

referred, as well in respect to the property of the subject and to the rights of the House, as in respect to the Government and the individual concerned, have proceeded with great attention and deliberation on the objects of reference, with a view to arrive at conclusions founded on truth and justice, which alone, in the opinion of your Committee, can contribute to any beneficial result.

Your Committee have thought themselves bound to confine their enquiries within the following heads, viz.

1. The nature and amount of the defalcation of the monies granted or vested in his Majesty for the public use of the Province, in the hands of his Majesty's Receiver General.

2. The mode in which it may seem best to proceed on the present occasion for the purpose of procuring the reimbursement of the amount of such defalcation, for the uses for which the money was raised.

3. The measures that it may be necessary to take, in the mean time, to maintain the public faith with persons who have legal claims against the Government remaining unpaid.

4. The security which will be necessary to prevent the recurrence of similar defalcations in future.

Your Committee have called before them and examined on these heads, the Chairman of the Committee of his Majesty's Executive Council for the Audit of public Provincial accounts, the Receiver General of the Province, and the late Inspector General of public Provincial accounts; they have also collected, in addition to the documents referred to them, several others connected with the subjects referred, the whole of which are annexed to the minutes of evidence.

Your Committee conceive that it cannot be questioned, that his Majesty's subjects in this Province have an absolute property in their goods and estates of whatsoever description; and that no part thereof can be taken from them, or applied to public uses, without their consent and according to law.

The House of Assembly, as the representative body, can alone give the consent of the subject in such cases, and it is its constitutional duty to see that this right, which is the best security of all the other rights of the subject, is not violated.

The peculiar circumstances under which the Assembly of this Province was placed shortly after the establishment of the present constitution, have however hitherto prevented it from fully maintaining and securing the rights of the subject, in regard to the application of the monies raised within the Province for the public uses thereof.

By the Royal Instructions to his Excellency Alured Clark, Esq. Lieut. Governor of the Colony, for the time being, communicated by his Excellency to the House of Assembly, on the 26th Feb. 1793, before any money bill was passed by the house, it was informed, "that in all laws or ordinances for levying money, or imposing fines, forfeitures or penalties, express mention be made, that the same is granted or reserved to us, our heirs and successors, for the public uses of the said Province, and the support of the Government thereof, as by the said law shall be directed, and that a clause be inserted, declaring that the due application of such money, pursuant to the directions of such law, be accounted for unto us, through our commissioners or our Treasury for the time being, in such manner and form as we shall direct."

Your Committee accordingly find that, in all laws passed in this colony, raising monies on the subject, this clause of the Royal Instructions has been complied with. Indeed it must have been obvious that the Governors of this colony, being a branch of the Legislature, and the immediate servants of the Crown, and responsible to it, could not depart from these instructions; and that in fact no money bill could be passed without its being in conformity to those instructions. The high character of the British government, particularly in regard to the security of the public monies confided to it, offered indeed perhaps the best security for the safe keeping of the Provincial funds; and certainly must, at the time, have precluded all idea of danger from the deposit and superintendance which these instructions required.

The public monies for the uses of this Province, whether they consisted of the monies raised under acts of the Imperial Parliament, or formed part of the Revenue under Provincial laws, or accrued to the Crown from territorial sources, existing under the French government, and so liberal relinquished by his late most gracious Majesty George the third, in favor of the Province, were thus payable only into the hands of his Majesty's Receiver General for the Province.

The following extract from the commission or letters patent granted to John Caldwell, Esq. as Receiver General, dated at Westminster, 19th November, 1809, shew the duties of this officer in respect to the payment of the public monies and the tenure and accountability of the office: "which said Revenues, Duties, Imports, Penalties, Territorial or Casual Revenues, Fines, Rights, or Profits, and all arrearsages of the same, so to be received, are to be answered, paid and applied towards defraying the expenses of the administration of Justice and of the support of the Civil Government in the said Province, according to such Warrant or Warrants as the said John Caldwell, shall from time to time receive from our High Treasurer, or Commissioners of our Treasury, or any three or more of them, for the time being, and for the better encouragement of him the said John Caldwell, in the execution of his said office, we have given and granted, and by these presents do give and grant

unto him, the said John Caldwell, the yearly salary or allowance of four hundred pounds of lawful money of Great Britain, the same to commence from the date of these our Letters Patent, and to be retained out of the monies arising by the said Revenues, which shall be received or collected by him during his continuance in the said office. To have, hold, exercise and enjoy the said office of Receiver General of the Revenues and premises aforesaid unto him, the said John Caldwell, together with the said salary or allowance of four hundred pounds, by the year, during our pleasure. Provided nevertheless, and our express will and pleasure is that the said John Caldwell, before his entrance upon the execution of the said office, or receiving the salary thereof, shall give or procure good security to be given in our Court of Exchequer in this part of our United Kingdom of Great Britain and Ireland, called England, to the good liking of the commissioners of our Treasury or our High Treasurer of Great Britain for the time being, in the sum of ten thousand pounds in the whole, and likewise shall enter into a Bond or Bonds to the good liking of the commissioners of our Treasury or our High Treasurer of Great Britain for the time being, in the like sum of ten thousand pounds, payable in our Province of Lower Canada, by the duly rendering into our Exchequer, according to the course thereof, an account of and duly answering to us, our heirs and successors, all monies which he shall have received by virtue of said office."

Your Committee have not been able to obtain the opinion of the law officers of the Crown on the legal responsibilities of the Receiver General for the faithful execution of the duties of his office, or on the legal means, in the power of government, to secure the amount of the late defalcation and replace it in the Chest. It is presumed, however, that if any Legislative provision had been necessary to that effect, a recommendation for the enactment thereof would long ago have been made to the Colonial Legislature on the part of his Majesty's Government.

Your Committee have not been able to ascertain the existence of any Warrant or Warrants from the Treasury, under the authority of which the Receiver General is required by his Commission as before recited, to pay over the monies granted or vested in the Crown for the public uses of this Province; but the Commission to his Excellency the Governor in Chief, which in this respect is similar to the previous Commissions granted to the Governors of this Province contains the following clause:

"You are to give Warrants, under your hand for the issuing of public monies for all public services, and we do particularly require you to take care that regular accounts of all receipts and payments be duly kept and that there be transmitted every half year, or oftener, copies thereof properly audited, to our Commissioners of our Treasury, or to our High Treasurer for the time being, to the end that we may be satisfied of the rights and due application of the Revenue of our said Provinces, with the probability of the increase or diminution of it under every head and article thereof."

Under these instruments, it appears to your Committee that the aforesaid monies have been paid over and accounted for by the Receiver General of this Province, before and since the establishment of the present constitution. At no time has that officer accounted to the Legislature of this Province or under its authority, nor have any of his accounts been laid before it, previous to that of the 17th Nov. 1833, embracing a period only from the 11th April 1823, to the 16th Aug. of the same year, both days inclusive, transmitted with the Governor's Message of the 1st Dec. last. In this account the balance due by the Receiver General is stated at £96,117 13 0-4 Sterling, equal to £106,797 7 9 1-2 Currency.

This balance is the result of the receipts and disbursements of the Receiver General of this Province from a period nearly commensurate with the establishment of the present constitution.

It appears by an instrument produced to your Committee by Mr. Caldwell, dated at the Treasury, 11th Aug. 1819, that there was a balance due by the late Henry Caldwell, Esq. Receiver General, on account from the 9th July, 1794, to the 11th April, 1806, of £28,732 15 1 Sterling; and on an account including the above balance from 11th April, 1806, to 20th May 1810, £59,874 10 10 which balance the said instrument states "having been paid over to this accountant's representative and successor in office, John Caldwell, Esq. the present Rec^l Gen^l, who is charged with the same, in his account of that service from the 6th June 1810, to the 10th Oct. 1812, audited by the Commissioners for auditing Public accounts, the 18th June 1819. This accountant, Henry Caldwell is thereupon even and he is quit."

By another instrument from the Treasury, 28th January 1820, it appears that John Caldwell, in the accounts from the 11th Oct. 1812, to the 10th Oct. 1818, was indebted in a balance of £54,533, 4 0 1-4, which being included in the period from the 11th Oct. 1813, to the 10th Oct. 1814, left the said John Caldwell indebted in a balance of £92,635 9 6 Sterling.

[TO BE CONTINUED.]

MISCELLANEOUS.

FROM ENGLISH PAPERS.

Rapid Courtship.—On Tuesday week, a young woman of the name of Mary Beck, was on her way from her home at Wragby to Halifax, where she was engaged as a servant, being fatigued, she called for refreshments at the George and Dragon Inn, in Dewsbury. A short time after, a young

butcher of the name of George Birch came in, clapped her upon the shoulder and said—"This young woman will make me a good housekeeper." The damsel, nothing loth, assented to the observation; a serious conversation ensued, which ended in procuring a license, and the amorous pair were married the next morning, to the great entertainment of a numerous party of attendants.

A Clever Barber.

Yesterday afternoon, (21st Nov.) at 4 o'clock, an instance of very sudden death occurred in Calton. While Mr. John Falconer, hair-dresser, Kirk-street, was in the act of shaving a man, he staggered and just as falling when he was placed on a chair, and expired in five minutes. He will long be remembered by hundreds who were his customers—his shop was the arena of all local discussion; it was in fact denominated the Calton coffee-room, and was the resort of all the borough politicians. His father and he have been in the trade for upwards of half a century. His father was the first who reduced the price of shaving to a half-penny; and when his brethren in the town wished him again to raise it, old Strap replied, "Charge a penny! Jock and me are just considering about lowering it to a farthing." He would never take more than a half-penny, tho' it was offered him; and being very skilful at his business, and of a frank jovial turn, he had a large share of public favor, and was enabled, even at this low rate, to gather money and build houses. About sixteen years ago he died, and his son carried on the business; but he often said others wrought for need, but he did it for pleasure or recreation, and never was so happy as when he was improving the countenances of the lasses.—He was generally allowed to be at the top of his profession; and there are some old men whom he and his father have shaved for 50 years, and whose host it was that they were never touched by another—one very old customer regularly came for many a year to his shop every Saturday night from the western extremity of the town. His shop was furnished with two dozen of antique chairs, as many pictures, and a musical clock, and for a long time he had a good library of books, but they at length nearly wholly disappeared, and he took up to his house the few that remained as his own. At two different times, when trade was dull, he gave his tenants a jubilee on the town day, and presented their discharges without receiving a farthing. He has left behind him property worth between 2 and 3,000 pounds.—*Glasgow Chronicle.*

Population and Consumption.

The relative comparisons between population and consumption, for the two periods of 1792 and 1822, shows some singular results.—In 1792, with a population of 8,100,000 souls, the consumption of wine was 7,710,992 gallons; of British spirits, 5,184,300 gallons; of Foreign spirits, 3,545,920 gallons; of malt 28,661,374 bushels; and of beer, 7,110,200 barrels; whilst in 1822, with a population of 11,300,000 souls, the consumption of wine was 4,912,740 gallons; of British spirits, 1,22,694 gallons; of Foreign spirits, 3,705,961 gallons; of malt, 23,151,508 bushels; and of beer, 7,207,087 barrels. These statistics and figures—negot habits must have led to this increase of consumption.

"WEDDED LOVE."

Curious anecdote, from correspondent in Hampshire.

A few weeks ago a packet vessel, that had several passengers on board, struck upon a rock, and was in such great danger of sinking, that all who were on board endeavored to save themselves in the best manner they could, though only those who could swim well had any chance of success. Among the passengers there were two women of fashion, who, in their despair, entreated their husbands not to leave them. One of the gentlemen chose rather to die with his wife than forsake her; the other was moved with compassion for his children, and told his wife, "that for the good of their children, it was better one of them should live than both perish." By a piece of good fortune met to a miracle, when one of our good men took notice of his wife's everlasting faithfulness to him, in order to save himself, he threw her into his arms the woman that was dearer to him than life, the ship was suddenly saved. After this occurrence, the faithful pair, who were ready to have died in each other's arms, took some trifling disgust, coldness and indifference followed, and they parted forever. The other couple live together in uninterrupted friendship and felicity.

LONDON, Dec. 10

POLICE OFFICE.

Distressing Case and Stern Justice.—C. Saunders was charged with robbing his master, Mr. White, a shoemaker of Oxford-street. Several pawnbrokers produced boots and shoes which had been pawned by the prisoner. Mr. White said, he could not say that he had been robbed. Mr. Rawlinson. Why, you gave the prisoner in charge for pawning your property. Mr. White. I am aware I gave him in charge; but it is impossible to say whether I have lost any thing—I don't miss any of my stock which is extensive. Mr. Rawlinson. Surely you can soon ascertain.—Mr. White. Not before Christmas; I will then take stock. I believe these boots and shoes to have been mine; but they may have been sold and then pawned.—Mr. Rawlinson.—I am sorry to say, the pawning is traced to the prisoner, and I must.—Mr. W. exclaimed, in a voice tremulous with emotion—do not, Sir, I beseech you; it is an unfortunate business, and I will give up all the property to save this young man. Mr. R.—do you mean to give up the property to the pawnbrokers? Mr. W.—Yes, Sir; I cannot proceed, under the circumstances, and, with your permission, I will drop the prosecution. Mr. R.—I cannot comply with your request; the case is an aggravated one. Why do you not wish to proceed? Mr. W. with great emotion, said, I have since heard that the prisoner's father, mother, and family, were by the pressure of misfortune, reduced to the most calamitous misery, and this poor boy, not being able to behold the misery of his parents, plundered me, unknown to them, to procure them food. Here this worthy tradesman's voice became choked with grief, and he could only articulate a few words for mercy to the prisoner, who also burst into tears, and exclaimed, "Oh have mercy on me!" Mr. R.—I have only a straight forward duty to perform, and your duty to the public calls upon you to prosecute, and

mine to commit him; but you can make a representation to the Judge, and mercy may be shown him. Mr. W. But under the circumstances of the case, I would wish not; it would ruin him for ever, and take away an only and affectionate son from his parents in their declining years. Mr. R. You allow him a salary, I suppose? Mr. W. Yes; 15s. per week. Here is his father. A wretched-looking, broken down man, stepped forward, and, in faltering accents, and with his face bathed in tears, acknowledged the correctness of Mr. W.'s statement, and intreated to save his only son. The magistrate regretted he was bound to commit him. Mr. W. then reluctantly consented to prosecute him, and the unfortunate victim to filial affection was remanded, followed by his father, giving way to the most poignant grief.

From the London Literary Gazette.

PERSIAN MELODY.

If 'twere not for the splendid light
That trembles from yon beauteous star,
How dark would be the form of Night,
Carcering in her dusky car.

And yet how oft his reckless heart
Neglects her in his reign of bliss,—
'Tis only in affliction's smart
We truly know what woman is.

Then wherefore, Man, forget that friend,
When fortune's brightest planets shine?
Remember when their beauties end,
How dark the night that must be thine.

But likest thou the thoughtless roe
That sports around the fountain's brink,
Nor heeds the rill that glides below
Nor cares its lapid wave to drink.

Not so when 'mid the desert's heat
She feels the pains of thirst begin,—
Oh then the bitterest draught were sweet
To slake the fire that burns within.

So, when with grief and cares oppress,
How soon we fly to woman's arms,
And suppliant round her generous breast,
Forget our woes for beauty's charms.
Brighton.

AN ODE.

BY BISHOP HORNE.

The sentiment from the Divine Herbert.

Sweet day, so cool, so calm, so bright,
Bridal of earth and sky,
The dew shall weep thy fall to night,
For thou, alas! must die.

Sweet rose, in air whose odours wave,
And colours charm the eye,
Thy root is ever in its grave,
For thou, alas! must die.

Sweet Spring, of days and roses made,
Whose charms for beauty vie,
Thy days depart, thy roses fade,
Thou, too, alas! must die.

Be wise then, Christian, while you may,
For swiftly time is flying,
And thoughtless man that laughs to day,
To-morrow may be dying.

THE HERALD.

KINGSTON, FEBRUARY 24, 1824.

No intelligence from Europe since our last publication.

The Hon. George H. Markland and Lady left this place for New York yesterday morning. We understand they intend to embark for England on the 1st of March.

The Report of the Committee of the Assembly of Lower Canada appointed to inquire into the state of the Receiver General's Chest, is an important Document, and we regret that want of room prevents us from giving it entire this week. The following Resolutions, founded on the said Report, have been adopted by the House of Assembly.

Resolved, That the whole of the monies levied on His Majesty's subjects within this Province, and granted or vested in his Majesty for the public uses thereof, and paid in to the hands of his Majesty's Receiver General, in conformity to the Royal Instructions, were of the nature of a deposit in the hands of the Imperial Parliament.

Resolved, That the balance of the said monies stated to be due by John Caldwell, Esq. his Majesty's Receiver General for this Province, is 218,068 0 7 1-4 of which he claims have advanced on letters of credit, and other payments uncovered by warrants, the sum of 122,946 7 7 leaving an acknowledged balance in cash due by him of 96,117 13 0-4 Sterling.

Resolved, That it is expedient humbly to address his Majesty for the reimbursement of the balance of the sums of monies which may be due to the said Receiver General.

Resolved, That it is expedient to provide by way Loan on the security of the existing Revenue, for the payment of the appropriations of the last Session of the Legislature, which may have remained unpaid from a deficiency of funds.

Resolved, That for the better security of the funds which may be in the hands, or may hereafter come into the hands of his Majesty's Receiver General in this Province, it will be expedient to regulate the said Office by Legislative enactments; and also to regulate by similar enactments the Audit of Public Provincial Accounts.

Resolved, That it is expedient to provide for the satisfactory adjustment and settlement of the accounts of this Province.

The house concurred therein, and it was resolved that a committee be appointed to draft as humble address to his Majesty in conformity to the three last resolutions.

A committee was appointed to report a bill in conformity to the sixth and last resolution.

The Quebec Gazette of the 16th inst. says, A very important Debate took place on Saturday night in the Assembly, on the resolutions proposed by Mr. Bourdages, respecting the Canada Trade Act. Mr. Speaker and Mr. Viger occupied the hour till near 12 o'clock, when owing to the lateness of the hour, the debate was postponed to this evening.

The address of the Council, respecting the Navigation of the Saint Lawrence, was moved by Mr. Ojdhans to be referred to a special

Committee, Mr. Bourdages in amendment moved, that it be taken into consideration by a Committee of the whole on Tuesday, which was agreed to.

This evening, Mr. Bourdages withdrew his Resolutions and proposed another series, to be taken into consideration on Wednesday. It was voted that an aid be granted to his Majesty, and referred for Tuesday.

In a future number we shall give a sketch of the Debate on this important subject.

We have received the first number of the Law Reports of Upper Canada, containing Reports of the cases argued and determined at York, in Trinity Term, 4 Geo. IV. By THOMAS TAYLOR, Esq. 43 pages octavo. The Typographical part of the work is good, and the arguments and decisions are no doubt correctly reported.

The Chronicle of Friday last says:

"We regret to learn that on Sunday the 8th inst. while a Mr. Gordon, on the h.p. of the Field Train, was crossing the Niagara River, from Lewistown to Queenston, with his lady and daughter, and a young woman, an acquaintance, the boat got into a whirlpool, was immediately filled with water and sunk, and all on board perished excepting the boatmen."

A detailed account of the Murder and Suicide which recently took place in Marysburgh will be found below.

MR. THOMSON.

By inserting the following statement in your paper you will gratify the Public, and have the thanks of,

Sir,

Your Obedt Serv^t

STEPHEN CONGER, J. P.

On Monday evening the 16th of February, instant, I was called upon by a Mr. Hames of South Bay, in the township of Marysburgh, to go thither and take an inquisition on two dead bodies then lying in the house of one Peter Hart, of the place aforesaid; and on due consideration of the emergency of the case, and the present danger of crossing the ice of the Bay of Quinty to obtain a Coroner, I attended on the morning of the 17th inst. and by 8 o'clock collected, with the assistance of William Wellbanks, Constable, the following Freeholders, to wit: Jacob Dulmage, Foreman, Peter Collier, Joshua Hicks, Philip Mack, Andrew Moinager, Oliver Church, Thos. Wellbanks, John Lane, Robert Wellbanks, Samuel Ostrander, Luis Head and Benjamin Hicks—who being duly sworn and charged, returned the following verdict, viz:

"That the female Betsey Hart, then lying dead, was the wife of Peter Hart—that she had received one stab in the upper side of the left breast, and another (mortal) stab with a knife just below the ribs on the right side of the spine, of which she instantly died; and that the same was done and perpetrated by one Isaac Larraway (her uncle) then living in the house with said Hart, and being a man of upwards of 60 years of age, and no information from evidence of any animosity or quarrel existing between them prior to her being murdered.

And said Jurors further did declare and say, on their oath, signed with their seals, that the said Isaac Larraway did murder the said Betsey Hart in manner aforesaid; and also afterwards, in a few minutes, made an assault upon himself with the same knife, (made of a razor blade and ground to a sharp point) and stabbed himself five times in his breast, and afterwards cut his throat in a most shocking manner.

In that situation, myself with the jurors, and nearly two hundred spectators had to view the horrid scene—and had also, from witnesses sworn, the painful information that the infant of the deceased woman, a few months old, on the father's return, was found on the floor weltering in the blood of its murdered mother. May God enable the pen of some ready writer to comment largely on the above horrid deed.

Hallowell, 19th Feb. 1824.

A letter from Bermuda, of the 15th of January states, that a new election of members for the General Assembly had just taken place, and not a solitary individual, friendly to Sir William Lumley, the Governor, had been elected. The situation of the Assembly will be very unpleasant, as the Council are all dependent on the will of the Governor, removable at pleasure, and the veto of his Excellency is a check upon the whole.

Commercial Ad.

At the conclusion of this (the fifth) volume of the UPPER CANADA HERALD, we beg leave to renew our assurances of gratitude to those who have so liberally contributed towards its support, and at the same time to request a continuance of their favors.

ERRATA.

In the paragraph last week relating to Wesleyan Missionaries, instead of "in any of the West-India Islands," read in *Demerara* or any of the West-India Islands.

In the address of "An Elector," last week, 26th line from bottom, for "Country," read *County*.

MARRIED.

On Thursday the 15th inst. by the Rev. Arch Deacon Stuart, Mr. George Harsell to Miss Elizabeth Babcock.

On Tuesday the 17th inst. Mr. Daniel Wartman, to Miss Mary Day.

On Wednesday the 18th inst. Mr. Thomas Moore to Miss Elizabeth Diamond—all of the Township of Kingston.

THERMOMETRICAL JOURNAL.

February 1824.	6 o'clock A. M.	Noon.	6 o'clock P. M.
17	20	30	24
18	20	26	24
19	0	24	22
20	26	43	36
21	28	43	36
22	10	22	20

For the Herald.
QUERY—Why was the Tree of life placed in the garden of Eden?
DAVID.

Feb. 23d, 1824.