The Chronicle.

Saint John, January 20, 1853.

THE LAW COMMISSION.

We have noticed of late some remarks on the commission, written in singularly bad taste, and in perfect ignorance of the subject. The *Morning Chronicle*, which we presume is still to be the joint organ of [illegible] Roman Catholic party, hastens to the assistance of its friend, and must be changed in the internal arrangements of Cabinet.

A very slight examination of the constitution of the new Cabinet will serve to show the unusually candid doubts of the Romanist organ. On what concerns able private, he did Lord Aberdeen proceed in allo-

matter, was, "we believe there [illegible] men, who understands the pleadings and *practices* of our courts of justice, can revise and popularize the *laws* in three months." Yes, in the very next sentence we are gravely informed that his republican friends, with all their acknowledged acuteness and spirit of progression, "*were seven years* in talking over and preparing the American Constitution!"

The *News* is a great admirer of Mr. Needham's Bill, which was simply confined to the proceedings and practice of our courts of justice, yet he tells us, that "it should form a platform for the Commission to sit upon;" and further on, we are told that this bill, which was simply to attain one object—a reformation in judicial proceedings—was "modelled in such a way as to give simplicity to *the laws*, and to reduce them to common sense, so that every one could understand who might take the trouble to read"!! *Ne sutor ultra crepidam.*

We are happy to inform our readers that the Act of Assembly of 1852, authorising the Commission, empowers the Executive to appoint not less than three, not more than five commissioners to (in the language of the Act,) "consolidate, simplify in their language, revise, and arrange in one uniform code the Acts of the Assembly in this Province, incorporating in such revision and arrangement all such alterations and amendments as the said Commissioners shall deem necessary, and to report upon the practice of the proceedings of the Courts of Law and Equity, and to suggest such alterations therein as may appear to the said Commissioners, or a majority of them, best adapted to lessen expense and advance justice, and especially to take into consideration the Law of Evidence, as it at present exists in this Province, and the propriety of altering the same, and to report the result of their doings to the Lieutenant Governor or Administrator of the Government for the time being, in separate reports, and finally to lay or report the revision and consolidation of the Acts of Assembly, and to the other, the practice and proceedings of the Courts of Law and Equity," &c.

We can tell the *News* that the consideration of the subject matter embraced in Mr. Needham's Bill will not form a *fiftieth part*—or any thing like it—of the labour to arise from the Commissioners.

What the Commissioners have been assiduously attending to for some time past, is what is required from them in their first report, that is, a codification and revision of the Acts of Assembly. In this labour they have made considerable progress, and they indulge the hope, that this portion of their duty will be ready for submission to the Legislature at an early period of the next session. In Nova Scotia we are informed, that a wards of two years were occupied in performing about the same amount of service.

Let any intelligent man, capable of the task, examine the condition of our Provincial Statutes, and observe the confusion, contradiction, ambiguity, tautology, &c., which abound therein. Indeed, their *voluminous* condition, by reason of alterations and amendments from time to time, have placed them in such a state of confusion, that it is almost impossible for any other than a lawyer to ascertain in many cases what the law really is. This chaotic mass the Commissioners have boldly encountered, and the time is not distant, when all the laws now contained in almost a wheel barrow load of books, will be revised, codified, and simplified, in such a manner, that either editor of the *News* or *Freeman* can carry our statutory enactments in his greatcoat pocket! Such is the case with the Nova Scotia laws, and the work embracing them is there sold for 12s. 6d. Ours will not cost more.

But, after having accomplished this achievement so desirable to every law-abiding subject in the Province, the Commissioners will be far, very far, from the end of their labour. Such topics as are entertained in "Mr. Needham's Bill,"—and very many others, will be handled without gloves, the department of Foreign Affairs, for which he has no qualifications, and is not permitted to have the Home Secretaryship, for which his experience fully fits him.

Is it possible to justify such a *misdemeanor* of all antecedents, on any conceivable principle of common sense?

[*From the Liverpool Mail.*]

To the amazement of the whole country, Lord ABERDEEN sits in the place of Lord DERBY! We have had no surprise so unexpected, as this since Lord PALMERSTON was dismissed by Lord JOHN RUSSELL. Lord DERBY's ministry was, it seems, too honest and independent for the factions in the House of Commons, and they determined either to disgrace or overthrow it. The former they failed to do, the latter they accomplished.

The members of the late administration came into office with clean hands, and pure intentions, resolved to act in the spirit of fairness towards all the great interests of the country. This was an offence in the estimation of the retainers of the fag of former ministries,—the exhausted but needy and dissonsolate Whigs. They saw (clearly enough indications that the measures of the Earl of Derby would give satisfaction to the country, improve its financial condition, repair former errors, reform the law courts successfully, purify the sources of justice, re-distribute more equally the pressure of taxation among all classes of the people, and by these means strengthen and consolidate the government, and they could not endure it. The prospect of a settled ministry was agonising—to many of them it was like a sentence of death. The Puelites had nothing to lose—not even a party. The Whigs were des erate and poor, and without any reputation that could be additionally damaged. The Radicals, as usual, were full of hope, encouraged for a moment only to be disappointed. The Irish Papists cheered on the heretics for the sake of fun and mischief, according to their native habits. They all joined in one of the most infamous cabals that ever was witnessed by the people of England—all parties one coil—every vote for a different reason, or no reason at all—in order to oust the ministry, and they succeeded.

When we see Lord Aberdeen placed at the head of a ministry, the members of which are not only the worn-out and moth-eaten fragments of former ministries, but one and all of them *favourable to Popish aggression*, we cannot help looking upon the selection with suspicion and alarm. The time proved is ominous enough. There is at present a panic among the monarchies of Europe, against the Protestantism of the British empire. Austria will not allow the Bible to be read in her dominions. The English missionaries have been expelled from Hungary. The Grand Duke of Tuscany punishes a tract reading with imprisonment for [illegible]. Spain has just passed a decree prohibiting the [illegible] any religion save the Popish in that kingdom. The Republic of France, with Louis Napoleon for their President, is united Lord Aberdeen, the corresponding member of the Imperial Cabinet of Vienna! Lord John Russell, who nominated Lord Palmerston in the first instance, your business was sent towards the government, and this to change foreign courts in to take his place! Lord Palmerston, at the Home office, is to complete and regulate that body of ministers, which Lord John Russell started office rather than accept it! In short, Lord John Russell must clear out early out Lord Palmerston's foreign policy or reverse it: and Lord Palmerston must carry out Lord John's home reforms, according to his pledges, or—leave them alone! What sad humiliations! What awkward predicaments! How can these two men sit in the same cabinet, and look each other in the face, after such painful antecedents?

The chief plotter and conspirator in this anti-Protestant Ministry, his fingers still smelling of the sealing-wax of the Post Office, and poor Macgregor's ravaged letters, is Sir James Graham. Lord Derby shows in his speech in the House of Lords, in the presence of Lord Aberdeen, as we did in our last, that Sir James Graham, having returned to his "old love" of radicalism, at Carlisle, was the first to declare open war with the late Administration, before any intimation or any programme of its intended policy had appeared. He came to London, did this old-love Radical, immediately on his election, and waited upon Lord Aberdeen with his proposals of entertainment. The next we hear of him, what the late Premier of England—all [illegible] re, cut—"would you be nothing?" English readers will not require any comment on the situation from France. She wants no aid from Austria—

THE NEW MINISTRY.

The following remarks on the new Ministry, we extract from our valuable conservative exchange, the *Waterford Mail*:

That the only object in office is power, is apparent to any one who will look over the list of ministers who have got and the places assigned them. Even Lord Palmerston, who so long dazzled as Foreign Secretary, is, it seems, deemed incapable of filling that post, but gets the Home Department; while Lord John, who was formerly supposed to have capacity enough for Foreign [illegible]

Sir Charles Wood, the old Chancellor of the Exchequer, with all his financial experience, is degraded to the Council Board; while Sir James Graham is created a Board of Control; while Sir Richard Bethell, who, under Sir Robert Peel, had the appointment of Master of the Rolls, and the promise of a Peerage, is actually offered a Puisne Judgeship! We might extend the list of the other important appointments, but enough is evident from the above to show that the offices have been given away on the principle of "take what you get or take nothing."

When Lord Derby succeeded to office, he was met with the cry that his Ministry were new untried men, who were not fitted for their posts; and the new administration, with all their talents, have offered the important offices of Lord Chancellor of England and Lord Chancellor of Ireland to those who had been kindly selected by Lord Derby, thus shewing the untruth of the assertions made as to their incapacity. Mr. D'Israeli has shewn prominence and talent for his onerous office; and the other members of the late government have shewn the country that they possessed high administrative talent. We have no such complaints from the Colonies since Sir John Packington held the seals, as were of frequent occurrence under Lord Grey.

The Whig journals may congratulate themselves on the many great names that appear in the present Ministry, but to us each of them assumes power, under the sentence that they are not powerful, while of filling the offices they formerly held. The appointment of Brewster and Keogh to the highest legal offices in Ireland is a lamentable contrast to the statesmanlike and legal acquirements of Napier and Whiteside, the former of whom has shewn true intelligence and persevering industry in his endeavour to settle the Land Question.

We have looked at the names, promotions of the Ministry to discover what would probably be their conduct on the great constitutional question that must engage the attention of parliament. Are they favorable to progress, to improvement? or are they inimical thereto? We look back to Luther's time, and see in it the greatest effort at progress that has been made since the introduction of Christianity—that movement was a great Reformation; it unshackled both the mind and conscience. We consider the tendency of many in this day towards Puseyism, Tractarianism, or Popery, as reactionary tendencies: as steps towards the shackling of mind, and the trammelling of conscience—we regard them as the reverse of progress, and deem them to be departures from the enlightened principles of the British constitution, towards despotism and enslavement, and we therefore fear for the cause of civil and religious freedom for the advancement of the nation, when we find nearly a majority of the Cabinet are Puseyites—there being no proves that personally they have *gone back from the Reformation*, and indeed, in fact, the obstacles system which our forefathers reformed. One of our London contemporaries says that there are two Puseyites, six Puseyites in the Cabinet; and that, as to their religious convictions of the other, it would not like to give an opinion one, at least, has evinced unfavorable notoriety as the publisher and editor of Hobbs' Atheistical Works—surely this is a pretty Cabinet Minister for a Christian people.

We hope the most active steps will be taken to defeat Mr. Gladstone at Oxford, Lord John Russell at London, Sir C. Wood at Halifax, and Sir James Graham at Carlisle—such a course would evince that the people of England were not indifferent as to character and qualifications of the members of the Cabinet. We can see no similarity of views between the different members of the Cabinet on the important links together which already in hand and near completion, west of Toronto to Detroit, will leave but an inconsiderable portion undone, arrangements for the immediate prosecution of which are already in progress."

This able engineer from personal observation is enabled to make a faithful comparison between the manner of constructing railroads in the United States, and that which is intended to prevail in the British colonial lines, to be built under his superintendence of Messrs. Jackson & Co. He thus remarks on this subject:

"As to the character of the works of construction, in the United States they are generally (indeed almost without exception) of a very indifferent and temporary kind, so much so, as to deter any travelling beyond twenty miles per hour, and even at this speed a journey is rarely performed without some accident or mishap, owing to the imperfect state of the road, the consequences of which are very apparent in the broken rails, and in every instance in which I have seen any account published, it is more than double the [illegible] of one common to railways in this country, and which leads to a certainty that one quarter the present time (a fortnight) will be sufficiently (frequently occasioning) of the large timber structures with which they cross the rivers, [illegible], and causing a much less cessation of travel until the line is in operation.

These obstacles will be removed in the construction of the Quebec and Richmond railway.—The line will be principally ballasted and drained and the large structures [illegible] of stone or iron, the latter will be made of corrugated iron from towns manufactured in this Province, thus assuring against rapid decay, as well as economy,

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Communications.

[For the Chronicle.]

SIR,—I observe in your paper of the 20th ult. a communication signed "A Traveller," who undertakes to report a case at the Sessions of "a certain County Town, not far from the City of St. John." Although somewhat enough to write anonymously, his penchant for abuse, his false and contorted statements, sufficiently identify it a person, for whom it is unfortunate, as a reporter, that he allows this his natural failing to show itself at the very outset of his prodigious travels. He enjoys a very unenviable notoriety in his own locality, and elsewhere, and persons at all acquainted with him know precisely what degree of faith to place in any of his statements; or to use it in other words, know enough to believe exactly contrary to his assertions. What shows the production to be original, is, that scarcely a word of truth can be found in it; and I am willing to believe that any such was merely accidental. It would be taking too much notice of his insignificance, were I to occupy so much of your valuable space as would be necessary to expose all his false statements and conclusions, and I shall confine myself principally to his law. I may here remark that he was not at all disinterested in the matter as he would wish to be considered, and that he had certain motives [illegible] enlightening the public. His attack on the bench of Magistracies, and Council, shows a *sad, sad, sad feeling*.

The offence charged in the case before the Sessions fell under the 13th Act of the 11th c. of the Act 14 Vic. c. 20, in which act there is no jurisdiction given to the Sessions over the offence: the 14th Act of the 11th c. against cruelty in cattle *expressly* gives a jurisdiction. The "Traveller" by placing these articles together in his report, seems to forget that he is thereby exposing his argument as to jurisdiction. He states the magistrates discharged the accused under the *impression* that the Sessions *had no jurisdiction over a misdemeanour*.—This was not so. But is this assertion probable when the 14th Act above named, and partly copied by the "Traveller" makes cruelty to cattle a *misdemeanor*, and expressly gives the General Sessions jurisdiction to try the offence? He shows ingenuity here, for in copying the 14th Article, he suppresses after the word "cattle," under an "&c." the words "shall be guilty of a misdemeanor."—Perhaps he concluded that after asserting the Magistrates were under the above *impression*, then to place the two Articles of the Act *in full*—both describing *misdemeanors*—together, the first *not giving* the jurisdiction, and the next *expressly giving* it, would be tantamount inferentially to an assertion that they could not read, hence his care in *omitting* a part of the 14th Article.

The manner in which he undertakes to *prove incontestibly* that the General Sessions has jurisdiction over a misdemeanor, and that the magistrates could not distinguish between a *felony and misdemeanor*, is somewhat ludicrous viz., because felonies *and three kinds of misdemeanors* are to be dealt with in the Supreme Court, for he it remarked that the other offences besides felonies maintained in the Law he quotes, are according to the Consolidating Act, *misdemeanors*. Again, he states it is evident that they had power to recognise the party, and proceeds to give the latter part of 31st section 30 c. of 12 Vic. This Section provides "that the said Court of General Sessions, *in any case of difficulty* in which a party may be indicted become such Court for any offence under this Act REMAND by secret Court, "whether (at this word "whether" the "Traveller" *begins* to cough) it be a felony or misdemeanor, &c," may admit party to bail &c.—How this makes directly against him: it shows clearly that the Sessions only have the power to bind over for an offence *triable by such Court*. But observe the caution of the "Traveller" in *omitting* the first part of the Section containing the above words. He says it "remains a mystery" why the Sessions "came to so hasty a decision." Indeed! I would recommend a consultation to be held by the famous trio, viz. E the "Plaintiff," the "Compositor" who argued "his own cause," and the "Traveller," who reported it, in order to unravel the mystery. Do they locate near each other?

The proceedings having deservedly dropped, it seems the traveller took this mode to culminate his [illegible] and invention efforts. It sounds—if I may be allowed the expression—like a volatile howl of disappointment. VERITAS.

FIRING.

ALL Persons are hereby cautioned not to come in to frect with the WHARF now sunk at Reed's Point, as in the event of any damage received, they will be prosecuted to the law direct.

JAMES STACKHOUSE,
GRIFFIS STACKHOUSE.

Oct 15, 1852.

Just received.

350 POUNDS boneless BACON, 340 lbs. HAMS, cured with sugar, Nova Scotia; 30 bottle BEANS, [illegible] APPLES, a few barrels for sale, [illegible] CHEESE, 15 tubs BUTTER. G. M. BURNS.

[*From the Liverpool Courier.*]

The Radical and Romanist journals are boasting of the array of talent prepared by Lord Aberdeen's new Cabinet; on much the same principle that induces the "starring" manager to crowd his play bill with names of favourite actors, regardless of their fitness to perform the characters allotted to them. Admitting the extraordinary and unprecedented ability with which each minister is credited as statesmen, and of acknowledged political honour, have consented to amalgamate in all their respective principles and party associations in order to form part of this Coalition Ministry, we must yet be allowed to express our conviction that it by will ere long supply a startling illustration of the homely old adage, that "too many cooks spoil the broth." Indeed, the Romanist journals already seem to be anxious

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[*From the Liverpool Mail.*]

The Duke of Newcastle is appointed to the office of Secretary for the Colonies, and Sir John Pakington to the War Department. Both these appointments are highly satisfactory. The Duke of Newcastle has already filled the office of Secretary for the Colonies with great credit to himself and advantage to the country, and Sir John Pakington has shown himself to be a man of business, and a good speaker. Both these appointments will add strength to the Ministry, and will give general satisfaction to the country.

[*From the Liverpool Mail.*]

We are very sorry to see Lord Granville Somerset, from his Lordship's position and character, a member of the new Ministry. We can only suppose that he has accepted office from a sense of duty, and not from any desire for the emoluments and distinction which will now attach to any Ministry formed from the Peelites, unless we choose to [illegible] by supporting them. Lord Granville Somerset is a gentleman of the Whig school, and a supporter of Lord John Russell; and we cannot help thinking that the Duke of Newcastle would have been better pleased to have seen Lord Granville Somerset [illegible] than to have him in the way of his new administration, where he will be [illegible] to the Colonial office!

Why, that Sir William Molesworth, whose sympathies and associations are with the colonies, is put at the head of the Board of Works, of which he knows nothing, while the Duke of Newcastle, a good Chief Commissioner of Works, is preposterously fitted to the Colonial office!

Mr. Gladstone's qualifications for the Chancellorship of the Exchequer no one will deny; but he happens to have committed himself in the late debates to opinions on taxation which must interfere with any satisfactory revisions. Perhaps, indeed, we are premature in assuming what his opinions are; for we find that, in a speech which he delivered in the House of Commons, in the month of June, 1851, he "advocated the resource of a fair house tax. Disclaiming the duty on the part of those not connected with the government, of suggesting details, he thought that members ought to proceed on the principles laid down by Mr Disraeli, and lay on a house tax constructed on a broad basis. He was not prepared to state that this, whether it should fall on owner or occupier, follow the franchise, or otherwise; but upon the *general principle he had no doubt*." Coupling this with Mr. Gladstone's speech, and vote, on Friday week, *against the house tax*, it is hard to say what his views may be by the time he is prepared to bring forward his budget.

What does Sir Charles Wood know about the commercial relations of our Indian affairs, that the East India Company should be insulted with his presence at the Board of Control? If Lord Aberdeen really thinks that our mouths are to be shut because the same office was given by the late Premier to a flowager Chancellor of the Exchequer, we can tell that Mr. Herries ranked as high above Sir Charles Wood in his practical knowledge of Indian affairs as he did in his qualification for a Finance Minister. Why the genius of the Duke of Argyll should have hidden under the objectless formalities of the Privy Seal, can only be accounted for on the rule of unreason which seems to have dictated these appointments; nor is it possible to comprehend what conceivable claim a nobleman like Earl Granville can have to the Presidency of the Council, an office so lately illustrated by the experience and wisdom of Lord Lansdowne.

But the worst is yet to come. It was with feelings of shame that we read the authoritative announcement of Lord Palmerston's having been cajoled into taking office under the man whose political life has been a set in frustrating his foreign policy and undermining his reputation. These feelings were promoted by a recollection of the [illegible] and treachery which he had so lately committed himself; but still greater was the astonishment that the interests of the country were so far been forgotten that Lord Palmerston, the arch-diplomatist and master of the foreign policy of the empire in the widest and most comprehensive sense of the term, should have been placed at the Home-office, where he has had no experience whatever, while Lord John Russell (O, what a fall is there, my countrymen!) takes the department of Foreign Affairs, for which he has

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Fires.—On the 15th inst. a fire broke out in the house of Mr. Russell Street, but the companies after being [illegible] This morning at 2 o'clock, a fire broke out in the house of Mr. Hughes, corner of King and Charlotte Streets, and the engines [illegible] took fire from a chimney. The fire was put out [illegible] to it, the damage done by the fire and water [illegible] but slightly damaged.

European and North American Railway.—The Acts of Assembly incorporating the European and North American Railway, and the Acts in amendment thereof, were officially proclaimed in this City on Wednesday.

We insert to-day a letter from "A Traveller," who wishes to insert [illegible] this paper reaches us too late. It [illegible] religion, they seem to [illegible] whilst its political [illegible] platform of [illegible] days, when we [illegible] the foreign and [illegible] and revolutionary [illegible] cel, we recognise [illegible] mark firmly planted [illegible] tendencies. [illegible] wiles of the Dublin [illegible]

The *National Intelligencer*, America, is writing [illegible] to foment all the [illegible] state or exist between the United States; [illegible] and especially to [illegible] States, whatever [illegible] more and more [illegible] and decadent, and [illegible] two countries—a [illegible] Papists are taught [illegible] that the ancient [illegible] articles do a work [illegible] tic, they do originating and disloyalty.