what was said to be due by Mr. Baillie to the Province, but he told the Government that unless they put money into his hands to subpœna evidences, &c. &c., he could not go on with the prosecution. It was also necessary to prove that all monies charged to him were actually paid into his hands, these were difficulties the country could not surmount, but what was Mr. Baillie's conduct on the occasion? Why he offered to waive all difficulty and meet the question voluntarily and fairly, did this, he would ask show guilt on the part of Mr. Baillie, or a disposition to blink the question; he had a strong objection to giving the pension, it would set a precedent and a very dangerous one, there was another thing that weighed with him, which was that he hoped to see the salary reduced, and felt that there was every chance of success in that respect if a proper application was made to the home government, in that case the Country would get over two difficulties. With respect to the land jobbing how did that stand? Why the hon. Member for York, (Fisher,) one of the trustees for settling the business of Duncan Barber & Co., what does he say? why, that after examining the books, nothing connecting Mr. Baillie with land jobbing transactions could be found; he (Mr. Baillie,) had been accused, aye! and condemned too, of such transactions, but the examination of the books, falsified public rumour. Now he thought in common fairness, he was entitled to the benefit of such results. Mr. Baillie comes before that house now in a new character, and free from imputation, and was entitled to a different consideration. Let him keep his situation, but let the house use every endeavour to have the salary reduced. He was opposed to all the Resolutions.

Mr. Wilmot said the hon. Member that had just sat down, had asked the question, when did the house recognize 1200*l.*, as a salary for the Surveyor General? here it was, here was Journal and page for him to that effect. (Here the hon. Member read from the Journals.) He could also show, that a reduction of the in-door establishment was proposed, which arrangement was met by the Executive; now if the house had done wrong in that instance, will it not do so in others. [Mr. End asked why did not the house question the expences in Mr. Saunder's time, it was enormous then.] The hon. Member said that the hon Executive Member, had in his observations, stated only one cause of Mr. Baillie's unfitness for office; now was he a fit person? that was the question; he, (Mr. Simonds) had not said he was fit, he was one of the Commissioners, and had said in his report he was not; perhaps the hon. Member from St. John, (Mr. Partelow) can speak to that question. If his opinion was not changed, he had said what he now said, the business of the department at that time was badly done; but the system is now changed. With respect to the deficit, he never said the money was due by Mr. Baillie, but he did say Mr. Baillie must account for it. He wished to condemn no man unheard; he knew, and was ready to acknowledge, that Mr. Baillie had asked, he had begged, he had petitioned the Government to have the business cleared up, to enable him to silence reports, that were spread abroad prejudical to him, he called on Mr. Simonds, as an Executive officer to answer the question.

Hon. C. Simonds said the Government did prosecute, but were told they had no jurisdiction for trying it in this Province, this was so formidable an objection, that he thought the Government acted wisely in abandoning it. If Mr. Baillie keeps his situation, there will be no reduction of salary, the 1200*l.* had been recommended by this Province.

Mr. Hill said if Mr. Baillie was insolvent, he was unfit to fill a public situation, yet if he did retain his office, it would save the principle of granting pensions, it would be giving the salary to one man instead of two. He thought the salary might be cut down; if Responsible Governments should be adopted, public officers as well as public salaries might be removed. No Resolution of that house, had ever recognised the 1200*l.*, as a salary, but on the contrary, have set 600*l.*, as the maximum. If the salary be divided between two persons it would do away with the moral effect of their Resolutions; old customs are fast giving away to a more enlightened policy and will continue to do so. (Here the hon. gentleman described the system of exclusiveism, as practiced in England.) where he said the powerful held all, while the poor suffered all. But this system could not stand, against public opinion, which was all powerful; that house he said, had been silent, and allowed themselves to be beaten out of every position they had taken in Mr. Baillie's business. He would send Address after Address to her Majesty's Government, until they consented to bring down the salaries of public officers, to correspond with the circumstance of the country.

Mr. Hannington said the house and Mr. Baillie were at issue as to the accounts; for his part he could not say he really was indebted to the Province. He thought it would be quite as well to let him retain the office. The office was as badly conducted in Saunders' time as in Baillie's; he would go for no pension, he would consent rather to leave the present incumbent enjoy the office than adopt the pension system—it was a bad thing to introduce in a new and young Colony. If as a public officer, his conduct is such as to justify it, why discharge him at once; he would go for the resolution condemnatory of giving a retired allowance.

Mr. Barbarie said the way he understood the question, as it now was before the House, was this—is he, or is he not capable of filling the office. The same question had been propounded and debated before in that house and Resolutions passed upon it and pretty spicy ones too. In the investigation of the business, the Commissioners found a large balance due, and hon. members thought him (Mr. Baillie,) a defaulter to a large amount. Some thought as a prosecution was instituted against him, it was hard to condemn him until it was fairly proved. He was among that number, who thought it very hard indeed to condemn any man on mere suspicion. [Here the hon. member read one of the former Resolutions.] That he thought a strong Resolution at the time: another was moved to the effect that he was unfit to hold office from the circumstance of his being a defaulter, this was the opinion of the house, but he should not have been so considered while the prosecution was pending—up to this time nothing had been proved against him, and he is therefore presumed to be innocent until the contrary is established, hence it follows that he is a fit person to fill the office. It is a matter, decide which way they might, that the Province was neither to gain nor lose by. He looked to the principle; as to the salary he hoped yet to see it reduced, what ever other hon. members might think of it, and he had little doubt, but her Majesty's Government would comply with the request, if properly asked for.

Mr. Jorden said the Commissioners had reported that he was unfit to hold the office, why if that was the case, he was unworthy of a pension also. Now he thought if the salary was split and 600*l.* given to one person and 600*l.* to another there would be no hope of getting a reduction, the Province was permanently fixed with the burden, while on the other hand if the 1200*l.* was paid to one, there would be fair chance of getting a reduction. He would give no pension to a man at his time of life. Formerly that office was not under the control of the House, now it was, and he could be called to an account when ever it was found necessary. The system too of doing the business had been improved, and he could hardly go wrong now if he was to try.

Mr. Brown said that the only one in that house that had taken a correct view of the matter was the hon. member from Restigouche, (Mr. Barbarie) other hon. members sheared round and did not touch the question, and he would divide the house on the question, shall he be either pensioned or kept in office. He thanks his hon friend (Mr. End) for the compliment he has paid him; he (Mr. End) said he Mr. B. would be sorry for what he had done and said, he would inform that hon. gentleman that he was sorry for it, extremely sorry, and nothing but an imperative duty could have put him on so disagreeable task; but it was a duty he owed his constituents, it was a duty he owed the Country, and he would not from any personal good will he might have towards that hon. gentleman flinch from that duty. He had said before that he was sorry. If that house thought Mr. Baillie unfit to fill the office, why it was their duty to come forward and say so, but if they thought him otherwise, why let that be said. He Mr. (Brown) had been found fault with for making him up with what appeared in the public records, but when that was the case, why not speak of it. Mr. Baillie may be fit to fill the office, but he feared it was rather a hope entertained by that house, than any guarantee the house had, all evidences were against him. He contended that whatever might be said by hon. members, he was not yet exhonerated from the charge of owing the debt; it was only the difficulty of coming at it that acquitted him. He thought that circumstance alone, if nothing else, was quite sufficient to disqualify him. His accounts were in such a chaotic state that it was impossible to get at proper information. If the house would now pass a vote of his fitness, then he would hold the situation and have the confidence of the Country also.

Mr. End said, first settle the question of pension; establish that as a general principle, not mix it up with other questions; go first for the question of pension or no pension; then divide the house if they pleased on the question of fitness, after that, Salary, and last of all as to the retired allowance, in any case, make it general; much had been said of the Report of the Commissioners, but the house was not bound by a Report full of absurdities. He would now urge the house to divide on his Amendment.

Mr. Speaker would object to saying anything about the finances of the country in the Resolution, he would move an Amendment to the Amendment.

Mr. Scoullar could perfectly agree with what had fallen from the hon. Speaker, but differed altogether with the hon. C. Simonds, as to the 1200*l.* salary being permanent, and thought her Majesty's Government might be induced to reduce it. The message Mr. Baillie had received, he thought extremely hard, he had been unfairly accused, and he thought it now only common justice to him in that house, to do all he could for him, to make amends for the treatment he had received. Let him retain his office, or settle the question of pension or no pension.

Mr. Partelow said it was a simple and plain question in the despatch, the thing had taken a much wider range than he had any idea of. After all that had or could be said on the question, the House must come to this, will they or will they not agree to give Baillie a pension, that was the thing, and they could not get away from it. There's where it hinged; he had proposed a Resolution to that effect but he had been forestalled. He would not go into detail, but he thought the money was due, but would not pretend to say that Mr. Baillie owed the money. (Here the hon. gentleman read the documents submitted to the Commissioners, which he explains.) He then moved to report progress.

Mr. Fisher said he had not been inconsistant in his conduct on the question. (He read a Resolution connected with the subject and passed on a former occasion)

Mr. Payne was opposed to pensions nor did he see any good reason why he should be put out of office.

Tuesday, Feb 21.—After the presentation of several local Petitions, and other routine business, the house in a Committee of the whole, resumed the consideration of the Despatches relative to the reappointment of the Hon. Thomas Baillie, (Mr. Gilbert in the Chair.) After several members had spoken—Mr. End asked if Mr. Brown thought the resolution entire, would he not be sorry for what he had done? does he not now try to punish him? to have him removed from office dismissed opprobiously, and disgracefully? he says he may not be guilty, yet he would punish him. He, (Mr. End.) thought that hon. gentleman had told himself the tale of Mr. Baillie's guilt, that he was like a person who had told a lie so often, that he began at length to believe it himself. That hon. gentleman did not, it was true stand alone in the persecution of Mr. Baillie, that was true, but they saw things through a false medium and with a jaundiced eye, and long until all connected with the question had become jaundiced, and he Mr. Baillie was condemned accordingly. And how? why without evidence or oath, or witness; Oh! oh! was that a trial meant for a British subject, did it comport with the boasted privilege of every Briton, the trial by jury condemn a man before he was found guilty, no he hoped not. He Mr. Baillie had begged and prayed for a trial, but could get none, he was told there was no jurisdiciction in this Country, no tribunal to which he could be brought up. Let the Legislature then do the same, establish by law a tribunal for such purposes, then let the hon. gentleman make his position good if he could: no he could not, and before many more years past over hishead, he, Mr. Brown, would be sorry for what he now advanced. As to the salary he hoped, seriously hoped, that it would be reduced, but for a hope of this kind, hundreds of Agriculturists would leave the country. Schoolmasters Mistresses were now hawking their warrents round the Country to get them cashed. Bridges were delapidated, and roads out of repair, and it could not be expected, nor would it that house sanction it, that under these distressing circumstances such large salaries could be paid. No they must come down, it is not only wrong to sanction them but it is really cruel. The Resolution of the hon. member from Charlotte would have the effect of driving men away from the Province. The house was not pinned down to the 1200*l.*, per annum, he had repeated it fifty times over that the question was an open one, he would go for a reduction of the whole of the salaries of the Civil List, with the exception of the Governors.

Mr. Brown said he could not resist the evidence of his own eyes, he would acknowledge there was no positive proof that Mr. Baillie owed the debt but there was abundant proof of his unfitness to hold that office. His accounts were a confused mass, he had also acknowledged that their sums were to be accounted for; he should have passed over the balance and then charged the Province with what was due to him. He, (Mr. Baillie) pleads his case on this footing, he says he wants to be brought to trial, because he knows he cannot be tried in this country; yet if hon. members thought him a fit man to hold the office, he should be glad to see him hold it with the confidence of the country with it. He was not one of the Agitators, nor had he any ill will towards Mr. Baillie, he felt that in taking the position he had he had done his duty, and now came to the question honestly.

Mr. Payne said, the only question now to be disposed of, was he a fit person, and he could find nothing before the Committee to say he was not. His conduct is under the eye of the Council, it appeared to be acknowledged on all hands, that he was a competent surveyor, that was all he thought the house had to look for from him; the salary was certainly too large for this poor country; but Mr. Brown had not shewn the house that he was not qualified for the office.

Mr. Hazen said he could not take rumour for his guide, the charges brought against Mr. Baillie by Mr. Brown, were serious charges, and however true, or however satisfied Mr. Brown might be as to their correctness, he could not expect the House to go with him in the matter. He (Mr. H.) thought it a strange request to make to that house, to pass at vote of censure on any public officer, and without the shadow of a proof before them. If the hon. member, (Mr. Brown) was satisfied of the insufficiency of Mr. Baillie, the house was not, and therefore he thought the Resolution quite irregular; yesterday the hon. member for York, (Mr. Wilmot) said he, (Mr. B.) was insolvent, and that he was therefore disqualified; he, (Mr. H.) said no, that house did not know he was insolvent, nor would they take round assertions for proof. They could not upon constitutional or honest principles, adopt as truths, mere reports; proofs must be furnished, and the accused party has a right to be heard before that house could take any action on his conduct. A hearing and a chance to confront his accusers, is the privilege of the poorest beggar; and he would ask, should a person holding a high Government office, be deprived of that privilege? It was more than the hon. member had any right to expect, the house could not go with him; he remembered to have heard rumours derogatory of Mr. Baillie almost so long as he could remember, but they were only rumours, and as such would go for nothing. He would give no opinion on the matter, until a thorough investigation had taken place; he would vow offer a Resolution to the effect that, that Committee was not now called upon to express an opinion on the subject. He was not, he said, himself prepared to say he was, or was not, fit for the office, but would reserve his opinion for a proper time and place.

Mr. Hill thought a jury had nothing to do with the matter; the Commissioners report was a better guide to that house, than the verdict of a jury, and he thought having that Report, the house was called upon to give its opinion; he thought the Commissioners had a much better chance to sift the business, than a Jury possibly could. The history of that office says, that he is unfit to hold the situation, it was his intention to have gone into that history, but would not do so now. That house had addressed the Home Government before they could get the accounts from him, he would yield nothing but by force, this alone should disqualify him; he did not want him out of office, for any benefit it might be either to him or his friends. He did not want the office, but he wanted it filled with a proper person; when ever the question came before that house, there had been always a disposition evinced by some of the hon. members to starve it off. It was ridiculous to talk of Juries in this case, he had no unjust prejudice to any one, but he thought the Report of the Commissioners better than the verdict of a Jury. He hoped the house would express a faithful opinion, and if he received their approbation it was well and if the opinion was against him, why it would shew that he held the office contrary to the wishes of the house.

Hon. Speaker said he regretted that a Resolution had been brought in, as it would render other Resolutions necessary; he thought the house was not at all called upon to say whether he was a fit person or not, to hold the office. The home government had seen all the reports of the house, and have concluded to keep him in his office; he did not think his refusal to give the accounts to the house arose from any opposition of his own, but rather thinks it was in accordance with instructions received from home, and if there was any blame to be attached, it must be laid to the charge of the Colonial Office. The system on which the business was done in that department was a bad system, and from that sprang all the difficulty. A new system is introduced, and he did not doubt but under that system Mr. Baillie would give every satisfaction, his former difficulties had taught him a lesson, which no doubt would be useful to him. The Resolution if put must be negatived and that would be saying he was fully fit for the office, therefore, he would prefer that the house should pass no opinion at that time in the matter, he did not wish the house to commit itself, the house might then be well satisfied with him, and before the next meeting of the Legislature something might transpire to make them change that opinion; he would withdraw it, let nothing appear on the Journals relative to the business.

Mr. Brown would like to have the question tried. [Wherefore a Resolution to the effect, that no expression of the opinion of the house was at that time called for, was put and carried with a large majority.]

[*From Alexander's Philadelphia Messenger.*]

Full particulars of the recent Tragedy—Seduction—Abduction—Attempt to escape—Vengeance—Death of the Author of the Misery.

In the early part of last week we were in possession of many facts connected with the recent affair which has led to so tragical a result, but forebore giving them a place in our columns, thinking such a course would shock the moral sense of the community, and do infinitely more harm than good. It is not our aim to cater for the depraved appetite, nor publish statements that may afford food for the licentious, neither do we wish to wound the susceptible feelings of the innocent, by exposing the frailties of those with whom they are connected, but the death of Heberton has led our citizens to enquire concerning all that relates to the proceedings which led to such a result, we are induced to present to our readers what we have been enabled to learn, at the same time stating that what we publish may be depended upon for its accuracy:—

A few months since, Mahlon Hutchinson Heberton became acquainted with Miss Sarah Gardiner Mercer, a respectable young lady, daughter of Mr. Thomas Mercer, No. 33 Queen street, Southwark. Miss Mercer is quite young, being but 18 years of age, is very pretty and interesting, and hitherto has been highly esteemed by a large circle of acquaintances. Heberton was a dashing buck. Possessing a fine figure, dark eyes and hair, an ample *moustache*, and an easy assurance, he was the very person for a "woman killer."

There are various statements as to the origin of Heberton's intimacy with Miss Mercer. We are told that the first time he ever saw her was in Chestnut street: that she accosted him by the name of Mr. "Bastido," upon which Heberton joined her and walked with her to her father's house, and there left her, he having obtained her promise to meet him at future times, which she found opportunities to do, leading her mother to believe that she was visiting her married sister, Mrs. Quinn, in Prime street. Heberton proffered marriage, and after repeated protestations of love, the time was agreed upon, and her ruin effected. He continued to see her covertly until within the past few weeks, when emboldened by effrontery he became more open in his attentions, and was frequently seen walking with her in open day, in the suburbs of the city.

A physician, who was well acquainted with the young lady's father, seeing her on Monday last walking with Heberton, and knowing the reputation Heberton had required for libertinism, deemed it, very properly, his duty to acquaint the family, and put them on their guard. He accordingly made it known to Mr. Mercer, leaving him to take such measures as he thought proper.

Mr. Mercer, upon the same day that he received this intelligence, also received several anonymous notes, containing matter similar in import to that communicated by the physician. Sarah being absent, he immediately sent a servant to Mrs. Quinn's, with orders for her to return home, expecting, of course, that she would be found there, she having left word to that effect. The servant girl hastened to Mrs. Quinn's, and there found Sarah, to whom she communicated her orders, adding, woman like, "he's heard all about you and Heberton, and has got several letters telling about it. I don't know what he'll do." Sarah replied, "he won't do any thing. Heberton is going to marry me, and take me to New Orleans;" and after a few moment's reflection, she added, "You stay here with sister, and I will go home."

She left the house, but did not return to her father's residence. Upon the servant's going back and expressing surprise that Sarah had not returned, the family became alarmed, and every exertion was made to find her whereabouts, but without success. Her friends were searching for her until midnight, when they went to Alderman Mitchell, roused him from his bed, and took out a warrant against Mahlon Hutchinson Heberton, charging him with alluring and enticing away Sarah Gardiner Mercer. In the course of the forenoon of Tuesday, the officer arrested Heberton, and took him before the Alderman, where he was confronted with Singleton Mercer, his father, and brother, and James Hanna, Esq., counsel for the family. Singleton asked Heberton to take him where his sister was secreted, promising that if he did so, the matter should be hushed up. Heberton denied all knowledge of her privacy, and no evidence being adduced that the defendant was privy to her concealment, or had been concerned in the abduction, the case was adjourned over to Wednesday, when the parties again met, but, as before, without evidence. The father of the young lady then asked Heberton to marry his daughter, saying, "she is good enough for you," and offered him, as a dowry, fifty thousand dollars. Heberton refused with a taunting smile. The father then asked him to marry her, take the fifty thousand dollars, begging him to save the reputation of the girl, and the peace and quiet of the family, and promised him that he should have a divorce on the succeeding day. To this Heberton replied, "I'm not a marrying man; I don't want your money nor your daughter." The prosecutors were obliged to abandon the case, there not being sufficient evidence to warrant a binding over, and Heberton was again at large.

A friend of the family, finding that the proposition of Mr. Mercer had been so scornfully treated by Heberton, and being shocked at his conduct in thus refusing to restore the peace of an injured family, said, "If that was my sister, I'd have that man's heart's blood in less than 24 hours." This threat was made in the presence of Heberton, and put him upon his guard.

On Thursday, Miss Mercer was brought to her father's house by a female who keeps one of those brothels for which certain sections of our city are noted. This female gave her residence as being in the neighbourhood of Pine and Twelfth streets. Her story was, that late on Monday night, she opened her door, and saw the young lady walking up and down on the pavement, and as a matter of charity, the night being cold, and the pavement covered with snow, she took her into the house, and added "she has slept with me these last two nights." That this story was concocted for the occasion, and by the advice of Heberton, is fully apparent.

Singleton Mercer learning that Heberton had seduced Sarah, some three months previous, under the solemn pledge of marriage, and that his libertine practices had been subsequently indulged still under that pledge, resolved upon satisfaction.

On Thursday, he ascertained that Heberton had left his trunk and a fowling piece at a barber's shop, in Fifth street, and that he was making preparations to leave the city. Subsequently he learned that he was secreted in the office of James Vandyke, Esq., in Walnut between Fifth and Sixth streets. His plans were then made, and closely and assiduously did he apply himself to the task of their fulfilment. On the evening of the Thursday, (Heberton being without doubt in Mr. Vandyke's office,) Mr. V. sent his servant, a colored man, to engage a cab, and drive to the house of Mrs. Heberton, in Ninth street below Cherry, get Mr. H's. fowling piece, rifle, and trunk, and bring them to his office. These directions were carefully obeyed.

When the servant stepped from the cab, he saw two persons on the sidewalk on the opposite corner of the streets, evidently on the watch. On driving off, he was alarmed by a noise on the top of the cab, ordered the driver to stop, and, upon getting out, saw Mercer on the vehicle, where he had ensconced himself while the servant was in the house, by handing the driver some money. The servant had Mercer ejected from the cab, and, to elude pursuit, told the driver to take a circuitous route, and take him to his (the servant's) own house, which is in Middle Alley, between Sixth and Seventh, and Spruce and Pine streets. When arrived, the servant got out, did not remove the things, went into the house, where he stayed a few moments, came out, and, by a circuitous route, brought up at the barber's shop, as before stated, in Fifth street below Walnut. About 12 o'clock that night, Captain Bennett, of the night watch, seeing Mr. Mercer standing opposite the barber's shop, spoke to him, and, as a matter of duty, asked him his business. Mercer said he was watching some goods that had just been placed in the shop, and thought they would be carried off during the night, and wished, if such was the case, to know where they would be deposited. Capt. Bennett, seeing that he was much excited in mind, prevailed on him to go to Bloodgood's Hotel, at Walnut Street Ferry, promising that he would have the house carefully watched, and if the goods were removed, give him information. About 5 o'clock on Friday afternoon, a coach driven by Mr. Vandyke's servant stopped in front of Mr. V's. office. The articles before described, and which had been removed from the barber's shop, were placed in the carriage, and Mr. V., stepping in the carriage was drove off.

The coach was driven in every direction, up one street and down another, for upwards of half an hour, until at length it entered the street back of Mr. V's office, where it stepped but an instant, and took in Mr. Heberton.

These movements were closely watched by young Mercer, for no sooner did the coach start from the front office, than Mercer, who was standing on the northwest corner of Fifth and Walnut sts., which is a stand for cabs, engaged a cab, saying to the driver "*follow that carriage—if you kill your horse, I'll pay for it*," and off he started. When Heberton had taken his seat in the coach, it was driven to Market Street Ferry. The cab containing young Mercer followed, and reached the wharf about the same time. Mercer got out, paid the driver, and went on board the steamboat John Fitch, on which was the carriage. Immediately after the boat left the wharf on its way to Camden, Mr. Vandyke got out of the carriage to reconnoitre. Seeing several gentlemen muffled up in cloaks, he approached and spoke to them, to ascertain if they were the friends of Mercer. He did not recognise them. The boat in going into the slip on the Camden side, came in contact with the ice, causing a noise, which frightened the horses, who commenced rearing and prancing. Mr. V. took hold of the bridles of one and his servant of the other. All this time Heberton was in the coach, perfectly quiet, with the leather curtains drawn close and the windows shut. Along side of, and close to the carriage stood a charcoal wagon, so close that all ingress or egress to or from the carriage on that side was improbable. The horses of the coal wagon and those of the carriage stood facing the same way the back of the wagon being a small distance in rear of that of the carriage.

As the steamboat neared the landing place, about half past six o'clock, Mr. Vandyke and the servant still holding the horses, four pistol reports were distinctly heard, and accompanying each report, the words "There"—"There"—"There"—"There." Suspecting that his fears had been realized, Mr. V. left the horses, and ran around the coal wagon, the reports and the ejaculations being in that direction. [By this time the boat had reached the pier.] When Mr. V. had passed around, he saw young Mercer standing on the back of the coal wagon, with both hands in the pockets of his pantaloons, Mercer accosted Mr. Vandyke, saying, "Here I am—I did it—it is done now," and then exclaimed, "Bring in the fiddles—let's have a dance;" and he immediately commenced dancing on the deck of the boat. Mr. Vandyke asked him for the pistol. Mercer made no reply, and then Mr. V. caught hold of his arm, and pulled his hand from his pocket. In his hand was one of Colt's six barrelled revolving pistols. The owner of the charcoal wagon said "That man," pointing to Mercer, "is a d——d fool, any how"—meaning that by his actions he had behaved foolishly, and not knowing what had transpired. Mr. V. then called to those around to aid and assist in securing Mercer, but they declined, saying, "We have nothing to do with him." "What has he done?" "For what do you want him arrested?"

Mr. V. then took hold of Mercer and conducted him towards the carriage—Mercer said "don't hurt me—don't hurt me," apparently fearful that his own life was in danger, and not being aware that Heberton was dead.

While Mr. V. was with Mercer, the driver opened the coach door, when the by-standers heard Heberton groan, and saw him drop his head towards his knees, he having received the shot while in a sitting position. The body of Heberton was taken from the coach and conveyed to Cake's tavern, near the landing. Mercer was taken into the bar room, and placed in custody. He had but barely entered the tavern, when he again exclaimed "bring the fiddles, let's have a dance," and immediately commenced dancing.

Caleb Roberts, Coroner, Gloucester county, N. J., was sent for, and upon his arrival a jury was summoned to hold an inquest upon the body. The jury sat until a late hour on Friday night, and adjourned to meet again on Saturday morning. During the night a post mortem examination of the body was made by Doctors Mulford and Fisler of Camden, and Dr. Rush Vandyke of Philadelphia, when it was ascertained that the ball which caused Heberton's death struck him below the back part of the left shoulder, shattered the lower part of the *scapula* and the sixth rib—passed through the *lobe* of the left lung, and the *pericardium*, and lodged in the fleshy part of the right ventricle of the heart. Early on Saturday morning the Coroner's Jury resumed the investigation. The result of the post mortem examination—substantially as above stated was laid before them, and they returned a verdict of wilful murder against Mercer.

Previous to the rendition of the verdict by the Coroner's Jury, Mercer was taken before Justice Harrison, of Camden, who, after hearing the testimony of several witnesses, committed him to Woodbury jail, to answer the charge of murder in the first degree. Ferdinand W. Hubbell, of Philadelphia, attended as counsel for Mercer during the examination.

About 11 o'clock Saturday morning, Mercer was ironed, and taken to the jail in a private vehicle, accompanied by an officer, a friend, and his counsel. The body of Heberton was taken in charge by Mr. Vandyke, and brought to this city.

About 12 o'clock on Friday night, while Mercer was in custody of the officers, Mr. Vandyke asked him if he was not hungry, and if he did not wish to eat. He said, "I have not eaten any thing save a half dozen raw oysters, the past 36 hours." A supper was ordered, when the officers who had charge of him, thinking the kindness of Mr. V. was indicative of an attempt at escape, placed heavy irons upon his limbs. After Mercer had eaten his supper he laid down and slept soundly for 4 hours.

The first ball fired was the one, undoubtedly, which caused Heberton's death. The whole four balls passed through the leather curtains of the carriage, three of them passing directly through the carriage, and out of the opposite side. That which proved fatal was found lodging in the centre of the heart and flattened. The two barrels that missed fire, contained each a ball.

The deceased was a son of the late Dr. Heberton, of Arch street, and resided with his widowed mother and an only sister, in Ninth street, near Cherry. He was 23 years of age.

At the time of the fatal occurrence, the deceased had about his person a knife and a pocket pistol, and in the carriage with him the rifle and the fowling pieces before mentioned.

THE CHRONICLE.

SAINT JOHN, MARCH 3, 1843.

House of Assembly.—We have copied into our paper this day a part of the debate on the question of Mr. Baillie's reinstatement to office. This subject appears to have been a standing dish in the House for the last seven years, served up during a goodly portion of each session, in order, as it turns out, to blind the eyes of the constituency to the iniquitous conduct of the late House of Assembly. After all the outcry against this gentleman we may now seriously ask, where do we find ourselves?—It is here. After all the time and money wasted by the House in abusing and persecuting Mr. Baillie, he is now, by those who were most loud in their condemnation, acquitted of all the *charges* they have so unceremoniously bandied about the house, and reinstated in his office. The fact is, we have been joggled by our own representatives; the agitation on this subject alone has cost the country nearly one thousand pounds each session; no small portion of which has gone into the pockets of members themselves in the shape of daily pay, portion of delegations; and one beautiful item alone is £700 pocketed by three members for specially reporting whether or not the Commissioner owed the country double that amount. And further, what has availed the boasted cry of retrenchment, that was to be carried into the Crown Land Department when Mr. Baillie was got rid of? It is now stated that the most lavish expenditure of Mr. Baillie's time is nothing in comparison to the late "extravagance:" witness a few items charged against the Casual Revenue:—Travelling expences of Executive Council, £231; Dr. Gesner, *on account* of survey of Tobique Valley, £75; £200 *additional* ex*lately a la Harvey* to the late Commissioner of Crown Lands; another £75 to Dr. Gesner *towards* exploring the Mechanic's settlement; £330, (including £517 4s. 10d. for His Excellency's postage,) for Provincial Secretary's and other public postages, &c. &c. &c. If these and the like *additionals*, are the *boons* responsible men would confer upon us, the less we have of them the better.

The Governor General.—By the last accounts direct from Canada, we are glad to perceive that a favourable change has taken place in His Excellency's health, though late American papers state his demise, which, it is to be hoped is incorrect. The *Kingston Whig* of 17th says—

"The almost miraculous rescue of his Excellency the Governor General from the jaws of death, is almost the only topic of conversation, in these dull test of dull times. It has thrown a little life into society. But although removed from immediate danger, his Excellency is far from being recovered. He still remains exceedingly unwell, and is consequently unable to transact any kind of public business.

The new Organ lately purchased by the Sacred Music Society has been temporarily erected in the Museum Room of the Mechanics' Institute, where it was performed on for the first time at the weekly practise of the Society on Wednesday evening. It is a splendid instrument, and good judges inform us that its melodious tones are not surpassed by any other in the city.

Appointment.—Captain W. F. Williams, R. A. of Annapolis Royal, Nova Scotia, who was sent ten years ago from England to Constantinople, to superintend the Sultan's Artillery, has been appointed by sir Stratford Canning, (English Ambassador,) British Commissioner at the Conferences to be held for settling the boundary between Turkey and Persia. For this purpose he was to embark with the Turkish Envoy at Constantinople on the 13th January, in the Austrian steamer *Stambol*, for Trebezonde, on the Black Sea, and thence to proceed to Erzerorem, the capital of ancient Armenia, at which place the Commissioners were to meet for conducting the negociations.

The friends and townsmen of Capt. Williams will be gratified to learn that he continues to receive such flattering marks of his country's confidence.

Fire.—On Friday evening last, a Grist and Oat Mill, belonging to Mr. Joseph Stewart, in the Parish of Norton, King's County, was consumed by fire, caused as is supposed, by a defect in the chimney or stove pipe. A large quantity of grain and flour, also four hogs in an adjoining building were consumed with the mill. This misfortune falls heavy upon Mr. Stewart, who is an industrious mechanic, universally esteemed in the neighbourhood;—his loss will not be less than £600.—The establishment was of superior construction, and its demolition will subject the surrounding settlements to considerable inconvenience.

Robbery.—On Saturday night last, the store of Messrs. D. & F. Leavitt, in Nelson street, was broken open, and ten bags of flour were carried away by the robbers, who entered through the window of the door, the shutter being forced in.—The thieves at first attempted to force open the door, but being unable to accomplish this, they broke through the shutter, demolishing the glass. It was reported that a considerable sum of money remained in the drawers entouched. Such "honor among thieves" however, is of rare occurrence, and very naturally excited some surprise; but we are informed that this was not the case, no money having been left in the store.—As the robbers did not effect their object wi hout some difficulty, and causing considerable noise, it is a matter of astonishment that they were not overheard by the watch, especially when we consider that they were almost within sight of the Watch-house.—*N. Brunswicker.*

The total length of the Northern Boundary Line between the British possessions in North America and those of the United States is said to be three thousand one hundred and thirty miles.

Her Majesty's brig *Victor*, which sailed from Mexico for Bermuda in October last, has not since been heard of, Fears are consequently entertained for her safety.

Declaration of Insolvency.—28th February, John Kinnear and Herrison G. Kinnear, both of the city of Saint John, Merchants.—*Royal Gazette.*

A slide of land from a hill to the Eastward of Troy, New York, occurred on the 17th ult. by which accident several houses were completely carried away, and eighteen persons lost their lives in the ruins. The earth came down the hill with such velocity, as to go more than 500 feet on a level after it had reached the bottom.

Revolution in St. Domingo.—A late arrival from this Island into the United States, gives intelligence of a Revolution having broken out there, and reports a large body of men to the number of 8000 being about to advance on Aux Cayes if their demand for a Republican Government was not complied with.

Arrangement of Circuit for 1843.

Mr. Justice Botsford—Restigouche, Tuesday 22d August; Gloucester, Tuesday 5th Sept.; Northumberland, Tuesday 12th do.

Mr. Justice Carter—Sunbury, Tuesday 28th February; Queen's, Tuesday 7th March; Charlotte, Tuesday 25th April; St. John, Tuesday 1st Aug.; Kent, Tuesday 29th August; Westmorland, Tuesday 5th September.

Mr. Justice Parker—King's, Tuesday 11th July; Carleton, Tuesday 26th september; Charlotte, Tuesday 31st October; Saint John, Tuesday 9th January, 1844.

Supreme Court—Hilary Term.—Colin Irvine Allan, B.C.L.; Horace H. Beardsley, Humphrey T. Gilbert, B. Boyd Kinnear, Thomas C. Chapman, William M. M'Lauchlan, A.B., George W. Ritchie, and John G. Campbell, Gents., having produced the requisite certificates, and having been examined as to their fitness and capacity, are admitted, sworn and enrolled Attornies of this Honorable Court.

James J. Kaye, Esq., one of the Attornies of this Court, is called to the Bar, and admitted, sworn and enrolled a Barrister.

A private soldier of the 52d Regiment named Joseph Pearson, was accidentally drowned in the River at Woodstock, on the 22d ultimo, by falling through the ice, on which he had ventured too far. His body was found about an hour after the accident, when all attempts to resuscitate it proved ineffectual.

The following Circular, stated to have come from high authority, has recently been published in Fredericton:

A PLAN FOR THE SETTLEMENT OF CHURCH LANDS IN NEW-BRUNSWICK.

So many colonizing schemes have been put forth of late years, in which Capitalists have been allured to embark, with a view to profit, and Settlers, from experience, have found of advantage, in which both have eventually met with disappointment and loss, that those who have ardently desired that such undertakings should redound to the honour of England and her Colonies, are called on in proposing another Plan for the consideration of others who are able to give effect to it, to afford some explanation of the principles it involves.

The enterprize of Englishmen in these latter days, has carried them into every region of the Globe, and attached as they are to the Constitution of their Country, it may be matter of surprise that its permanent endowment has not usually and imperfectly developed in the Settlements they have formed. Unhappily the disturbing causes have been various. In the slavery of the West Indies and the penal Establishments of Australia, obstacles presented themselves which were for a long time insurmountable, and in the foreign possessions acquired during the late wars, a disposition to respect the usages of the people has retarded those ameliorations which an early adoption of the principles of the English Common Law would have been so well calculated to introduce.

In New-Brunswick none of these impediments have presented themselves, and assuredly there could be no fairer field in which to carry out these principles from which, under Providence, the glory, prosperity, and stability of England have mainly been derived.

The right of an Englishman to carry with him the privileges of his Constitution, may be familiar to many who have not considered all that it involves of responsibilities as well as of rights.

The recognition of christianity as a part and parcel of the Common Law, is the original basis on which the Constitution in Church and State has been founded, and although divisions in the Church and the rise of separate Communions have impaired that unity in the Colonies, yet the principle itself is inherent in the Constitution, and to separate the Common Law from its connection with and dependance on the Divine Law, would be to deprive it of its chief claims to our confidence and veneration. This will admit of easy illustration.

We value ourselves on the institution of our Jury trial, regulated as it is under guard of our rights and liberties, but in what would consist its efficacy, and what faith or trust could be reposed in it, unless composed of *Christian men*, holding themselves in their consciences responsible to God for the justice of their verdicts, and what awful corruption and tyranny must ensue wherever such powers should be exercised by men uninfluenced by a paramount sense of religious obligation.

The union of spiritual and secular interests thro' the claims of rival sects, having thus been disturbed in the Colonies, the Legislative authorities have been too prone to regard the former, as not within the range of their responsibilities. Except where land, as in Canada, may have been set apart for Clergy Reserves, the Religious Establishments have been left wholly dependant on voluntary and for the most part extraneous support, which has proved altogether inadequate to meet the pressure of increasing numbers, augmented by the influx of Emigrants from the United Kingdom who have arrived in a state of moral and physical destitution.

Two important considerations are here involved. The promiscuous settlement of people of various Denominations, intent only on acquiring a subsistence from the Land, and depending for spiritual instruction on the casual visits of Ministers of various Denominations; and secondly, the support of such Establishments as have been formed principally from funds raised in England for the conversion of the Heathen, to which a Christian Community should rather look forward to contribute.

When it is considered how small a part of the aggregate resources of Society are required to provide sufficiently for its spiritual interests, we are led to recur to that ancient principle which made the dedication of such portion a primary and indispensable obligation, and it might be easy to prove that the recognition of such a claim in the early settlement of the Colonies would have been productive of temporal as well as of spiritual advantages.

If credit and confidence are the offspring of industry and probity, these must every where depend on religious and moral sanctions; and to encourage a desire for temporal advantages, regardless of higher obligations, is an appeal to the selfish passions tending too often to injustice and vice, and the dissolution of such unholy compacts.

When we reflect on the solemn injunctions which attended the fulfilment of the Divine Covenant with the posterity of Abraham, there is perhaps nothing more impressive than the contrast exhibited in the modern speculations which are