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Weekly Almanack.

FEBRUARY—1836.	Sun Rises.	Sun Sets.	Moon Rises.	Full Sea.
17 WEDNESDAY - -	7 0	5 0	6 31	11 53
18 THURSDAY - -	6 58	5 2	7 44	ev. 27
19 FRIDAY - -	6 57	5 3	8 53	1 0
20 SATURDAY - -	6 55	5 5	10 0	1 33
21 SUNDAY - -	6 54	5 6	11 6	2 7
22 MONDAY - -	6 52	5 8	morn.	2 46
23 TUESDAY - -	6 50	5 10	0 12	3 32

First Quarter 24th day, 7h. 7m. morning.

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The Garland.

THE PRINCESS VICTORIA.

BY MRS. OPIE.

From the Christian Keepsake for 1836.

Hail! youthful Princess, to thy graceful brow,
On which one day the diadem may shine;
While round their Queen thy kneeling subjects bow,
And all the pomp of earthly sway is thine:—

What dread pre-eminence! what dangerous power!
Yet He who gave them, means of safety gives,
If thou canst lift thy heart in danger's hour
To Him who died for us, and Him who lives.

Oh! may'st thou wish, by His own influence taught,
To bring all nations to His blest control,
And lend thy aid, with Christian ardour fraught,
To speed the book of books from pole to pole.

To cheer the Saviour's heralds on their way,
Whether they plant the Cross on India's sand,
Or bid the Star of Bethlehem shed its ray,
On souls benighted in our *native* land!

Labours of love, for royal favour meet!
And if aright that speaking face I read,
One sufferer's blessing were to thee more sweet
Than courtly incense, or than flattery's meed.

Then, if such deeds make worldly splendour dim
From thy full heart ere thou thy pillow press,
Oh! may thanksgiving's strain ascend to Him,
Who, with the WILL, bestowed the POWER to bless.

HUMILITY.

The bird that soars on highest wing,
Builds on the ground her lowly nest;
And she that doth most sweetly sing,
Sings in the shade when all things rest:
—In lark and nightingale we see
What honor hath humility.

When Mary chose "the better part,"
She meekly sat at Jesus' feet;
And Lydia's gently opened heart
Was made for God's own temple meet;
—Fairest and best adorn'd is she,
Whose clothing is humility.

The saint that wears heaven's brightest crown,
In deepest adoration bends;
The weight of glory bends him down,
Then most when most his soul ascends;
—Nearest the throne itself must be
The footstool of humility. *Montgomery.*

Miscellanea.

GRANDFATHERS.—Of all human relatives, there is none so kind-hearted and so mild as a Grandfather. A father is busy amid the noise and trying troubles of the world; there is much to perplex his mind and embitter his temper; there is on his heart a cruel weight of care, he has not leisure to caress the young images of love that rise around him; and his reproof is often hasty and harsh. But the man who is lingering on the very verge of life has done with the troubles of the earth; he hears but the distant echo of its turmoil; the little one who sits on his knee and plays with his silver hairs, seems a sweet messenger bearing a silent warning from Time. There is a sympathy of hearts between them; for the one is fresh from the hands of his Maker, and to his Maker the other must soon return. The spirit of the old man is meek as that of the child's whom he fondles; care has departed from his bosom, and there now is fervent devotion seated, with his ministering angels, Peace and Love. When I see a grandfather and grandchild walking forth hand in hand—it being scarcely distinguishable which is the leader or protector of the other—I feel a yearning of heart to be like one of them, for they both are happy. In the one, all the evil passions have been crushed or have departed, in the other, they have not yet sprung into life; in the hearts of infancy the flower of gentle enjoyment only has room to blow.

EDUCATION OF THE APPETITE.—It must begin from the earliest infancy, long before the dawn of reason, and even anterior to the evolution of the moral sentiment. The rule on which it is conducted is a very simple one, applicable to all classes. It is to allow no child the indulgence of an appetite or propensity, other than what is required by its intuitive wants for its bodily support and health. Nothing is to be conceded by the whim or caprice of a parents, to the imaginary wants of a child; for it must be constantly borne in mind, that every gratification of every sense, whether of taste, sight, sound or touch, is the beginning of a desire for its renewal; and that every renewal gives the probability of the indulgence becoming a habit;—and that habit once formed, even in childhood, will often remain during the whole of after life, acquiring strength every year, until it sets all laws, both human and divine, at defiance. Let parents, who allow their children to sip a little of this wine, or just taste that cordial, or who yield to the cries of their little ones for promiscuous food, or for liberty to sit up a little later, or to torment a domestic animal, or to strike their nurse, or to raise the hand against mamma, ponder well on the consequences. If they do not, often vain are after efforts of instructors; vain the monitions from the pulpit. Their child is in danger of growing up a drunkard, or a glutton, a self-willed sensualist or passionate and revengeful; prompt to take the life of a fellow being, and to sacrifice his own; and all this because the fond parents were faithless in their trusts. They had not the firmness to do their duty; they feared to mortify their child, and in so doing they exposed him in after life to be mortified by the world's scorn; to wander an unloved, unpitied thing.

RELIGIOUS BOOKS.—As an illustration of the increasing taste of the community for works of a religious character, we are permitted to state that Messrs. Leavitt, Lord & Co. theological booksellers of this city, have published during the past year, 120,000 volumes of moral and religious publications, of which number 100,000 are strictly religious. The largest publishers in the city, (the Messrs. Harpers) we believe have never published in any one year more than 175,000 volumes of books, including those of every description. We presume, (if we exclude school-books) that the whole number of religious books published in New York, is now greater than that of all other books taken collectively. While we are on this subject we will add that when we came to this city to establish the *Observer*, in the year 1823, the whole number of volumes of *religious periodicals*, issued annually, including those of all religious denominations, was less, if we were correctly informed, than *six thousand*; while the volumes of *literary and political periodicals*, were six or eight times this number. A few years since the calculation was again made, and it was found that the number of volumes of religious and philanthrophic periodicals had increased to upwards of 100,000, and that it exceeded that of the literary and political periodicals taken collectively. The penny papers we presume, would now turn the balance the other way.—*New-York Observer.*

SUMMARY.

TRADE OF THE KINGDOM.—The state of all the productive classes in the country, with the single exception of the farmers, is as prosperous as it has ever been in our recollection. We do not know of any branch of manufactures or trade that is not flourishing. Our weekly reports of the state of trade in Yorkshire and Lancashire, have for some months been almost every thing that was to be wished. The woollen manufactures of Leeds, Huddersfield and Saddleworth, the worsted stuff manufacture of Bradford, Halifax and Keighly, the cotton and silk manufactures of Lancashire, the fancy manufacture in the neighbourhood of Huddersfield, the blanket manufacture of Dewsbury and Heckmondwike, the flannel manufacture of Rochdale, the linen manufacture of Barnsley and Knaresbro', and the coarse woollen manufactures of Bury and Rossendale, have for some time been in a state of full activity—all hands employed at a good rate of wages, and the masters supplying a steady but large demand, in which there is obviously nothing like speculation. Even the high price of all the raw materials, cotton, wool, flax and silk—caused in each case by the consumption having gained considerably on the production, and made the articles scarce—only for a time checked the extension of the trade, and the merchants have now succeeded in obtaining a reasonable price for their goods. In Lancashire, the cotton manufacture is advancing with wonderful rapidity; in every part, mills for spinning and power-loom weaving are in course of erection; and there is now unquestionably the opportunity—of which some are availing themselves, but still too few—of transferring the miserable hand-loom weavers from their struggling and desperate condition at their own looms, to the comfortable power loom factory, or to other well paid departments of labour in the cotton trade. So great is the demand for labour, that very considerable importations have been made from the agricultural counties, where there is a surplus population, to the manufacturing districts of Lancashire and Yorkshire. The iron trade in all its branches is flourishing to the highest degree. The cutlers, &c. of Sheffield, the hardware manufacturers of Birmingham, and still more the iron masters of Staffordshire, South Wales and Yorkshire, are quite full of business; and the chief embarrassment of travellers in that line now is, that they are likely to receive more orders than their houses have the means of executing. The coal miners of Northumberland and Durham are almost as fully employed as those engaged in the iron trade. The flax spinning is advancing with rapid strides at Belfast, Aberdeen and Dundee, as well as continuing very good at Leeds. At Glasgow and Paisley the manufacture of cottons, muslins, &c. is in great activity. We hear no complaints from the silk weavers of Spitalfields, Macclesfield and Coventry—a sure indication that they are well off. At Nottingham, Derby and Leicester, we believe the hosiery and lace trades are good. The potteries of Staffordshire continue to enjoy the steady prosperity which has distinguished them for a considerable period. Commerce is every where in a state of great activity—the foreign demand for British manufactures being large, and of course Britain receiving, in return for her exported industry, the produce of other soils and climes. In London, the import and export trades are generally good; Liverpool, Glasgow and Bristol are all activity; and the general trade of Hull is also satisfactory, though the fishery has been very unsuccessful.—*Leeds Mercury.*

Sir Edward Sugden's idea of a Conservative.—A true Conservative, says Sir E. Sugden, is fixed in his determination to preserve and add to the happiness and welfare of all—to preserve those civil and religious institutions which have exalted us as a nation—to preserve the constitution with its limited monarchy—honour the King—respect the Peers—and protect the People. If the Monarch needs support, the true Conservative is to be found at the footsteps of the throne—if the Peers are threatened, they find him their supporter—if the Church is in danger, he flies to its rescue—and, above all, if the liberties of the people are attacked, he is on foot in their ranks to fight hand to hand in their defence.

Great Fog in London.—On Wednesday the 16th Dec. the fog in London was so thick at intervals during the whole day, as to render lamps and candles necessary in shops and private houses. In the evening no less than eight persons lost their lives by missing their way and walking into the docks. The mail and other night coaches were considerably impeded on their journeys.

SCOTTISH HOSPITAL.—Monday being St. Andrews day, the patrons and friends of the Scottish Hospital commemorated their annual festival at the London tavern, in Bishopsgate street. It was originally understood that Sir G. Murray would have taken the chair. Sir George, however, was prevented from attending by indisposition; it was then advertised that Sir Peter Laurie would preside. Sir Peter, however, was superseded by the very gratifying but unexpected appearance of his Grace the Duke of Gordon, who came express for the purpose of being present, and, in his character of President, took the head of the table, much to the satisfaction of the very numerous and respectable company assembled. His Grace was supported by Sir Peter Laurie, Mr. Alderman T. Wood, Mr. Sheriff Salamons, and about 150 gentlemen, principally natives of Scotland. The balcony at the end of the room was filled with ladies; an excellent band of instrumental performers was in attendance, together with some professional vocalists and in addition the celebrated Highland bagpiper who is usually present at this gathering of the clans, performed some of the national airs which are so much admired by the natives of the northern side of the Tweed. The chairman, in proposing the health of Sir George Murray, observed that both he and that officer had served forty-three years ago in the Scots Fusileer Guards. He (the Duke of Gordon) had now the honor to command that regiment, and he should have been glad in the midst of friends to have met an old brother soldier with whom he had often faced the enemy. In the course of the evening, it was announced by the secretary that the subscriptions amounted to nearly £300. The announcement was received with long and loud shouts of applause.—*London paper.*

PROVINCIAL LEGISLATURE.

HOUSE OF ASSEMBLY.

Tuesday, February 2.

On motion of Mr. Street, the house went into a Committee of the whole, to consider a bill for the better regulation of the Office of Sheriff in this Province. Mr. Morehouse in the chair.

In introducing this bill, Mr. Street said,—Mr. chairman, a bill was brought in last session, very similar to the one before you, but owing to some circumstance, that house did not give it that serious consideration which it required, and it was found necessary again to introduce a bill for this purpose. There is no officer who had more responsibility than the sheriff of the county, for he has very important duties to discharge. The conduct and the character of sheriffs have given rise to much dissatisfaction, and it is very desirable to pass some law acting as a reciprocal security between the sheriff and the public. The present law does not sufficiently protect the sheriff in some instances, and in other instances does not make him sufficiently liable for neglect of duty: we are therefore in passing this bill, to protect both the sheriff and the public. The emoluments of the sheriff depend upon fees, and as there are great emoluments and responsibilities attached to his office, the public expect that he should give good security for the faithful discharge of his duty. It is but right to make such arrangements between party and party as will give legal protection to both. In many instances the sheriff may have no property—large sums of money are often placed in his hands, and whether the parties who place them there get their money, altogether depends upon the honesty or activity of this public officer;—there is no other person to look to but the sheriff, and in the event of his delinquency, the only remedy is an action at law which is very difficult to support. The law as it now stands, is not sufficiently strict—and in many parts of this province the neglect of duty on the part of the sheriffs, has caused great losses and confusion. The bill before you requires that the sheriff shall give satisfactory security for the discharge of his duty, and in the event of delinquency, the responsibility falls upon his securities. This sir, is the leading feature of the bill, and he hoped the committee would consider it a wise and wholesome provision. It has been prepared by the committee appointed for the purpose, and it is to be hoped that it will secure his Majesty's subjects in this province from much of the inconvenience now felt from a want of proper fidelity and attention in these public officers.

Mr. End thought it was highly necessary that the public should be secured from the consequence of the misconduct of Sheriffs. They are, (said the learned gentleman) in some instances the most negligent, and in other instances the most tyrannical officers: by the principles of the common law, Juries had the power of extending great priviliges, and protection to individuals, and it was very common with them to do so with sheriffs. In fact it was an admitted principle that it was quite useless to bring an action against sheriffs. With a view of putting a check to their aggressions and delinquences, he would move an amendment. The amendment moved by the learned gentleman was to the following import:—"And be it enacted, that in all actions against sheriffs, that juries shall have power to assess them for damages on being satisfied of their misconduct, and that it shall not be required to sustain the action."

Mr. Chandler would not be disposed to adopt such a dangerous amendment. The principle of the common law provided for an action against sheriffs for neglect of duty, and he would not therefore sanction a measure so extraordinary as that recommended by the learned member for Gloucester. Was it not just that the party bringing an action against the sheriff shew some cause of action. He was not disposed to make too great an alteration—or he might more properly say innovation—in the principles of the British Constitution. The law as it now stands renders it quite practicable for the aggrieved party to obtain redress, by bringing an action against the sheriff, and supporting it by solid evidence. He was anxious to have a perfect bill, but really it appeared a matter of great astonishment to him, how any person would sanction a law that would say, you may bring an action against the sheriff, and you are not called upon to prove it.—Such a doctrine was a monstrous absurdity, instead of justice.

Mr. End would explain a circumstance which occurred not long ago to his own knowledge. A brig was ready for sea, and the captain of a small schooner having some claims against the captain of the brig, applied to the judges of the common pleas, and obtained a writ, which he placed into the hands of the sheriff. The brig remained for two days within his jurisdiction, and instead of executing the writ, it was proved that the sheriff never put his foot beyond the door to arrest him, but wrote him a letter wishing him to come and settle the matter. You Sir, say it is not common justice when the sheriff is guilty of such palpable misconduct to make him pay damages, as the amendment directs. The sheriff says I will not execute the writ, and for his neglect I will sustain no damages: when the jury (said the learned gentleman) had proof of such palpable grossness and corruption, why should he not have power to assess as they thought just and reasonable, and why should the person thus suffering because of the sheriff's neglect, be put to the trouble of sustaining an action—shall we suffer the sheriff to be the judge, and stand between parties, dealing out justice or injustice, as he may think proper. He is only an agent to put the decisions of the law in execution—but we must not suffer him to make decisions.

Mr. Street said, the object of this bill is to give security, and not to alter the common law so materially as the hon. member from Gloucester would have it. In an action for damage against the sheriff, the law as it now stands, requires it to be proved by evidence, that a writ had been placed in his hands, that he neglected to execute it, and it should also be proved, what was the amount. This law appeared to him, (Mr. S.) perfectly wholesome, for how could a jury tell the amount of damages but by evidence. This was acting according to the common law of England. The plantiff was bound to shew the jury what damages was sustained, or otherwise the jury could not, without widely departing from every principle of law and equity, give a verdict for the plantiff. He thought the amendment would be a very dangerous one indeed. It would be an unjust and arbitrary mode of proceeding, and one which he hoped that committee would never sanction. We all know well (said the learned gentleman) experience tell us every day, that such is the swindling character of some people, that they will say they have great claims when in fact they have none at all. The amendment is an innovation on the principles of the common law.

Mr. End remarked, his only motive in making the amendment was that sheriffs shall be compelled to act according to their bonds and their oaths, and execute the king's writ at all hazards: and that he shall not be a judge: that he shall not say I will not execute the writ, he is a poor man—it is a vexatious suit, and I will stand in his shoes, and take the responsibility on myself. The judges of the land presume themselves to be judges, and he (Mr. E.) wanted to shut his eyes to every thing but the writ in his pocket, and to execute that at all hazards. It is on the execution of a writ that the King's subjects under many circumstances depend for justice in the King's colony. Will we leave it in the power of the sheriffs to say to the person whom he aggrieves, oh, you must prove your action against me—I will compel you to make out your case, and undergo a long and vexatious law suit before I pay you. He (Mr. E.) trusted that by endeavouring to protect his Majesty's subjects from injustice, he was not advocating or making innovations. But he had lately seen innovations perpetrated in that house, and although he did not throw stones at Stephen, he was present and held the garments of those who stoned him, and he was sorry for it.

Mr. Chandler said, this is a matter of the utmost consequence, not only to the sheriffs but to the public at large. It is a principle of the common law, that when any party sues for damages, he must give proof, because it is within his own knowledge, and there is none other save himself, can testify to the circumstances, which in many cases, may be quite foreign to any knowledge the jury may possess. This is the principle of the law, and if we make the innovation contemplated by the amendment, we would call upon the sheriff to give a negative evidence, a principle without precedent in the course of civil law, or British administration of justice. We suffer a man to accuse the sheriff—to say every thing against him—without proving any thing. This, sir, would be a complete innovation of the law of the land—of the law of evidence; that great and salutary law which is the protector of our properties, and the guardian of our lives. It is also a long settled and established law—it has lasted for centuries, and came down to us boasting of the antiquity of many ages. The time was, when arbitrary judges could turn and subvert evidence as they pleased; but now it is only at the direction of juries, and continues to protect our lives and properties. Shall we then subvert this law by adopting this amendment. Now let us suppose that a writ is placed in the hands of the sheriff, and from some motive he neglects to do his duty, an action for damages would be brought, and the person bringing it would not be required to produce any evidence as to the amount of loss he sustained—would he not in such a case make a claim for £100 instead of £10. The law as it stood at present, was very strict indeed as it related to sheriffs,—they were bound to give very heavy bonds, and many of them could not sustain their office because of the difficulty of getting security. He would not go with the amendment, because it could not be adopted without destroying the rules of evidence. If an individual would bring an action against a sheriff, it was incumbent on him to give proof, and giving proof, he could recover. He would make laws on general principles, but could not vote for a bill of coercion on the sheriffs, while coroners, and other officers were not included.

Mr. L. A. Wilmot was favorable to the amendment proposed by Mr. End; and notwithstanding his veneration for the principles of the British Constitution, he would repeal any law, no matter how long or antiquated it might be, if he thought that by doing so he was increasing the revenue or promoting the happiness of the people. Now the Sheriff has a writ, he neglects to execute it, and in consequence of his neglect an action is brought against him. The law requires that you will support it by evidence, or if you do not your action for the original debt falls to the ground. We are told again that it is the intention of this Bill to protect the Sheriff: the sheriffs sir want no protection, they are almost despotic in their offices, and it is generally held as useless to bring an action against them. I know of a Sheriff (said the learned gentleman) who not long ago held a writ against a man for a large amount, but he did not execute it though perfectly within the reach of his power to do so. But in taking into consideration the consequences resulting from the neglect of these officers, we are not to look exclusively to pounds, shillings and pence; we are to consider the feelings of the person disappointed by the negligence of the Sheriff. He has gone through a whole tedious and vexatious course of litigation, suffering anxiety and expence, and now when the thing is nearly brought to a close, the whole business is again undone: yes, undone, and why, because his officer from partiality or prejudice, or obstinacy, will not do his duty. Are we to be told then that he will stand between plaintiff and defendant, wielding the sacred powers of the law as his own feelings may direct. But the Sheriff may have a number of executions, he may neglect them all, and what then is the consequence?—the person or persons suffering thro' his misconduct may bring an action, and even if they succeed there is nothing to pay them: every man may get a fair proportion and that may not amount to a shilling. But there is an argument brought forward that we legislate exclusively and vindictively against Sheriffs. He did not think they were hurting them, but rather protecting them by this amendment. They were furnishing them with plain and positive instructions of duty, and as the Jews of old carried phalacteries on their garments, so would the Sheriffs carry the law with them and act according to it. He was favorable to the amendment and would give the juries power to assess for damages when the misconduct of the Sheriff was plain and positive, and that assessment would save them from a nonsuit. He wished to point out to Sheriffs the road of duty, and to hold them strictly responsible if they departed from it.

Mr. Street thought that the same cases which they had supposed in reference to Sheriffs were applicable to all other officers. We ought, therefore, make a law on general principles, and not on the principles of exclusive dealing. Sheriffs and other public functionaries, were placed exactly in a similar position, and why inclose the Sheriffs within such a vicious circle, leaving other persons having the same responsibility to enjoy greater privileges. He could not see the necessity of such a law, and it was much more difficult to see the justice of it. The hon. members for the amendment may be will let the person escape against whom he holds the writ; very well, suppose he does, is there not a remedy. The Sheriff has taken the consequence on his shoulders, he runs all the risk, and the plaintiff cannot suffer because he can bring an action, and by proving the amount of his claim would recover damages, and the Sheriff would pay for his presumption. Those who are for the amendment would destroy the bill altogether.

Mr. Chandler said with respect to Sheriffs he had no particular feeling of friendship, he felt no more interested in their welfare than in that of any other class of public officers, but he could not sanction such a wild and extravagant alteration in the law of evidence, and some hon. gentlemen have expressed themselves hostile to innovation, while they were aiming at it with a steady hand. Why do we make laws to make the liability of the Sheriff so strict and positive, while the Coroner may laugh at our simplicity for not reaching him with the omnipotence of this penal law. If the sheriff neglected his duty the plaintiff could bring an action, and by shewing the original cause of it he would recover damages. This was the broad principle of the law of evidence, and the one acted upon in all British courts of justice. The amendment was an innovation, and he considered it his duty to oppose it.

Mr. End said an action is brought against a sheriff for misconduct, he thinks it is a hardship on him that a jury should oppress him or that he should pay costs for taking on himself to settle a matter on which he should not presume to be a judge. Under the present law there is no possibility of settling an action but by the punctuality and strictness of the Sheriff, because he is the finisher of the civil law, and acting as agent between two parties. Suppose A brings an action against B, the sheriff wishing to befriend B, will not execute the writ, but retards the progress of justice by his partiality to one and his prejudice to another. He is a judge and more than a judge, because justice can be delayed or forwarded in his hands, just as his whims or obstinacy may direct. Shall we give him such power?—shall we make him so despotic. We are asked why we do not include the Coroner: our answer to that argument is, that this is a bill to regulate the office of sheriff, and not the office of Coroner. We are now talking about sheriffs,—the law relating to their office is admitted on all hands to require amendment, and this is the proper place to introduce such changes as may be considered essential for the protection of the public. Let us then have such a Law as will compel sheriffs to do their duty, and not be for evermore disgracing the civil code of the country. If he does his duty he cares not what law we may pass against him, because his steady, honest conduct will protect him as a wall of brass.

Mr. Speaker thought it would be great presumption in him to venture his opinions on this subject, after the very able manner in which it had been discussed by the legal gentleman on both sides of the question. He was however favorable to the amendment. The sheriff had often used power with which the law did not invest him. He was therefore a usurper of power and a neglecter of duty. If he could suppose they were legislating to the injury of the sheriff he would not vote for the amendment. 'England expected every man to do his duty,' and every ministerial officer ought to be compelled to do his duty or pay for his delinquency.

Mr. Partelow said it was with some degree of delicacy he would express his views on this subject, it being, as he might term it, something in the nature of a legal question, and therefore belonged in a particular manner to legal gentlemen. He had heard much for and against the amendment, but he thought nothing had been advanced to shake the arguments or remove the objections of the hon. member for Westmoreland, relating to the law of evidence. It did not appear wholesome to him to give juries power to assess to any amount which they might think proper to fix upon. If there was a claim upon the sheriff for neglect of duty, there ought to be a provision made to limit the jury to a certain amount of assessment. He would vote against the amendment.

Mr. Street in making further commentaries on the bill said it is an innovation on the common law; if not, why has a bill of the kind never been brought into the House of Commons. It is only where the party cannot prove that he has not sustained damage that he cannot recover. It is unfair to make such laws in reference to sheriffs without including other officers in the sweeping measure.

Mr. End said, we are asked why such a law has not been enacted in the House of Commons, or never heard of in England: we answer, because there is no necessity for it. We know that for one instance of misconduct in sheriffs in Great Britain, that there are one hundred in New Brunswick. The High Sheriff in England seldom or never sees a writ, he has a great number of warrant officers under him, he has also a deputy sheriff, and these officers are so careful to keep their situations that complaints against the sheriff very seldom arise, and this is the reason why the argument does not hold with respect to English practice. He was only anxious to have something in the Statute Book that would keep sheriffs always in mind of their duty.

Mr. Chandler was very willing and would suggest the propriety of bringing in a general bill to include Sheriffs, Coroners, and Constables.

Mr. Johnston thought the innovation which the amendment made upon the law of evidence would endanger it in another quarter, and that it was better to bring in a general bill than to legislate upon such narrow and exclusive principles. He thought the amendment would have a great influence on the fate of the bill in the other branch of the legislature, and as it was one of great consequence to the country, he was anxious it should pass.

Mr. L. A. Wilmot would not thus legislate.—Let us (said he) do our duty at all events uninfluenced by the consideration of what may be the fate of the bill in another quarter. His decisions in that house would never be influenced by a desire of moulding bills to suit the other branch of the legislature. We are told (continued the learned gentleman) that we should put all officers on the same footing. The argument brought against us is—because we cannot do all good, we must do no good;—because we cannot amend every law, we must not alter or modify any law—this is no argument. The question before the committee is to pass a bill to regulate the office of sheriff—to tell him his path of duty, and to punish him for not walking in it. The object of the amendment is to fix a penalty for the omission of duty, and to prevent the party seeking redress from being nonsuited. He knew the amendment would be approved by every branch of the Legislature.

Mr. Chandler said, now the argument is, that it will pass; and if this bill passes, certainly a general bill would be more likely to pass. Well, let us suppose it passed—and what is the consequence? We have passed a penal law against the Sheriffs, leaving all other officers free from it; why not do justice to all men, by putting them on a broad principle. He did not think they were swerving from their duty by considering or anticipating the fate of the bill in another quarter. It was quite Parliamentary and constitutional to mould bills in such a manner to procure them a passage thro' the other branch of the legislature. It was often a matter of prudence to do so.

Mr. Street thought there was no argument advanced from the other side, but those built on hypotheti-