

Printed and Published by J. B. ...



# Newfoundlander

No. 541.

THURSDAY, December 7, 1837

Sixpence.

### Conception-Bay Packets.



## NORA CREINA

PACKET-BOAT BETWEEN CARBONEAR AND PORTUGAL-COVE.

JAMES DOYLE, in returning his best thanks to the Public for the patronage and support he has uniformly received, begs to solicit a continuance of the same favours.

The NORA CREINA will, until further notice, start from CARBONEAR on the mornings of Monday, Wednesday and Friday, positively at 9 o'clock and the Packet-man will leave St. John's on the mornings of Tuesday, Thursday and Saturday, at 9 o'clock, in order that the boat may sail from the Cove at 12 o'clock, on each of those days.

#### TERMS.

Ladies and Gentlemen.....7s. 6d.  
Other Persons, from 5s. to 3s. 6d.  
Single Letters.....0s. 6d.  
Double ditto.....1s. 0d.  
And Packages in proportion.

N. B.—JAMES DOYLE will hold himself accountable for all Letters and Packages given him Carbonear, April 20, 1837.

EDMUND PHELAN, begs most respectfully to acquaint the Public, that he has purchased a new and commodious boat, which at a considerable expense, he has fitted out that splendid Packet-boat

## ST. PATRICK,

to ply between Carbonear and Portugal Cove, having two cabins, (part of the after cabin adapted for Ladies) with two sleeping berths, which will he trusts give every satisfaction. He now begs to solicit the patronage of the respectable community; and he assures them it shall be his utmost endeavour to give them general satisfaction.

The St. PATRICK will leave Carbonear for the Cove, on Tuesday, Thursday and Saturday, mornings at 9 o'clock, and the Cove at 12 o'clock on Monday, Wednesday and Friday; the Packet man will leave St. John's at 8 o'clock on these mornings.

#### TERMS

After Cabin Passengers.....7s. 6d.  
Fore Cabin Ditto.....5s. 0d.  
Single Letters.....0s. 6d.  
Double Ditto.....1s. 0d.

Parcels in proportion to their size or weight The owner will not be accountable for any money put on board.

N. B.—Letters for St. John's, &c. received at Mr. Edmund Phelan's, Carbonear, and in St. John's for Carbonear, &c. at Mr. Patrick Kielty's, (Newfoundland Tavern,) and at Mr. John Crutes, Carbonear, April 20, 1837.

### St. John's and Harbour-Grace PACKET.

THE fine fast-sailing, Cutter, the Express, leaves Harbour-Grace, precisely at 9 o'clock, every MONDAY, WEDNESDAY, and FRIDAY morning for Portugal Cove, and returns at 12 o'clock the following day.—This vessel has been fitted up with the utmost care, and has a comfortable Cabin for Passengers; all Packages and Letters will be carefully attended to, but no accounts can be kept for passages or postages, nor will the Proprietors be responsible for any Specie or other monies sent by this conveyance.

Ordinary fares 7s. 6d., Servants and Children 5s. each. Single letters 6d., Double ditto 1s., and parcels in proportion to their weight.

PERCHARD & BOAG, Agents, St. John's.  
ANDREW DRYSDALE, Agent, Harbour-Grace.

May 11.

### On Sale

BY JAMES FERBUS & CO.

100 Puns. Choice Retailing MOLASSES  
40 Hogheads SUGAR  
EX LOTTERY from Porto Rico.  
Negrohead TOBACCO, first quality, a very superior article  
1 Case Fishing BOOTS  
EX SIR THOMAS DUCKWORTH from Bermuda  
High Proof Demerary RUM  
Fine ditto SUGAR  
Excellent ditto MOLASSES  
EX BETHRA from Demerary.  
ALSO, IN STORE,  
Prime Mess BEEF, PORK, RICE.

July

#### BY

Lawrence O'Brien,

The Cargo of the Brig KINGALOECH from Hamburg.

800 Bags fine & common BREAD.  
200 Barrels FLOUR  
170 Firkins BUTTER  
20 Ditto ditto (best Holstein for private use)  
50 Barrels PORK  
100 Ditto OATMEAL  
50 Ditto GRITTS  
A few Casks assorted BOOTS & SHOES  
A few Cases GLASSWARE  
Westphalia HAMS  
6000 BRICK.

September 7.

### Now Landing

From the Brigantine MARGARET, Capt. W. Grey

AND FOR SALE

#### BY

THE SUBSCRIBER,

AT HIS

New Building, opposite the Premises of Messrs. Rennie, Stuart, & Co.

10 Hogheads Superior Brandy, (direct from London)  
5 Ditto best Hollands  
10 Ditto English Ale  
10 Ditto ditto Cider  
20 Ditto Irish Porter  
35 Qr.-Chests Assorted Teas  
1 Pun. Old Whiskey, 3 years in the Island  
8 Hhds. & 4 Qr.-Casks Teneriffe Wine  
6 Qr.-casks first quality Port ditto  
10 Hhds. Moist Sugar  
10 Boxes Havana ditto, 4 cwt. each  
7 Cwt. English and Irish Hams  
3 Cwt. Pine Apple Cheese  
50 Boxes best Muscatel Raisins  
200 Pair Men's and Women's Shoes  
20 Firkins Butter  
2 Hhds. & 10 bales Prime Leaf Tobacco.

JAMES CULLIN.

August 31.

#### BY

EWEN STABB,

500 Bags BREAD  
300 Firkins BUTTER  
300 Barrels FLOUR  
250 HAMS  
Pine and Spruce LUMBER  
LEATHER, CORDAGE  
RAISINS, BRANDY  
Madeira WINE, BROWN STOUT, &c.

COALS,  
Now landing at 7s. & Hoghead.

July 20.

### On Sale

'Nonpareil,' from London

RICHARD HOWLEY

IS NOW LANDING  
From the above Vessel.

15 Hhds. old fine-flavoured COGNAC, (MARTELL'S Brand) warranted prime,  
10 Ditto Pale Skidam GENEVA  
16 Pipes and Qr.-casks Spanish PORT WINE  
10 Bls. PASTE BLACKING, in small Pots  
ALSO, ON HAND,  
Of previous importations,  
35 Hhds. Brandy and Geneva, (in Bond)  
30 Ditto Prime Sherry Wine, in bottle  
A few Cases and Qr.-casks prime Old Port  
350 Boxes London Candles, molds and dips  
10 Dozen Waxed Kip and Calf Skins  
20 Hides Rounded Leather,  
30 Casks Paste and Liquid Blacking  
50 Ditto bottled Ale and Porter—3 doz. each  
Pork, Flour, Butter, Bread,  
Cordage, Nails, Lines, Twines,  
Lance Bunts, and

A GENERAL ASSORTMENT OF  
Manufactured Goods.

N. B.—Customers not wishing to purchase Spirits by wholesale, will be supplied as heretofore in small lots.—Warranted GENUINE.  
July 13.

### JUST RECEIVED

FROM LONDON,  
AND FOR SALE

#### BY

Lawrence O'Brien,

1 Cases best white Sparkling CHAMPAIGN, of 3 dozen each  
2 Ditto Pink CHAMPAIGN, of 3 dozen each  
2 Ditto fine Sparkling BURGUNDY, of 3 dozen each  
3 Ditto finest Chateau Lafitte CLARET (of 1825) 3 dozen each

August 3.

#### BY

NICHOLAS GILL,

50 PUNS. strong proof fine flavoured Demerara RUM  
20 Puns. Retailing MOLASSES  
25 Hhds. and 10 bls. first quality SUGAR  
And a few Barrels American TAR.

July 27.

### AT THE STORES

J. Dunscomb & Co.

A few doz. real French  
CHAMPAIGN,

AND  
A few dozen very old fine  
MADEIRA.

August 17.

### Now Landing

From the GAZELLE and MAZEPPA from Copenhagen,  
AND FOR SALE

#### BY

John Cusack,

200 Firkins Butter, first quality  
350 Bags Bread.

Fish or Cash taken in Payment.

October 12.

JURIES AND MAGISTRATES.—The *nolumus leges Anglia mutari* of the barons of old implies a principle which should be present to the mind of every man who values the British Constitution, and with it the blessings of civil and religious freedom which his ancestors have, through successive ages, handed down to him. Among these none has been of more value and importance than the birthright of every man, however guilty or however humble, of having his alleged guilt or innocence, as well as his civil wrongs, decided by a jury of his Peers. We regret to perceive—and we fear it cannot be denied—that juries are of late years not so much in favour as they used to be. That there exists in many quarters a disposition to prefer the dicta of magistrates and judges to the decisions of this constitutional organ. One sage, for instance, recommends the abolition of grand juries altogether; another, that petty juries shall not be referred to in matters below a certain amount; and a third, that to all cases of juvenile delinquency the magistrate's summary power shall exclusively apply. To this latter opinion the police committee which sat during the last session of Parliament appears to incline; and what is most extraordinary of all is, that they propose to arm the stipendiary magistrates of the metropolis (including, of course, the Lord Mayor and Aldermen of London, who are not stipendiaries) with a great accession of powers, which are not to be entrusted to magistrates in any other part of the kingdom. It would have been as well, perhaps, before they came to this conclusion, had the committee in question made it part of their business to ascertain how the summary power intrusted to the police magistrates has been already executed. The result of this, however, might have been to have disturbed their pre-conceived arrangements; and, therefore, without calling before them the keepers of the prisons, or for any returns which could throw light upon the subject, they appear to have proceeded through means of willing (if not previously trained) witnesses, to establish their apparently favourite dogma, that juries are mighty useless, and mighty ignorant, and inefficient, compared to the hurried judgment of one individual. We trust, however, that the Legislature, especially that branch of it which contains so many eminent lawyers, will pause before it falls in with the crotchety notions of persons whose peculiar fitness for the possession of so much terrific power may not be so apparent to all the world as to themselves. On the subject of juvenile delinquents we shall have a few remarks to make on a future occasion; and which will especially point, not so much to their conviction, either in one way or the other, as to the duty, the necessity, and practicability which exist of diminishing their number, instead of, as now, suffering them to increase to an extent, which has become at once a national nuisance and disgrace.—Herald

CAPT. COBB'S ATLANTIC STEAM-BOAT.—In order to be enabled to answer the interrogatories put by the editor of the New Orleans Bulletin, in reference to the progress made by Capt. Cobb in his steam vessel, with which he proposes to cross the Atlantic, we yesterday called upon this enterprising navigator, who readily furnished us with the following particulars:—  
The steam is generated upon an entire new principle, by the passage of heated air through the water of the boiler to the surface; the furnace being fed through a valve at the top of the boiler, and the water completely surrounding the fire, renders the boat exempt from the risk of injury from the latter element. The machinery generally, with the exception of the two boilers and cylinders, is of most stupendous dimensions for a vessel of the size for which it is intended; the steam generators (or boilers) are 47 inches each in diameter; cylinders 36 inches diameter—piston rod, which works almost horizontally, with a six feet stroke, 7 inches; shaft 14 inches diameter—crank—26 inches—force 365 horse power—length of boat 161 feet—water wheels 17 feet in diameter, and 10 feet wide. The BLOWING CYLINDERS are 18 inches each in circumference, and are used to force cold air into the boiler, where it rarifies and expands, and then passes into the steam cylinder, giving motion to the piston. The boat is built as strong as wood and iron can make her, is exceedingly sharp, will accommodate 80 passengers, and, by a test recently made, the rudder and machinery have been proved entirely practicable

for the contemplated voyage. The great delay of fitting her up has been in consequence of some improvement or alteration, considered essential, in the machinery, which will not occupy much more time to complete; after which Capt. Cobb says he intends to make a coasting voyage or two in the vessel, in order to more fully test her capacity, previous to his crossing the Atlantic in her.

NEW YORK, November 11.

RIOT AT MONTREAL, AND DESTRUCTION OF A PRINTING OFFICE.

The "Royal" Montreal Courier, of Tuesday, which so often severely censures us of the United States for an occasional outbreak of the populace, has the following particulars of a "Sunday flare up" in the very quiet and loyal city of Montreal. The "Sons of Liberty" of whom the Herald speaks, are the friends of Reform.

**TOTAL ROUT OF THE "SONS OF LIBERTY."**—During the whole of Saturday last considerable excitement existed in town, owing to a report having been very generally circulated that the "Sons of Liberty" intended to parade the streets on Monday and that there would likely be a collision between them and the members of the Doric Club. This excitement was increased on Sunday in consequence of the magistrates having issued a proclamation requesting all persons to refrain from joining in any procession, or assisting in any way to break the peace. Although it was not known at what hour or place the "Sons of Liberty" would meet, a placard was posted on the walls on Monday morning, calling on the different ward associations to assemble at  $\frac{1}{2}$  past 12 o'clock, "to crush rebellion in the bud." Still there was no signs of the opposite party appearing, and it was generally believed they had abandoned their absurd attempt.

About 2 o'clock they began to muster in the yard of Bonacina's tavern, in front of the American Presbyterian Church, Great St. James Street. The muster attracted the attention of the Constitutionalists who remained to look on, when all at once the party inside the yard about 250 in number, rushed out and made an indiscriminate attack with sticks and stones on those outside. Two pistols were also fired off, and a ball from one of them lodged in the sleeve of Mr. Whitelaw, a carpenter. A gentleman immediately went up to Mr. T. S. Brown, (who was taking a very active part in the affair,) and said he would hold him responsible for the firing, on which Mr. B. raised a stick to strike him, when the threatened blow was ward off, and Mr. B. was knocked down by a Doric. Mr. Hoofstetter who went up to separate the combatants, and to protect Mr. Brown, was handled by the "Sons of Liberty," and had it not been for the interference of Mr. J. C. Gunlack, Mr. Brown might have suffered most severely. As it is, his wounds are reported as being severe, though not dangerous. The rebels then chased their few opponents along St. James street, breaking the windows of Dr. Robertson, and other inhabitants in that street, but the Doric Club and others, reinforcing the pursued, turned the tables on the enemy, who fled pell-mell up to the main street of the St. Lawrence Suburb where they were pursued, and conquered after a short fight at the corner of Dorchester Street.

The Loyalists then marched through the principal parts of the town and suburbs seeking for the "Sons of Liberty," but in vain—they seemed to have evaporated like ghosts into thin air. On passing a house in Dorchester street, opposite the residence of Mr. E. Idler, it was stated that the patriots were in the habit of drilling there, and it was thereupon resolved that it should be examined, when a seven-barrelled, a double-barrelled and a single-barrelled, in all three guns, a sword and the banner of the "Sons of Liberty," were found and delivered over to the authorities. Previous to this while the crowd was passing Joshua Bell's house in Notre Dame street, some missiles thrown against it testified the opinion entertained of the turncoat, when he opened his window and presented a gun which snapped twice.

Early in the afternoon the riot act was read, and the Royal Regiment ordered out to parade the streets, supported by the artillery, neither of whom was required, as the Canadians were entirely routed before the military made their appearance. This unprovoked riot raised by the "Sons of Liberty," will, we hope, teach them a lesson and give them a sample of what kind of enemies they have to deal with.

About six o'clock the loyalists marched up Bonsecours street, and it was with great difficulty that they were restrained from attacking Mr. Papineau's house. The Vindicator Office, however fared differently—the types, paper and everything having been thrown into the street. These attacks on personal property are to be regretted; but they are, to a certain extent, the result of every outburst of popular indignation.

The Royal regiment was repeatedly cheered by the loyalists.

We learn that three magistrates with troops under their command, were stationed last night at each of the following places; Main Street, St. Lawrence's Suburb; Boyd's Place d'Armes, and Russel's Quebec Suburb, besides an additional force at the main guard, in case of any disturbance through the night.

**LOWER CANADA MATTERS.**—People are beginning to think more seriously than they hitherto were wont that blood must be spilt, ere the rights and liberties of Canadians shall be established. Many consoled themselves by saying the Canadians

were cowards, and dare not fight;—perhaps the origin of this idea was in the bosom of those who cherished it,—and it was easy for such to imagine, that the spirit which pervaded many stout hearts of old, was no more;—that in these times things were changed, that patriots were scarce, and people were cowards. But this is yet to be discovered. True it is hard to urge subjects, who would be glad to submit as freemen, to rise to defend and obtain their liberties, to become the opponents of a government to which they have long looked for protection. But because herein they delay and reluctantly raise the arm of opposition, it follows not, that they will suffer their dearest rights to be invaded, or that they are cowards. Appearances in Lower Canada, are certainly not ominous of peace. The Government is busy with the Military,—one company is ordered here, and another there,—Five Counties of good people, Reformers of course, were to have a meeting on the 23d inst., to take into consideration the state of the Province, and rumour, busy rumour, though never to be trusted, has its stories of strife already begun. Troops from Upper Canada, are to go down, and the "Sons of Liberty" 700 strong, practise target shooting. The "Permanent Committee" has its meetings, —and the Executive Councils its sittings. Also a meeting of the Constitutionalists was to be held in Montreal, to take into serious consideration, measures which the present crisis demands, for the preservation of order, &c. These matters must terminate somewhere; and we hope it will be in putting an end to misrule and establishing the liberties of the people.—*Brockville Recorder.*

Want of space obliges us to omit *Solitaire's* effusions. They shall have a place in our next.

The Newfoundland

ST. JOHN'S, (Thursday,) December 7, 1837.

By the *Anastasia* from Halifax, we are put in possession of papers from that place to the 25th ult., and Canada dates to the 6th. We have made as many extracts as our space admitted of, to which we refer our readers.

It will be seen that the political disturbances which have so long existed in Canada are every day assuming a more alarming aspect,—riots frequently occurring, and the peace and tranquillity of the Country every day becoming matters of greater uncertainty.—The Bishop of Montreal had addressed a pastoral letter to his flock, enjoining them to abstain from all connexion with those who had arrayed themselves in open hostility to the Government,—pointing out the evil consequences that would result from the entailment of civil war upon the Country, should such a state of things unfortunately be brought about—and most earnestly exhorting his congregation to observe obedience to the laws, and to unite for their inviolate preservation.

The autumnal Sessions of the Supreme Court opened on Monday, when the Hon. the Chief Justice delivered the following charge to the Grand Jury:—*Mr. Foreman, and Gentlemen of the Grand Jury*

It is my painful duty to acquaint you that although the calendar presents but two cases for our consideration, yet these are of the most serious character, deeply affecting the life of each person accused. The prisoners are severally charged with wilful murder; the one, a female, upon a coroner's inquest, for destroying her own offspring; the other, a middle-aged man, upon informations taken before a magistrate, for shooting a child not more than five or six years old.

From the depositions, which have been returned to the Court, the charges, although of a very heinous character, do not appear to involve any question of such difficulty. The only point upon which there can be any doubt in the case of the female prisoner, is whether her infant was born alive. If you shall be of opinion, from the evidence of the surgeon who attended the inquest and examined the child, as well as from the other circumstances which will be detailed to you by other witnesses, that the child was born alive, you can, I apprehend, have no difficulty in finding the bill which the Attorney-General will lay before you.

The other case, I regret to say, seems to present no circumstance upon which I can suggest a reasonable doubt which could warrant you in finding not a true bill, although it is to be hoped that the unhappy man who has committed the rash act with which he stands charged, will be enabled to adduce some evidence in his defence which shall in some measure account for what must otherwise appear to have been a wanton act of reckless cruelty.

It appears from the depositions taken before his commitment, that the Prisoner was sitting, with one or two others, near the fire, in his own house, after dark, though not at a late hour of the evening, and that while they were conversing together, a stone was cast (whether by accident or design does not appear) from the outside of the house, against the top of the chimney, which caused some of the plaster to fall down upon the hearth; whereupon the Prisoner jumped up, and seizing his gun, which was loaded, in the room, ran out of the door, and fired it off in the direction of a group of children who were playing near a neighbour's house, 50 or 60 yards off, one of whom was mortally wounded, and two or three others were much hurt. It is true that every man's house is his castle, the privacy of which is not to be wantonly invaded, but then he must wait until it be assailed in such a manner as to lead him to believe that a felony is intended to be committed by the assailant, before he will be warranted in

using a deadly weapon to repel the aggressors; and it is not every petty trespass which will justify his taking away the life of a fellow creature, even in defence of his possession, and much less can he be excused for firing upon the first person he sees in the road, upon going out of his house, without so much as inquiring whether he were the assailant or no. These are the only observations which I deem it necessary to address to you upon the Charges appearing upon the Sheriff's Calendar. I shall, however, avail myself of this opportunity to point out, for the information of the public, and more especially of the magistrates, the duty of the latter, upon persons being brought up and charged before them, either with felonies or misdemeanours.

As I have lately had occasion to observe, the English Criminal Statute Law, as it stood on the 20th June last, has, by the Local Legislature, been extended to this Colony, and, amongst others, an Act passed in the 7th year of the Reign of his late Majesty George IV, cap. 64, entitled "An Act for improving the Administration of Criminal Justice in England," whereby it is enacted, that where any person shall be taken on a charge of felony, or suspicion of felony, before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and credible evidence of the fact, or such evidence as, if not explained or contradicted, shall, in the opinion of the Justice or Justices, raise a strong presumption of the guilt of the person charged; such person shall be committed to prison by such Justice or Justices in the manner therein after mentioned. But if there shall be only one Justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of the guilt, nor to warrant the dismissal of the charge, such Justice shall order the person charged to be detained in custody until taken before two Justices, at the least, and where any person so taken, or any person in the first instance taken before two Justices, shall be charged with felony, or on suspicion of felony, and the evidence given in support of the charge shall, in their opinion, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her commitment; or such evidence shall be adduced on behalf of the prisoner charged as shall, in their opinion, weaken the presumption of his or her guilt; in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt the person charged shall be admitted to bail by such two Justices, provided always that nothing therein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same.

Before the Prisoner be committed or bailed, the Justices shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same or so much thereof as shall be material into writing, and shall certify such bailment in writing, binding all the witnesses in a recognizance to appear at the Court where the Prisoner is to be tried; and such Justices shall subscribe all such examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be, before or at the opening of the Court. By the same Statute, every Justice of the Peace before whom any person shall be taken on a charge of misdemeanour or suspicion thereof, shall take the examination of those who shall know the facts and circumstances of the case, and shall put the same, or so much thereof as shall be material into writing before he shall commit to prison or require bail from the person so charged; and in every case of bailment shall certify the bailment in writing, and bind the witnesses to appear and give evidence, and return all the papers to the court, as in cases of felonies. By a subsequent clause in this Act, the same course is prescribed to Coroners upon their inquests; and if either Justices or Coroners shall offend in any thing contrary to the true intent and meaning of the act, the court to whose officer any such examination, information, evidence, bailment, recognizance or inquisition ought to have been delivered, shall, upon examination and proof of the offence in a summary manner, set such fine upon every such Justice or Coroner as the court shall think meet.

These provisions are most important, and deserve the careful examination of all Magistrates and Coroners, and in the performance of their duty, which is sometimes a very nice and difficult one, in taking the evidence, especial care should be taken to put the testimony down in the very words of the witness, avoiding all technical phraseology, and leaving out no circumstance, however trivial, which has any reference to the charge. After the examination in chief has been gone through, the prisoner is to be invited to cross examine the witnesses, and equal care is to be used in taking down the answers, and as nearly as practicable in the language of the witnesses, noting where the cross-examination begins. As these depositions and examinations may be read in evidence in case of the death of the witnesses, it is essential that they should be in every respect as full as if taken in open Court upon the trial, and any wilful deviation from this course would no doubt be severely reprehended.

When a prisoner is called upon to say whether he desires to make any statement in explanation of his conduct, he should neither be persuaded nor dissuaded from doing so—his mind should be left entirely free to exercise his own judgment; he should be

informed, however, that whatever he says will be given in evidence against him on his trial. If any threats or persuasions have been resorted to in order to procure a statement from him, the Magistrate should caution the prisoner not to be influenced by them, but now that the opportunity is offered, to use his own discretion in saying anything or remaining silent.

If it shall appear that any means have been used to induce the prisoner to confess, such means should be stated on the examination, as well as the caution of the Magistrate, not to be influenced by them.

Should the prisoner refuse to sign his examination, what he says upon such refusal should be added at the foot of the examination.

Before I conclude, I think it right to make a few observations upon the state of the Highways, Lanes, and Streets, in and about this town, which, for want of needful and necessary repairs, are rapidly falling into a ruinous and dangerous condition. There have been, for several days past, large holes in the middle of one of the principal streets and thoroughfares, rendering it quite dangerous for passengers going thither in the night, and difficult to be shunned by carts and carriages in the daytime.

If the laws made for keeping the streets in repair were enforced in a very reasonable degree, these evils would not exist; and it is your duty, as the Grand Inquest to inquire by whose delinquency it is that this law is becoming a dead letter. Nothing can be more prejudicial than allowing any law to be disregarded and set at naught; if it be inconvenient in any of its provisions, it should be amended, but it should not be permitted to any man to say—I will not act upon it or obey it.

By the 5th sec. of the 5th Wm. IV., cap. 5, the Boards of Commissioners in the respective districts are required, during the first week in the month of June, in each year, to nominate and appoint such and so many Persons as they shall deem necessary for Road Surveyors for such divisions, settlements, or places, as they shall prescribe within their divisions, and shall from time to time give them such directions as they shall think proper, touching the time and place and manner of performing any part of their duty and laying out the labour to be performed under their superintendance.

If the Road Commissioners for this district have abstained from appointing Road Surveyors and giving them directions, they are liable to be indicted for not performing that duty which the Act requires; and upon so important a matter being presented to your notice you should inquire into the subject and present them for a breach of duty. If they have done their duty, and the Road Surveyor shall have neglected his, he may be indicted for neglecting to do anything which the act requires him to do, for which there is no specific penalty in the clause imposing the duty.

If proper lists of the persons liable to perform statute-labour were prepared, immense convenience to the public would accrue by employing them to clear away the snow and open the roads after drifts, which in the principal thoroughfares is absolutely necessary for the safety of passengers.

Persons heaping up the snow opposite their own doors so as to obstruct the carriage way, are guilty of nuisance, and should be prosecuted if the habit be persevered in.

The Chief Justice then (the Jury having retired with the indictments submitted to them) inquired of the several members of the bar, as usual, whether they had any motions, when Mr. Emerson stated that he had to move in a case in which the hon. the Chief Justice was plaintiff; upon which the Chief Justice immediately retired from the Bench, leaving the hon. the Assistant Judges Des Barres and Brenton to hear the motion.

On behalf of Mr. Patrick Morris, one of the defendants in the suit of the hon. Henry John Boulton against Messrs. Morris, Kent, and Nugent, for libel, Mr. Emerson moved for a rule nisi to stay proceedings upon the ground of certain informalities in the original process—as that it bore date the 13th of May, whereas the writ was issued on the 24th October, and that it was tested by the hon. Augustus Waller Des Barres, one of the Assistant Judges, Mr. Justice Des Barres not being in the country at the time when the writ bore date.—*Ledger.*

There was a good deal of argument brought forward by the defendants in support of the motion, but the Court adjourned without coming to any decision upon it.

The consideration of the motion for a rule nisi was resumed yesterday before the Hon. Judges Des Barres and Brenton.—The Chief Justice Boulton, as plaintiff, opposed the granting of the rule.—Mr. Emerson (as counsel for Mr. Morris), and Mr. Nugent, severally addressed the Court in defence of the motion, but their Lordships were of opinion that no argument had been advanced by the defendants to justify them in granting the rule, and they decided accordingly.

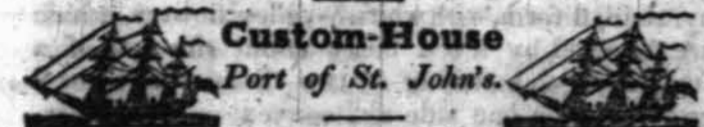
Mr. Kent as one of the defendants also, then rose in support of his motion, which was of a similar nature to that brought forward by the other defendants—but their Lordships declined hearing any argument from Mr. Kent on the subject, as the case in no way differed from the others on which they had already expressed their opinion, and their decision in this instance must consequently be the same.

The motion being disposed of, the trial now stands over to Saturday.

We were of opinion, until now, that the *Times* possessed not one redeeming quality to atone for his consummate impudence and absurdity; but we must confess that the *Christian patience* with which he suffers chastisement, as exemplified in his notice of ourself in the last number of that Journal, should not be passed by without *due commendation*; and which we the more freely bestow, as we have never before witnessed any thing but egregious folly and empty conceit in that quarter. He has at length made the discovery that a man may wantonly attack another and not know how to defend himself, and that it is much easier to get into an awkward dilemma by an unconsciousness of one's own weakness, than to extricate one's self respectably when once fairly committed. The backing-out system, after all, is not very agreeable; and we should suppose that in the instance now referred to, it must have tried the equanimity of temper even of the Editor of the *Times*.

DEPARTURES.—In the *Victoria* for London; Mr. Ayre.  
In the *Palmetto* for Grenada, Mr. James Kavanagh.

Shipping Intelligence.



**VESELS (ENTERED.)**  
November 30.—*Victory*, Benava, Cape Breton—23 head cattle, 11 firkins butter.  
*Amity*, Meagher, Miramichi—75 M. board.  
*Sarah*, Walsh, P. E. Island—sundries.  
*Jane*, Anderson, P. E. Island—3000 bushels potatoes, 40 sheep, 800 bushels oats.  
*Lady of the Lake*, Power, Bridgeport—80 tons coal.  
*Gipsy*, Gowans, Greenock—20 M. bricks, 300 bls. potatoes, 91 casks ale, 43 boxes candles, and sundry merchandise.  
December 2.—*Stork*, Grills, Copenhagen—700 bls. flour, 250 bls. pork, 790 bags bread, 400 firking butter.  
*Vestal*, Wright, St. Vincent—80 puns rum.  
6.—*Eliza* Bunting, Deagle, P. E. Island—50 tons scantling, 40 tons timber, 7 M. Board.  
*Anastasia*, Power, Halifax—12 M. shingles, 140 Hhds porter, 51 bls. cider, and sundries.  
*Adelaide*, Morris, Bristol—11 bls. raisins, 70 bags Nails, 165 coils cordage, 400 bars and bolts iron, and sundry merchandise.

**VESELS (LOADING.)**  
December 2.—Devonshire, Wainright, Grenada.  
*Gipsy*, Gowans, West Indies.  
*Hope*, Cooper, Waterford.  
*Sarah*, Sharp, Cork.  
5.—*Hugh*, Matthewson, P. E. Island.  
6.—*Bermuda*, Small, Barbadoes.

**VESELS (CLEARED.)**  
November 30.—*American* Brig *Abby*, M'Hutchinson, Pernambuco—1700 qtls. fish.  
*Sophia*, Humphries, Barbados—1520 qtls. fish, 40 tierces salmon, 75 bls. herring, &c.  
*Eliza*, Nowlan, Cork—23000 galls. seal and cod oil, blubber and dregs.  
*Palmetto*, Pearman, Grenada—1100 qtls. fish, and sundry merchandise.  
December 1.—*Spanish* Brig *Amistao*, Dillig, Santander—3000 qtls. fish.  
*Victoria*, Seal, London—89 tons seal and cod oil, 1000 seal skins.  
*John* Fulton, Hally, Boston—300 qtls. fish, 70 tierces salmon, 252 bls. herring.  
*Betha*, Hutchings, Demerara—1900 qtls. fish, 13 tierces salmon, 102 bls. herring, 20 hhd. port wine.  
5.—*Native*, Coysh, Falmouth—1200 qtls. fish, 900 galls. oil and sundries.  
6.—*Devon*, Dench, Oporto—1930 qtls. cod fish.  
*Gipsy*, Gowans, Demerara—18000 Bricks, 2000 qtls. fish, 100 bls. pork, and sundries.  
*Rosalinda*, Watts, Demerara—1200 qtls. cod fish, 135 bls. pork, 190 bls. flour, 9 puns. rum.

For WATERFORD.

THE BRIG  
**HOPE**,  
135 Tons; ROBERT COOPER,  
Master;  
Has good accommodations for PASSENGERS,  
and will Sail about the 15th instant.—Apply to  
ROBERT BRINE & Co.

N. B.—The *HOPE* will return from Waterford to this port, as soon as possible after her arrival there, and persons wishing to engage FREIGHT or PASSAGES may secure them before her sailing from hence, by applying as above.  
December 7.

For HALIFAX.

THE FIRST-CLASS SCHOONER  
**Anastasia**,  
For FREIGHT or PASSAGE  
Apply to  
BAINE, JOHNSTON & Co.  
December 7.

Just Received  
Per *ELIZA* from London,  
AND FOR SALE  
BY  
**R. HOWLEY**,  
A few cases Sparkling CHAMPAGNE, in pints and quarts  
A few dozen Cherry BRANDY and Raspberry BRANDY.  
November 9.

Sales by Auction.

**TO-MORROW**,  
(Friday,) at 12 o'clock,  
ON THE WHARF OF  
**JAMES CLIFT**,  
THE SCHOONER  
**MARY ANN**,  
Burthen per Register 75 Tons  
five months old, and well found in Ground Tackling. An inventory of her Materials may be seen at the office of Mr. CLIFT, at whose wharf she now lies.  
A credit will be given to an approved Purchaser until the 1st May next.  
December 7.

On SATURDAY next,  
At 11 o'clock,  
ON THE WHARF OF  
**W. & H. Thomas & Co.**  
The remarkably strong and well found Schooner  
**Sarah Isabel**,  
Burthen per Register 64 Tons—  
she is only Two years old, and fitted for the Ice.  
ALSO,  
50 Tierces PORTER  
25 Boxes CHOCOLATE  
And to close Sales,  
1 Hhd. TOBACCO  
20 Boxes SUGAR.  
December 7.

Government Sale,  
Will be Sold, by Auction,  
On SATURDAY next,  
At One o'clock,  
IN THE SQUARE AT FORT WILLIAM,  
A Quantity of  
Provision & Oat CASKS.  
JAMES CLIFT,  
Auctioneer.  
December 7.

On THURSDAY next,  
ON THE WHARF OF  
**Robinson, Brooking, Garland & Co.**  
The Schooner  
**ALPHA**,  
105 10-94 tons; completely fitted for the ice, and is well found in stores.  
Also,  
The Schooner  
**LORD WELLINGTON**,  
A remarkably fast sailing Vessel, of 48 19-94 tons Register; is well suited for a Coaster.  
Dec. 7.

Notices.  
St. John's, Newfoundland, 30th Nov., 1837  
SIR,  
WE the undersigned Commissioners of Roads for the District of St. John's, request that on as early a day as possible you will please convene a Meeting of the Board appointed under the Act 1 Victoria, for the purpose of bringing the provisions of the said Act into immediate operation within this district.  
(Signed)  
WILLIAM H. GADEN  
EDWARD TROY  
PATRICK DOYLE, J. P. & M. C. P.  
LAWRENCE O'BRIEN  
JOHN HARDING  
PATRICK MULLOWNEY  
JOHN O'MARA  
JAMES DOUGLAS.  
To JOHN KENT, Esq., Member for this District.

GENTLEMEN,  
IN compliance with the above requisition, I request a Meeting of the Board of Commissioners of Roads for the District of St. John's, to be holden at the Office of the Clerk of the Honorable the House of Assembly, on TUESDAY, the 12th instant, at 1 o'clock in the afternoon.  
JOHN KENT.  
St. John's, Newfoundland,  
5th December, 1837.

ADVERTISEMENT.  
**TO MARINERS.**  
NOTICE is hereby given that a powerful FIXED LIGHT will be exhibited from Sunset to Sunrise on and after TUESDAY Evening next, the 21st inst., on *Harbour Grace Island*, in Conception Bay, extending Eastwardly or Seaward, in a direction by compass from North to South-west.  
W. STIRLING,  
JAMES BAYLY,  
THOMAS RIDLEY,  
WILLIAM PUNTEN,  
THOMAS CHANCEY,  
Commissioners.  
Harbour Grace, 13th November, 1837.

Notices.

**NAVIGATION.**  
**JAMES O'SPULL**  
BEGS to inform his friends that he has just re-opened his DAY and NIGHT SCHOOL, in Duckworth-Street, near Gill's Shoot, where such as are desirous of acquiring a knowledge of the above useful and important Branch will have every facility afforded them. The use of all Nautical Instruments will be also taught on the shortest principles. A room will be set apart for any one who may wish to receive private instructions.  
Terms made known on application at the School.  
November 30.

**TO BE LET**  
And immediate possession given—  
THAT eligible and pleasantly situated DWELLING-HOUSE adjoining the Residence of the Hon. James Crowdy, and lately in the occupancy of the Rev. Oswald Howell.—For particulars apply to  
JAMES BRINE.  
December 7.  
And immediate Possession given—  
A Commodious Stone DWELLING-HOUSE, late in the possession of Dr. Rochford, comprising a Kitchen and Parlour, on the lower floor—Drawing-room, Sitting-room, and Bedroom, on the second floor—Three Bed-rooms, with fire places, on the third floor—with Frost-proof Cellar; and a Pump, with excellent Water, in the Yard. Further particulars will be made known on application to  
JAMES CULLEN.  
November 30.

**To be Sold or Let.**  
THE WHOLE, OR IN LOTS, AS FOLLOW :—  
No. 1—A STORE, and WHARF attached thereto.  
2—A DWELLING-HOUSE, with a COOPERAGE adjoining  
3—A HOUSE in two Tenements (let, but may be sold).  
4—A well established RETAIL SHOP with the necessary apartments.  
All further particulars made known on application to  
PATRICK KELLY.  
October 26.

On Sale  
BY  
**John & James Kent**,  
THE FINE NEW SCHOONER  
**Victory**,  
Burthen per Register 105 tons,  
launched in September last, full timbered, and well found in materials—a highly desirable Vessel for the Seal Fishery.  
Mode of payment made accommodating to solvent purchasers.  
December 7.

**NEWMAN & Co.**  
OFFER FOR SALE,  
The Cargo of the *Stork*, from Copenhagen,  
CONSISTING OF—  
750 Bls. Superfine FLOUR  
250 Ditto PORK  
750 Bags BREAD  
100 Half ditto ditto, superior quality  
400 Firkins BUTTER  
Also,  
20 Puns, superior Demerary retailing MOLASSES.  
December 7.

Just Received  
AND FOR SALE BY  
THE SUBSCRIBERS  
40 Qr.-casks Table Sherry Wine, @ 28 dols.  
4 Ditto Superior ditto  
2 Pipes  
10 Hhds } PORT WINE.  
12 Qr.-Casks }  
25 Hhds. fresh PORTER  
Ex *Anastasia* from Halifax.  
CODNER & JENNINGS.  
December 7.

JUST RECEIVED  
Per *ETIZA* from London,  
100 Bolts No. 1 to 8 CANVAS  
GREEN HEMP in 2 oz. balls  
HERRING NETS 30, 40, 50, 60, 70, and 80 Rans.  
And previously on hand,  
5000 Lbs. Prime Rounded BUTTS  
1000 Pair BOOTS and SHOES  
20 Cases Skiedam GIN  
5 Puns. Jamaica RUM  
10 Hhds. moist SUGAR  
SOAP and CANDLES;  
And,  
2 COD SEINES 56 & 80 and 60 & 90, which would be sold very low for prompt payment  
DANIEL FOWLER.  
November 2.

On Sale

Provisions, Dry Goods, &c.

**BULLBY, JOB & CO.**  
HAVE JUST IMPORTED,  
Per *Mazepa* from Copenhagen, *Neptune*, and *Falcon*, from Liverpool,  
Copenhagen FLOUR and BUTTER  
Hamburg BREAD and Konigsberg PORK  
CORDAGE, NAILS, and CHAINS  
SOAP, CANDLES, GUNPOWDER  
And a General Assortment of  
**Store GOODS.**

Also,  
A Large Stock of  
**Manufactured GOODS,**  
At unprecedented low Prices, which are now ready for inspection;  
And  
An additional supply of Ladies and Gentlemen's Cloth & Flushing  
**Winter BOOTS,**  
All of English Make.  
October 12.

By Private Contract,  
THE interest for the term of 11 years of Four DWELLING HOUSES, in Water-Street, yielding £61 4s. per annum, free of any Ground Rent.—This being a profitable means of investing Money, will be well worth the attention of Speculators. For particulars apply to  
WM. FIRTH.  
November 16.

By Private Contract,  
The fine fast-sailing Brigantine  
**Harriet**,  
Of the burthen of 73 Tons (new measurement), with all her materials as she came from Sea. She is a very desirable little Vessel for the trade of this Country, and being well fitted and found in all materials, may be sent on any voyage at a small expense.—For view of Inventory and other particulars apply to  
PERCHARD & BOAG.  
October 12.

BY  
**Michael Scanlan,**  
1800 Jars GIN  
400 Bags BREAD  
150 Firkins BUTTER  
100 Half ditto ditto  
150 Barrels OATMEAL  
50 Half ditto ditto  
80 Barrels PORK  
50 Packages TEA  
5 Hogsheds Brown SUGAR  
26 Barrels ditto  
9 Cases GLASSWARE  
1 Case LOOKING-GLASSES  
150 Boxes SOAP  
50 Half ditto  
700 Pair BOOTS and SHOES  
37 Puncheons Superior MOLASSES.  
Also,  
GIN, WINE, BRANDY  
RUM, CIDER, PORTER  
MOLASSES, COFFEE, PEPPER  
BASKET-SALT, and sundry other Articles.  
October 19.

JUST RECEIVED  
AND FOR SALE  
BY THE SUBSCRIBERS,  
160 BARRELS prime PORK,  
184 Firkins Randers' BUTTER,  
50 Casks 1st quality Holstein Ditto, which can be highly recommended  
200 Barrels Superfine Flour  
250 Bags Bread, 1st and 2nd quality  
60 Barrels Oatmeal  
60 Ditto Grits  
40 Barrels boiling Pease  
10 Ditto Pot Barley  
18 Cases assorted Glassware  
20 Packages prime Smoked Bacon  
70 Westphalia Hams;  
Also,  
Per the *Emily*, from London,  
100 Qr.-casks assorted TEAS, direct from the Hon. East India Company's Ware-house  
8 Pieces first-quality Cognac Brandy  
4 Hhds. Skiedam Gin  
5 Ditto double-refined Sugar  
100 Boxes London Mould and Dipt Candles  
100 Boxes and 12 Cases Soap  
1 Doz. Rosewood Chairs, 1st quality; 2 Arm-Chairs to match.  
WILLIAM & THOMAS PARKER.  
October 19.



THE LONELY TREE.

(From the Metropolitan Magazine.)  
 Thou lonely tree, that, on the mountain standing,  
 Frownest in grandeur on the vale below,  
 In stern magnificence our awe commanding—  
 No soothing fellowship is thine to know.  
 Each wild flower that this tranquil vale embosoms,  
 Seems in its social ties more blest than thee,  
 We walk among them, and we call their blossoms;  
 But when the dizzy height—thou lonely tree.  
 In life I often thus sad homage render  
 To some fine mind, removed from grovelling ken,  
 Standing aloft in solitary splendour,  
 Beyond the reach or touch of common men,  
 The world inclines to those who crave protection,  
 Loving the suppliant voice and bended knee;  
 But O! if genius ever seeks affection,  
 It shares a fate like thine—thou lonely tree.  
 Stay, from a cloud a sunbeam brightly darting,  
 Even while I speak, invests thy boughs with light,  
 No radiance to the lowly vale imparting,  
 But resting long on thy majestic height.  
 O! to thy dwelling—place a charm is given,  
 Though unaccompanied by thy kind it be;  
 Thou hast a brilliant messenger from heaven  
 To cheer thy solitude—thou lonely tree.  
 When I lament the gloomy elevation  
 That talent holds, this scene may I recall,  
 And think that beams of holy inspiration  
 Perchance oft visit one unwooded by all.  
 Cold, feeble minds may lesser boons inherit;  
 But Heaven's peculiar communings may be  
 Reserved to gladden the ethereal spirit  
 That upward towers, like thee, O lonely tree!

PROBITY AND PARSIMONY.

"It is better to carry the reward of a good action in your conscience, than in your pocket."  
 If ever you meet with the plant of Probity, growing on any bank in life's highway, pass not by it unheedingly, but, as the plant is very scarce and rare, strip slips from its stem whenever you can, and distribute them for propagation amongst your neighbours. But, should you chance to fall in with that foul weed, Parsimony, pluck it up by the roots, and cast it with scorn and contumely on the dunghill of disgrace. Living specimens of both these plants are presented in the following anecdote:  
 A farmer going to pay his rent to Lord Gwydyr, found, on his arrival at the mansion house, that he had lost his pocket-book, in which the cash for his rent had been deposited, and this discovery threw him into a fit of despair. It chanced on the day of the farmer's loss that one Jane M'Greggor, being on the eve of marriage, was going to a neighbour town to purchase a wedding dress, with the scanty little store her earnings had permitted her to accumulate. She travelled on the same road which the farmer that morning had passed over, and, in the course of her journey, it was the good fortune of this happy lass to find and pick up the farmer's lost treasure, as it lay snugly secured in the pocket-book by the road side. Jane soon afterwards fell in with a traveller, to whom she related the circumstance, on which the man, building on the apparent simplicity and artlessness of the lass, desired her to entrust the pocket-book to his care, saying that he would be more likely than herself to discover the rightful owner. But Jane, though strictly honest herself, was not thoroughly satisfied that all other human beings were equally so; she therefore very wisely and prudently suffered the farmer's treasure to remain in the safe depository of her own fair and pure bosom.  
 The delighted Jane continued her journey until she fell in with a youth of her acquaintance, to whom she displayed her prize, and requested him to read the name of its owner, which was stamped in a conspicuous way on the outside of the pocket-book. On learning to whom the treasure she had found belonged, it instantly flashed on Jane's mind that it was "rent-day," and where so likely to meet with the unlucky farmer as at Lord Gwydyr's mansion. Thither accordingly she proceeded, and found the owner of the pocket-book in great grief, which, however, she instantly dispelled, by silently placing the lost treasure in his hand, without stipulating for any reward or making a single comment of any kind.  
 The farmer anxiously examined the contents of the book, exhibiting the while to Jane's admiring gaze a vast number of guineas and bank notes, which, on counting over, he declared were correct in amount even to the last shilling. His joy was excessive, but a stronger passion than that of joy predominated in the churl's bosom, and under the influence of that sordid passion he recompensed Jane's honesty and trouble with—thanks, unaccompanied by any other token or mark of gratitude. No, not even one solitary *baize* did he tender to the smiling Jane, who seemed to be perfectly content and satisfied with having done an honest action; so carrying off the farmer's lavish gift of thanks, away she tripped to the fair to buy

her wedding gown, and was soon afterwards married.  
 Some years after these events, the fortune of Jane and the farmer became changed. Her circumstances gradually improved, whilst his affairs fell into decay, so far, that at length he sank into abject pauperism, and was frequently spurned and treated with contumely by his former associates; but a kind word and a hearty meal were always bestowed on him whenever he applied at the dwelling of her to whom he had behaved so ungratefully in the days of his prosperity.

THE RIGHTS OF WOMEN.

It appears by the following passage from Miss Martineau's work, on America, that she is not satisfied with the exclusion of the fair sex from political power in the land of universal suffrage, but considers that in that respect Jefferson and the other framers of the American constitution were as great despots as the Emperor Nicholas. We believe that most Americans are of opinion that there are already quite as many politicians in that country as it can well endure, without the addition of a couple of millions of petticoated Democrats and Federalists. In spite of Miss Martineau, most persons on both sides of the Atlantic will be disposed to think that the rights of women are as safe in the care of their husbands, lovers and friends, as they would be in their own, and to believe that the dear creatures make incomparably better wives and mothers than they would do if employed continually in such dignified occupations as the haranguing election mobs, bringing up voters to the poll, or even delivering longer and more eloquent speeches than ever fell from the lips of a Virginia or New England orator. If, as Miss Martineau asserts, the American declaration of independence makes the consent of all persons governed necessary to legitimate government, and at the same time excludes women from political preaching, it only proves that the issuers of that famous declaration acted wisely and talked foolishly. She says:—

"One of the fundamental principles announced in the declaration of independence is, that governments derive their just powers from the consent of the governed. How can the political condition of women be reconciled with this? Governments, in the United States, have power to tax women who hold property; to fine, imprison, and execute them for certain offences. Whence do these governments derive their powers? They are not 'just' as they are not derived from the consent of the women thus governed. Governments in the United States have power to enslave certain women, and also to punish other women for inhuman treatment of such slaves. Neither of these powers are 'just,' not being derived from the consent of the governed. Governments decree to women, in some states, half their husband's property; in others, one third. In some, a woman, on her marriage, is made to yield all her property to her husband; in others, to retain a portion, or the whole, in her own hands. Whence do governments derive the unjust power of thus disposing of property, without the consent of the governed? The democratic principle condemns all this as wrong, and requires the equal political representation of all rational beings. Children, idiots, and criminals, during the season of sequestration, are the only fair exceptions. The case is so plain that I might close it here; but it is interesting to inquire how so obvious a decision has been so evaded as to leave to women no political rights whatever. The question has been asked, from time to time, in more countries than one, how obedience to the laws can be required of women, when no woman has, either actually or virtually, given any assent to any law? No plausible answer has, as far as I can discover, been offered—for the good reason, that no plausible answer can be devised. The most principled democratic writers on government have, on this subject, sunk into fallacies as disgraceful as any advocate of despotism has adduced. In fact, they have sunk, from being, for the moment, advocates of despotism. Jefferson, in America, and James Mill, at home, subsided, for the occasion, to the level of the author of the Emperor of Russia's Catechism for the young Poles.—Miss Martineau's Society in America.

THE LILY AND THE ROSE.—Tell me, ye graceful daughters of the course black earth, who gave you your beauteous shapes? since truly ye were formed by delicate fingers. What little spirits spring from your cups? and what pleasure pervades you when goddesses rest themselves upon your leaves. Tell me, peaceful flowers, how do they divide themselves in their friendly work, and to nod to each other when they spin your fine web of so many folds, so multifariously adorned and embroidered? But ye are silent, sweet children, and enjoy your existence. Well, then, the instructive fable shall tell me what your lips withhold from me. Once, when the earth stood a naked rock, behold there stepped forth a friendly troop of nymphs upon the virgin earth, and happy genii were ready to cover with flowers the naked rock. Multifariously they divided themselves in their work. In beauty, under the snow and cold grass, began the modest Humility and wove many a concealed little one; Hope followed her and filled with odour the cup of the refreshing Hyacinth. Then came, as it pleased each, a prouder, showy choir of variegated beauties; the Tulip raises its head; the Narcissus looked around with languishing eyes. Many other goddesses and nymphs employed themselves in the varied work, and adorned the earth, exulting over their beauteous forms. And lo! as a great part of their work had faded away with their fame and their joys, Venus said

to her Graces also—"Why linger ye here, sisters of gracefulness? Up, and weave with your charms a mortal visible flower." They descended to the earth, and Aglaia, the Grace of Innocence, created the Lily; Thalia and Euphrosine wove, with sisterly hand, the flower of Joy and Love, the Virgin rose! Many flowers of the field and garden envy each other; the Lily and the rose envy none, and are envied by all. Like sisters, bloom they together upon the field of Flora, and adorn each other, since the sisterly Graces wove them together. Also, upon your cheeks, O! maidens, may lilies and roses bloom; and may your graces, Innocence, Joy, and Love, ever dwell upon them united and inseparable!—The Analyst.

THE USE OF COFFEE AND OTHER SIMPLE BEVERAGES.

The introduction of tea and coffee has led to the most wonderful change that ever took place in the diet of modern civilized nations—a change highly important both in a physical and a moral point of view.

Food is taken for two purposes—to nourish and sustain the body; and to refresh, stimulate, or exhilarate the animal spirits. Solids generally speaking, afford much more nourishment than liquids; but it is worthy of remark, that the refreshing or exhilarating substances, with some trifling exceptions, are all liquids. The body may be supported in vigour upon many kinds of aliment, and the business of society carried on almost equally well, whether men live on fish, flesh, or fowl; on corn, pulse, or nutritious roots; or a mixture of all these together. Considered as a social being, it is of little consequence what men eat; but it is of great consequence what he drinks. Upon the nature of the refreshing and stimulating beverage consumed, depends the state of the animal spirits; and this in its turn, has a powerful influence upon the sensations, the mental activity, the feelings, the temper—in a word, upon the social and moral character of the individual. Previous to the introduction of tea and coffee, fermented liquors of some species—wine, ale, beer, or cider—were the drinks universally used by persons of both sexes, for the purpose of exhilaration. Everybody has heard of Queen Elizabeth's maids of honour breakfasting upon beef steaks and ale. Now, the stimulating quality of all these liquors arises from the portion of alcohol they contain; and hence the vivacity of spirits which they excite, is in fact, merely a lower species of intoxication. Three evils necessarily attend the habitual use of such a beverage. First, that, even when used in moderation it generally confuses the brain as much as it quickens its activity; 2dly, that a little thoughtlessness, or want of control, leads to inebriety; depression of spirits follows, while the sensibility of the system is impaired, and in course of time worn out, by the constantly recurring action of the alcoholic stimulus. Let us suppose, that when these drinks were in use as articles of food, and when statesmen, lawyers, and merchants, were no doubt often seen with muddy heads in a forenoon, any one had discovered a species of wine or ale which had the refreshing and exhilarating effects required, without confusing the brain or leading to intoxication, would not such a man have merited a statue from the conservators of the peace in every town and county of the empire? Now, this is exactly what the introduction of tea and coffee has accomplished. These beverages have the admirable advantage of affording stimulus, without producing intoxication, or any of its evil consequences. To the weary or exhausted, they are beyond measure refreshing. They give activity to the intellect, without confusing the head, or being followed by that annoying depression which impels the drinker of ale or spirits to deeper and more frequent potations, till he ends in satiation and stupidity. To the studious they are invaluable; and they are perfectly adapted to the use of females, which ale or wine can never be. They render the spirits elastic; the fancy "nimble and forgetive," and hence they greatly aid the flow of rational and cheerful conversation, and promote courtesy, amenity of manners, serenity of temper, and social habits. The excitement of wine, ale, or spirits, even if it were as pure in its nature, never stops at a proper pitch. The drinker of these liquors has hardly become gay or animated, when a glass or two additional carries him to the stage of boisterous jollity, which too often followed by beastly inebriety. Then his carousals are succeeded by a woeful flatness. He listless, torpid, unsocial, perhaps crabbed and sulky, till he is again on the road to intoxication. Take half a dozen men even who are not drunkards, and observe what a difference there is in their conversation, in point of propriety, piquancy, and easy cheerfulness, in the two hours after a coffee breakfast, and the two hours after a dinner at which they have been enjoying wine or spirits merely in moderation. Lovers of tea or coffee are in fact rarely drinkers; and hence the use of these beverages has benefitted both manners and morals. Upon the whole, we imagine the observant reader will go along with us thinking, that coffee is a softener of the manners, and a friend to civilization.

Plenty of milk is essential to the preparation of good coffee; and with this accompaniment it affords, in our opinion, a much more nourishing and a wholesome beverage than tea, though not perhaps not so light or gently exhilarating. The art of preparing coffee is not very well understood in this country, as every one will admit who has tasted the superb and delicious beverage which is served up in the cafes and restaurants of Paris. There are different modes of preparing it; and these need not here be defined, for all are less or

more acquainted with them. We need only remark, that the chief point to be attended to in making the beverage strong,—and free of sediment.—Great care should be taken to use the coffee as soon after it is roasted and ground as possible, for the best properties escape by exposure to the air.

The late Count Rumford, who was a great consumer of coffee, wrote a memoir in praise of its nutritive and medicinal qualities. Many medical men have eulogised its virtues; and, if we had time, it would not be difficult, we believe, to collect a cento of testimonies in its favour. Hooper says, "Goed Turkey coffee is by far the most salutary of all liquors drunk at meal time. It possesses nerve and astringent qualities, and may be drunk with advantage at all times, except when there is bile in the stomach. If drunk warm within an hour after dinner, it is of singular use to those who have headache from weakness in the stomach, contracted by sedentary habits, close attention, or accidental drunkenness. It is of service when the digestion is weak, and persons afflicted with the sick headache are much benefited by its use in some instances, though this effect is by no means uniform."

The coffee bean is the produce of a plant which grows to the height of 15 or 20 feet, generally in a pyramidal form, with whitish-yellow flowers, which are followed by a red berry about the size of a small cherry, inclosing in two distinct cavities 2 grains, flat on one side and convex on the other, which are known by the familiar name of coffee beans.

Coffee was introduced into France in 1669, when Soliman Aga, who then resided at Paris for a year, first made it known to the French. They soon displayed a partiality for its use, that has been progressively increasing. The Dutch were the first to transport it from Mocha, where they had purchased a few plants, to their own colonies at Batavia, whence they exported it to Amsterdam. From that city the French consul sent a plant to Louis XIV. It was put in a hothouse and throve so well, that the project of transporting it to Martinique suggested itself to government, as likely to be advantageous. Three plants were accordingly sent, of which two perished on the way, and the third was preserved solely by the care of Captain Declieux, who, during a long and stormy passage, shared with it his ration of fresh water, and thus preserved its life. This plant was the source of all the coffee plantations afterwards established at Martinique, Guadeloupe, and St. Domingo.

GRASP OF THE HUMAN MIND.—Our earth, as is well known, has the form of a spheroid, a little flattened towards the poles. Its radius is about 1500 leagues. The highest mountains do not rise to more than two leagues above the level of the sea, and there are but few tracts naturally situated below that level; and the greatest depths which have been reached by digging in the quarries, and more especially in the mines, do not exceed 1800 feet. The inequalities of the soil, then, are very trifling, when compared with the whole mass of the terrestrial spheroid; and if the depths of the pits dug from the surface strike us with awe—if the elevation of the mountains, whose summits we perceive to be lost in the clouds, confound us with astonishment, it is only because we judge of them by comparison with the extreme smallness of the objects which surround us. The earth, the superficies of which seems so unequal and rugged, would offer to the eye of an individual, capable of embracing the outline at a glance, only the smooth appearance of one of our artificial globes, at the instant when it comes from the hands of the workman who has polished it. Let us suppose the terrestrial spheroid to be represented by a ball three inches in diameter. If we wished upon this ball to figure, in relief, the inequalities which are seen upon the surface of the earth, the slightest protuberances, almost invisible to the eye, assisted by a microscope, would represent the highest mountains; the slightest scratch which could be made on its surface, would be deeper, in relation to its diameter, than are the greatest artificial cavities in proportion to that of the earth; and the vapours which a single breath would cause to be condensed, would perhaps be too thick to represent the atmosphere, even to the height at which clouds are formed. For us, imperceptible atoms, who vegetate in this slight stratum of humid air, there is no expression to describe our littleness, and the weakness of our means, when we employ them to act upon the globe. Nevertheless, this puny atom has measured the earth, the dimensions of which crush him to nothing; he has measured the sun, a million times greater than the earth; he has calculated the distance which separates it from that orb whose brilliance his feeble gaze cannot sustain; he has recognised in the myriads of stars which sparkle in the firmament, so many other suns spread through the immensity of the universe, around which revolve their respective systems of opaque globes, all of whose movements they regulate. Capable, in his diminutiveness, of raising his ideas to an expanse without bounds, the earth is no more to his enlarged conceptions than a grain of sand lost in the infinity of space. Is there not, in all this, matter for much reflection on the superiority of the human mind, which enables it to comprehend objects of such magnitude, though nature seems to have condemned it to vegetate within so narrow a circle?—Bertrand's Revolutions of the Globe.

Printed and Published every Thursday morning, by WILLIAM RICHARD SHEA, for the Proprietors, at their Printing Office, in the rear of Mrs. Firth's Hotel, Duckworth Street.—Terms—Twenty One Shillings per annum.