

THE OBSERVER.

St. John, Tuesday, Nov. 23, 1854.

The inconvenience and unpopularity of the recent change in the periods for holding our Circuit Courts, have now been fully manifested. In a session of fifteen days, after dropping of the criminal business, only $\frac{1}{2}$ of the forty-five civil causes on the Docket could be tried; it being impossible to procure the attendance of Jurymen at this busy season of the year. Our mercantile man declare that they would rather pay the fines ten times over, than neglect their business for the sake of doing duty at Jurymen, at a season so peculiarly requiring incessant attention to their own affairs; and therefore they will not attend the Courts in May and November. It has been found impossible, therefore, to call a Jury. His Honor Judge Walnot was called in at Winetka-day last, to adjourn the court to the second Tuesday in January, leaving nearly the whole of the civil business to be disposed of then; and thus returning to the old and regular period for holding the Court. Thus, the whole effect of the new regulation has been, to deprive the country of a Circuit Court in August; to keep prisoners in jail or unescorted many months longer than they ought to have been kept; to delay suits also for many months, thereby causing great inconvenience, expense and injustice, and sometimes cases even a total denial of justice; and, in some instances, to postpone a trial, and at last, after an abortive attempt at holding a Court in November, compelling return to the usual period in January. These facts undeniably justify the absurdity of the recent change, and the absolute necessity of repealing it, and restoring the Circuit Courts to St. John to the months of January and August.

None of the prisoners convicted at the late Circuit Court were sentenced; points of law being reserved in each case, for decision by the Supreme Court; one of which was, that the Indictments should have been framed under the old Criminal law, and not under the Revised Statutes. These objections cannot be urged till February next, till which time the prisoners must remain un-sentenced; while, if so, they had been tried, (as some of them might have been) in August last, the decision of the Supreme Court on points reserved would have been given in October, *four months earlier*.

The Indictments against Ward for Rape, against a soldier for Larceny, and against another person for Adultery, were necessarily ignored; from a fault of appearance in prosecutors and witnesses.

Out of five civil causes tried, at the recent Circuit Court, two were left undecided, for want of agreement in the Juries. Thus the adverse parties lost the right of appeal, and great expense, for nothing; and we left all the anxiety and difficulty of the whole process a second time; while the time of all parties attending the Court was fruitlessly wasted in each case. Cases of this kind are now by no means rare; they have greatly multiplied of late; and the public are now beginning to perceive the absurdity and injustice of requiring unanimity in a jury of two men. It is a principle, which very frequently defeats its own object; and enables juries, persons, party, or any other majority, to triumph over conscientious, scrupulous and uprightness. It has now been too often proved, by incontestable experience, that it is always in the power of one or more obstinate, interested or prejudiced jurors, to weary out the parties, and into a resolution, that "they cannot agree, and there is no prospect of their agreeing," whenever they procure their own discharge without finding a Verdict; the sentence, which limited the time of the Court and all parties concerned, wasted for nothing, and justice is denied. This mischievous state of things has now attained such a pitch, as to call loudly for a remedy; that remedy can only be, by legalising the giving of a verdict by the majority of a Jury; and that simple remedy we hope will forthwith be afforded by our Legislature.

The injury to the Dam of the Water works, by the recent destructive flood, appears to be much more extensive than was first supposed. Upwards of 80 feet in length, by 15 feet in depth, of the dam, near the waste-way, were swept away, and raised the level of the water, that it is now a large number of men have ever since been engaged in repairing the breach, no water having been obtained for the supply of the city. The inclemency to our whole population, and the imminent danger, incure a dire shock, which is surely well worthy of consideration, although involving considerable outlay of capital.

Mechanics' INSTITUTE.—The lecture session was opened last evening to a crowded audience. The Rev. Mr. Forrester, of Halifax, delivered an excellent lecture on "The Use and Progress of the various branches of Natural Science."

ENGLAND'S BATTLES IN SEA AND LAND.—We have received from Mr. Hunter, the agent, part 5, of this valuable work. This is one of the most excellent parts of the day, both in literature and the fine. This is an excellent number. The illustrations for this Number are a very fine copper-plate portrait of His Royal Highness Prince of Cambridge, R. C. B., and a scene from the war of 1809—France, 1747 pouring a broadside on Captain Chalmer. It is on sale at the Agency, over Kemps & Co., Market Square. Price only 1s. 3d.

The Musical Report.—We have just received from the Publishers, Mr. P. D. O'Brien, a copy of a new publication bearing the above title, which contains selections for the Piano Forte, from the opera "La Favola" by Donizetti. It will, no doubt, be well patronized by the ladies of this city. For sale by Mr. B. O'Brien.

DESTRUCTIVE FIRE.—A fire broke out about half past 11 o'clock, this forenoon, in the Coach factory, owned by Mr. James E. Masters, Sydney St., which was wholly burnt down, together with the building occupied as a Match Factory, Messrs. Clarke's steam List, Scales and Turnery, Mr. Baker's candle manufacture, and all the buildings known as the Gilded Bell corner. The scarcity of water, in consequence of the late injury done to the Water Company's Works, much impeded the operations of the Firemen.

THE ELECTION.—As we anticipated, no opposition was raised to Mr. Johnson, and he was re-elected by acclamation at the Court House, at Newell's, on Friday last. He was nominated by Mr. John Bond, who was elected by Mr. Alexander Jessiman—*Hirszniak Green*.

The line-of-battle ship *Bacchus*, arrived at Bermuda, from Halifax, after an exceedingly stormy and tempestuous passage. When to the Northwest of us, about 90 miles, on the 21st ult., she encountered a gale, during which she lost all sail and closed up in her gallions in topsail were torn to ribbons.

The *Bacchus*, bearing the flag of Admiral Fanshaw, C. B., sailed on the 4th inst., the line-of-battle ship *Colossus*, 80-

MAGNETIC IRON.—The Lake Superior Journal states that some very fine specimens of magnetic iron have been discovered on the shores of that lake, and some of it are to be tested in the manufacturers of steel. If the test shows this iron to be what the account of it represents, this discovery will be important and valuable. So important is a superior quality of magnetic iron that manufacturers in England have this season sent a deputation to this country and the Canada, to test the iron ores with a view to determine of the

drinking man, whose general health is failing him when under the influence of the intoxicating draught, to pause and reflect on his conduct. We think the melancholy fate of Benjamin Franklin would have such an effect. There are two interesting families engaged in the deepest trouble by the rash act of a drunken man. Dr. Graham acknowledged all who knew him to be kind, amiable, and courageous; does that when excited by liquor, he would give worlds to have it off him?—and perhaps a minute afterwards, when he were the only sufferer, he could doubtless tell the consequences to himself, with comparative frankness; but, besides inducing enduring misery upon the family of his victim, making a widow of her who was a few months before a happy wife, he consigns the general happiness of his son to a condition worse than that of widowhood. The pain is greater in the penitentiary than in his vice, the stamp of ignominy, it attaches itself to every nature of the offender, and punishes them with an intensity which time itself can scarcely assuage, certainly not eradicate.

The time is approaching when drunkenness must be viewed as no extenuation of crime, but an aggravation of the offence which may be its consequence."

A REVIVAL OF THE CANADA.

FOUR DAYS LATER FROM EUROPE.

The royal marriage of Canada, Count St. Georges, to Lady H., arrived at Halifax, on Wednesday night last.

The African royal mail steamer *Fowey* was wrecked on Longo's Point, Melville, Oct. 25, and twenty passengers out of fifty were lost.

Thirty-five ships, belonging to Ed'v. Oliver, are advertised to be sold at Liverpool, 211 inst.

The Victory, 134, Captain J. C. D. H. flzg. of V. to Admiral Sir Thomas Cochrane, K.C. B., hosted a splendid gathering of ladies on Nov. 5, and I was dressed in honour of the 43rd anniversary of the Battle of Trafalgar.

The Queen has been engaged to direct letters to the Royal Mail steamer *Kinsale*. This fine ship arrived in Kingstown Harbour with the 724 Highlanders, from H.M.S. *Hawke*, having made the Atlantic within six days. The regiment disbanded this day, and proceeded to Dublin en route to Liverpool. The 72d is to proceed shortly to the east.

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Sales by Auction.

VALUABLE SALE BY AUCTION OF
Ready-Made CLOTHING.

TOMORROW (Wednesday the 23d inst.) at 11 o'clock, at the sales room of the subscriber, without reserve.

CASES of very stout and superior READY-MADE CLOTHING, consisting of Over JACKETS, Peeling JACKETS, Monkey JACKETS, &c., &c.

The above Goods are now just imported, and ordered for immediate sale.

Nov. 23. JOHN V. THURGAR.

FURNITURE—BY AUCTION.

ON THURSDAY next, at 11 o'clock, will be sold at the residence of the late Mrs. Poirier, near the Stone Church—

ALL the HOUSEHOLD FURNITURE,
Beds, Bedding, &c., &c. Particularly in
all bills.

THOS. HANFORD.

Nov. 28. JOHN V. THURGAR.

FURNITURE—BY AUCTION.

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Nov. 28. JOHN V. THURGAR.

Brandy.—Trandy.—Brandy.

For ship "Malibet," Capt. Digney—expected

daily from Liverpool:

GR. CASKS Old Cognac BRANDY, of
superior quality.

For sale in Bond—deliverable from the Ship,

JOHN V. THURGAR.

Nov. 23. North Market Wharf.

Molasses and Rum.

GR. PUNS Bright Muscovado MOLASSES, 50

Puns, Strong RUM.—Landing ex schr.

"Prince Albert." For sale low before starting.

Nov. 23. CUDLIP & SNIDER.

FOR LIVERPOOL.

The Packet Ships will sail as under—

"JOHN OWENS," Captain L. W. DOANE,

on or about the 1st December.

"LIBERIA," Capt. CRICKSHANK,

on or about the 5th December.

"J. R. REED," For Passage, having superior accommoda-

tions, apply to Nov. 21. J. R. REED.

BUTTER! BUTTER!

Received from Montreal, ex steamer "Governor."

25 LB. HIRKIN'S choice BUTTER

For sale by Nov. 21. JARDINE & CO.

SUPERFINE FLOUR.

200 LB. "Mary Jane." For

sale low while storing.

Nov. 21. CUDLIP & SNIDER.

PAINT, &c., ex "Barbara."

CASKS Bedding Bros. best White LEAD;

Red, Yellow, Green, and Blue PAINTS;

Casks WHITING; White CHALK;

Red and Yellow Ochre; Lamp Black;

Dos Boiled and Raw Linseed OIL;—lowest

market rates, by Nov. 21. W. TISDALE & SON.

EUROPEAN AND NORTH AMERICAN RAILWAY!

Contract for Sleepers!

WANTED—100,000 Hammocks or Cedar

SLEEPERS, made of mahogany, 6 inches

wide, 18 inches long, and 6 inches thick,

and delivered in pairs along the Line of

Railway between St. John and St. John's, and

the Head, and crossing of River Petitcodiac, Salisbury;

QUANTITIES not exceeding 2500 per mile—the deliv-

eries to be completed about the 1st August, 1851.

Parties desirous of tendering for the above, or any

portion of them, are requested to send in their prices

for the same, in writing, before 6th December, and

will be advised of the result.

Address to the undersigned, at any of the offices of the

Contracting Officers—St. John, Salisbury, the

Head, or St. John, where any further information re-

quired will be given.

Persons contracting will be allowed the full benefit

of a license granted by the Provincial Government

for the free use of Crown Lands, within ten miles

from the Railways.

Specimens will be required for all Contracts above

6000 Sleepers.

Nov. 21. W. E. ROSE.

FASHIONABLE FURS.

RECEIVED AT THE

Cheap Hat, Cap, and Fur Store,

No. 17, King street.

Ex Steamers "America," "Europe," "Niagara,"

and Packet Ships "John Bannerman," "Imperial," and "Livera," also ex "Barbara," "Alexander," and "Sudan."

LADY'S FASHIONABLE FURS—newest styles,

and richest FURS, warranted genuine, from

first houses in the trade;

Gents' Fur CAPS—in North and South Seal,

Beaver, Otter, Fox, Mink, Seal, and British

Geoff. Fox, &c.—Lamb's Skin, and short hair'd

Gents' FOOTS. Outer Mufflers, Buffalo, and

Fancy Fox Skins;

Youth's Children's FOOTS, and Satin Velvets;

Gents' French Satin HATS, from Paris, London, New York, and Boston;

Lamb's Skin, and Muffs, in Cloth and Fur,

leather, &c.;

UMBRELLA SILK, Alpaca, and Gingam;

Cloth and Saxon CAPS, Rosetta HATS, Reversible

and India Rubber COATS;

TRUNKS, VALSES, carpet BAGS, Wool Mats, and

Furnish'd GOODS.

Wholesale and Retail, at the lowest price.

Nov. 21. LOUGHART & CO.

S. K. FOSTER'S

Ladies' Fashionable Shoe Store,

Foster's Corner, German Street.

NEW BOOTS AND SHOES.

LADIES Flannel and Shamsa Lined Cloth

BOOTS.

Gentlemen's Button BOOTS, Cloth and Kid Tops;

Ladies' Black and Gold CLOTH BOOTS;

Girls' and Children's Cloth and Felt Slippers;

Ladies' and Gentlemen's Felt and Carpet Slippers;

Gentlemen's, Youth's and Boys' Rubber BOOTS and

SOCKS;

Ladies' White and Black SATIN BOOTS and Slippers;

Boys', Youth's, and Children's Strong BOOTS and

Slippers;

And an almost endless variety of Ladies', Gents', Girls', Boys', Youth's, and Children's BOOTS and

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Advertisers.

DOMESTIC PEACE.

In what a round
domestic peace be found?
In daughter of the skies,
in fearful wings she flies
From the pomp of a proud state,
the rebel's navy hats,
the stagg'd vale the dwells,
to the S. of the hills,
around the ocean's briny sea,
Home's no'fornication,
the sire of pining tears,
now, smiling through her tears,
the conscience of the past employer,
every bosom-spring of joy.

—Underline,

The News Paper Credit System.

We command the following just observation upon the practice of giving credit upon the part of the Proprietors and Editors of these periodicals as regards to all subscribers for them: We are

strongly convinced that if the credit system be adopted once and for ever it would be infinitely better for all concerned. For our sakes, so satisfied are we of the evil tendency of the custom that we should be quite prepared to unite with our brethren of the press in the adoption of a resolution requiring in every case advance payment. Read the following extracts upon the subject which are given in part.—*Ch. Victor*

"The most universal practice of giving and taking credit on Newspapers, is an evil of such magnitude that the sooner the friends of the Press can put it to the better. It is one of the most dangerous, the proprieors of Newspapers, for their safety, have a right to demand payment, and to refuse credit to others, and to demand payment of Journalists possessing a high and extensive circulation, and being in position of comparative independence, who have adopted the cash system, as the best mode of payment, and for their supporters. We have especially called attention to this conduct of others engaged in this deplorable labor, and because there are none, so have greater reason to complain of the credit system than we have. We refer to this topic in the *Standard*, and the *Liberator*, and the *Anti-Slavery Standard*, in late issues, very justly pointing out the unkindness of newspaper publishers. He says he has over \$3000 due him at his office. So it is with us over \$3000 due this office for arrears of credit. It will cost \$1000 including postage to get it. Such is the result of the credit system. The credit system must be done away with, and advance payment insisted on in all cases, as a general thing, so that until they are paid, until they are dunned several times, as they should, avail themselves of nothing but post."

Advertiser of Paxam.—One of our exchanges has recently understood the subject, preceding us in its article, and we, for one, do not see how it can be remedied. No man should be allowed to get credit advanced to him, but his own publisher, and in that case, only reasonable plan, and to that extent, for a few, or later cases. If no man is allowed to get credit, and is a publisher, or to advertise in rooms, or other public exhibition, and is paying the stipulated price, how many additional subscribers scattered all over the country, and owing one or two dollars for a paper, will be induced to pay the cash down?—*Advertiser of Paxam*.

The conduct of the newspaper proprietor, in giving credit to his papers, is analogous to that of a farmer selling a few thousand bushels of wheat, and, instead of selling it, shall suppose, in lots of two or three bushels each, the value of one or two years, and to particular persons, whose circumstances, he perhaps knows; but little, and who have scattered over the whole province.

What is the case with his product? But this is not all, as we are present, as newspaper proprietors are generally expected to do, in addition to his giving credit, to hire agents to go from country to country, and from door to door, to collect these debts, and, too, after giving, perhaps, a credit of five or six years, or even longer!—*Advertiser of Paxam*.

The case is strictly analogous. Every year we are compelled to add about 2000 papers, residing between Sandwich and Quebec, that when we us from \$1000 to \$10,000; and, as a general rule, to which however, there are many exceptions, they expect an agent to collect them individually for the amount!

This is the case merely for one year, but with respect to his product?

He is not satisfied with the thousands who have no personal knowledge of the credit system, and of the difficulty of sustaining them, such exposures will appear extravagant; but a very large majority of his brother editors will regard them as words of truth and soberness?"—*Advertiser of Paxam*.

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with open arms, the meanest sojourner in that little band of furnished patriots! Where is the man? There he stands—but whether the heart of an American beats in his bosom, you gentleman, are to judge!"

He then carried the jury, by the power of his imagination, to the plains around New York, the surrender of which had followed shortly after the act committed of; he depicted the surrender in the most glowing and noble colors of his eloquence; the audience saw before their eyes the humiliation and degradation of the British, as they marched out of their trenches; they saw the triumph which lighted up every patriot face, and heard the shouts of victory, and the cry of "Washington and Liberty" as it rang and echoed through the American ranks, and was reverberated from the hills and shores of the mighty river. "But look! what more of discord are these which disturb the general joy, and silence the acclamation of victory? They are the notes of John Hook, hourly bawling through the American camp, *Beef! beef!* *beef!* *beef!*!"

The whole audience were convulsed; a particular incident will give a better idea of the effect than any general description. The clerk of the Court, unable to command himself, and unwilling to sacrifice any branch of his duty, dashed into the court house, and threw himself upon the grass in the most violent paroxysm of laughter.

Here he was rolling, when Hook, with a sudden fit, came out for relief into the yard also. "Jemmy Stephen," said he to the clerk, "what the devil ye, mon?" Mr. Stephen was only able to say that he could not help it. "Never mind ye, said Hook, "wait till Bill Cowan gets up; he'll show him the way."

Mr. Cowan, however, was so completely overwhelmed by the torrent which bore upon him that when he rose to reply to Mr. Henry, he was scarcely able to make an intelligible or audible remark.

Now did the effect of Mr. Henry's speech step here. The people were so highly excited by the Tory audacity of such a suit, that Hook began to hear all around him a cry more terrible than that of *hoof!*; it was the cry of *trot and feathers!* from the application of which, it is said, nothing saved Hook but a precipitate flight, and the speed of his horse.

False shame of Silly People.

Silly people appear to be ashamed to have what they have to work for a living, but they are not ashamed of the foolish pride that originates in them—yet their pride is to a greater degree than the greatest degree of virtuous poverty and honest labour. No greater evil could befall most young men and women, than to be relieved of the necessity of labour, and to have no personal income, and to be dependent on others for their subsistence.

Carry on, *Advertiser of Paxam*.—One of our exchanges has recently understood the subject, preceding us in its article, and we, for one, do not see how it can be remedied. No man should be allowed to get credit advanced to him, but his own publisher, and in that case, only reasonable plan, and to that extent, for a few, or later cases.

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