



Newfoundlander.

No. 105.

THURSDAY, July 23, 1829.

Sixpence.

Notices.

I WILL NOT be accountable for any Debts contracted by the Crew of the Schooner *Triton*, under my command.
July 16. THOMAS PYNE.

Genteel Lodgings.

MRS. TRAVERS having taken that excellent and commodious BRICK HOUSE in King's Place, belonging to the late Dr. WABNER, begs leave to inform her friends and the public, generally, that she has now fitted it up as a genteel Board and Lodging House, where the greatest attention will be paid to the comfort of those Ladies and Gentlemen who may favour her with their patronage.

Its central and airy situation will render it a desirable residence for Gentlemen from the Outports, Masters of Vessels, &c. &c.
June 11.

Take Notice.

JOHN BALL, of *Currick-in-Suir*, having become the rightful heir to the Ballygriffin property, County Kilkenny (Ireland), is hereby called upon by his brother to go forward to claim it.—The said JOHN BALL formerly lived a labourer (some six or seven years ago) in this place, wore large dark whiskers, is a thick set man, and a Weaver by trade. It is supposed he may be living in or near Boston, in the United States.

The Subscriber will be very thankful to any Editor of a newspaper in Boston or Halifax, to publish this notice.

JAMES BALL.

Carbonear, Newfoundland, }
June 1st, 1829. }

ALL Persons having Claims on the Estate of EDWARD O'DONNELL, late of *Isle Vulturen, Placentia Bay*, deceased, are requested to present them, duly attested, and those indebted to said Estate, are hereby required to make immediate Payment to

DAVID TASKER,
Administrator.

Per his Attorney, JOHN SINCLAIR.
May 21.

Desirable conveyance to and from Harbour-Grace.

THE Public are respectfully informed that the Packet Boat *Express* will ply regularly from this date between Harbour-Grace and Portugal Cove, leaving the former place every MONDAY, WEDNESDAY, and FRIDAY morning, at 9 o'clock, and Portugal Cove the succeeding days at noon.—The Letter Carrier leaving St. John's at 8 o'clock, Sundays and bad weather only excepted.

Cabin Passengers 10s.
Steerage ditto 5s.
Letters 6d.
Double ditto and parcels in proportion.

The Public are respectfully noticed that no accounts will be kept for passage or postages, neither will the proprietors be accountable for any specie or other monies which may be put on-board.

Letters left at the offices of the Subscribers will be regularly forwarded.

J. CLIFT, Agent, St. John's,
T. RIDLEY, Agent, Harbour-Grace.

To be Let.

For one or more years, as may be agreed on, and immediate possession given—

ALL that commodious and extensive Water-side Premises, now occupied by the Subscriber, comprising an excellent Wharf, good Stores, a comfortable Dwelling-house, and every other convenience suitable for carrying on a large business.—For further particulars, apply at the office of.

May 7. W. E. CORMACK.

BLANK Custom-House Reports, Ships' Articles, Bills of Lading, Indentures, Shipping Papers, and other Blanks for Sale at the Office of this paper.

On Sale.

James Stewart & Co.

HAVE RECEIVED,

Per SALLY, from Waterford,

20 Barrels prime Mess PORK,

Which will be Sold for Shore Madeira Fish, or Oil.
June 23.

JUST IMPORTED,

AND

FOR SALE,

BY

BRINE, MURCH & Co.

ALL of a very superior quality, in hogsheads and half-hogsheads, and bottles,
Spirits Turpentine in jars.

Also,

Spars of every size,
Fishing and Deck Boots,
2-inch pine and spruce Plank,
2-inch juniper ditto,
Lime, from the best Plymouth stone,
And a few tons prime Upland Hay.
April 23.

William & Henry Thomas

OFFER FOR SALE,

On reasonable terms,

500 BARRELS fresh States' Flour,
500 Bls. New York prime Pork,

40 Barrels prime mess ditto,
100 Bags Bread,
200 Firkins Butter,
50 Barrels Quebec prime Beef,
10 Hogsheads leaf Tobacco,
100 Kegs Negrohead Tobacco,
20 Ditto Cavendish ditto,
20 Boxes fresh Chocolate,
150 Qr.-chests assorted Teas,
100 Bushels Oats,
50 Ditto Indian Corn in bags,
50 Sides Neats' Leather,
50 M. Shingles.

N. B.—They have a few barrels of superfine Flour, of a very superior quality, which they can strongly recommend to Families.
June 4.

JUST IMPORTED,

In the Brigs *Isabella* and *Equation*, from London; *Abeona* from Teignmouth; *Mayflower* from Waterford; and on hand of former importations,

AND

FOR SALE,

BY

Brown, Hoyles & Co.

PRIME Irish Pork,
Ditto Beef,

Irish and Hamburg Butter,
Westphalia Hams,
Bread, Flour, Oatmeal,
Lekia Raisins in barrels,
Rum, Molasses,
Soap, Tobacco,
Cordage of all sizes,
Nails ditto,
Cod and Caplin Seines,
Mackerel and Herring Nets,
Lines, Twines, Oakum,
Pitch, Tar,

Flat and No. Canvass, of all descriptions,
Cognac Brandy,
Cotton and red Shirts, in bales,
Flushings and Duffels, in ditto,
Tinware, Stationary,
London White-lead,
Bar Lead,
London Particular Madeira Wine,
Sicilian and Claret Wines,
Warren's Blacking,
Parlour and Cabin Stoves,
Patent Palls and wheels, for Windlasses,
Patent Ships' Winches,
With a general assortment of articles for the fishery.
May 28.

Parliamentary Intelligence.

HOUSE OF COMMONS, MONDAY, MAY 18.

MR. O'CONNELL

Long before four o'clock the gallery of the House was crowded with persons anxious to hear the debate upon the question as to whether Mr. O'Connell was to be heard at the bar of the House in support of his objections to taking the oaths tendered to him under the former Act of Parliament. A great number of Members were also in attendance.

Mr. Secretary PEEL moved the order of the day.
The SPEAKER.—The question is, whether Mr. O'Connell is to be heard as to his objections to taking the oaths.

Mr. Secretary PEEL.—Sir, by stating my view of the case, it may serve to shorten the debate which is about to take place. An hon. member of this house attempted to take his seat, and contended that he had a right to do so upon having administered to him the oath of supremacy. You, Sir, in your duty, were compelled to enforce the law according to your construction of it. You in consequence hesitated to admit him to his seat, and require him to take other oaths also. You required him to take the oaths under a former act, but this he objected to, and claimed to take his seat on taking the oaths passed in the present Session of Parliament. The question, Sir, is this, whether the hon. member for Clare is to be heard at all; and if heard, whether he is to be heard at the table or the bar. With those questions, Sir, I will not attempt to mix up any other. I will postpone the ulterior question until it shall come properly before the house to be discussed, and I will address myself entirely to these three questions, whether he is to be heard? and, if heard, whether at the table or the bar. Having given the best consideration to this question since the adjournment on Friday, I am now of opinion that under all the circumstances of the case, it certainly would be right that Mr. O'Connell should be heard. Whatever, Sir, our ultimate decision may be, I think that decision will be more satisfactory, if we admit the object of it to state his case in the manner I shall hereafter make out. I conceive, Sir, the question is not only a special but an individual one, and therefore excepted from ordinary rules. But it may be not merely a question of admission to privilege, but it may involve a question of liability to penalties, because questions may arise as to which of the two oaths was proper to be taken by the individual. If he took the wrong oaths, I apprehend certainly that he will be subject to penalties in common law. He will have entitled himself to take his seat under those oaths which he ought not, and will therefore lay himself open to those penalties which may be recovered. As to the question, if it be the pleasure of the house to hear him, whether it should be at the table or at the bar—for myself, I have no hesitation in saying, it would not be fitting to permit him to be heard at the table. (Hear.) I think the course, Sir, you adopted the other evening was perfectly correct; and I now think it right to move that the member for the county of Clare be heard at the bar, by himself, his counsel, or agents, in respect of his claim to sit and vote in Parliament without taking the oath of supremacy.

Mr. C. W. W. WYNNE.—I really do not feel, Sir, that there is any difference whatever between the hon. member for the county of Clare being heard at the table or at the bar. I really do not apprehend any danger from admitting an hon. member, duly elected, from being heard at your table; nor do I see any difference between admitting him to be heard at the table, and any member of the House of Lords being admitted within that house, being heard from the floor. I, for one, therefore, shall be quite ready to concur in the motion of the right hon. gentleman.

Mr. BROUGHAM.—My right hon. friend has anticipated the few observations I had intended to make. I differ from the right hon. gentleman opposite in the view of the question totally; for I think the precedents that have been cited are such as will bear out my first proposition, that the table of this house is the right place for the member of the county of Clare to be heard at. But I certainly do not now contend for his being heard at the table; for in following the one line of conduct rather than the other, according to precedent, I think I should be putting the house to the necessity of hearing a very unnecessary discussion, if I were to urge my views (which I am prepared to urge if necessary) of the grounds on which I think Mr. O'Connell has a right to appear at the table. We have precedents of one that was

called to the bar, and several who were called into the house. Having the hon. member for the county of Clare at the bar, will be no impeachment of his rights and privileges as an unsworn member. It will have this advantage, and which I should be happy should attend it, it will tend to prevent the possibility of litigation elsewhere. Although I have no doubt whatever that my right hon. and learned friend takes the correct view of the statutes, in the opinion he has given that that would be no infraction of those statutes, yet I cannot answer for all other persons taking the same view, and it is barely possible that advantage might be taken of the circumstance by some others to give trouble to the member for the county of Clare, if he were admitted to the table. It is possible also, if by possibility, a re-election of that member shall hereafter be deemed necessary, it might lead him and his constituents who might afterwards return him, into a question before a committee of this house, whether or no, by entering into this house, at this period, he had incurred some of the forfeitures. Upon all these grounds, I for one certainly deem that the fit course for the house to take is to prefer, of the two, both of which are open, that of giving the hon. member the opportunity of being heard at the bar, and therefore of adopting the amendment of the right hon. gentleman opposite.

The SPEAKER then put the amendment, which was carried without opposition.

Mr. BROUGHAM then observed, that he considered it would not only be expedient to give Mr. O'Connell the opportunity of being heard forthwith, but that the house should proceed and come to their final decision upon the question.

Mr. PEEL then made an observation in a low tone of voice, which we understood to be assenting to this proposition.

The SPEAKER now put the question, that Mr. O'Connell be now called to the bar, which was carried unanimously.

Mr. O'CONNELL in a few minutes made his appearance at the bar.

The SPEAKER then addressed him thus:—Mr. O'Connell, the house have resolved that you be heard at the bar by yourself, your counsel, or agents, in respect of your claim to sit and vote in parliament without taking the oath of supremacy.

Mr. O'CONNELL.—I cannot, Sir, help feeling some apprehension when I state, that I am very ignorant of the forms of this house, and therefore that I shall require much indulgence from you, if, in what I am about to say, I should happen, by any thing that may fall from me, to violate them. I claim my right to sit and vote in this house as the representative for the county of Clare without taking the oath of supremacy. I am ready to take the oath of allegiance provided by the recent statute, which was passed for the relief of his Majesty's Roman Catholic subjects. My desire is to have that oath administered to me, and, of course, I must be prepared to show that I am qualified in point of property; and whether the house thinks I can take the new oath or not, if I am required to take both, I am willing at my own hazard to sit and vote in the house. My right is in its own nature complete. I have been returned as duly elected by the proper officer. It appears by that return that I had a great majority of the county of Clare who voted for my return. That return has since been discussed in a committee of this house, and has been confirmed by the unanimous decision of that committee. I have as much right to sit and vote in this house, according to the principles of the constitution, as any of the hon. or right hon. gentlemen by whom I am surrounded. I am a representative of the people, and on their election I claim the right of exercising the powers with which their election has invested me. That question cannot arise at common law—it must depend only on the statute, whether a representative of the people is bound, before he discharges his duty to his constituents, to take an oath of any description. Up to the reign of Elizabeth, I believe I am correct in saying that no such oath existed. Up to the close of the reign of Charles II. no oath was taken within the house; the 30th of Charles II. was the first statute requiring any oath to be taken within the house itself. The oath of allegiance (and no man is more ready to take the oath of allegiance than I am), the oath of supremacy (and there were very few in parliament at that time who would not take it), and the declaration, were for the first time introduced by that statute; and it not only required them to be taken and subscribed, but it went on to provide remedies against individuals who should neglect or refuse to take and

subscribe them. Among those remedies, some of which were of an exceedingly extensive, and I may almost call them, of an unlawful nature, was a pecuniary penalty of 500*l.*: which I mention, because I shall have again to call the attention of the house to it, before I close what I have to offer to its consideration. The purpose of that statute was obvious; it was stated to be "for the more effectually preserving the King's person and government," and the mode of attaining that object was disabling Papists from sitting in either house of Parliament. I am, in the discourteous language of the act, a Papist—I come within that description. I cannot take the oath prescribed, and should shrink from signing the declaration. The object of the statute is sufficiently clear from its title, and the construction of the statute must follow from that title. Therefore it is perfectly evident, that as long as this act remained in force, it would have been vain for the people to elect me for any county or borough, as I could not exercise the rights vested in me. The law declares expressly, that a refusal to take the oath shall be followed by the vacating of the seat, and by the issue of a new writ. Up to the period of the legislative union with Ireland, this statute, by means of other acts, was enforced; that is, it was partially enforced; the declaration was enforced, and I find by reference to the statute, which I took out of the library of this house, that, as to the oaths, they were repealed by 1st William and Mary, sec. 1. ch. 1. That act altered the form of the oath of supremacy; therefore it was an oath asserting affirmatively that the supremacy in spiritual matters was in the crown, but that statute negatives the foreign supremacy or spiritual jurisdiction. So stood the statute law until the period of the legislative union with Ireland. At that period, in my humble opinion, an alteration took place in the effect of the statute law. I respectfully submit, that at that period this alteration took place in the law—that whereas, by this statute of Charles II., and by that of 1st William and Mary, pains, penalties, and disabilities, were enacted against any man for sitting and voting without having taken the oaths, the direction of the Act of Union was, that any man should take the oaths, but it imposed no pains, penalties, or disabilities. I submit that the statute of Charles the Second could not operate upon this Parliament; that was an act of the English Parliament; even a statute passed after the Union with Scotland could not operate; nothing can operate upon this Parliament but a Union statute, or a statute subsequent to the Union. This seems to me a perfectly plain proposition, such as no lawyer can controvert, and such as no Judge could possibly overrule. First, then, I claim to sit and vote without taking the oaths by virtue of the Union Act. Secondly—I claim under the relief bill to sit and vote without subscribing the declaration. Thirdly—I claim under the relief bill to sit and vote without taking the oath of supremacy. And fourthly—I claim under the positive enactments of the relief bill to sit and vote without taking any other oath than that mentioned in the relief bill itself. I will endeavour to go through these four topics as briefly as possible. The Union Act, as I before remarked, certainly directed the oaths to be taken, but, with equal certainty, it did not annex pains or penalties to not taking them. It did, however, direct them to be taken, and it is for the house to determine whether it has authority to prevent any man from exercising the right of representation without taking those oaths. I do not mean to canvass that point at great length; I do not mean to concede it, because I cannot; I state that there are precedents passed *sub silentio*, where gentlemen after the Union having neglected to take the oaths, private acts were brought in for their relief. But I put it to the house in its judicial capacity; and having put it, I shall leave it at once, whether the Union Act, not having given the power of depriving a representative of his right to sit and vote, the house could do it of its own authority, without the warrant of an express law. I would respectfully remind hon. members, that this oath is a species of dishonour of the public at large; I would remind them, also, that those thus rendered ineligible, are rendered ineligible for no other reason than a conscientious respect to the sacred obligation of an oath. It excludes a meritorious class, and admits all who neglect or disregard the sanction to which I have referred; it calls upon the people to elect the careless, the fearless, the mendacious, and it proceeds upon the bad principle of making a selection of the vicious to the exclusion of the conscientious. That being the spirit and principle of the law, I humbly submit to the house whether it would carry that spirit and principle into specific execution. I think if I stood on the Act of Union alone, I should stand firmly in this assembly of Christians and gentlemen, calling upon them not to give effect to that vicious principle—not to encourage

"The strong antipathy of bad to good;"

not to promote the choice of such as are hostile to those who reverence the sacred obligation of an oath, but to throw the doors as wide as possible to all who will illustrate this assembly by their virtues and their talents. I quit that point, and come to the next, to which I advert with pleasure. I formed it on the relief bill. I insist that the effect of this relief bill is to do away with the direction of the Union Act, as far as it relates to oaths. I will canvass that proposition first:—The Union Act directed that these oaths should be taken for a particular period, and for a particular period only. The direction is— "And every member of the House of Commons of the United Kingdom, in the first and all succeeding Parliaments, shall, until the Parliament of the United Kingdom shall otherwise provide, take the oaths," &c. I contend that this direction is at an end—upon this direction depends the oath of supremacy, and my argument is, that the period is arrived. The statute uses the adverb of time "until"—the provision was merely temporary, and the period has expired. The

Act of Union provides, that certain oaths shall be taken until something shall happen. Has that happened? That is the only question. Let me see whether I can give an answer to the question. I say it has: that is my assertion, and how do I prove it? I take up the statute, and I find—what? that the declaration is for ever abolished. Has not the house, in the words of the Act of Union, "otherwise provided?" This is a penal and restrictive act; it is restrictive of the people's right. I take up the statute, and I see that the Parliament has otherwise provided—not for Catholics alone—not for Protestants alone; but for Catholics, Dissenters, and Protestants—all without limitation or restriction. That the period has arrived, I have distinct evidence in what happened to myself at the table. The oaths then tendered to me were different from those which would have been tendered before the 13th of April; the document produced was new—it was fresh for the occasion—it was a novel introduction into the house; on one side were the oaths for Protestants, and on the other those for the Catholics; and why was this? Because the Legislature has "otherwise provided," than at the date of the Union. As one of the representatives of the people, I claim the benefit of the provision; I claim to come not within any of the oaths. If the new provision has not embraced every case, it is either the wisdom or the defect of the act; but either in one case or in the other the time contemplated has come, and I claim my right just as if the Union statute did not exist. But suppose that what I have said has not convinced the house, let me call its attention to the bill, and remind the house that in constructing it, there are general principles of common sense to enable us to decide on the construction of a statute, as well as any Bench of Judges to determine an intricate point of law. Previously to the Union and to the passing of the Act of 30th Charles II., the object of the legislature was to prevent Papists from sitting and voting in Parliament, and any decision of the house upon that statute must be a decision ancillary to that object. The object of the statute of Charles was to exclude Papists; but here is now before me a statute whose object is to open the doors to the Roman Catholics, and to annihilate the bar that has hitherto impeded their progress. First, I say that this relief bill, like many others, sometimes takes up a portion of the subject in the middle—then it goes at once to the commencement, and again reverts to some other part of the subject: at all events, it is not so methodical in its construction as to enable me to give at once an analysis of its contents. The second section provides for this case, for all Roman Catholics being Peers, and it enables them to sit and vote on taking the new oaths. It applies as well to the Peers created in the period that intervened between the statute of Charles II. and the present day, as to those Peers whose titles and rights existed prior to that statute; of these there were two who were deprived, I may now say, because it has been admitted in the legislature, by an unjust attainder—Lord Kenmare and Lord Baron French; they were created Peers during the period when it was impossible for either of them to exercise the right of the Peerage by sitting and voting in Parliament. This act has admitted them to those rights. As the prerogative of the Crown has been restored to its full effect by means of this statute, so the right of representation has been made an equal right; as the royal prerogative has been perfectly successful, the privilege of the people ought to be equally potential. There are, however, these words in the second section:—"or who shall after the commencement of the act be returned as a member of the House of Commons to sit and vote in either House of Parliament respectively." After the passing of the act, every body is to be entitled to the benefit; and I beg the house to reflect, that if I be not by the second section included, I am not excluded by it; though it does not affirmatively establish my right, it does not negative it by any enactment; it may not be sufficient to admit me, but there is nothing to shut me out. One point alone includes me, and it is a point of legal construction, depending on the authority of cases which I shall not now analyse. I might do so as a lawyer were I addressing a Bench of Judges, but before a popular assembly I ought not to occupy time in any such attempt; I only allude to them in order that if a court should hereafter decide that my argument is valid, it would impose upon me the necessity of taking no oaths at all, or else protect me against the exaction of the penalty. The construction which a lawyer may put upon the statute, I apprehend, would be, that he who was returned before the passing of the act was embraced within its provisions; and the house will give me leave to mention, that it has lately been solemnly decided in the case of a will, that notwithstanding the peculiar wording of it, children born after the date of the instrument were included in its provisions. I will only remind the house of these technical rules, which, I trust, will never be carried into effect at the expense of any whom I am addressing. I repeat, that if the second section does not include, it does not exclude me. It may be said that it was framed for other objects—to let in persons who have such claims as the Earl of Surrey; and here let me claim the assistance of the legal gentlemen in the house. Beyond a doubt, and I call their particular attention to the fact, if the second section does not aid me, it cannot possibly injure my right to sit and vote. I come, then, at once to the right; I come to it under the tenth section of the act; and I implore you to forgive me for trespassing so long upon other matters when I have this section before me, which seems to render doubt impossible.

"And be it enacted, that it shall be lawful for any of his Majesty's subjects professing the Roman Catholic religion to hold, exercise, and enjoy, all civil and military offices and places of trust or profit under his Majesty, his heirs, or successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing, at the time and in the manner hereinafter mentioned, the

oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of his Majesty's subjects professing the Roman Catholic religion."

[For remainder, see last page.]

From the Cork Southern Reporter, June 16.

CLARE ELECTION.—The friends of the adverse parties speak with confidence as to the result. Standing on the ground of impartiality, and viewing the proceedings as mere spectators, we are of opinion, not only that Mr. O'Connell will be the successful candidate, but that there will be no contest. The accounts which we have seen from Clare decide us as to this opinion. There will be, we should think, about 400 Ten Pound Freeholders registered—of these, Mr. O'Connell may calculate on 350. One hundred and twenty, twenty and fifty pound freeholders have declared for him. Under these circumstances we deprecate the unnecessary disturbance of a contested election, and in truth, we believe, there will be none.—*Dublin Paper.*

There is a very active correspondence kept up between some leading persons in the County Clare and parties of no little influence here. The representations of the former are to the effect that Mr. O'Connell's registry will be so defective in numbers, that he can be opposed with certain success, and in proportion as these assurances are given, the parties are encouraged to persevere. Mr. Villiers Stuart's address resigning the County Waterford was no surprise here. His intention was known before he left this, several days ago. Lord George Beresford is to come in.

MR. VILLIERS STUART.—The *Leinster Journal* states, that of a new batch of Peers to be created after the prorogation of Parliament Mr. Villiers Stuart is to be one, by the ancient and illustrious Irish title of Desmond.

A further improvement has taken place in some of the English manufacturing districts, and more hands have been taken into employment. We trust the improvement will be progressive, though we cannot expect it to be rapid or considerable.

DEATH OF MR. KEAN.—We have heard with much regret that the modern Roscius, Edmund Kean, has ceased to exist. Our informant states that this celebrated tragedian died at his Castle, in the Isle of Bute, whither he had retired from Glasgow, where he had been performing since his abrupt departure from Dublin.—*Freeman's Journal.*

The Newfoundlander.

ST. JOHN'S, (THURSDAY) July 23, 1820.

The brig *Joanna*, Capt. HENLEY, at this port, from Figueira, fell in with a small schooner, supposed to be a pirate, on the 13th June last, about 60 miles off the coast of Portugal. When first discovered, she was lying-to with her topsail to the mast, and continued so until the *Joanna* came up, when the latter was hailed, and Capt. HENLEY ordered to hoist out his boat, and repair on board with his papers; which he immediately complied with.—The person who appeared to be in command, and who spoke broken English, accosted Capt. H. very politely, and having asked a number of questions as to his cargo, whence from, and where bound to, told him he was in want of provisions and water, and wished to know whether he could spare him any. Upon being answered in the affirmative, he sent one of the crew, who appeared to be an Englishman, with Capt. H. on board the *Joanna*, and received 2 cwt. pork and beef, and 2 casks water; which were paid for, in dollars, by the captain of the privateer. Capt. H. was then ordered to proceed on his voyage, and the pirate made sail in chase of another schooner in sight at the time (the *Swift*, also bound to this port); but upon a large ship making her appearance, instantly altered her course, and was soon out of view.—She was a long, low, black schooner, about 80 tons, with a crew of from 25 to 30 men—all foreigners with the above exception—had four carriages lashed on each side, but no guns mounted, and two arm-chests filled with musquets—out 80 days from Havanna, and reported they were bound to Bilbao.

We understand that GEORGE RICHARD ROBINSON, Esq. M.P., has resigned his office of Honorary Secretary to the Newfoundland School Society, now extended to Nova-Scotia and Canada.

THE FOLLOWING CLAUSES OCCUR IN THE NEW BILL TO AMEND THE LAWS RELATING TO THE CUSTOMS.—28th May, 1820.

Masts, &c. imported into the Colonies in North America or from such Colonies:

"And be it further enacted, that masts, timber, staves, wood, hoops, shingles, lathwood and cordwood for fuel, shall be imported into any of the British possessions in North America duty free; and that such goods, upon importation thereof from such possessions into any other British possession in America, or into the United Kingdom, shall be deemed to be the produce of the British possessions in North America."

Raw Hides to be imported into the British possessions in North America duty free:

"And be it further enacted, that raw hides imported into the British possessions in North America, from the west coast of Africa, shall be so imported duty free."

Registering Ships abroad:

"By this bill the power of registering vessels in places in British possessions within limits of East India Company's Charter, not being under said Company's Government, and where a Custom-house is not established, is granted to the person appointed to collect duties, together with the Governor, Lieut. Governor, or Commander-in-Chief of such possessions; but the power is to be taken away from the Governor, Lieut. Governor, or Commander-in-Chief of every Bri-

ish possession in Asia, Africa, and America, where there is a Collector and Comptroller of Customs appointed by the Treasury; and the signatures only of said Collector and Comptroller will be required."

ARRIVAL.—In the *Leah*, from Cork, Lieutenant Robert Langrishe, R. N.
DEPARTURES.—In the *Wellington*, for Quebec, Mr. N. Gill, jun., Mr. H. Le Messurier.

[For the Newfoundlander.]

THE HOUR OF DISTRESS.

O 'tis not while the fairy-breeze fans the green ocean,
That the safety and strength of the bark can be known,
And 'tis not in prosperity's hour, the devotion—
The fervour and truth of a friend can be shown.
No!—the bark must be proved when the tempest is howling,
When dangers and mountain-waves close on her press;
The friend, when the sky of adversity's scowling,
For the touch-stone of friendship's the hour of distress.

When prosperity's day-star beams pure and unclouded,
Then thousands will mingle their shouts round its throne;
But, oh! let its light for one moment be shrouded,
And the smiles of the faithless like shadows are gone;—
Then comes the true friend who to guile is a stranger,
The heart of the lone one to soothe and caress,
While his smile, like the beacon-light blazing in danger,
Sheds a beam o'er the gloom of the hour of distress.

O it is sweet 'mid the hours of bleak desolation,
While pleasures and hope seem eternally flown,
When the heart is first lit by the dear consolation
That a haven of happiness yet may be won.
Grief fades like the night-cloud, bliss mingles with sorrows,
When the first sunny rays through the darkness appear—
And the rainbow of hope beamed bright as it borrows
All its splendour and light from a smile and a tear.

O 'tis those whose life's path has been clouded and cheerless,
Can feel that full burst of pure transport and bliss,
When the trusted and tried friend comes boldly and fearless
To share or relieve the dark hour of distress.
Past griefs may yet cease to be thought on, but never
Can time make the feeling of gratitude less;—
May the blessing of God rest for ever and ever
On him who forsook not in hours of distress!

St. John's, 22d July, 1820.

Married, on Wednesday evening, the 15th instant, by the Rev. F. H. Carrington, the Rev. CHARLES BATE, Methodist Missionary for Island Cove and Perfection, to Miss SARAH BARNES.

Died, on Sunday evening last, about 5 o'clock, after a short illness of only 6 days, Mr. MATTHEW GUNWALL, jun., late Packet-master, of Portuque Cove, aged 39 years.—His death was occasioned by Erysipelas, with which he was severely attacked. He was a man of steady habits, and generally respected by all who knew him.—*Gazette.*

Shipping Intelligence.
CUSTOM-HOUSE, St. John's.

- ENTERED.
- JULY 16.—Schr. *Mary*, Mermaid, Bay Vert; 14 M. board, 20 M. shingles, 20 M. staves, 8 head oxen, 4 sheep. Schooner *Albion*, Clements, P. E. Island; 40 M. board. Schooner *Enterprise*, Le Blanc, Port Hood; 27 head cattle, 11 sheep, 12 firkins butter, 1 horse, 9 calves, 150 bushels oats.
 - 17.—Schooner *Luna*, Frith, Beranda; 32 hds. 11 barrels sugar, 49 puns molasses, 4 puns rum.
 - 18.—Brig *Minerva*, Gosh, Cadiz; 200 tons salt.
 - 19.—Brig *Rover*, Ingham, Beranda; 30 puns molasses, 14 puns rum, 30 casks sugar, 35 bbls. coffee, &c.
 - 20.—Schooner *Trug*, Friend, M'Donald, P. E. Island; 24 head cattle, 70 sheep, 1 horse, 40 pigs, 100 bushels oats. Schooner *Assistance*, Chissou, Margaree; 30 head oxen, 25 sheep.
 - Schooner *Leonora*, Porrier, Margaree; 26 oxen, 2 horses, 9 sheep, 8 tubs butter.
 - 20.—Brig *Leah*, Cole, Cork; 40 bbls. and 20 half-bbls. pork, 75 firkins butter, &c.
 - Schooner *Swift*, Hellyer, Figueira; 380 hds. salt, 9 boxes lemons and oranges, 1 qr. cask wine.
 - Schooner *Lord Nelson*, Tougore, Bay Verte; 20 M. board and plank, 51 M. shingles, 15 spars.
 - Brig *Joanna*, Henley, Figueira; 320 hds. salt, 7 boxes lemons, &c.

- CLEARED.
- JULY 15.—Schooner *Tarsille*, Le Valois, Arichat; 2 quarter-casks wine.
 - 16.—Schooner *Wellington*, Hartary, Quebec; 21 puns rum, 45 barrels sugar, 5 pipes, 5 hds., 10 qr.-casks, and 33 cases port wine, 175 boxes tin plates.
 - Schooner *Shelburne*, Baker, Halifax; 46 boxes raisins, 25 bbls. pork, 773 seal skins.
 - Schooner *Four Sons*, M'Leod, Sydney; 8 boxes raisins, 1 bl. coal tar, 12 bags brewh, 4 boxes soap.
 - Brig *Douglas*, Town, Mitchell, Halifax; 4 casks wine.
 - Schooner *Arichat*, Boudrot, Sydney; 3 puns rum, 2 puns molasses, 4 barrels sugar.
 - Schooner *Mary*, Mermaid, Bay Verte; 9 puns rum, 3 puns molasses, &c.
 - Schooner *Leonora*, Ponnier, Arichat; ballast.
 - Brig *Leander*, M'Ausland, Greenock; 285 casks containing 26,703 gallons seal and cod oil, 2,242 seal-skins, 710 qtls. fish, &c.

CARBONEAR.

- ENTERED.
- JULY 10.—Schooner *Lady Ann*, Pittman, Copenhagen; 625 bbls. pork, 35 bbls. beef, 420 firkins butter.
 - 11.—Brig *Cousins*, M'Grath, Miramichi; 49,900 feet lumber, 8 spruce spars, 28 M. shingles.
 - 14.—Brig *Mercury*, Roe, Liverpool; 300 bbls. pork, 6040 bushels salt, 12 tons coal.
- CLEARED.
- JULY 9.—Brig *Hope*, Stroud, Sydney; ballast.
 - 11.—Brig *Eggardon*, Castle, Warland, Poole; 191½ tons maiden seal oil, 10½ tons cod oil, 13,381 seal skins, &c.
 - 12.—Brig *Elizabeth*, Johns, Poole; 92½ tons seal oil, 6½ tons cod oil, 10,526 seal skins, &c.

WANTED, A WET NURSE.—Apply at the *Newfoundlander* Office, July 23.

THE NEWFOUNDLANDER.

At the Anniversary Meeting of the *St. John's Charity School Society*, held at the School-room, the 14th July, 1829.

PRESENT:—

His Honour Chief Judge TUCKER in the Chair.
 Mrs. Brenton
 Mrs. Brooking
 Miss Brenton
 Mr. W. Gaden
 Rev. Mr. Ward
 Mrs. Ward
 Mr. Bennett
 Mr. Holbrook
 Mr. Trimmingham
 Mr. Jennings
 Mr. Winton
 Mr. J. Trimmingham
 Mr. Johnston
 Mrs. Dunscomb
 Miss Dixon
 Hon. Judge Brenton
 Rev. Mr. Carrington
 Hon. A. H. Brooking
 Mr. John Shea
 Mr. Lawler
 Mr. James Kent
 Miss Thomas
 Major Campbell

Right Rev. Dr. Scallan
 Hon. Judge Des Barres
 Mrs. Gaden
 Mrs. W. Gaden
 Rev. Mr. Corlett
 Mrs. Bennett
 Mrs. Bonifant
 Mrs. Bulley
 Mr. Bulley
 Mr. B. Williams
 Mr. M'Lea
 Colonel Haly
 Mr. Job.
 Miss Des Barres
 Mrs. Haley
 Miss S. Brooking
 Captain Patterson
 Rev. Mr. Fleming
 Mr. Doyle
 Mr. John Kent
 Mr. Dunscomb
 Mrs. Patterson
 Miss Brooking
 W. Thomas, Secretary.

His Honour the Chairman, having at great length addressed the Meeting, pointing out the general objects of the Institution, and the inestimable benefits it conferred on the poorer classes of Society, by imparting to them gratuitous instruction, laid before the Meeting a suggestion of his Excellency the Governor for an improvement in the interior management of the Schools; the particulars of which his Honour detailed to the Meeting, and recommended the plan to the immediate consideration of the Committee.

The Treasurer then submitted his accounts, showing a balance due to him of 15*l.* 10*s.* 3*d.*; after which the Secretary read the following report:—

REPORT

Of the *St. John's CHARITY SCHOOL SOCIETY*, 14th July, 1829.

The Committee again meet the friends of this Institution under feelings the most pleasurable; they derive a high source of gratification from the kind interest which the Ladies have shown for the welfare of this valuable Institution, by honouring this Meeting with their presence; and they hail this day as an epoch in the annals of the Society, which must tend most essentially to its improvement, and to its prosperity.

The exterior of the building has been painted agreeably with the recommendation of the Committee at the last Anniversary Meeting; and although this additional expense has been incurred, the Committee have the satisfaction to inform the Meeting that the funds of the Society have considerably improved in the present year.

A family bible, voted to Mr. Bacon at the Anniversary Meeting of 1827, did not reach the Committee till August last, in consequence of its having been shipped by a vessel from England which bore up in the fall of 1827. It therefore forms an item in the present account. It has been presented by the Committee to Mr. Bacon.

The Committee have the satisfaction to state to this Meeting that the Schools are well attended, and that the children are making rapid improvements in every branch of education which is taught at the Schools; and they earnestly invite all those Ladies and Gentlemen, who have either leisure or inclination to do so, to visit the Schools occasionally, without any previous intimation of their intention, that they may have an opportunity of ascertaining the correctness of the statement of their Committee.

105 Boys and 80 Girls attend daily. 34 Boys and 57 Girls have been admitted since the last anniversary, and 8 Boys and 54 Girls have left School.

The Committee cannot in too high terms express their sense of the obligation this Society is under to his Excellency the Governor, for the lively interest he has taken in the welfare of this Society. His Excellency has been pleased to suggest an alteration in the interior management of the Schools, calculated to keep up a continued emulation among the pupils, by issuing daily, weekly, and monthly tickets to the most deserving in each class, with occasional rewards to those who may obtain the greatest number of tickets. This cannot fail to promote the best interests of the Society by stimulating the pupils to activity and assiduity; and they strongly recommend the plan to the immediate attention of their successors in office.

It becomes the duty of the Committee to inform the Society, that Mrs. Susannah Warne, many years Mistress of the Girls' School, and who received a pension of thirty pounds per annum for life from this Society, is no more; and that her pension ceased in October last.

It was then Resolved,
 1st.—That the Report now read be received and adopted.

2d.—That the Accounts now produced, showing a Balance of 15*l.* 10*s.* 3*d.* due to the Treasurer, be approved and passed.

3.—That the thanks of this Society are eminently due to his Excellency the Governor, for the lively interest he has manifested towards the improvement and prosperity of this Society, and for his continued patronage and support.

4th.—That this Society is under great obligations to the Ladies who have so condescendingly given their support to the Institution, and honoured this Meeting with their presence.

5th.—That the thanks of this Society be offered to his Honour the Chief Judge, for his constant, zealous, and liberal support of this Society.

6th.—That the thanks of this Society be offered to the Clergymen of the different Churches, for the assistance and support which they have at all times given to the Society.

Miss Rennell attended with 107 Girls, with whose appearance the Meeting expressed its entire satisfaction.

Prizes were distributed to the following:—
 Cassandra Radford, Sarah Campbell,
 Sarah Bacon, Monica M'Carthy,
 Priscilla Prowse, Mary Kennedy.

Specimens of their improvement, and the manner of teaching, were then exhibited, which gave much gratification to the meeting.

Mr. Bacon attended with 125 Boys, with whose cleanly and healthy appearance and orderly conduct, the meeting was much pleased.

Prizes were given to
 James Butler, Nicholas Carnell,
 Patrick M'Coubrey, Frederick Jenkins,
 William Goodland, Frederick Lang,
 William Daymond.

The Boys were examined in Arithmetic, and their copy and ciphering books exhibited, which gave a most satisfactory proof of their attention and improvement.

The sum of 96*l.* 12*s.* 2*d.* was immediately subscribed.

Mr. William Johnston, }
 Mr. Thomas Bennett, } were elected *Stewards*.
 Mr. Patrick Doyle, }
 Mr. William Thomas re-elected *Treasurer and Secretary*

Resolved, That the suggestions of his Excellency the Governor, which have been submitted by the Chairman to the meeting, be referred to the standing Committee to report upon the expediency of adopting the whole or any part of them; and that Judge Brenton, Mr. Dunscomb, Mr. Lawler, Mr. W. Gaden and Mr. John Shea, be associated with the Committee for the above purpose.

Resolved, That the thanks of the Society are due to the Treasurer and Secretary, and Stewards, for their judicious management of the funds of the Society during the past year.

The Chairman having left the Chair, and the Honourable Judge Des Barres having been called thereto, it was unanimously

Resolved, That the thanks of this meeting be offered to his Honour Chief Judge Tucker, for his very able conduct in the Chair this day.

WILLIAM THOMAS,
 Secretary.

Sale at Auction.

TO-MORROW,

(FRIDAY) The 24th inst.,

At Noon,

At Mr. CLIFT'S AUCTION MART,
 In Water-street,

THE Annual Rent, per annum, for a Perpetual Lease, of all that spot or space of GROUND, on the North side of the Public Road near *Waterford Bridge*, bounded by the said Public Road on the South, by JOHN M'DONALD'S ground on the West, by RICHARD DOYLE'S on the North, and by the Widow GREENSLADE'S on the East—containing about 12 acres.

N. B.—Conditions of Sale may be seen at the office of JAMES CLIFT.

GEORGE HOLBROOK,
 Surveyor-General.

Surveyor-General's Office, }
 13th July, 1829. }

Notices.

THE Packet Boat EXPRESS having sprung a leak, on her passage from Harbour-Grace yesterday, it will be necessary to put her under repair. She will therefore, probably, not return to the Cove before Monday next.

J. CLIFT,
 Agent.

THE Co-Partnership hitherto subsisting in this Island between us the undersigned, JOHN RYAN and THOMAS MARA, under the firm of JOHN RYAN and Co., was dissolved by mutual consent on the 22d day of June last. All claims on the said firm will be settled by the said John Ryan, to whom all debts due to the Partnership are to be paid.

(Signed) JOHN RYAN,
 THOMAS MARA.

St. John's, Newfoundland, }
 July 21, 1829. }

LANDED.

From the Brig Sarah, from Bristol,

39 Firkins BUTTER,

With a "Diamond" mark;

For which the Consignee is requested to apply to

July 23. JOHN RYAN.

On Sale.

Bills on Halifax,

FOR SALE, BY

July 16. WM. & HENRY THOMAS.

For Freight or Charter.

To any port in Spain, Portugal, Italy, or the United Kingdom,

The fine, British-built

Brig MINERVA,

Burthen 184 tons.—Apply to

WISE, BAKER & HOWARD,
 South-side.

July 23.

To any port in Spain, Portugal, or Nova-Scotia,

THE Brigantine SALLY,

Burthen 106 tons:

ROBERT COOPER, master.

BAINE, JOHNSTON & Co.

Apply to

Who have received, by the same vessel,

AND OFFER FOR SALE,

A few barrels and half-barrels Irish

PORK,

The latter particularly made up for family use.

Also,

500 Bags fine Hamburg

BREAD.

July 2.

For Charter.

The fine, fast-sailing, copper fastened and coppered,

Brig ELIZA,

THOMAS FIELD, Master.

Burthen per Register 112 tons:

Will carry about 1900 quintals fish in bulk.

Apply to

RENDELL & MORTIMER.

Who have just received, by the said vessel, from Liverpool,

4 Hogsheads Pale Geneva,

4 Ditto Cognac Brandy,

60 Dozen Port Wine,

100 Boxes Soap,

20 Ditto mould Candles,

20 Kegs Gunpowder,

50 Firkins Butter,

30 Barrels Irish Pork;

Which they offer for Sale on reasonable terms.

July 16.

On Sale.

The fine, new

Schooner ALBION,

Burthen per Register 73 tons;

Is full timbered, and in every respect fitting for this trade.—For further particulars apply to

LAWRENCE O'BRIEN.

WHO OFFERS FOR SALE,

The Cargo of said Schooner,

CONSISTING OF

46 M. prime Pine BOARD & PLANK.

July 16.

FRESH TEAS,

Just arrived from Halifax, per Schooner SHELBURN PACKET.

Bulley, Job & Cross

OFFER FOR SALE,

On very moderate terms,

33 Quarter-chests Bohea TEA,

18 Boxes ditto ditto,

17 Quarter-chests Congou ditto,

4 Boxes Twankey ditto.

Also,

460 Nova-Scotia DRUM SHOOKS.

July 16.

Newman & Co.

HAVE JUST RECEIVED,

Per Swallow, from OPORTO,

10 Pipes, 34 Qr.-casks, 13 Hogsheads

PORT WINE,

And 600 Hogsheads

SALT,

Which they offer on reasonable terms.

July 9.

Lawrence O'Brien

OFFERS FOR SALE.

The Cargoes of the Schooners *Harrick, Mermaid,* and *Hunter* from New-Brunswick,

Consisting of

120 M. Board and Plank,

80 M. Shingles,

10 M. 3, 2, and 1 1/2 inch Hardwood,

20 M. Barrel Staves;

July 2.

On Sale.

Valuable Mercantile

AND

Fishing Establishment.

FOR SALE, BY PRIVATE CONTRACT.

ALL those extensive, commodious, and excellent Premises, the property of CHRISTOPHER SPURRIER, Esq., situate at *Burin*, in *Placentia Bay*, CONSISTING OF

A DWELLING-HOUSE, 72 feet in length, 19 feet in breadth, and 26 feet in height—comprising 2 Parlours, Store-room, Dairy, Closets, and 8 Bed-rooms, besides a large Office, an excellent Kitchen, over which is a large Bed-room and Closets, and adjoining the same is a second Kitchen, Pump-house, and Coal-house.

In the rear of the Dwelling-house is a NEW BUILDING, 21 feet in length, 21 feet in breadth, and 24 feet in height.

COUNTING-HOUSE, 19 feet in length, 15 feet in breadth, and 18 feet in height.

CELLAR, 32 feet in length, 17 feet in breadth; Store-room over.

SMITH'S FORGE, 29 feet in length, 20 feet in breadth, and 17 feet in height.

SALT STORE, 100 feet in length, 30 feet in breadth, and 27 feet in height.

COOPER'S SHOP, 42 feet in length, 21 feet in breadth, and 24 feet in height; Loft over.

SCREW STORE, 70 feet in length, 22 feet in breadth, and 26 feet in height; Rigging Loft over.

Behind which is a LINHAY, 66 feet in length, 20 feet in breadth, and 14 feet in height.

FISH STORE, 70 feet in length, 30 feet in breadth, and 23 feet in height.

Large or Principal STORE, 120 feet in length, 25 feet in breadth, and 30 feet in height.—Within this building are apartments for Fish, Provisions, a large Shop, &c.

PITCH HOUSE, 16 feet in length, 25 feet in breadth, and 10 feet in height.

FIRST STAGE, 124 feet in length, 27 feet in breadth, and 21 feet in height; Sail Loft over.

SECOND STAGE, 124 feet in length, 27 feet in breadth, and 28 feet in height; Net Loft and Work Shop over.

FISH STORE, adjoining Beach, 48 feet in length, 18 feet in breadth, and 20 feet in height; principally used in curing fish.

CARPENTER'S WORK-HOUSE, 48 feet in length, 20 feet in breadth, and 19 feet in height; adjoining is a good DOCK, where many vessels have been built.

COOK ROOM, 71 feet in length, 19 feet in breadth, and 16 feet in height.

TAN HOUSE, 26 feet in length, 18 feet in breadth, and 13 feet in height; in which is a large Copper Boiler.

COW HOUSE, 40 feet in length, 18 feet in breadth, and 16 feet in height.

Three small HOUSES in-rear of the Premises, occupied by some of the servants and their families.

2 FLAKES, which will spread about 600 qts. dry fish.

1 BEACH, ditto ditto 300 ditto.

1 Small GARDEN in front of Dwelling-house.

1 Ditto ditto in rear of ditto ditto.

FOWL HOUSE and YARD adjoining the same.

A MEADOW, 205 yards long, 112 yards wide; within which is a capital and highly cultivated Garden, 60 yards long, and 58 yards wide; and immediately adjoining the same is a large Pond.

There are three BATTERIES erected at the expense of the proprietor, during the last war—viz. *Spurrier's Battery*, mounting 4 guns; *Joliffe's Battery*, 3 guns; and *Harrison's Battery*, with 2 guns.

An ENGINE HOUSE and POWDER MAGAZINE; also, 2 spacious WHARVES and a large range of Water-side, with every convenience for carrying on an extensive business—and altogether forming one of the most complete establishments for trade in the Island.

The harbour of *Burin* is advantageously situated near the entrance on the West side of *Placentia Bay*, in the midst of a populous district; being accessible at all seasons, it is rendered particularly eligible for all purposes of the Trade and Fisheries.

Further particulars may be known upon application to

ROBINSON & BROOKING.

St. John's, 23d July, 1829.

BY

Brine, Murch & Co.

The Cargoes of the Schooners *Mary, Grasshopper,* *Lord Nelson,* and *Active*, from New Brunswick,

CONSISTING OF

140 M. SPRUCE Board and Plank,

50 Ditto Shingles,

20 Ditto Ash Staves,

50 Spruce Spars.

June 11.

[Concluded from second page.]

I claim the benefit of that section; it is plain and distinct, and includes no technical subtleties; there is nothing to throw a cloud over its clearness, and, having read it, I might stand upon that alone. If then I touch upon other matters, it is only because, not having the right to reply, it is necessary for me to endeavour to anticipate. If, in my anxiety to remove all objections and obstacles, I attribute to hon. members weak arguments they would not have used, and which they may gravely disclaim, I hope I shall be forgiven. This section introduces the franchise; in common parlance, indeed, the franchise was introduced before; because the 5th section provides that Roman Catholics shall vote at all elections of cities, counties, and towns; and it provides a new oath to be taken. Therefore, as far as franchise can mean elective franchise, the act is so intentionally extensive, that it uses the word, unnecessarily perhaps, again. Nay more, the franchise connected with corporations is actually mentioned again in the 14th section; thus in the 5th section it means one species of franchise, in the 10th section another, and in the 14th section a third. For fear any franchise should be omitted and forgotten; lest any party should by chance be excluded from the benefits, which I hope and trust will flow from the act, the word franchise is to be found in three different parts of it. It then goes on to give all civil rights, excepting such as are hereinafter mentioned. The first question is, whether the right of sitting and voting in Parliament be hereinafter excepted? I meet that with a direct negative—it is not; but there are offices excepted in the 12th section, such as the guardians and justices of the United Kingdom, Lord High Chancellor, Lord Keeper, Lord Lieutenant of Ireland, and High Commissioner to the General Assembly of the Church of Scotland. In the 15th section also the civil rights are excepted which might be exercised for ecclesiastical promotion, and for presentation to livings in the gift of corporations. These do not include the right for which I contend, and I shall not detain the house by going through the act more minutely; I have read it attentively, and I can assure that I find in it no such exception. I shall be asked, perhaps, whether the right to sit and vote be a civil right? And I would reply, if I were permitted to do so, by asking another question—if it be not a civil right, what is it? I have looked into law books with a view to this question of civil right, and I find that Mr. Justice Blackstone, in his Commentaries, has divided the whole law into rights and wrongs; on the front of his book is formed the very right to sit and vote in Parliament. But I appeal to common sense and common understanding, is it not a civil right? In the section itself I find civil rights distinguished from military; that Roman Catholics may "enjoy all civil and military offices." The section, itself, therefore, explains the meaning of the term. But, travelling out of the section, and resorting to those who have best defined the meaning of words in the English language, what do we find? Dr. Johnson tells us, that "civil" is an adjective which means "relating to the community; political, relating to the city or government." Now, "political" and "civil" must, by the bye, mean the same thing; the only difference being that one word is from the Greek, and the other from the Latin. They are synonymous and identical; and no man can deny that sitting and voting is both a political and a civil right. The example given from Spratt, I support this assertion—"But there is another unity which would be most advantageous to our country; and that is your endeavour after a civil, a political union in the whole nation."—This definition and description necessarily includes the right I claim; but let us see what is the definition of that word "right."

After giving other significations, Dr. Johnson proceeds to the third sense of "right," which is "just claim;" and he follows it by others; such as "that which justly belongs to one"—"property, interest"—"power, prerogative"—"immunity, privilege;" in short, there is not one of these significations that is more comprehensive than I would desire it to be. He inserts the following example from Sir W. Raleigh of "just claim;"—"The Roman citizens were by the sword taught to acknowledge the Pope their Lord, though they knew not by what right." This is a plain definition and description of civil right. It cannot mean "franchise," because franchise has already been included; it cannot mean "property," because property is included in the 23d section of the act, which requires no oath at all for the enjoyment of it—"From and after the passing of this act no oath, or oaths, shall be tendered to, or required to be taken by, his Majesty's subjects professing the Roman Catholic religion, for enabling them to hold or enjoy any real or personal property." Thus, then, "civil right" in this act does not mean property; it does not mean franchise, but it means a just claim, a political privilege, an immunity of any kind whatever. Common sense here shows what the law sanctions—that by civil right necessarily must be concluded the right to sit and vote. Another observation is, that this section relates to the time and the manner of taking the oaths; but suppose I were to concede that no time and manner are expressed, yet the civil right being granted under the oaths directed, and the time and manner being the only condition, necessarily would supply the condition. We have in the 19th section the mode of taking the oaths for corporate offices, and in the 20th, the time and manner of taking the oaths for other offices; but I will not detain the house upon that point, because in the 23d section the legislature has wisely provided for the case; it declares—"That the oath herein appointed and set forth being taken and subscribed in any of the courts, or before any of the persons above-mentioned, shall be of the same force and effect, to all intents and purposes, as, and shall stand in the

place of, all oaths and declarations, required or prescribed by any law now in force for the relief of his Majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties." That is the second portion of the 23d section, and in one mode of punctuation it will bear the meaning I attribute to it. However, as there is no punctuation in acts of Parliament, I shall not trouble the house with any special pleading on particular words, but come to the remaining and distinct portion of the section:—"And the proper officer of any of the courts above-mentioned in which any person professing the Roman Catholic religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorised and required to administer the oath to such person; and such officer shall make, sign, and deliver a certificate, of such oath having been duly taken and subscribed." There is the time, and that time is when it is demanded. The Courts are also specified, viz. the King's Bench, Common Pleas, Exchequer, and Chancery. The time is as universal as the benefit of the statute was intended to be, and every thing is complete to my purpose. The objection vanishes, because the time is as extensive as can be demanded. I have taken that oath in one of the Courts named. I am ready to prove it. I produced the certificate at the table; and having taken that oath, and produced that certificate, I turn round and ask, why I am not to be allowed to exercise my rights? Let it be remembered that my case cannot be drawn into precedent; it can never occur again; and I ask the house, in construing the act, whether it intends to make it an outlawry against a single individual. (Hear, hear.) If the act were meant to meet my case, why was not my case specified in it? It existed when the act was passed; it was upon the records of the house, for a committee had set while the bill was pending, and had given in its report upon oath. Why, I ask again, was not my case specified? Because it was not intended to be included. Where, then, is the individual who would think it ought to be included? Let me call the attention of the house to the recital of the statute:—"Whereas by various acts of Parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of his Majesty, to which other subjects of his Majesty are not liable." It includes all restraints and disabilities affecting Roman Catholics; and proceeds—"And whereas it is expedient that such restraints and disabilities shall be henceforth discontinued; and whereas by various acts certain oaths and declarations, &c., are or may be required to be taken, made, and subscribed by the subjects of his Majesty as qualifications for sitting and voting in Parliament, and for the enjoyment of certain offices, franchise, and civil rights; be it enacted, &c., that such restraints and disabilities shall be from henceforth discontinued." All are to be discontinued. What do I claim? That they shall be discontinued. It is a maxim of law that the recital of a statute shall not control the enactments; but with this qualification, that although a particular recital cannot control a general enactment, there is no rule of law that a general recital shall not explain a particular enactment. But I have a general recital, and a general enactment too, in my favour. If to sit and vote be not a civil right, what civil right was intended by the word, for every other is provided for? Why should this be excluded? Look at the recital, and look at the intention of the statute, and shall I then be told that a doubt can arise as to the right to sit and vote? If I have not that right, what is to be done? Is the statute of Charles II. enabling the house to exclude me still in force?—What is to become of me? Am I to remain the representative for Clare? Will the house not let me in, and is it not able to turn me out? What, I ask again, is to become of me? (Hear and laughter.) The statute of Charles II. imposed penalties for not taking the oaths and signing the declaration; among others there was a pecuniary penalty, and it continued in force until the Union with Ireland. The first question I would ask the lawyers of the house, then, is this:—Did the Union Act continue those penalties; I take upon me to say it did not. Then, I ask, can any penalty or punishment be continued on a free-born British subject, when an act of Parliament, like that of the Union, is silent, and contains no enactment as to penalty? That is a question of constitutional law; and if I were sued to-morrow for the penalty of 500*l.*, I should, of course, instantly demur. If I am right in that position—if the penalty of 500*l.* could not be recovered, shall the greater infliction remain? When courts of justice would refuse to enforce the fine, shall this house take the law into its own hands, and deprive me of what ought to be more precious—the right to sit and vote as the representative of a divided, a disinterested, and, I had almost said, a martyred people? The Union Statute, I apprehend, would alone be sufficient; but I do not stand on that merely. This relief bill has abolished the oaths and declaration, and abolished with it the punishment for not taking the one and subscribing the other. If the declaration be abolished, does the pecuniary penalty remain? I answer no; and if the pecuniary penalty do not remain, does the better penalty of exclusion continue? Certainly not; and I respectfully submit to the house, that it has no jurisdiction to prevent the exercise of my civil right of sitting and voting here. I acknowledge that I should take the oath prescribed by the relief bill; and then let any individual, by favour of justice, bring an action against me, and if the court should determine that I ought to pay the penalty of 500*l.*, my exclusion follows as a matter of course. The house should consider that this is a large and comprehensive enactment; and I ask why this house should interfere in my case, and not leave it to the courts of justice?—I do not want this house to yield its privileges to the decisions of any court or tribunal in existence; but I wish to shew that the house, by deciding with me,

could not preclude any body from trying the question legally. It is to put my case into that transfer of decision that I am arguing here; that is the utmost I struggle for.—The question is:—Is it not my right on this return to take the seat to which I have been duly elected? Is the question free from doubt? If there be a doubt, I am entitled to the benefit of that doubt. I maintain that I have a constitutional right, founded on the return of the sheriff and the voice of the people; and if there be a doubt on the subject, it should be removed. The statute comes before us to be construed from the first clause. I did—and I am not ashamed to own it—I did defer to the opinion of others, and was averse from calling for that construction; and if it had not been for the interests of those who sent me here, my own right should have been buried in oblivion.—But now I require the house to consider it. Will you decide that a civil right does not mean a civil right? And if this case of mine be excepted, will you add it as an additional exception? It might have been said by some of those who supported the bill that it was intended by that measure to compensate a nation for by-gone wrongs, and to form the foundation-stone of a solid and substantial building, to be consecrated to the unity and peace of the empire. But if what is certain may be disturbed—if what words express may be erased—if civil rights may be determined not to be civil rights—if we are to be told that, by some excuse or by some pretext, what is not uncertain may be made so—we shall be put under an impossibility to know what construction we must hereafter place on the statutes. I have endeavoured to treat this house with respect. My title to sit in it is clear and plain; and I contend that the statute is all comprehensive in its intentions, in its recital, and in its enactments. It comprehends every principle and measure of relief, with such exceptions as are thereinafter excepted. But while I show my respect for this house, I stand here on my right, and claim the benefit of it.—The hon. and learned member then bowed to the house and withdrew, amidst very loud and general cheering. Some time elapsed before the house, which was extremely crowded, was restored to order.

The SOLICITOR-GENERAL.—The hon. member for Clare having now withdrawn from the bar of the house, after stating his claim to the right of sitting and voting without taking the oaths of supremacy and abjuration, with that degree of ability which we expected from so distinguished a member of his profession, I trust the house will permit me to say that the temper which he has shown does him great credit as a man and a gentleman. (Cheers.) It now becomes the duty of the house—first to discuss and deliberate on the question on which he has addressed us at the bar, and then to come to some determination upon it; and I am sure that all the members of this house will make an endeavour to do so without any thoughts of party feeling, as this is a question that justly deserves to be considered as one strictly judicial. It is my opinion that Mr. O'Connell, the member for Clare, is not entitled to sit and vote in this house without first taking the oaths of supremacy and abjuration. I have looked only at what appeared to me to be the law of the subject; and from the conclusion which I have drawn, I feel it to be my duty to conclude by moving—

"That Mr. O'Connell having been returned a member of this house before the passing of the act for the relief of the Roman Catholics, he is not entitled to sit or vote in this house unless he takes the oath of supremacy."

Mr. SUGDEN said, that for one he should be very happy to see the hon. and learned gentleman in the house; convinced, as he was, from the temper and ability which he had that evening manifested, that he would be a very valuable acquisition. For his conduct, under the circumstances of the case, he (Mr. Sugden) must pay him the tribute of his admiration; and he was quite persuaded, from his observation of that conduct, that the hon. and learned gentleman would be found ready to pay implicit deference to the unbiased and impartial decision of the house upon this case.

Sir JAMES SCARLETT followed; but the legal character of his speech, and the rapidity of his utterance, rendered it impossible to give more than a brief and imperfect sketch of the hon. and learned gentleman's observations. He began by declaring his entire concurrence in the eulogy pronounced by his hon. and learned friend who had immediately preceded him on the good temper and ingenuity which had marked the address to the house of the hon. and learned member for Clare. It certainly would be a subject of great regret to him if the house should feel obliged, in the discharge of its duty, to vote the exclusion of so able a man. He had doubts upon some parts of the case, but upon the whole he was convinced the house could do nothing else than come to such a resolution as that proposed by his hon. and learned friend, the solicitor-general.

Mr. C. W. WYNNÉ spoke so low that the honourable member was at times totally inaudible in the galleries.—If he (Mr. Wynne) took the act itself, it appeared to him that he could not find out that it was not retrospective. He found contrary declarations. He found that no other civil right or practice whatever was controlled by its having been acquired before the passing of the act. (Hear, hear.) All persons appointed to offices—the mayor and officers of corporations, elected or appointed prior to the act—were at full liberty to take the oaths under the act, instead of the old oaths. No doubt existed of this, whether they acquired the place before or after. (Hear, hear.) A seat in that house was a civil right. Was it then consistent with the spirit—was it consistent with the meaning of the act, that it should in one instance be construed to have a retrospective effect, and not in others?—(Cheers.)

Mr. BROUGHAM said they had all heard the able and manly, though modest and unobtrusive manner

in which Mr. O'Connell had urged his claims at the bar. That argument, he (Mr. Brougham) contended, had not been touched. His hon. and learned friend over the way appeared to have mistaken the argument. He was aware that the inquiry professed by the law officers of the crown had been conducted by the hon. and learned gentleman with as much calmness and temper as persons placed in their situation were able to bring to it. If the house had to deal with an act of parliament which had been framed 150 years ago, little difficulty would be found in dealing with it. But when the men were living, by whom an act was framed, it must be expected that they entertained an allowable feeling in its favour; for no man liked to strangle his own bandling. Persons so placed might, therefore, in the language of the hon. and learned gentleman opposite, support a bill, although he admitted the existence of some little doubts against it. He did not consider the late act as a prospective measure, neither did he consider it to be a retrospective measure; he looked on it as partly the one and partly the other. But the bill did not say which part was prospective, and what part was retrospective; so that they were left to find their way in the dark as to the application of the different parts of the bill. That O'Connell's case was not provided for, was the argument of all. Well, if that case be provided for by one part of the bill, it was their duty to inquire whether it was not provided for by another part of it. And he would ask whether his right of admission was not provided for by the preamble and by the title of the bill. (Hear.) The solicitor-general had, in the course of his speech, shown enough to prove that Mr. O'Connell's case was at least within the spirit of the late act. He would be as sorry as any man to introduce into this question any matter which did not lead to the spirit of the inquiry—he felt that it was a legal question, and that they were bound to act judicially upon it. But he called upon them to take into their consideration the mischief that would accrue to the individual if not allowed to take his seat. It was a singular case, and one which, by possibility, never could come again. (Hear.) This would be taken into consideration in a court of law; there was not a court into which a penal statute was introduced, but would weigh the arguments he had just urged. It was not his intention to follow the hon. and learned gentleman through the paths in which he had trodden in his eloquent address; he wished to deal shortly and fairly with the question; he wished to treat it as the hon. and learned member for Clare had treated it—that was, without declamation—without passion. He would put it to the house whether, even if they knew it to be the secret intention of the legislature, though not openly avowed, to exclude Mr. O'Connell from the provisions of the bill, they could act upon that knowledge on the present occasion? This they could not know, for it was not the fact; but supposing it so, still he maintained that they were bound to construe it according to the expressions it contained.

Mr. Secretary PEEL said he had formed his opinion with the more satisfaction to himself, because, though he did not undervalue the law authorities who differed from him, he felt himself supported by the opinions of three of the most eminent authorities at the bar—his hon. and learned friend at his right, the hon. and learned member for Peterborough, and his hon. and learned friend the member for Weymouth. He was not, however, prepared to make the concessions made by some of his honourable friends that the oaths of supremacy and abjuration were repealed by the act of William and Mary. On the contrary, he believed that such had never been the intention of the framers of that act. He could not believe, on referring to the obligation contained in the act of William and Mary, that it was intended by it to grant any relief from taking the oaths. The hon. and learned gentleman who spoke last contended that if there were any doubts—that if the reasons were equiponderant, it was proper to give the individual the benefit of the doubts who was claiming the privilege at the hands of Parliament. If this case were a question before a court of justice; if it were as to the infliction of a penalty, he should be ready to admit the propriety of this principle, and would give the benefit of the doubt to the individual.—All the House of Commons had to do was, to attend to the injunctions of the legislature, and enforce the law. The act applied to persons who "shall, after the commencement of this act, be appointed to a y office," &c., and of course did not apply to Mr. O'Connell, who was elected before the act. On the whole, looking at the construction of the act—looking at all its enactments—considering its various provisions, he was bound to say that the act was intended to exclude Mr. O'Connell; and under that impression he was prepared to act, and must vote for the resolution.

On the right hon. gentleman resuming his seat, there were loud cries of "Question," and strangers were ordered to withdraw.

The house then divided on the original motion, when the numbers were—

Ayes	100
Noes	116
Majority	74

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