient efficacy, to cure the unfortunate persons afflicted with the disease, all of whom are now as anxious to obtain admission to the Hospital, as they were formerly averse to entering within its walls.

On Thursday, there was no very important business before the House, several Committees having their final sitting, preparatory to bringing in their reports. Of these, the Agricultural Committee, and the Fishery Committee, were the chief, and sat several hours. It was understood, that the latter Committee had agreed to report a bill for a general inspection of all pickled fish, under Goverament inspectors, and also a bill for the better protection of the river fisheries. It is said also, that this Committee has resolved, unanimously, to report a bill for granting bounties to fishing vessels, as well with regard to the measure itself, as with the view of taking the sense of the Legislature upon the propriety of submitting to the prohibition conveyed in Earl Grey's despatch on bounties, to which there is said to be a general resistance. We shall look for the debate on this question with much interest, as the subject is one of the greatest importance.

The Legislative Council has been occupied nearly every day this week, with the discussion of the Attorney General's consolidated bill for the management of County and Parish affairs. Several of the clauses have been opposed, but at our latest account, these had generally passed without amendment. This bill will probably be returned to the Assembly, with little amendment or modification.

Upwards of fifty bills, of an important nature, have already been sent by the Assembly to the Upper House; and it is alleged by many who have been long acquainted with Legislative proceedings, that in no previous Assembly was there ever a greater amount of really important business transacted, than at the present Session. There appears a disposition to work more, and talk less, than on previous occasions; while every substantial matter receives much more care and consideration than heretofore, especially in details essential to its successful operation. The Hon. Mr. Partelow, and the Hon. Attorney General, take the lead in this business-like course, and apply themselves to public affairs with the utmost zeal and industry, and with a degree of diligence and untiring perseverance, which is perfectly refreshing.

Professor Johnston's report on the Agricultural capabilities of the Province, and Mr. Perley's report on the Fisheries, are expected to be issued next week. These will be followed, as soon as Shediac Railway, and the report of Captain Bent, R. E. and Mr. John Grant, C. E., on the improvement of the navigation of the river St. John.

The Session will last some weeks longer, as there is yet much business to be transacted. The Road Committee was expected to set yesterday, and the Finance Committee to present their report, after which the House will proceed to make the usual grants in Committee of Supply.

It is expected that His Excellency will come down to the Council Chamber this day, to give his assent to the Revenue bill, the Emigration bill, and various other bills which only await his assent to become law.

FREDERICTON A FREE PORT.—We learn from the *Head Quarters*, that a Despatch has been laid before the House of Assembly, authorising Fredericton to be made a Free Port, and that foreign vessels can go direct to Fredericton with cargoes. Unless some measure is adopted for the purpose of protecting the Revenue, on the passage of vessels from this port to Fredericton, a door will be opened for extensive smuggling transactions along the banks of the River. The Revenue authorities will perhaps find it necessary to place a Tidewaiter on board vessels proceeding up the River with dutiable articles, which will probably be done at the expence of the parties owning or having charge of the cargoes.

RECIPROCITY.—An influential citizen of the United States, in a recent private correspondence with a gentleman belonging to New-Brunswick, alludes to the Canada Reciprocity Bill, as follows:—"With respect to the arrangements which the Canadians anticipate making with our country—to which you allude as being about to have the assent of Congress—I have it in my power to assure you that our Government as a body are not at present prepared to recommend or assent to a Reciprocity Act with Canada; nor do I think they have held out any inducements to the Canadians that could possibly be construed so as to make them think so. * * * * It would, most assuredly, have a good effect if the Legislature of New-Brunswick should grant to the Americans the free navigation of the River St. John—the Province would gain many warm friends at Washington by this measure." We beg to draw the attention of the Members of our Legislature to the above extract, from which may be inferred plainly that little pecuniary good will result from any correspondence which our Executive may be holding with the British Minister at Washington, so far as the Province may be concerned in the Reciprocity measures. We are inclined to the opinion, that whatever privileges of trade the United States can give us, they must first be met by liberal and extended concessions from the Colonies; and we believe, moreover, that it is the opinion of many shrewd and intelligent men in this Province, that our Legislature, this Session, could not accomplish a wiser act than to pass a Bill, and send it home for her Majesty's assent, yielding to the Americans the *free navigation of the River St. John*, and taking off all restrictions now imposed on American Timber at the place of exportation. It perhaps would be no actual loss to the Province, and would certainly be received by the people of the Eastern States, and by the American Government, as an earnest of our desire to begin the good work of Reciprocity. If doubtful of the working of such a measure, our Legislature might restrict the operation of the Bill to five or six years.

REMOVED RETIREMENT OF THE CHIEF JUSTICE.—The *Fredericton Reporter* of the 8th instant, gives currency to a rumour, that the present Chief Justice, urged by his many infirmities, intends resigning the office which he now holds, and that either the Attorney General or the HON. E. B. Chandler, will receive the appointment thus vacated. Although such a rumour has also been in circulation in this City, yet no credit is attached to it by persons who are likely to be well informed on the subject. His Honor the Chief Justice is in very independent circumstances, and it may be that he really inteuds to retire from active life; in that case, one or other of the gentlemen named will probably succeed him, as under the late law for the reduction of the Judges' salaries, the Chief Justice will be placed in the anomalous position of receiving less compensation than any of the present Puisne Judges. Of the two gentlemen named, it is thought by many, the Hon. Mr. Chandler will be the fortunate person.

EMIGRANTS.—The number of Emigrants of all ages which have arrived at this Port and its Out-Bays, (as appears by the Custom House Returns,) during last year, was 2615, which is considerably less than the number during any of the four previous years. In 1848 the number was 3872; in 1847, 14,134; in 1846, 8732; and in 1845, 5466. The head money charged during 1845, 6 and 7, was at the rate of 5s. per head for male adults, women one-half, and children one-third of the said rate, and in 1848 and 9, at the rate of 10s. a head for all descriptions, prior to September;—in the month of September, 15s.; and in October, 20s. The gross amounts received under this head throughout the whole Province, without the deduction for commission, were as follows:—In 1849, £1409; in 1848, £2357 10s.; in 1847, £3250 2s. 6d.; in 1846, £2129 17s. 6d.; and in 1845, £1372 6s. 8d. The expenditure on account of this fund has, until last year, we learn, always exceeded the receipt; the accumulated balance, however, was defrayed last year by the Home Government. A reduced rate as we stated last week, will be levied this year on emigrants.

We notice that the British Government intend bringing in a bill for the new Measurement of the Tonnage of Shipping, in lieu of the present system, which it appears is defective in some points. The new Bill contemplates the measurement of vessels being ascertained by the entire cubic contents, measured *externally*, instead of *internally*, as at present, and approximates more closely to the Act 3 and 4 Wm. 4, commonly called "*The old Law of Measurement.*" It is more than probable that poops, forecastles and other covered in spaces, will be included in the measurement, as they are directly or indirectly a source of earning, for cargo or passengers. There is also some doubt whether the engine-room of steamers will be deducted from the tonnage as is done under the present practice.

SEIZURES OF SPIRITS.—About eight hundred gallons of American Spirits were seized by the Officers of the Provincial Revenue during last week, within the limits of the port; and on Saturday last, seven hhds. of Brandy, containing over five hundred gallons, were seized at Indian Island, where it had been landed, having been previously exported from this port under bond.

CALIFORNIA.—The Brigantine *Lion*, E. Hooper, Master, cleared at the Custom House yesterday for San Francisco. Her cargo consists of five House Frames, 30 M. Boards, 25 M. Shingles, 50 boxes smoked Herrings, 20 chaldrons Coals, and one ton Black Paint—valued, in all, at about £200 sterling. She is a handsome little craft, of 112 tons, and was built for the trade between this place and the States, and will likely make a quick passage, as her captain has been at the diggins before, and is accustomed to the trade. The cargo was shipped by Capt. W. G. Browne, of the Steamer *Commodore*, and the vessel is owned by him and Capt. Hooper. Mrs. Hooper and child, Captain H. W. Chisholm, of this City, and Mr. George Grassie, Jun. of Annapolis, go passengers in her; and some of the crew are young men belonging to this City. We wish them all a quick passage and much success. The *Lion* sailed to-day, at noon.

MECHANICS' INSTITUTE.—On Monday evening last the Rev. Mr. Cooney lectured in the Hall, on *Her Majesty the Queen*; on which occasion he was honoured by a very large audience; which seems to argue that Her Majesty has not lost much of her popularity in this corner of her dominions. The Rev. Gentleman reviewed her character in the respective lights of a monarch and an accomplished lady, and by comparing her Government with that of other countries, shewed the blessings which we enjoyed under her rule, although he bore down heavy on the Colonial system of Britain, which he represented as totally inadequate for the proper administration of such an extensive and unwieldy Colonial Empire. At the conclusion of his lecture, the Rev. Gentleman, in alluding to the progress of events in this Province, stated that twenty years ago, he went up to the House of Assembly to solicit their permission to report their debates—*free, gratis, all for nothing*,—which great privilege they declined granting him. It appears things have undergone some change since then.

Mr. Willoughby will Lecture next Monday evening, at the Institute, on *Mnemotechny* or the *Art of Memory*. The subject, as treated by Mr. W., being novel, will no doubt draw a full house.

EVIDENCES OF CHRISTIANITY.—Last Thursday evening, in the Centenary Chapel, the Third Lecture of the Course on the Evidences of Christianity was delivered by the Rev. Mr. Casewell. Notwithstanding the unfavourable state of the weather, the attendance was very good. The Lecture was well composed, and gave general satisfaction.

We understand that the next Lecture will be delivered also in the Centenary Chapel, next Thursday evening, by the Rev. E. D. VERY.

Subject.—"*The Miracles of Revelation.*"

We are informed that a Branch Bible Society has been formed at Kingston, King's County.—This is a step in the right direction.

We understand that the Directors of the Central Fire Insurance Company of Fredericton, have authorized their Agent in this City, Mr. George Thomas, to make a donation of Ten Pounds to the Volunteer Engine Company, No. 5, in aid of the fund for the purchase of a new Engine.

A DISTRESSING ACCIDENT occurred at Messrs. Allison & Spurr's Mills, at Milford, yesterday, causing the death of Mr. John M'Cordick, Superintendent. While employed in the lower part of the Mill, his hand accidentally caught in the belt, which drew him in contact with the machinery, causing injuries that resulted in death. He survived the accident two hours.—Mr. M'Cordick was thirty-three years of age, and leaves a wife and four children: he had been employed in the above establishment six years, was a very worthy man, and esteemed and respected by all who knew him. The funeral will take place from his late residence, near the Mills, on Monday afternoon, at three o'clock, when friends and acquaintances are invited to attend.

Another melancholy accident occurred this morning at Carleton—a lad about 13 years of age, son of Mr. James Addison, having been killed by a ship-knee falling upon him while it was being hewed.

COURT OF OYER AND TERMINER.—The adjourned sitting of the Court of Oyer and Terminer was opened in this City on Tuesday last, by His Honor Judge Street. On that day the trial of Mr. George V. Nowlin, Gaoler, on a bill of indictment, for allowing William Dunbar, charged with perjury, to escape from the Gaol, took place. The Jury being of opinion that the escape was owing to the insufficiency of the Gaol, returned a verdict of acquittal.—Mr. Wright, Advocate General, conducted the case on behalf of the Crown,—Mr. W. J. Ritchie for the defence.

On Wednesday, Thomas Rustage, Frederick Dorman, John McEver and Charles Downey; the boys who were committed to gaol about three week since, charged with stealing sundry articles from the Steam Boats and from Stores in the City, were brought up for trial. The first named was discharged by proclamation. On Thursday the other three were found guilty, and were this morning sentenced by His Honor Judge Parker to be confined in the Provincial Penitentiary for the term of three years, and during that time to be kept at hard labour.

In passing the Sentence, His Honor remarked, that it was the object of the Court that the prisoners, all of whom are young lads, should be taught a trade during their confinement, and thereby be enabled, after the term of imprisonment has expired, to procure for themselves an honest livelihood.

On Friday, Patrick Joice was tried for receiving part of the property stolen by these boys, which was found on his premises. He was acquitted by the Jury.

On the same day, James H. Hennigar, a lad in the employ of Messrs Lockhart & Co., was put upon his trial for embezzling money from his employers. The principal witness was George W. Pitts, a fellow-clerk in the store, who stated, that they had, on several occasions, sold hats and caps, and divided part of the money between themselves. Objections were raised to the indictment, by Messrs. Bayard and Thomson, who conducted the defence, and several witnesses having given the prisoner a good character, the Jury, after a few minutes' consideration, returned a verdict of not guilty.

CORN BROOM BRUSH.—It is perhaps not generally known that the importations of this article into our port from the United States, amount to about £2000 annually. It is there sold at nine cents per lb., and the seed, when stripped from the brush, is represented to be as valuable as the brush itself, being suitable for feeding poultry, &c. as it possesses oily properties, similar to flax seed.

We are therefore pleased to find that exertions are now being made to induce the cultivation of Corn Brush in this Province. The seed may be obtained at several stores in this City,—Messrs. Jardine & Co. and Messrs. Berton Brothers, among the number. We subjoin directions for its culture, and we trust that several of our farmers will give it a fair trial the coming season:—Prepare the ground in the same manner as for Indian corn, and plant the seed between the 1st and 25th of May, in hills about two and a half or three feet apart—six or eight plants in each hill; hoe it the same as Indian corn. Wherever that grain can be raised in perfection, the same climate and soil will answer for the growth of the Corn Broom Brush.

PROVINCIAL APPOINTMENTS.—Joshua Alexander, John H. Harding, and John MacIntosh, Esqs., to be Commissioners of the Sick and Disabled Seamen's Fund at the Out-Ports of Caraquet and Shippegan, in the County of Gloucester.

Mr. Charles L. Hawbolt to be a Commissioner of the Marine Hospital at Miramichi; and Mr. Charles J. C. Briscoe to be a Commissioner of the Marine Hospital at St. Andrews. *By His Excellency's Command,*

J. R. PARTELOW.

Secretary's Office, 4th March, 1850.

LEGISLATIVE REFORM IN NOVA SCOTIA.—The Hon. Mr. Johnston has introduced some resolutions in the House of Assembly of Nova Scotia, which will soon be brought up for discussion, having for their object the payment of the Lieutenant Governor from Imperial funds, and the recognition of that individual as an Imperial Officer only, charged with the protection of national interests, but holding no relation to Colonial affairs beyond the ceremonials of office. Should the Province, however, be required to contribute any portion of his salary, £1000 is the sum named as a just proportion for the colony to contribute, and the full value of his services,—£3000 sterling being considered far too large a sum for the Province to pay, besides £250 sterling for a private Secretary of an Officer who himself has but to subscribe the documents that others are required to prepare. The resolutions also contemplate the election of the Legislative Council by the people, for a limited period, the members going out by sections periodically. The annexed resolutions have since been introduced by Hon. Mr. Morton, in the Legislative Council, on the same subject:—

Whereas, by the introduction of Responsible Government into this Province, the present constitution of the Legislative Council has become unsuited to the state of the Country; and the mode of appointment to it by Commission of the Governor of their Parliaments, is calculated either to render it a mere reflex of the sentiments of the House of Assembly, when their party is in power, or an obstruction to that branch of the Legislature when they are in a minority;—And whereas, at present but little sympathy exists between the Legislative Council and the people. Be it therefore resolved, that an humble Address be presented to Her Majesty, praying her to remodel the Legislative Council, and to confer on the people the privilege of electing its own Members, and thus at all times to ensure their harmonious co-operation with the House of Assembly.

A very general opinion prevails in this Province, with reference to the Legislative Council, that it might be greatly improved, (if even necessary at all,) for the proper administration of the Government, and that it would be much better were the members of that House to obtain their seats through the voice of the respectable portion of the people, to whom they would feel some degree of responsibility for their actions. The period of their remaining in the Council being only for a limited time, would render them very cautious how they voted and how they rejected Bills passed by the Lower House, which is supposed to represent the feelings of the people, for whose benefit the laws are made, in the event of their being desirous to be re-elected. Even under the present system they are sometimes looked upon as possessing very little influence either for good or harm, as in the case of a majority throwing out any measure that has been passed by the House of Assembly, and which the Executive are anxious to become law, the Government has just to create a new batch of Colonial peers, if the council is not full, to turn the majority the other way, who take their seats, and as a matter of course the Bill is passed

It is evident from Lord John Russell's speech, that this concession will be granted, if asked for, and it is probable might be productive of good, and be the means of remodelling that Hon. Body, and keeping it up with the progressive requirements of the age, as there are some of the members who have been there a long time, or who were not sufficiently [illegible] a seat even in the Lower House.

Railroad to Windsor.—In the House of Assembly on Monday last, the Hon. Provincial Secretary gave notice of a resolution authorizing the Government to issue debentures, payable in twenty years, at four per cent., to build a Railway from Halifax to Windsor.

It will be seen by the following extract from the Halifax *Sun*, that Bain's line of Telegraph is not intended to extend further in this direction than Portland, Maine:—

"We are happy to be able to announce that the new Telegraph Line between Portland and Boston, not under the management of Mr. J. Smith, will be completed in about a month, and put in connection with the Halifax line, the tolls by this new connection will be considerably reduced, as the line is in opposition to Mr. Smith's monopoly."

Her Majesty's approval of the appointment of Edward Allison, Esquire, as Counsul in New-Brunswick, and Frederick Charman, Esquire, Consul in Nova Scotia, for the Queen of Portugal, has been signified in the *London Gazette*.

DEATH OF MR. WILLIAM CARSON.—We regret sincerely to announce the death of Mr. William Carson, Shipbroker and Timber-merchant, of Sir John's-quay, in this City, which took place in London, on the 13th instant. Mr. Carson has occupied, for many years, a most creditable position in connexion with the trade of Dublin. The vast quantity of colonial goods consigned to his care, proved the unlimited confidence reposed in him by exporters in the British North American Colonies. Amongst the mercantile community in this City, as well as in the maritime ports of England, his persevering enterprise and unblemished integrity were highly appreciated. Zealously devoting himself to commercial pursuits, Mr. Carson never took any obtrusive part in politics; but he had been through life a man of large and liberal views, and, in every respect, had been a most valuable member of society. All ranks, sects and parties thronged to pay the last respect to his memory, as so large a funeral *cortege* is not remembered for any private individual—numbering, as it did one hundred carriages, many of them private, and more than sixty cars, together with a large number walking.—*Dublin Paper, Feb.* 21.

WAR OFFICE, Feb. 15.—1st Regiment of Foot.—H. G. Scroope, Gent, to be Ensign, by purchase, vice Minchin, appointed to the 70th foot; W. Bellew, Gent, to be Ensign, by purchase; vice Munro, appointed to the 53d foot. Feb. 22 — Ensign John C. Pugh to be Lieut. by purchase, vice Lloyd, promoted to the 1st West India Regiment.

☞ By the *Maid of Erin*, from Eastport, yesterday morning, we received Boston papers, through Favor's Express, down to Tuesday afternoon.

CONGRESS.—*The new Navigation Treaty, &c.*—On the 5th instant, a message was received from the President, communicating the following correspondence between the British Minister and the Department of State, which Gen. Taylor says rather requires the action of the Legislature than that of the Executive:

BRITISH LEGATION, *Washington, Jan.* 1, 1850.

SIR,—Her Majesty's government saw, with great satisfaction, the decree published by the President of the United States, conceding to British vessels in American ports the same privileges and advantages which are granted to American vessels in British ports, by the recent modification of the British navigation laws; and I was happy to assure you that the vessels of the United States would not be excluded by any order in council from the full benefit of that change of system which Great Britian has adopted. There are, however, two or three matters to which I must call your attention, believing that the real object and spirit of your standing regulations is to confer on the vessels of foreign powers those advantages which such foreign powers may confer upon the vessels of the United States. As the coasting trade of the United Kingdom is strictly reserved to British vessels, I would not, of course, propose to the United States government, that British vessels should be admitted to trade to and fro between the several ports on the coast of the United States, because such trade being strictly a coasting trade, is, it may be presumed, confined to United States vessels; but the trade between the ports on the east, and those on the west coast of the United States, involving as it does the necessity of passing through seas, and along the coast far beyond the territorial jurisdiction of the United States, resembles in its nature and character the trade carried on between the United Kingdom and the transmarine possessions of the British Crown, into which trade the new act authorizes the admission of the vessels of all countries, which may be disposed to meet the concession of Great Britain in a spirit of fair reciprocity; and Her Majesty's Government conceived that if the United States vessels are to be admitted to this privilege, the United States Government may be fairly expected, in return, to admit British vessels to trade between the Atlantic and Pacific ports of the United States. Moreover, you will be aware that American vessels becoming the property of British citizens, are admitted to the privilege of British register, and I therefore deem it no more than reasonable and fair to expect that measures will be adopted by the United States Government, for making British vessels, becoming the property of American citizens, as much as possible the equivalent of an American register. It will give me much pleasure to be able to satisfy Her Majesty's Government promptly in these particulars.

I avail myself of this occasion, to render to you the assurances of my highest consideration.

H. L. BULWER.

Hon. J. M. CLAYTON, &c. &c. &c.

DEPARTMENT OF STATE,
Washington, January 15, 1850.

SIR,—I was honoured by the receipt of your note of the 1st inst., assuring me that the vessels of the United States would not be excluded by any order in council, from that change of system which Great Britain has adopted by the recent modification of her navigation laws, and expressing the great satisfaction of Her Majesty's Government with the decision of the President of the United States, conceding to British vessels in American ports the same privileges and advantages which are now granted to American vessels in British ports.

The question whether British vessels shall be admitted to trade as you propose, between the Atlantic and Pacific ports of the United States, and whether vessels of British build shall be admitted to the advantages of an American register, are considered by the President as proper subjects for legislative consideration, and will be submitted to the judgment of Congress.

I avail myself of the opportunity to renew to you the assurance of my distinguished consideration.

JOHN M. CLAYTON.

Right Hon. H. L. BULWER, &c. &c.

British Legation, Washington, Jan. 3, 1850.

SIR:—It having been represented to Her Majesty's Government that there is some idea, on the part of the Government of the United States, to increase the duties upon British Iron imported into the United States, I have been instructed by Her Majesty's Government to express to the United States Government, the hope that no addition will be made to the du