

Provincial Parliament.

HOUSE OF ASSEMBLY.

Monday, February 7.

The House went into Committee of the whole on a Bill, (introduced by Mr. Brown) to increase the pay of Petit Jurors.

Mr. Brown entered into an explanation of the different sections of the Bill. He observed that all persons employed by the Courts were entitled to, and received pay, with the exception of Jurors, who had the most important part to perform. The Judges were paid, the Lawyers were paid, and other officers were paid, while the Jurors were obliged to attend day after day, and only received one shilling each when they sat upon a case. If the Lawyers were not sufficiently paid, it was their own fault, for there were too many of these unproductive in the country. The origin of the shilling paid to Jurors as remuneration, is dated back to a period when money was worth much more than it is at present. Jurors were obliged to leave their homes, and (even if not called upon to do so) were obliged to remain at the Court during the sitting of the Courts, which they could not do at less than an expenditure of one dollar per day, respectively. The Bill provided that the Plaintiff, previous to going to trial, should pay into Court twelve dollars, which money should be kept by the Clerk, and from a fund from which Jurors should be paid. He did not know much about the legal process, but he believed that the Judge taxed the costs; (Laughter, and cries of "you are wrong there.") Well, he might be wrong, but what he intended to express was this, that if the Defendant should see the case, the Judge should direct that the twelve dollars for Jurors be added to the costs, while the Plaintiff's money should be returned. He was confident that the principle of the Bill was good; as to its construction he would leave that to be amended, if necessary, by the legal gentlemen of the House.

Mr. End wished to support the Bill, although he did not know if the hon. mover would believe it. (Mr. Brown—"Oh, yes; believe it.") As he belonged to that non-productive class the hon. member had alluded to as being far too numerous. (Laughter.) His learned friend the hon. member for York, (Mr. Wilnot) belonged to the same class; (Laughter,) but for the honour of the cloth, he begged leave to say they were not at all unproductive; for instance, there was his learned friend (Mr. Barberie) from Restigouche. (Laughter.) However, there was no doubt but the evils the hon. mover had pointed out, with regard to Jurors, did exist; but the hon. member had, in his opinion, taken a wrong view with regard to persons who, not going to law themselves, were called from their homes to try causes in which (he said) they had no interest. He would go for the payment of Jurors, but by the County, and the fines for non-attendance of Jurors should go towards making up the fund. He thought that every man who obeyed the Sheriff's summons, and waited the Court, was entitled to a dollar a day; but it would not do for persons engaged in the suits to pay them. He would also go for paying Grand Jurors, for he thought that every man who performed public work should get paid for it.

Mr. Boyd observed that this subject was one upon which he had ever expressed the deepest interest; and as a local measure he had once carried the principle of the Bill, although it had been rejected in another Branch of the Legislature. It had been properly observed by his honourable colleague, that while Judges, Lawyers, Sheriffs, and Constables, with all others connected with our Courts were paid, the poor Jurors were alone left to bear their own expenses. Last year, a Bill for summoning Jurors had been introduced by the learned member from Northumberland; but it contained no clause for paying them; and he (Mr. Boyd) had one prepared to that effect. During the last Term in St. Andrews, Jurors were detained for 16 days, and the cost to people at a distance, must have been felt severely. He thought that \$4. per day might defray the expenses, but he would not on any account tax the County for raising that fund, as it would be extremely unjust to do so. It must be regretted that so many had engaged in the learned Profession; and it was to be feared that many of them urged forward cases which should never be brought to Court, and the provisions of this Bill would have a good effect in checking them. If the Bill recently introduced by him (Mr. Boyd) for the regulation of Tavern Keepers, should become Law, then the County Funds would be reduced, and it would be improper to place the additional charge of paying Jurors on the Counties. If, on the contrary, persons bringing suits into Courts are compelled to pay for so doing it will at once form a proper and appropriate amount for the payment of the Jurors.

Hon. Col. McLeod remarked that the case of hardships had been fairly stated; but yet he thought the amount named in the Bill would be great. He thought however, that the sum of \$2. 50. would be found sufficient, and if this were not thought enough, sooner than see the Bill defeated, he would raise the amount to four shillings, to be paid by the party losing; for if they had a right to lose any thing, they had a right to lose the whole.

Mr. Street said in 41 he had been one of a Committee to investigate this subject; which Committee had reported, and he would now read that Report to the Committee. (Here the learned member read from the Journals a paragraph which embodied the principle of the present Bill, except that instead of \$3. introduced in the Bill, the Report only recommended 30s.) This sum he was willing to appropriate irrespective of the shilling at present paid.

Mr. Hayward was favourable to the principle of the Bill; and he was decidedly averse to putting the Jury Fund upon the Counties.

Mr. Wark thought that as such a variety of opinion existed, there might be a compromise effected, by placing 2s. 6d. on the litigants, and a like sum on the County.

D. Thomson would support a Bill to pay Jurors 5s. on rendering their verdict; for it was a hard case to summon a number of men from a distance, and place them in the way of being coupled up frequently for a night or two successively, and then give them no pay without discrimination; nor would he think it just to give the same remuneration to those who serve and those who do not.

Mr. Partelow thought that among the great variety of opinions which exist on this subject, the safest way would be to compel every Attorney on bringing a case to pay 30s., and let all the Jurymen who attend be entitled to an equal share.

Mr. Carman thought the plan contemplated in the Bill would incur an average expense of £70, and this sum he thought should be borne by the County rather than the suitors.

Mr. Barberie thought it not fair to tax the poor of the back settlements to pay the expenses of people who wished to go to law; while on the other side he thought that taxing cases so high would result in a denial of justice. Upon the whole however he thought that the plan suggested by the hon. member from Charlotte would prove the best—namely, to make the plaintiff pay the money in the first place; and if he gained the case, of course it would fall on the loser.

Mr. Ritchie thought it unjust to pay any tax on, which would operate against the Lawyers whom he represented as the worst paid men in the Province. There was, however, one source from whence the Fund alluded to could be raised, and that was from the fees of the Judges; who in addition to £750 yearly, and their travelling expenses, had a fee of 10s on every case whether tried or not; and 6s. 5d. additional on every case that is tried. He loved to see the Judges of the land independent; but they well could spare those fees to raise a fund for the Jurors.

Mr. Gilbert thought the best expedient had now been hit on.—He remembered the story of the man who went to a Roman Catholic Bishop, and told him that he had a son lately born, for whom he requested something from his Reverence. The Bishop replied, that Heaven was sending a son into the world, always sent something to fill it.—"True," replied the poor man, "but in this instance, I have got the man, and you, the something to fill it." Thus it was with the poor Jurors and the Judges.

Mr. Partelow said that might do very well in the cases of Judges hereafter to be appointed; but those already in being, enjoyed those fees as vested rights, and they could not be deprived of them.

Mr. Stevens said it was rather surprising that while the Bill was so plain, simple, and easily followed out, it yet was met by numberless imaginary difficulties—he feared, with the view of defeating it. He thought the proposal by the hon. member from St. John (Mr. Partelow) the best; as it was only right that those persons for whose use Law Courts were intended, should pay their costs.

(Here Mr. Partelow introduced a Resolution in accordance with his views already expressed; and after some further explanatory observations from Mr. Brown and others, progress was reported.)

Mr. Boyd presented a Petition from Sarah, Calif, daughter of the late John Calif, deceased, praying pecuniary aid—which was rejected.

Mr. Brown, presented a Petition from Rachel Hawes, praying to be remunerated for teaching a School in the Parish of Saint David, referred to the Committee on School Petitions.

Mr. Boyd, presented a Petition from the President and Directors of the Charlotte County Grammar School, praying that a Grant may pass to aid in the payment of the Salary of an Assistant Teacher to that Institution; referred to the Education Committee.

CROWN LANDS.—The Surveyor General, in a report to the House, estimates the superficial area of New-Brunswick at 29,000,000 Acres, of which about 6,000,000 may be said to be granted or sold, and 3,000,000 as being barren or under water, leaving at the disposal of the Government 11,000,000 acres of forest land fit for settlement.

P. E. ISLAND.—The Legislature of this Island met on the 1st inst.—The first Speech of His Excellency the Lieutenant Governor is duly chronicled. It adverts to the Post Office and Emigration subjects as having been recommended to the attention of the Legislature by the Home Government—recommends the passage of an Election Law similar to that which has obtained in this Province—and notices the gratifying fact of a prosperous revenue, which although burdened with unforeseen and extraordinary expenditure, still exhibits a surplus beyond the charges of the year. The Lieutenant Governor recommends the continuance of an expiring Act to raise a Revenue by assessment on lands, and concludes by inviting the Legislature to rely upon his concurrence in all such measures as are calculated to develop the resources of the Colony, and to promote the peace, good order and welfare of the people.—*Halifax Times.*

Some large failures have taken place in Newfoundland.—One house to the amount of £40,000—more are expected. We were in hopes that Newfoundland would be exempt from the general condition of Great Britain and her dependencies.—*Ibid.*

Earthquakes in Nova Scotia.—The Halifax Recorder states that on Tuesday morning the 1st inst., about 8 o'clock, a shock of an earthquake was felt in the vicinity of that city. At Dartmouth, at Porter's Lake and Lawrenceton, the ice in the lakes was shattered into fragments, and many people were startled by a sudden rattling and disturbance of the earth.

The Yarmouth Herald also states, that on the same morning there were two slight shocks of an earthquake in that town and vicinity. One of them was just before daybreak—the other, about 8 o'clock. They were accompanied by a rumbling noise. How far they were felt in the interior we have not yet learned.

Successful Experiment.—Dr. Almon attempted the thumb of a woman in the Poor Asylum, on Tuesday morning, in presence of Dr. Parker of this city, and Dr. Brown of Horton. This case is published not for the purpose of inviting attention to the operation, but to the effects of the agent employed to prevent pain. The Chloroform was administered by inhaling it from the rag, applied to the nose and mouth for a few minutes—the patient very soon became insensible to pain—and the operation, occupying perhaps ten minutes, was finished before sensibility returned.—On waking, the poor woman expressed in the warmest terms—and in the judgment of all present the success of the experiment was complete.—*Herald.*

Barbarians in Halifax.—A report is in circulation of an affair which rivals, in savage barbarity, anything ever yet heard of in this city. It is stated that a man named Austin, and his wife, whose residence is somewhere in the northern extremity of the city, have recently had under their charge a little girl, aged about eleven years, a daughter of a man belonging to one of the shore settlements; and that the savages have so maltreated her by unmerciful beatings and starvation that her life is now despaired of. A few evenings since, it is said, the man, or rather monster, struck her over the eye with a loaded whip handle, which fractured her skull. Her father fortunately went to see her on the same evening; and, finding her in so deplorable a state, caused her to be removed, and employed medical aid. The wretch of a man has absconded, but his wife has been taken into custody. It is said that the little sufferer's account of her wrongs are most heart-rending and by which it appears that the woman has been equally as criminal as her husband—she having kept the child whole days without a morsel of food.—*Hal. Post.*

A Black Girl Caught by an Alligator.—We learn from Capt. Heulton of the schooner J. B. Lindsay from Jamaica, that a shocking occurrence took place there about the 20th of December last. A colored girl was washing clothes on the margin of a stream known as the Black River, when a white towel or handkerchief, which she had in her hand, mysteriously attracted the notice of an alligator, for another black girl who was but a short distance from the victim heard her exclaim—"Oh—de alligator got me." After this exclamation was heard the girl was missing, and there is no doubt that she was drawn into the water by the alligator, who perhaps mistook the object in her hand for a white goose or duck, which it is well known they often seize.—*Nova Scotia Republic.*

COMMUNICATION.

Mr. Editor.—In the last "accidental" half sheet of the "Charlotte Gazette," I noticed a very unnecessary sneer at Mr. Boyd for his conduct regarding the appointment of special constables in this town. It is not my purpose to defend Mr. Boyd, for he is amply able to take care of himself, but the worthy Editor takes so much credit to himself, for his exertions towards putting down the rioters who have troubled us, that I feel really desirous of knowing what he has done. As a native of this Town I am not willing that he should any longer traduce the character of its youth, and people as he has done, without contradiction. The boys of this place are with few exceptions neither better nor worse than the boys of other places, and when I hear the Editor accusing them of riots, of robbery, and of foul indecency, I am constrained to say I believe the charges to be false. They would be no worth contradiction, but that the Gazette unfortunately for us, has a small circulation where its editor is not known, and may therefore possibly have some little influence abroad.

This much the editor has done for the preservation of order in this town,—he has, by harsh strictures in his paper, by foul abuse in the streets, and by the publication of untruths, goaded on the boys to retaliation, and fearing the consequences, has endeavoured to rally the Magistrates into encouraging him in such conduct. There are a few however, who know their duty, and do it, caring little for the "brutum fulmen" of the Charlotte Gazette.

It has been well said that virtue is never in so much danger as when vicious men praise her. So morality and order are badly off for supporters when disorderly persons begin to uphold them.

If the editor would devote more attention to making his paper useful and interesting, and less to misrepresentation and abuse of those who have never injured him, it would be better for the community and himself.

Yours &c JUVENIS.

No Ice!—The ice-men in this vicinity are in a great state of alarm on account of the failure of their annual crop. The season is being so advanced, that some of them are sending to Albany for their crop,—where ice will not long be plenty if this sort of weather lasts.—*N. Y. Express.*

Supreme Court.—Hilary Term, 11th Victoria, 1848.—George Hare, Samuel R. Thomson, Albert T. D. B. McElmen, George Blach, Thomas B. Moore, and W. J. Gilbert, Gentlemen, Attorneys of this Court, are called to the Bar and admitted, sworn, and enrolled Barristers.

Samuel H. Gilbert, and Edward Jack, Gentlemen, having produced the requisite certificates, and having been examined as to their fitness and capacity, are admitted, sworn, and enrolled Attorneys of this honorable Court.

A man named Golding living near Kingston, died suddenly, while riding to Saint John on a horse sled with an acquaintance.—*Herald.*

Our Subscribers will oblige us by paying our Collector, who will call upon them with their accounts for the last year.

THE STANDARD.

ST. ANDREWS, WEDNESDAY, Feb. 16, 1848.

Charlotte County Bank.
Hon. HARRIS HATCH, President.
T. B. WILSON, Esq., Solicitor.
Director next week—Robert Walton.
Discount Day—TUESDAY.
Hours of Business, from 10 to 2.

Bills and Notes for Discount must be lodged with the Cashier, on or before Friday otherwise they must lie over until next week.

Sains and Work House.
Commissioners—R. M. Andrews, R. K. Jacob Paul, Thomas Berry, John Bailey.

St. Andrews Steam Mills and Manufacturing Company.
R. M. ANDREWS, Esq., President.
Director this week—S. T. Gove.
J. Wetmore, Agent.
Saint Stephens Bank.
G. D. KING Esq., President.
Director next week—R. Watson.
Discount Day—SATURDAY.
Hours of business, from 10 to 1.

Bills and Notes for Discount must be lodged with the Cashier, on or before Friday, otherwise they must remain in his hands until the following discount day.

LATEST DATES

Liverpool, —Jan 15	Montreal, —Feb 2
London, —Jan 15	Quebec, —Feb 3
Edinburgh, —Jan 10	Halifax, —Feb 6
Paris, —Jan 9	New York, —Feb 8
Toronto, —Jan 26	Boston, —Feb 9

LEGISLATIVE SUMMARY.—On the 5th inst. a copy of a Despatch from the Secretary of State for the Colonies, was laid before the House by order of the Lieut. Governor. The Despatch is accompanied by a Letter from the Secretary of the North American Colonial Association of Ireland to Earl Grey, in which a desire is expressed to purchase 20,000 acres of land on the Western side of the River St. John between Woodstock and the Sea, as a part of 100,000 acres which the Governor and Council were authorized by an Act passed by the Legislature in 1810 to sell to the Association, by private sale. The Association wish to obtain this portion at the lowest rate mentioned in the Act, 3s. per acre, and that the expenses of survey and Road making may be deducted from the purchase money of the land. They desire to embark in the undertaking as agents of the Government, and not as a matter of speculation—and that they are required to pay for the land only as they are able to sell and settle it, the land reverting to the Crown if not paid for within a certain limited period. They intend locating considerable bodies of Emigrants coming from the same neighborhood, bringing with them Ministers of Religion, and other means and appliances of civilization, at the same time to make effectual provision for the comfortable maintenance of the Settlers until they shall have reaped their first crop.

The Board of Directors of the Association, is composed of noblemen and gentlemen of high standing and character, with the Earl Fitzwilliam at its head. M. H. Perley, Esq., of St. John, has been appointed by the Association their Commissioner for New Brunswick.

On the 7th inst., the House went into committee of the whole, on Mr. Brown's Bill to increase the allowance to Petit Jurors; an outline of the debate will be found in our columns. We trust that the Bill will pass both Houses, as there cannot be a doubt of the great expense and inconvenience to which Jurors are subject.—Many travel long distances and at seasons of the year, when their presence is required on their farms, and not only spend their time, but money also, in "settling disputes among litigants with which they had nothing whatever to do". Many and loud are the complaints against the present inadequate fees.

On the 8th inst. several Petitions were received. One from Mr. Gowan, chief clerk in the Crown Land Office for an increase of salary was rejected, after considerable discussion. A bill to incorporate the St. John Temperance Temple Company, passed with amendments, the debate on the bill, brought up the advocates of total abstinence in the House.

On the 9th, a resolution for paying Reporters, was sustained, and £200 voted for that purpose.

REVENUE BILL.—A lengthy and animated discussion took place in the Committee of Ways and Means for raising a Revenue—some hard shots were fired between the Protectionists and Free Traders, and strong language used. A resolution prepared by Mr. Harrington, pledging the House to the appointment of a Committee to prepare a

Revenue Bill passed without a division.—Messrs. Partelow, Wark, Harrington, R. D. Wilnot, and Brown were appointed a committee for the purpose. Mr. L. A. Wilnot's speech on the occasion, is reported to have been the most powerful and eloquent address ever delivered in the Hall of the Assembly.

On the 10th inst. the hon. Mr. Hazen laid before the House a Message from the Lieut. Governor, accompanied by a Despatch from Earl Grey, on the tenure of public office. Mr. Brown congratulated the House on the establishment of Responsible Government in this Province.

TO CORRESPONDENTS.—The lines by "Mary" will be published in our next.

The notice of a marriage sent us for insertion, we have ascertained not only to be incorrect—but the name subscribed a forgery. We sincerely trust that the author may be detected, and punished for his mean and dastardly conduct.

For friend "H." is desirous to have his letter published, we will comply with his request, over his proper signature; we do not hold ourselves responsible for opinions expressed by correspondents.

The Mill houses belonging to Joseph Read, Esq., at Bathurst, were destroyed by fire on the night of the 29th ult., with much valuable Mill property.

Mr. Morrison's second Lecture on Education, is postponed for the present. Due notice will be given of his next Lecture.

LATER FROM MEXICO.—Rumours of peace, and of an attempted insurrection in the City of Mexico, were circulating at Vera Cruz.

Gens. Torrejon and Minon, with a guard, were captured at Amacuba by the Mexican auxiliary force under Col. Dominguez.

The vacancy occasioned by the death of the Attorney General, it is reported will not be filled up until after the arrival of the New Governor, Sir Edmund Head, who is expected in this Province by the middle of March.

St. Lucia.—A severe shock of an earthquake was felt at St. Lucia on the night of the 1st of January. No damage, beyond cracking and splitting of a wall here and there, has been suffered; but the shock was very severe and alarming.

A resolution has been introduced into the American Congress for annexing New Mexico and Upper California to the United States.

Charges against Gen. Scott.—The Washington correspondent of the Petersburg Republican says he has ascertained that the charges against Gen. Scott, in part, (and principally, he believes,) are a want of proper official respect to the Secretary of War, and a non-fulfilment of his duty in correspondence with the Department.

NORMAL SCHOOL.—The Normal School was opened at Fredericton, on the 10th inst. Mr. D'Avray, the gentleman who is to superintend the School, delivered an Address on the occasion. The Members of the Executive and Legislative Councils and Assembly were present.

Birth Extraordinary!—The New Brunswickian says.—We learn by a gentleman from Aylesford, N. S., that the wife of Mr. Joseph Douglass, of that place, was safely delivered of four sons, about three weeks ago, who were baptized by the Lord Bishop of Nova Scotia, and named after the four Evangelists—Matthew, Mark, Luke and John. They weighed when born, three and half pounds each. Both the mother and children were doing well.

SONS OF TEMPERANCE.—The Fredericton Reporter of the 11th inst. says.—On Saturday evening, a New Division, under the title of "Union Division, No. 24, Sons of Temperance, was established in this City. Several Members of the Grand Division, among whom was Mr. Campbell, the G. W. P., assisted in the initiation, and afterwards in the Installation of the Office-bearers.

The following are the Office bearers for the present quarter:—

Wm. Watts, Sen., W. P.; Wm. Garcelon, W. A.; Thomas A. Temple, R. S.; Duncan Robertson, A. R. S.; John McDonald, F. S.; Peter Slean, T.; Samuel Watts, Jr., C.; Joshua Turner, A. C.; Timothy O'Connor, I. S.;—Jackson, O. S.

The new Model Training School, under the direction of Mr. DeAvery, was opened in this City yesterday. There was a large assemblage present on the occasion, and the general hope is indulged that this first effort of Reform in the Parochial School system, may prove as prosperous as its initiation has been respectable.—[lb.]

Biramichi, Feb. 8.

The Weather.—We have no longer to complain of the want of snow. On Saturday about noon, a most violent snow storm commenced, with the wind from the eastward—which blew a perfect hurricane—and continued with little or no abatement until Sunday morning. Our roads and streets are blocked up with snow drifts, which in some places cannot be less than twelve or fifteen feet high. This is the first storm we have had during the season; and presume Old Winter

has bestowed it upon us by bracer, for fear we might forsake us.—*Gleaner.*

The Steamship "S" at New York, bringing 1st ult. Money was repaid the confidence was not full.

Lord John Russell's reputation, that Government present reduce the duty on The Earl of Powes was by his son on the 7th days after.

Hurra! for the Halifax by the last steamer from here, were received here via New York; the new office in London, r day week from Halifax transport over our own credit of the contractors instrumental in proving Halifax is as eligible a town of New York.—Q 27.

A gentleman from Verne Cambria

Mr. Seth W. Fowle—1 years past, my usual good daily interrupted by spells of cold; a year ago last winter of the grave by a very cold with pains in both legs &c., which, with long and other alarming symptoms that my friends despaired of cured physicians, and tried of the day, but none of them procured Dr. Wistar's Balm and it saved my life; I have felt for many years; the others who need it, to try

SOLD BY THOMAS SIMS

On Friday last, after a daughter of Capt. E. Len months.

At Eastport, on the Agnew, a native of Prov. Agnew, and a descendant new, an Episcopal clergy aged about 40.

Same place, on the Birmaham aged 35.

SHIPPING

PORT OF ST. ANDREWS

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