The Weekly Observer.

Established in 1818, Under the title of "The Star." } Whole No 1566.

SAINT JOHN, N. B., TUESDAY, OCTOBER 3, 1848.

VOL. XXI.—NO. 15.

The Observer,

Published on TUESDAY, by DONALD A. CAMERON, at his Office, corner of Prince William and Church Streets, over the Store of Messrs. Jardine & Co.—TERMS: 15s. per annum, half in advance.

Ladies' Very superior

BOOTS & SHOES.

JUST received at the *Brunswick Shoe Store*, by the Ship "*Arab*," from Liverpool, the remainder of their SUMMER STOCK, embracing Patterns and workmanship not to be obtained elsewhere, among which will be found,—

Ladies' Prunella Pump BOOTS, patent Vamp'd,
Do. Prunella do. do. patent Leather Cap't,
Do. Cashmere Boots, pump and thick Soles,
Do. Fancy Col'd Boots,
Misses do. do. do.
Girls' Drab Cantoon and Lavender col'd Prunella Boots,
Do. Wellington Figured and Drab Prunella and Cantoon Slippers,
Do. Ties, Slippers, enamel'd and patent Leather,
Ladies' Ties, Shoes and Promenade Slippers, in great variety,
Do. Prunella, patent Leather, Goloshed BOOTS,
Do. Cloth, to Button or Lace do. do.
Infants' Boots and Shoes, of variety in pattern and make,—all of which will be sold Cheap for Cash.

FAULKE & HENNIGAR.

August 29th, 1848.

To all whom it may concern:

NOTICE is hereby given, that the Commissioners appointed under and by virtue of an Act passed in the 9th year of Her Majesty's Reign, intituled "An Act to authorise the widening of Saint John street, and the continuation thereof to Duke-street, in the City of St. John," have deposited and filed in the Office of the Common Clerk of the said City, a true copy of the Report to the Mayor, Aldermen and Commonalty of the said City, under the said Act, together with the Plan or Survey by them adopted in furtherance of the said Act, for the Inspection of all whom it may concern.

JOHN DUNCAN,
WM. O. SMITH,
J. H. GRAY,
GEO. A. LOCKHART,
Commissioners for widening and enlarging Saint John-street, and a continuation thereof.

June 24, 1848.

MUTUAL INSURANCE COMPANY.

THIS Company is prepared to receive applications for Insurance against FIRE upon Buildings and other Property, at the Office of the subscriber.

I. WOODWARD.
Secretary.

St. John, Nov. 11, 1846.

☞ NOTICE.

THE Copartnership heretofore existing between the Subscribers, under the Firm of THOMAS BARLOW & COMPANY, is this day dissolved, by mutual consent. All Debts due to and by the late Firm, will be received and paid by THOMAS BARLOW, and all persons indebted to the late Firm, or having unsettled Accounts with them, will please call at their office at an early period and adjust the same.

THOS. BARLOW,
GEORGE FLEMING,
JOHN STEWART.

St. John, January 1st, 1848.

THE Subscribers tender their grateful acknowledgments for the patronage received by the late Firm, and beg to intimate to their friends and the public generally, that the Business will be continued in all its branches, at the PHŒNIX FOUNDRY, where they solicit a continuance of the patronage hitherto enjoyed.

☞ Any orders for *Castings, Machinery, Mill-Work, Engines, &c.*, will be promptly attended to.

THOS. BARLOW,
GEORGE FLEMING,

January 1st, 1848.

☞ NOTICE.

THE Copartnership heretofore existing under the firm of JARVIS & Co., is this day dissolved by mutual consent.

Creditors are requested to present their demands to E. L. JARVIS, who is authorized to collect all debts due to the said Firm.

EDWARD L. JARVIS,
G. MURRAY JARVIS.

11th July, 1848.—[Chron. 8in.]

Copartnership Notice.

C. D. EVERETT

RETURNS his sincere thanks for the liberal patronage which has been extended to him since his commencement in business, and would now inform his friends and the public that he has taken into Copartnership with him his Son, CHAS. A. EVERETT, under the Firm of C. D. EVERETT & SON, who will continue business in the old stand, and respectfully call attention to the

Spring and Summer Style

of Moleskin, Silk, and Velvet HATS, which they are now manufacturing, and which have been acknowledged to be the easiest fit and most beautiful pattern that has been manufactured for many years.

☞ HATS of all shapes and Prices on hand, or manufactured to order at a great reduction on former prices.

C. D. EVERETT,
CHAS. A. EVERETT,
City Hat Store, East side of the Market Square.

April 29.

☞ NOTICE.

ALL persons having any legal demands against the Estate of VALENTINE C. TROOP, late of this City, Grocer, deceased, are requested to present the same, duly attested, within six months from the date hereof;—and all persons indebted to said Estate are requested to make immediate payment to

REBECCA TROOP,
Sole Executrix.

Saint John, June 24th, 1848.

NOTICE.

ALL Persons having any legal demands against the Estate of ROBERT RAY, late of this City, Sailmaker, deceased, are requested to present the same, duly attested, within Six Months from the date hereof; and all persons indebted to said Estate, are desired to make immediate payment to GILBERT T. RAY, THOMAS LEAVITT, GEO. A. LOCKHART, } *Executors.*

St. John, 11th February, 1848.

SCOTCH GOODS.

Landing ex ship "Rosanna," from Glasgow:

20 BARRELS "Ayrshire" OATMEAL,
25 barrels Pot and Pearl BARLEY,
10 Barrels Split PEASE,
1 Hhd. Washing SODA,
1 Do. Carbonate of SODA,
1 Bale TWINE,
4 Bales Wrapping PAPER.—For sale by

May 9. JARDINE & CO.

Steamer ST. JOHN.

THIS fine Steamer is now plying between St. John and Fredericton. Her days and hours of starting are as follows:—

From Indian Town, Tuesday at 10 o'clock.
Ditto, Thursday at 10 o'clock.
Ditto, Saturday at 12 o'clock.
From Fredericton, Monday at 9 o'clock.
Ditto, Wednesday at 9 o'clock.
Ditto, Friday at 9 o'clock.

The ST. JOHN is very comfortably fitted for Passengers, and is well adapted for Freight, as all Dry Goods, &c. will be placed under cover.

Freight going by this Steamer will be received at the Warehouse at Indian Town, at all times, free of expense.

For further particulars, enquire of Captain AKERLEY on board, or

ISRAEL MERRITT, Agent.
May 2. *Indian Town.*

CHAINS, CHAIN CABLES, SPIKES, &c.

Received by the *Unicorn*, from Liverpool, and for Sale—

ONE 7-8 CHAIN CABLE, 60 fathoms,
One 13-16 do. do. 60 do.
One 3-4 do. do. 60 do.
One 5-8 do. do. 60 do.
One 9-16 do. do. 60 do.

ALSO, *in Casks*—
100 fathoms 5-16 CHAIN,
200 do. 3-8 do.
100 do. 7-16 do.
100 do. 1-2 do.
1 ton 4½ inch Iron SPIKES,
2 tons 6 inch do. do.
2 do. 7 inch do. do.
2 do. 9 inch do. do.
30 casks 4d. 6d. 8d. 10d. and 20d. NAILS,
1 cask 1¾ inch Boat NAILS.

ALSO, *on hand*—
ANCHORS, with Iron Stocks,
ANCHORS, for Wood Stocks.

25th July. JOHN KINNEAR.

SALÆRATUS.

Per schr. *Juverine*, on Consignment, direct from the Manufactory—

10 BRLS. unground SALÆRATUS,
15 boxes ditto ditto.

10 boxes Ground ditto, in one pound papers—warranted pure. For Sale at Hammond's Building, No. 20, Dock street, by

H. G. KINNEAR,
August 15. *Agent for the Manufacturer*

New and Cheap

BOOKS AND STATIONERY.

JUST RECEIVED—A well selected Stock of PAPERS, in Foolscap, blue and yellow, Fine and Superfine POTS, large and small POSTS, ditto NOTE, with ENVELOPES to match; CAP and POST, Ruled; Blotting, Tissue, Cartridge, Music, Crayon Drawing, Wall, Wrapping, and other PAPERS.

BIBLES, Testaments; Prayer, School, and Miscellaneous BOOKS.

Steel Pens, Quills, Inks and Ink Powders, Slates and Pencils, Lead Pencils, Sealing Wax and Wafers, India Ink, Indian Rubber, Red Tape, &c.

LEDGERS, Journals, Day Books, Cash Books Pass, Memorandum, and other Blank Books.

COPY LINES and BOOKS, ruled and plain.

Bills of Lading; ditto Exchange.

☞ *Book-Binding carefully attended to.*

A. FRASER.

DOCK STREET, *Saint John*, 13th June, 1848. }

Selling off for Cash only.

at very REDUCED PRICES!!!

The Subscriber offers for sale at the

VICTORIA BOOK STORE,

his whole Stock of BOOKS and STATIONERY, comprising—

A LARGE collection of STANDARD and MISCELLANEOUS WORKS.

Superfine Laid and Wove Writing Papers, Pocket Books, Card Cases, Albums, Drawing Pencils, Quills, Steel Pens, Wafers, Wax, Office Tape, Parchment, Inks and Ink Powders, Slates, Copy Books, Memorandum Books, Blank Books Picture Frames, Drawing Paper, Artists' Materials, FULTON and KNIGHT'S PRONOUNCING DICTIONARY; The Tutor's Assistant, by Lawrie, with Key; UNIVERSAL SPELLING BOOK, new edition, 1846; British Primers, Mothers' Catechism, Gray's Arithmetic, Fogo's Geography, &c.

SCHOOL BOOKS.

The latest and best Editions, such as are in general use throughout the Provinces: Primers, Spelling Books, Class Books, Readers, Grammars, Dictionaries, Geographies, Catechisms, Arithmetics, Classical Works, &c.

MAPS OF THE BRITISH PROVINCES IN NORTH AMERICA.

PLANS of the CITY and HARBOUR.

MODERN GEOGRAPHY, designed for use in Schools throughout the British Colonies, by JAMES PATERSON, LL. D., Principal of the Grammar School, St. John, N. B.

August 15. *V. H. NELSON.*

BREAD & CRACKERS.

Per brigt. *Ellis* from Philadelphia, on consignment—

25 BRLS. No. 1 PILOT BREAD,
15 do. No. 2 ditto;
70 half and third barrels Family CRACKERS,
40 do. do. do. Sugar BISCUIT,
40 do. do. do. Soda ditto; of Watson's manufacture.

For sale by

H. G. KINNEAR,
August 15. No. 20, Dock-street.

Valuable FARM

To be Let on Lease for a term of Years.

THAT desirable FARM situated near the Village of Kingston, in King's County, and within twenty miles of the City of St John, lately owned, occupied, and considerably improved by the late WILLIAM SIMPSON, Esquire, Barrister at Law, &c. There is a comfortable dwelling House, two Barns, outhouses and other buildings on the premises, and about ninety acres of Land will be attached thereto, all under cultivation, and most of which has been partially cleared of stone, and is well fenced with cedar. The above Farm will be let at a very reasonable Rent to an approved tenant, and possession given on the 1st of January next, or sooner if agreed on.

For further particulars enquire of Mr. WILLIAM SWYMMER, at Mr. SEARS' Hat Store, St. John, or of the subscriber on the premises.

SARAH P. SIMPSON,
Administratrix of the Estate of the late William Simpson, Esq.

Kingston, King's County, 7th August, 1848. }

The Garland.

THE RIPENING CORN.

(*From the Carlisle Patriot.*)

How sweet to walk through the wheatlands brown
When the teeming fatness of heaven drops down!
The waving crop with its bursting ears
A sea of gold on the earth appears;
No longer robed in a dress of green,
With tawny faces the fields are seen—
A sight more welcome and joyous far
Than a hundred blood-won victories are.

Beautiful custom was that of old,
When the Hebrew brought, with a joy untold,
The earliest ears of the ripening corn,
And laid them down by the altar's horn;
When the priesthood waved them before the Lord,
While the Giver of harvest all hearts adored
What gifts more suited could man impart
To express the flow of his grateful heart?

A crowd awaits 'neath the cottage eaves
To cut the corn and to bind the sheaves;
At length is heard the expected sound—
Put in the sickle, the corn is brown'd;
And the reapers go forth with as blithe a soul
As those who gained the Olympian goal,
And sorrowless hearts and voices come
To swell the shouts of the harvest home.

And there is a reaper on earth well known,
Whose deeds are traced on the burial stone;
He carries a sickle more deadly and keen
Than e'er on the harvest field was seen;
He cuts down the earliest ears in Spring,
As well as the ripest that time can bring;
The tares he gathers to flames are driven,
The wheat is laid in the garner of heaven.

Miscellaneous.

From the Sherbrooke (Canada) Gazette.

The Lost Girl Found.

Miss Sarah Campbell, of Windsor, who was lost in the woods on the 11th of August last, returned to her home on the 31st, having been absent twenty-one days. A friend in Brompton has sent us a circumstantial account of her wanderings, of the efforts made in her behalf, and her return home, from which we condense the following statements:

It appears that on the 11th of August, in company with two friends, she went fishing on the north branch of Windsor brook; and on attempting to return she became separated from her companions, who returned to her mother's, widow Campbell, expecting to find her at home. Several of her neighbors searched for her during Sunday, Monday and Tuesday, by some fifty or sixty individuals, and although her tracks and those of a dog which accompanied her were discovered, no tidings of the girl were obtained.

A general sympathy for the afflicted widow and her lost daughter was excited, and notwithstanding the busy season of the year, great numbers from Windsor and the neighboring townships of Brompton, Shipton, Melbourne, Durham, Oxford, Sherbrooke, Lennoxville, Stoke and Dudswell, turned out with provisions and implements for camping in the woods, in search of the female, which was kept up without intermission for about fourteen days, when it was generally given up, under the impression that she must have died, either from starvation or the inclemency of the weather, it having rained almost incessantly for nearly a week of the time.

On the 31st her brother returned home from Massachusetts, and, with two or three others, renewed the search, but returned the second day, and found to their great joy that the lost one had found her way home the evening previous.

On hearing of her return, our correspondent made a visit to widow Campbell, to hear from her daughter the story of her wanderings. She was found, as might be supposed, in a very weak and exhausted condition, but quite rational, as it seems she had been during the whole period of her absence. From her story the following particulars were gathered:

When first lost she went directly from home down "Open Brooke," to a meadow, about a mile distant from where she left her companions, which she mistook for what is called the "Ozias opening," a mile distant in the opposite direction. On Sabbath morning, knowing that she was lost, and having heard that lost persons might be guided by the sun, she undertook to follow the sun during the day. In the morning she directed her steps toward the east, crossed the north branch, mistaking it for "Open Brooke," and travelled, frequently running, in a southeast direction, (her way home was due north,) seven or eight miles, till she came to the great hay-meadow, in Windsor. There she spent Sabbath night, and on Monday morning directed her course to and thence down the south branch in the great meadow.

After this she appears to have spent her time, except while she was searching for food for herself and dog, in walking and running over the meadow and up and down the south branch in search of her home, occasionally wandering upon the highlands, and far down toward the junction of the two main streams, never being more than seven or eight miles from home.

For several days, by attempting to follow the sun, she travelled in a circle, finding herself at night near the place which she left in the morning. Although she often came across the tracks of large parties of men, and their recently erected camps, and knew that multitudes of people were in search of her, she saw no living person, and heard no sound of trumpet or other noise except the report of a gun, as she lay by a brook, early on Thursday morning, the sixth day of her being lost. Thinking the gun to have been fired not more than half a mile distant, she said she "screamed and run" to the place whence she supposed the noise came, but found nothing. Early in the day, however, she came to the camp where this gun was fired, but not until its occupants had left to renew their search for her. This camp was about four miles from the great meadow where she spent the Sabbath previous. There she found a fire, dried her clothes, and found a partridge's gizzard, which she cooked and ate and then lay down and slept, remaining about 24 hours.

In her travels she came across several other camps, some of which she visited several times, particularly one where she found names cut upon trees, and another in which was a piece of paper. Except three or four nights spent in these camps, she slept upon the ground, sometimes making a bed of moss, and endeavouring to shelter herself from the drenching rains with spruce boughs. For the first two weeks she suffered much from the cold, shivering all night, and sleeping but little. The last week she said she had got "toughened," and did not shiver. When first lost she had a large trout, which was the only food she ate, except choke cherries, the first week, and a part of this she gave to her dog, which remained with her for a week, day and night. The cherries, which she ate greedily, swallowing the stones, she found injured her health, and for the last two weeks she lived upon cranberries, checkerberries, and wood-sorrel. While the dog remained with her, she constantly shared her food with him, but said she was glad when he left her, as it was so much trouble to find him food.

On Thursday of last week she followed the south, toward the junction with the north branch, where it appeared she had been before, but could not ford the stream; and in the afternoon of Friday crossed the north, a little above its junction with the south branch, and following down the stream she found herself in the clearing near Moor's mill.

Thence directing her steps toward home, she reached Mr. M'Dale's, about a mile from her mother's, at 6 o'clock, having walked five miles in two hours, and probably ten miles during the day.—Here she remained till the next day, when she was carried home and received by her friends almost as one raised from the dead. Her feet and ancles were very much swollen and lacerated, but strange to say, her calico gown was kept whole, with the exception of two small rents.

Respecting her feelings during her fast in the wilderness, she says she was never frightened, though sometimes when the sun disappeared she felt disheartened, expecting to perish; and when she found, by not discovering any new tracks, that the people had given over searching for her, she was greatly discouraged.

On the morning of Friday, she was strongly inclined to give it up, and lie down and die, but the hope of seeing her mother stimulated her to make one more effort to reach home, which proved successfull. When visited she was suffering from feverish excitement, and general derangement of the system, and greatly emaciated, with a feeble voice, but perfectly sane and collected.

It is somewhat remarkable that a young girl (aged 17,) thinly clad, survived for twenty-one days, exposed as she was to such severe storms, with no food but wild berries. It is also very strange that she was so frequently on the tracks of those in search of her, sleeping in their camps, and endeavoring to follow their tracks home, yet did not hear any of their numerous trumpets and was not seen by any of the hundreds of persons who were in search of her.

THE LATE GEORGE STEPHENSON, AUTHOR OF THE RAILWAY SYSTEM.—On the 12th of August died Mr. George Stephenson, the author of the railway system, the first great practical improver of the locomotive steam engine, the inventor (cotemporaneously with Davy) of the safety-lamp, and a man who displayed a vigorous and original genius in everything which he undertook. He was born on the 9th of June, 1781, [was consequently, at the time of his death, in his 68th year,] at a little village near Newcastle-on-Tyne, of parents in the humblest rank of life. His first occupation as a boy was attending to the steam engines used at the mouth of coal-pits. Eventually, he became a coal-viewer, or surveyor and overseer; and distinguished himself in the coal district by an improved mode of carrying on some great works at Darlington. In 1812, a committee which had investigated the priority of the claims of the discoverers of the safety-lamp, gave him a public dinner at Newcastle, at which he was presented with a silver tankard and a purse of a thousand guineas. In returning thanks he announced his intention of devoting that sum to the education of his only son, Robert, at the University of Edinburgh. The history of his employment to construct the Stockton and Darlington, the first public railroad, and the Liverpool and Manchester, the first on which locomotive engines were introduced for the conveyance of passengers—is well known. From the first journey of the locomotive built by the Stephensons over the railroad constructed by them, dates the actual commencement of the greatest mechanical revolution effected since the invention of the steam engine by Watt. Though self-educated—scarcely educated at all beyond reading and writing until he had attained manhood, Mr. Stephenson took every opportunity of impressing upon the young the advantages of science and literature. He related that at a public dinner at the opening of the Birkenhead docks how, in his early career, after the labors of the day, he used to work in the evening at mending watches and clocks in order to earn enough to send his child to school. He was the founder and first President of the Society of Mechanical Engineers; and was never better pleased than when assisting by his advice and encouragement the ideas of ingenious artizens. In agriculture and horticulture he made many curious and successful experiments—and the study of geology was a passion with him. It is feared that the intermittent fever, of which he died, was occasioned by the damp miasma arising from the fertilizers which he employed with great success in his hot houses. In a brief and hurried notice it is impossible to do justice to so remarkable a man. In the words of a contemporary writer: "His mechanical genius was of that order that it may without exaggeration be asserted that if Watt had not previously invented the steam-engine he was capable of achieving it. Others before him had prepared the way; others since have contributed valuable improvements in detail; but to George Stephenson unquestionably belongs the proud title of the Author of the Railway System. He gathered the many threads of ingenuity and enterprise, and weaved them into the wide-spreading net-work which promises, in its manifold extension, to envelope the whole world in bonds of commerce, civilization and peace.—*London Athenæum.*

SEA-BATHING.—Sea-bathing, on account of its stimulative and penetrative power, may be placed at the head of those means that regard the care of the skin, and certainly supplies one of the first of corporeal wants, by opening the pores, and thereby reinvigorating the whole nervous system. This bathing is attended with two important advantages. The first is, that besides its great healing power in cases of disease, it may be employed by those who are perfectly well, as the means most agreeable to nature for strengthening and preserving health. In this respect it may be compared to bodily exercise, which can remove disease otherwise incurable, and which may be used also by those who are sound, in order to preserve themselves in that state. The other advantage is, the noble, grand, and indescribable prospect of the sea connected with it, and which, upon those not acquainted with it, has an effect capable of bracing up the nervous system, and producing a beneficial exaltation of the whole frame. I am fully convinced that the physical effects of sea-bathing must be greatly increased by this impression on the mind, and that a hypochondriac or nervous person may be half cured by residing on the sea coast, and enjoying a view of the grand scenes of nature which will there present themselves.—*Hufeland.*

GENERAL SESSIONS OF THE PEACE, for the City and County of Saint John,

SEPTEMBER—1848.

At a Court of General Sessions of the Peace for the City and County of Saint John, holden at the Court House in the City of Saint John, on Saturday, September 16th, 1848.

Present:—His Worship the Mayor, Chairman; His Honor the Recorder; JUSTICES Anderson, J. Allan, Ansley, Gallagher, Kerr, Henderson, T. Allan, Peters, Bond, Payne, Jordan, Parks, Keltie, Simonds, Hawks, Strange, Vernon, Brown, Needham, and Haws.

Mr. Justice Bond, pursuant to notice given at a former meeting of the Board, moved that the "*motion*" of which he had given notice, and which was now on file, might be read by the Clerk.

The Clerk then read the same, as follows:—

Ordered, that the sum of £358 15s. 7d., claimed by Mr. William G. Lawton, and recognised by the Sessions as being due to him, for supplies furnished to the Overseers of Poor, for the City and Parish of Saint John, be paid him out of the appropriation made by the Provincial Legislature in 1843, to remburse the Overseers of the Poor, sums expended by them in support of indigent Emigrants and Provincial Lunatics. And that the Commissioners of the Alms House and Work House re-appropriate and pay the said sum of three hundred and fifty eight pounds, fifteen shillings, and seven pence, to Mr. W. G. Lawton, out of the eighteen hundred and fifty eight pounds, four shillings and four pence, placed in their hands by an order of the Sessions on the twenty-eighth day of March last, for Parish purposes.

Upon which Mr. Justice Bond moved that the same be adopted; accompanying his motion with a few observations, which, from the very low tone in which he spoke, and his being at the lower end of the table, we could not distinctly hear.

The motion being seconded,

Mr. Justice Simonds said, that he thought this subject did not require a great deal of discussion, after what had taken place in June last. He meant to make no reflection on Mr. Justice Bond; but he could not help wondering that any man could be bold enough to bring this matter forward again, after the presentment that had been made on the subject by the Grand Jury last June. He (Mr. S.) thought, that to impose taxation on the people of the City and County of St. John, after a presentment of the Grand Jury had been made against it, would be a very bold step to take in any case. Before making any further remarks of his own, he would now read a document which he held in his hand.—[Mr. Justice Simonds here read from the *New-Brunswicker* newspaper of the 24th June last, an expression of opinion (purporting to be a presentment) of the Grand Jury at the June Sessions, on the subject of Mr. Lawton's claim; and also an Editorial expression of opinion thereon, from the same paper.]—It was very evident from these documents, that if Mr. Lawton had proceeded against Mr. Geo. Matthew, he could have made his property, which had been made over to Mr. Robert Matthew, available for the amount of the debt, as others had contrived to do. There were so many others standing in the same position as Mr. Lawton, having claims of this nature against Mr. Matthew, that it could not be endured that the people of this City and County should be taxed to pay Mr. Geo. Matthew's debts. They gave him the credit on his own responsibility and ought to look to him alone for payment. He (Mr. S) understood there were numbers of persons waiting for the decision of this question; who, if the Sessions admitted this claim, would come in with their claims too, and with equal justice; and then the City and County of St. John must be assessed to the amount of nearly £2000, to pay the debts of Mr. Geo. Matthew, who had ample funds in his hands, belonging to the City and County, to pay them all. He (Mr. S.) thought that after that presentment of the Grand Jury, the Sessions would not think it expedient to make any order to pay this sum for Mr. Matthew, who had now in his hands more money, by thousands of pounds, than he had accounted for, and still unexpended, which ought to be employed in paying these debts. Then was it to be endured, if a man absconded with public money, that in these times of pecuniary difficulty, the people should be taxed to pay his accounts? It was impossible and unreasonable. He (Mr. S.) hoped there would be a large majority against this motion. The Sessions had no more right to pay these accounts, than they had to pay the accounts of a man in China. He would therefore move, as an amendment to the motion, "that the claim of Mr. Lawton be dismissed forever."

The amendment being seconded,

Mr. Justice Bond replied to Mr. Justice Simonds; but, as before, in so low a tone, that at the distance we could not hear his observations connectiedly. Mr. B. said, that he would always allow a Grand Jury full liberty of conscience, to express their opinions; and he also would allow Members of that Board the same privilege; as every one had a right to his own opinion. He would therefore cast no reflection on Mr. Justice Simonds, or on any other person, for differing in opinion with him; and he did not think that Mr. Justice Simond's ideas of his (Mr. B.'s) boldness, in bringing up this question again, would do him any harm. With regard to the claim of Mr. Lawton, he (Mr. B.) was prepared to shew, that when these supplies were obtained from him by Mr. Matthew, he (Mr. L.) wanted to get a guarantee for the payment, as he did not choose to supply them on Mr. Matthew's personal credit; and on applying to the then Chairman of the Sessions for that purpose, that gentleman told him to make himself easy, to go on and furnish the supplies, and the Court of Sessions would make it good to him, and see him paid. The Sessions had given Mr. Matthew credit in the community, by having employed him, and in this manner induced people to furnish him with supplies for the public service; the Sessions had neglected to take proper bonds and securities from him; if they had done so, there would have been no trouble in recovering payment, as the sureties would have been liable for all deficiencies; but the whole difficulty arose from the improper neglect of the Sessions. These supplies had been furnished by Mr. Lawton on the faith and credit of the Sessions; they had been used in the public service, and portions of them yet remained in use in the Alms House, where they were evidence of the fact. The Sessions had been guilty of omission of duty, in not taking proper security from their own officers; the fault was purely their's, and they ought to make it good. But the money to pay these very claims had actually been granted by the Legislature, and placed in the Treasurer's hands for that purpose; Mr. Lawton had got an order to go and get his pay from that money: Mr. Jardine did so too; Mr. Jardine was a fortunate man, because he went immediately and got his; but Mr. Lawton was half an hour too late, not being suspicious of any danger; but in the mean time Mr. Donaldson went and directed the Treasurer not to pay those orders, and so Mr. Lawton was deprived of his money. As to the outcry about taxation, it was wholly unfounded; there was nothing of the kind; it was Provincial money that was granted to pay this debt, not money assessed on the people of St. John; that money had been wrongfully misappropriated by the Sessions; they had done wrong, and now they ought to turn round and do right, by applying it to its just and lawful purpose. No doubt the Sessions would do themselves the honour of making a very wrong action right again, by paying this claim from the money originally granted by the Legislature for that very purpose. It might be a question for the House of Assembly to settle, but it had nothing whatever to do with the taxation of the City and County of St. John.

Mr. Justice Simonds did not think the original motion was a legal one.

The Recorder.—"If 'tis, we wont pay it; we have paid it once."

Mr. Justice Payne said, the motion was simply for an order to call on the Commissioners of the Alms House to pay the sum of £358 15s. 7d. out of monies in their hands, specifically granted and appropriated for that purpose. The Sessions were not asked to tax the people for it; but merely to re-appropriate money in the hands of the Commissioners, who had plenty of funds in hand at this moment to meet the demand. He (Mr. P.) was in favour of Mr. Justice Bond's motion; because he thought it policy as well as justice, to rectify the wrong that had been previously committed. The money had been granted by the Legislature to pay these claims, the Sessions had improperly paid over that money to the Commissioners of the Alms House, and now they ought in justice to pay Mr. Lawton out of those funds.

Mr. Justice Kerr observed, that his Honor the Recorder had said the Sessions had paid this claim; but they really had not paid it. This money was not money for which the City and County of Saint John had ever been assessed; it was money which the Legislature had granted, to pay for expenditures in support of Provincial objects. The Overseers of the Poor had got in debt for supplies furnished to poor Emigrants and Lunatics; objects not chargeable on the City and County of St. John. The Sessions had petitioned the House of Assembly for this very money, to pay the parties who had furnished those supplies, and who had not been paid at all. Mr. Matthew had not paid Mr. Lawton.—[*Mr. Justice Simonds*: "We have paid Mr. Matthew."]—No, not this money. You petitioned the House of Assembly for this very money, and the Assembly granted it; and then you took that money and handed it over to the Commissioners of the Alms House, instead of paying Mr. Lawton. The Sessions employed Mr. Matthew as their officer, when he had put all his property in other hands, and when he could not pay five shillings in the pound. But the Sessions employed him to provide supplies for the Poor, for Emigrants, and for the Lunatic Asylum, when he could not have got the credit in his own name; and this gave him such a standing, as induced parties to furnish him with supplies on the faith and credit of the Sessions. Mr. Lawton furnished him with supplies in that way only; he did not keep any account with Mr. Matthew individually for those supplies, but always charged them to the Overseers of the Poor, on the full understanding that the Sessions would see him paid. The House of Assembly had granted the money to pay Mr. Lawton's account, and as the Sessions had received that money, and placed it in the hands of the Commissioners of the Alms House, they ought to pay Mr. Lawton out of it.

Mr. Justice Peters said, that there was a certain Resolution passed on this subject, by this Court, in June last. His idea was, that the Court should now rescind that Resolution, and he would move an amendment to that effect. He had no desire to go again into a matter which had been so fully discussed, times and again; but he considered it decidedly wrong to assess the people of St. John to pay this claim, and he thought the people would not submit to such an assessment. The Sessions had no power to take securities from the Overseers of the Poor; the Law required the Sessions to appoint those Officers; they did appoint them accordingly, and they had no power to do more; they had no further controul over them.—Let Mr. Matthew submit his accounts to the Sessions; and if he would do so, and if he could shew a balance due to him, he (Mr. P.) would be the last man to prevent or oppose his being paid any such balance. Mr. Jardine had got his money, to pay him for supplies furnished in that very year, for which the money was applied for and granted by the Legislature; but Mr. Lawton's claim was for supplies furnished in 1841 and 1842, and the whole of the items of that claim were charged in Mr. Matthew's accounts as paid by him to Mr. Lawton, and sworn to by Mr. Matthew. There was nothing to shew that the account had not been so paid; but the Sessions had paid it already. They had placed not less than from £5,000 to £6,000 in the hands of Mr. Matthew, to pay his accounts with; surely he ought to have paid Mr. Lawton out of that money; if not, what had he done with it? But there was now a sum of about £6,500 unaccounted for by Mr. Matthew; was it reasonable, then, that the Sessions should make an assessment to pay money for him, when they had no information as to what he had done with that large sum? Mr Lawton had never brought forward his claim till after Mr. Matthew had gone away; but instead of proceeding against Mr. Matthew, he threw himself upon the Sessions. He waited till Mr. Matthew was gone, and then he issued process against him; not one writ only, but two; and yet he says he never sued him. It was true, he got over this, by saying that his Attorney acted without his instructions or knowledge, in issuing process against Mr. Matthew; it might be so; but still, he could proceed against him again hereafter, and may get his money from him; but not from the people of St. John.

Mr. Justice Simonds said, that Mr. Justice Peters' motion was legal, but Mr. Justice Bond's was not legal; he (Mr. S.) would therefore withdraw his amendment in favour of Mr. Peters's amendment, which was to rescind the order of last June. Let that order be rescinded, and then Mr. Lawton would stand on fair ground, and might proceed against Mr. Matthew and his property, as others had done; and he would then most probably get security for the payment of his debt from Mr. Matthew's friends, as had been done by others.

Mr. Justice Needham said, that this was in reality what might be called "a vexed question." Vote which ever way they would, if parties voted from mere interest or feeling, they would be sure to come out at the wrong end of the horn. They had better vote only as conscience dictated, without any regard to feeling or interest of any kind. He (Mr. N.) had voted at the last Sessions for this claim; because the Sessions had employed the man who got these supplies, and by that very act had authorised him to incur debts on the responsibility of the Sessions; they having paid such accounts before, for goods obtained in the same manner; they having still continued him in office, and adopted his acts; so that parties trusted him with supplies for the public service, not on the faith of his own credit; but on the credit and responsibility of the Sessions. Mr. Lawton, on his oath says, that he made those advances not to Mr. Matthew, as George Matthew, but on the faith and credit of the Sessions, to the Overseers of the Poor. Who then was to blame in this matter? Nobody but the Sessions. The Report of the Grand Jury was in part correct; a Committee of the Sessions was called upon to audit the accounts of Mr. Matthew; they did audit them; and they reported that Mr. Lawton's accounts had been paid by Mr. Matthew; when they had not one single voucher before them to shew that they ever had been paid. A Committee of the Sessions did this. Were they authorised to do so?—No. Who were the parties to blame? Mr. Lawton?—No. But the Sessions were to blame: the Committee of Sessions were to blame. They reported that Mr. Lawton was paid; without one single voucher or receipt to shew that one shilling had ever been paid. They ought to have called for vouchers; and when they found that Mr. Lawton was not paid, the Sessions ought not have paid Mr. Matthew that money, but they ought to have paid Mr. Lawton. They had no right to pay it to Mr. Matthew at all; they had no right now to say that they had paid Mr. Lawton. But there was another thing to consider. Had the House of Assembly, ever since it had been established, ever voted a sum of money, to any Parish or County in the Province, for the support of its local poor?—He believed not. He had never heard of any such grant. What was this money (so often alluded to) voted for by the Assembly? For Emigrants and Lunatics. Where did the property of Mr. Lawton go to? To them. Was the City and County of St. John ever assessed for the support of Lunatics; was it ever assessed for the support of sick and indigent Emigrants? Never. Not a single order of Sessions for any assessment for the support of the Lunatic Asylum could ever be found on their books. The people of St. John had never been assessed for this money. But even if they had; had not the House of Assembly refunded it? Certainly it had; and the people of St. John therefore stood in the same position as if they had never been so assessed. Then if the Assembly had relieved the City and County of St. John, by granting the amount necessary to