

*Charles Stewart*  
*See Receipt at St. John's*  
*A. Johns*



# Newfoundland

No. 543.

THURSDAY, December 21, 1837

Sixpence.

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.

**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 Kieley'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

**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 Hogheads Brown SUGAR
- 25 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 Dijo Pot Barley
- 18 Cases assorted Glassware
- 2 Packages prime Smoked Bacon
- 70 Westphalia Hams;

ALSO,

- Per the *Emily*, from London,
- 100 Qr.-chests 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

**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 foud 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

**Lawrence O'Brien,**

The Cargo of the Brig KINGALOECH from Ham-  
burgh.

- 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.

**On Sale**

**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 Tenerife 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
- 2 Firkins Butter
- 2 Hhds. & 10 bales Primo Leaf Tobacco.

JAMES CULLIN.

August 31.

**'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 Bis. PASTE BLACKING, in small Pot.
- 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.

BY

**NICHOLAS GILL,**

- 50 PUNS, strong proof fine fl. w. d. Jemera RUM
- 20 Puns, Retailing MOLASSES
- 25 Hhds. and 10 bis. 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.

**THE CHOLERA.**

(From the London Observer.)

For some time past this scourge of the human race has pursued its devastating career on the Continent of Europe. Since its fearful visit in 1831 and 1832, when it spread dismay and desolation on every hearth, sweeping its thousands before it with the besom of destruction, it may be said that not even for an instant has its destroying hand been withheld. Altho' the British Isles have not been threatened by the pestilence since 1832, yet on the Continent it has not spared either the aged or the young, the married or the single, the healthy and robust, or the enervated, the invalid, or the sot. All have perished alike beneath its stroke: rich and poor, high and low, one with another. During the present year, this fearful epidemic seems to have gained a renewal of strength; and even while this paragraph is penning, many parts of France and Germany are suffering from its inflictions. Italy, too, which, singularly enough, escaped the scourge at the time when otherwise all Europe was its victim, was not finally spared, but in a brief space was struck by this dreadful pestilence, and is seen now enduring its painful fate of agony and death. In the kingdom of Naples the cholera appeared its demon head, scaring all by its ghastly presence; it there reigned triumphant for a long period, and ere it vacated the victor's throne, based and supported by the bodies of the slain, it had seized possession of another in Sicily; at Palermo it emetted the destroyer with violence increased a thousand fold; and to add to its horror, an ignorant, uneducated, and infuriated populace was let loose in its madness to lay waste and destroy. Thence, again, passing by a mighty bound, and armed with powers of ubiquity, the monster leaped at once to Rome, and also invaded the more healthy and better regulated metropolis of Prussia. In the capital of the Ecclesiastical States its power was not a whit less manifested, nor was its regal seat rendered less stable by its paucity of victims; as elsewhere, indeed, a holocaust was sacrificed, selected from all ranks. In Berlin, where the sanatory and police regulations are more attended to, and are carried more efficiently into execution, the mortality was not by any means to be compared with that which attended the progress of cholera at Naples, in Palermo, or at Rome, nor were its inhabitants disgraced by the occurrence of scenes of murder and other horrible villainies, committed by an infuriated and uncontrolled mob, exasperated at the fearful peril which awaited it, and of which it knew not the origin. At Marseilles, Avignon, and other places on the coast of France, nearly opposite those parts of Italy and Sicily, which have recently been the prey of the destroyer, the mighty epidemic has also shown itself, but with far diminished power; while in the cities and countries already alluded to, the diurnal mortality has been fearfully great, and that, too, continued for a length of time. It has not on any one day, during the present invasion in France, risen to any height, nor has the destroying angel pursued his course there for any lengthened period. These are facts which need not surprise any one who will for an instant compare the relative sanatory regulations of the countries which have been visited by the cholera. Taking, as the two extremes, France and Italy, we find in the former a numerous and efficient body of men, acting under the orders of their principals, and under the immediate superintendence of a number of the medical profession—by these the sanatory condition of the kingdom is immediately attended to, and the slightest error once rectified—the institution of local sanatory commissions throughout the provinces, has contributed materially to advance this object; in fact, in France, public hygiene, or the study of subjects connected with the public health and the suppression of epidemics, is made a paramount study, and is taught as a separate and highly important science. Turning now to Italy, although by no means desirous of intimating that the health of the public is totally disregarded, we may safely say that due attention is not paid to it, nor are the police regulations and the sanatory commissions on the same footing of improvement and utility as in other countries. Setting aside the question of contagion, with which we are at present by no means desirous of grappling, and which the medical profession seems almost unanimously to consider as settled, and also not alluding to the moral state of the population, and the debasing effects of ignorance, superstition,

and mental slavery, a considerable part of the increased ratio of mortality in Italy and Sicily may be referred to the want of proper hygienic measures; and in every country where they are wanting, should it be attacked, there will be a corresponding increase in the severity and fatality of the epidemic.

The preceding remarks have been prompted by the perusal of a leading article in the *Lancet*, from which it may be gathered that the writer expects that England will be again visited by this dire pestilence. He has been led to adopt this opinion by the appearance of the disease at Berlin, and in various places on the shores of the Baltic; and he says truly, "the history of the progress of the Asiatic cholera through Europe abounds in so many contradictory circumstances, and presents so many points of irregularity with respect to the line of march which it has pursued, that it is impossible for us to offer anything beyond simple conjecture touching its future progress or direction." It is very certain, as human judgment is essentially liable to error, that it is impossible for any one to pronounce, *ex cathedra* whether this country will be again the subject of the pestilence. All remarks, therefore, made respecting it, must be founded on the previous progress of the disease, and on the sanitary regulations of the kingdom; but with such a foundation, they are at once raised somewhat above the level of a mere conjecture. We are induced to believe that Great Britain has not to dread a second visit from the cholera, because its inhabitants do not rank with the ignorant and weak victims of mental slavery, who populate the countries where that disease seems to have taken up its abode; because, within the last few years the sanitary condition of the country has been greatly improved, and at the same time the bugbears, contagion and quarantine, have been overthrown; because our peasantry are better fed, better clothed, and more contented than the half-starved victims of tyranny abroad; and also because England has remained free from a second invasion, while every part of the continent has been subjected to a second, and some even to a third attack, while again from others, from the reiterated appearance of sporadic cases, it may be safely said that it has never departed. It would appear, then, that these favoured isles are in reality more healthy than the Continent, and be it borne in mind, that when in 1832, the cholera did pay its threatened visit, it was not so malignant, nor was the attack so prolonged as anywhere else. We are not inclined to attach great faith to the dread exhibited by the *Lancet*, nor are we ready to re-echo its tocsin of alarm, because the cholera has shown itself at Berlin. Were it the first time that the disease had appeared there since the commencement of its European campaign, there might have been some slight cause for the dread so speedily exhibited, and for the earnest recommendation to government with which the remarks conclude, to appoint a medical commission.—As, however, Berlin and other of the German cities have been revisited more than once by the cholera, and no injurious consequences to England have resulted, we shall delay sounding the tocsin until the danger becomes more pressing; at present our telescope is too misty to enable us to discern it.

The Newfoundlander

ST. JOHN'S, (Thursday,) December 21, 1837.

In the case of the Hon. Henry John Boulton, Chief Judge of the Supreme Court of this Island, versus Messrs. Morris, Kent and Nugent, for an alleged libel, the rule to shew cause why an *alias distringas* should not be issued for the summoning of a Jury for the trial of the case on this day (Thursday,) was discharged on Saturday last—the Hon. Judges Des Barres and Brenton being of opinion that they were not competent to form a Supreme Court for the trial of the cause.

We have perused, with some attention, the remarks of our cotemporary of the *Ledger*, in his last number, on the subject of the Judges' decision in this case, and we feel called upon to state that we differ *in toto* from the conclusion at which he has arrived. From the first mention of the Chief Judge's action, against the above defendants, we were clearly of opinion that without a Chief Judge as well as two Assistant Judges, the Supreme Court could not be legally constituted. Our opportunities of inquiry amongst the best informed of our fellow-citizens, confirmed our opinion; for we discovered that a large majority of them entertained views similar to our own on the subject; and the only doubts that existed on our mind respecting the incompetency of the two Assistant Judges to form a Supreme Court, arose out of our high opinion of the Chief Judge's legal knowledge, from which we drew the inference that he would not have hazarded consequences likely to result from failure, could he contemplate the least probability of defeat.—this consideration, and this only, served in some degree to shake our faith in an opinion formed merely on a plain common sense interpretation of the provisions of the Charter. But on hearing the arguments of the Judges as delivered by the Hon. Judge Brenton in Court on Saturday we felt all the conviction of the illegality of forming a Supreme Court that should be composed otherwise than of a Chief Judge and two assistant Judges, and we cordially concurred in the decision which was then pronounced. We had thought that, with the strictest determination to administer justice to both parties, an insensible bias might incline them toward the plaintiff in this action, and unconsciously influence their judgment. With this impression we looked anxiously for the issue, and when we found that the Hon. Judges, after their

most deliberation, confirmed the opinion entertained by a large portion of the intelligent part of the community, with reference to this interesting case, we no longer felt a shadow of doubt that they had come to a conclusion perfectly in conformity with the spirit of that Charter, which seems to have been their guiding star in forming a judgment on this question.

On examining the arguments of the assistant Judges, we do not perceive the *Ledger's* statements borne out respecting what he considers the incongruity of the two Judges sitting and performing all the functions of a Supreme Court, and afterwards declaring themselves no Court at all. Now it appears that the Judges Des Barres and Brenton performed no functions of a Supreme Court in this case, but those which were absolutely necessary for determining a question which they had not probably contemplated would have been raised before them, but which, when raised, it became incumbent upon them to decide.

Upon a careful review of the whole matter, we are of opinion that the Judges Des Barres and Brenton not only exercised sound judgment and legal skill, but also great delicacy throughout this somewhat novel proceeding; and we are quite sure that we shall gratify our readers by the insertion of the annexed Judgment in the case delivered by Mr. Justice Brenton for Mr. Justice Des Barres and himself on Saturday last:—

JUDGMENT.

This is a rule to show cause why an *alias distringas* should not issue, returnable on Thursday next, and why that day should not be peremptorily fixed for the trial of this cause.

Before we can decide upon the granting or refusing the object of this rule, viz. the issuing of the *distringas*, and the appointment of a day for trial, we must first dispose of a preliminary question, which affects the constitution of the Court as composed of Mr. Justice Des Barres and myself. The Question which has been raised for our consideration, and which was raised by the Defendants on the first day of the Term, is this—

Can two Assistant Judges, or one,—for the argument goes to that effect—constitute the Supreme Court of this Island for the trial of this or any other action?

This is certainly a very grave question, and one in which not only the Parties to the present suit, but the Public, also, are deeply interested. We have approached it therefore with no small anxiety, but having after due deliberation formed an opinion upon it, we are now prepared to deliver it.

The Supreme Court of this Island derives its authority from the 5 Geo. 4, cap. 67, and from the Royal Charter founded upon it; and unless we can discover in the terms and expressions of either of them, that two Judges can constitute such Court, we shall not feel ourselves warranted in deciding that we can proceed to the trial of this cause.

The first section of the act authorizes His Majesty, by Letters Patent, to institute a Superior Court of Judicature in Newfoundland, to be called the Supreme Court of Newfoundland.

By the second section, the said Supreme Court is directed to be *holden* by a Chief Judge and Two Assistant Judges.

Now what is the obvious meaning of these expressions?—can any person who hears them read, entertain a doubt for a moment as to that meaning?—can it be supposed that the words "a Chief Judge and two Assistant Judges," mean only a Chief Judge without Assistant Judges, or two Assistant Judges without a Chief Judge, or one Assistant Judge alone? It appears to us that it would be an insult to any man's understanding to ask him the question, or whether in his opinion it could be the intention of the Legislature that the Court should be composed of less than three Judges, if its constitution and composition are to be derived from these expressions alone.

The learned Plaintiff himself must have been aware of the force and effect of them, when he thought it necessary to resort to the concluding part of this section, for words to qualify and control them;—the words to which he has referred for this purpose are these—"and the said Chief Justice and Assistant Judges shall respectively have and exercise such and the like powers and authorities in Newfoundland, and in all places dependent upon the Government thereof, as any Judge of any of His Majesty's Courts of King's Bench, Common Pleas and Exchequer, or as the Lord High Chancellor of Great Britain hath or exercises in England;" and from these words it has been contended, that although the former part of this same section directs the Court to be *holden* by a Chief Judge and two Assistant Judges, yet that any two or even one Judge are competent for that purpose, because the prior direction is controlled by the subsequent one, which gives to the Chief Judge and Assistant Judges the like powers with any Judge of the Superior Courts in England. Let us then enquire what are the powers and authorities of any Judge in England?—He can sit, in conjunction with his brother Judges, in the Courts at Westminster Hall, and he can sit alone in Chambers, for the purpose of disposing of business which may be done out of Court. All this is done and may be done by any Judge here, but has any authority been produced to shew, or can it be shewn, that any single Judge ever sat for the trial of an action at Law, in any of the Superior Courts in Westminster Hall, excepting at *nisi prius*? We have never heard of such an instance, and even if an authority could be produced to shew that it had ever happened, we should still consider, for the reasons we shall hereafter give, that it could not have been the intention of the Legislature, by the

terms of this section of the act, to legalize such a proceeding here.

But it is not to the act of the 5 Geo. 4th alone, that we are to look for the composition of the Supreme Court,—it is in the Royal Charter that we shall find its constitution and composition most clearly defined. The first section of the act, as already observed, authorizes His Majesty to institute the Court, and the Charter after reciting the act, in pursuance of the authority thereby given, grants, directs and appoints, that there shall be in Newfoundland, a Court to be called the Supreme Court of Newfoundland, and creates, erects, and constitutes, the said Court as a Court of Record. This is the creation and establishment of the Court,—then follows its composition—"and we do direct and appoint, that the same shall be composed of and *holden* by one Chief Judge and two Assistant Judges."—Can language be stronger, or more definite or descriptive, than that here used to designate the Supreme Court, and to confine its composition as a Court, to the Chief Judge and two Assistant Judges?

That this was the intention of the Legislature, we shall find again expressed in the third section of the act of the 5 Geo. 4th, wherein it is directed "that for the trial of all issues in fact before the Supreme Court at St. John's, a Term or Terms, or Session or Sessions of the said Court, shall be held at St. John's in each year, by the said Chief Judge and Assistant Judges."

Now, if according to the argument of the learned Plaintiff, the words in the latter part of the second section of the act, being subsequent to the direction of that section, as to the Supreme Court being *holden* by a Chief Judge and two Assistant Judges, can qualify and control such direction, we conceive the same argument may be used, and the same result applied, with regard to the direction of the third section of the Act, which being a direction that the Sessions of the Supreme Court should be held by a Chief Judge and the Assistant Judges, must necessarily control any inference, (for it is inference merely) to be drawn from the latter part of the second section, that either one or two Judges could hold a term of the Supreme Court:—directions of the Act and Charter, so positive and certain as these; and to which we have referred as to the composition of the Court, appear to us although they are affirmative only, to exclude the idea that it could have been in the contemplation of the Legislature, that the Court should be formed or holden in any other manner than therein so plainly prescribed; had they otherwise intended, we conceive that they would not have left it to be inferred from any expressions they have used with regard to the powers and authorities of the Judges in the latter part of the second section of the Act, that such was their intention; or that any two Judges instead of a Chief Judge and two Assistant Judges, might at any time form the Supreme Court, but would in express terms have declared that such was their meaning and intention; so as not to leave so important a point a matter of cavil or of doubt. Nothing however can in our opinion, be more repugnant to such a construction of the act, or more decidedly mark the unwillingness of the Legislature to allow the Supreme Court to be under any circumstances, holden in any other manner than by a Chief Judge and two Assistant Judges, than the proviso to the second section of the Act; by this proviso, they have sedulously guarded against the inconvenience or injury to which the public might be exposed, from the circumstance of the bench not being always full; by authorizing the Governor to appoint an Acting Chief or Assistant Judge, during the existence of the various contingencies therein enumerated; including almost every possible case in which a Judge would be prevented from performing his duties, and to which duties he might return, whenever the cause that should have induced him to retire from the Bench should have ceased. In adverting to this proviso, the learned Plaintiff has contended that it could not have been in the contemplation of the Legislature to have included in it a case like his own, where his privilege entitled him to sue in his own Court, and where a refusal on the part of two Judges of that Court, to take cognizance of his cause, would be depriving him of that privilege, and operate as a denial of that Justice which he had a right as well as every other suitor, to claim at their hands:—much was also said upon the absurdity of that construction of the act, which would always require three Judges on the Bench, and an extraordinary case has been put to evince it, of an Acting Chief Justice trying the plaintiff's cause, and retiring before a verdict, to make way for the plaintiff to resume his seat on the Bench, and his duties in the trial of other causes; now, as respects the absurdity of any construction we may feel ourselves compelled to put upon this act, if there is any absurdity in it, which we by no means admit, the Legislature are alone answerable for it, by making use of terms and expressions to which no other rational meaning could, in our opinion be attached, than that which we have given to them.—if in the case put by the learned Plaintiff, and which we sincerely hope never will, and as sincerely believe never could occur, it would be ridiculous and absurd for two Chief Judges to be playing the part which he has assigned to them; we would ask would there not be an equal, if not greater absurdity, in having a Court composed of two Judges only, who might, and probably would, differ upon many of the points raised before them upon which there could consequently be no decision; who having equal power and authority, might both of them address the Jury, and perplex and confound them by contradictory statements—giving them directions totally opposite to each other,

so that no verdict could be obtained, or if obtained, no judgment entered upon it. And would not be one of the most absurd as well as monstrous consequences to arise from such a state of the Court, that it might be exposed to indignity and insult, which from the want of a proper agreement between the Judges, there might be no means of repressing and punishing, and the Court be thus lowered in the public estimation:—it never could have been the intention of the Legislature, that the Judges of the Supreme Court of this Island should by possibility be placed in this situation. They have guarded, we conceive most effectually against it, by making the Court to consist of three Judges, from which formation, the opinions of two would be the judgment of the Court in all cases. It is true that until within these late years, the Courts of Westminster Hall did consist of an equal number of Judges, viz. four, which at times, though rarely, left them divided in opinion, upon questions brought before them in term time, though not in trials. The inconvenience and injury to which suitors were sometimes exposed from this circumstance, had, we have no doubt, an equal influence with the press of business in the Courts, in causing an alteration in their composition, by making them consist as they now do of five Judges each. Upon the subject of the plaintiff's privilege to sue in his own Court, we have only to observe, that there were other courses open to him, as he well knows, by which he might not only have obtained the exercise of that privilege in its fullest extent, but have had ample justice done to him by a Court properly constituted, if he has not thought proper to adopt either of these courses, but has preferred appealing to us as a Court, which we think we are not competent to form; we do not conceive there can be any reasonable ground for complaint by our deciding a question against him, which, if another and more obvious course had been resorted to by him, need not have been raised.

It is not true that the construction which we have put upon the act would deprive the Judges of the Supreme Court of this Island, of the same remedy in case of their suing or being sued, with other suitors—their own Court would still be open to them, by resorting to the proviso to the second sec. of the Act, which evidently comprehends such a case, or they might sue in the Circuit Courts.—But if the Legislature, not contemplating the novel case of Judges *suing or being sued*, have not sufficiently provided, which we think they have, against this contingency, it remains for them, and not for us, to supply the remedy by such enactments as shall legalize the course of proceeding, which the learned Plaintiff contends for on this occasion.

In answer to the argument he has used with respect to our opening of the Court on Wednesday the 6th December, and transacting business therein all that day; the learned Plaintiff knows that he was in *Chambers in the Court House*, when the Court was so opened, and therefore *constructively* present, and that no business, excepting the hearing of arguments in his *own case*, was transacted by the Assistant Judges, until he had taken his seat on the Bench; a clear proof that they did not consider themselves as a Court for business, until he was either actually or *constructively* present;—but could such a *constructive* presence be admitted, when the Chief Justice should have descended from the Bench to the floor of his own Court, to prosecute his own cause; we leave it to the common sense of any person who hears us, to answer this question?

The learned plaintiff has produced a number of authorities of the highest description, but after carefully looking into them we are at a loss to discover their applicability to the present question—they appear to us merely to establish principles and doctrines with which, as Judges, we ought to be familiarly acquainted, or we are unfit to occupy the places we fill on this Bench,—but neither from them or from the arguments used by the learned plaintiff in support of this rule, do we feel ourselves warranted in putting that construction upon the act of Parliament and Charter, which would give to two Judges of the Supreme Court, either together or respectively the powers and authorities which, by the express terms of both Act and Charter were to be exercised by one Chief Judge and two assistant Judges collectively. In this view of the subject, we feel confirmed by what we know to have been the opinion of the late Chief Justice Tucker, who first presided as Chief Justice of the present Supreme Court. We have also ourselves, on more than one occasion, expressed in substance the same opinion, in our correspondence with Sir Thomas Cochrane, the late Governor of this Island; we cannot, therefore, without an abandonment of the sentiments and opinions we have hitherto entertained and deliberately expressed on this point, and from which we now see no reason to depart, establish by our present judgment a novel constitution of the Supreme Court of this Island, essentially different from that which has been deemed for these eleven years past, as its only true and legal constitution—or consider ourselves, without the appointment of a Chief Judge, as the Supreme Court of this Island, constituted and composed pursuant to the act of 5th Geo. 4th, and the Royal Charter. In forming this opinion, we have been uninfluenced by any other motives, than those of a sincere desire faithfully to discharge our public duty, to the best of our ability and judgment. That we may not be wrong we do not venture to assert—to err is the lot of humanity. But if we have fallen into error in deciding upon this highly important question, it has not been from the want of a due consideration of it, or of an anxious wish to arrive at that conclusion upon the subject, which would most conduce to the ends of public Justice.

If we have erred, we have only erred in common with some of the brightest luminaries of the law in Great Britain, who have also erred in the opinions they have formed upon points of vital importance to their country. Our error, however, whatever it may be, can be corrected by a higher tribunal; and though we may, and certainly shall regret, the inconvenience or injury to which it may expose any of the parties to this action, we shall have the consolation of knowing, that according to the tenor of our oath of office, and we thank the learned Plaintiff for referring us to it,—we have conscientiously endeavoured “to deny to no man common right, but to do equal law and execution to all Her Majesty’s Subjects, rich and poor, without having respect to any person whatever” Rule discharged.

Married, on Tuesday evening last, by the Rev. F. H. Carrington, STEPHEN OLIVE PACK, Esq. merchant, Bay Roberts, to EMMA, second daughter of George Bayly, Esq., Controller of Her Majesty’s Customs of this port.

Died, on Tuesday morning last, after a protracted illness, ANN, wife of Mr. James Cullen, aged 38 years—deeply regretted, not only by her afflicted family, but by a large circle of friends and acquaintances. Her funeral will take place from her late residence, near the premises of Messrs. Rennie, Stuart & Co., to-morrow at two o’clock, when the friends of the deceased were respectfully requested to attend.

Shipping Intelligence.



Custom-House  
Port of St. John’s.

VESSELS (ENTERED.)

Dec. 15.—Champion, Manning, Cape Breton—58 tons coal.  
Kingaloch, Stanton, Cape Breton—100 chalds. coal.  
16.—Blandford, Field, Cape Breton—90 chaldrons coal  
Margaret Helen, Cape Breton—75 chalds. coal.  
19.—Nine Sons, Price, Madeira—ballast.

VESSELS (LOADING.)

Dec. 16.—Vestal, Wright, Liverpool.  
19.—Eling, Luens, Cork.  
Alamode, Bartlet, London.  
20.—Salima, Hayes, Cork.

VESSELS (CLEARED.)

Dec. 16.—William Rufus, Bennett, P. E. Island—20 bags bread, 19 tons salt.  
19.—Hope, Cooper, Waterford—3000 galls. oil & blubber, 2000 qtls. cod fish, and sundries.  
Sarah, Sharp, Cork—24,000 galls. seal & cod oil, 500 oak staves, and sundries.  
Stork, Grills, Oporto—3800 qtls. cod fish.  
Porcia, Halihard, Brazil—2500 qtls. cod fish.

DEPARTURES.—In the Sarah, for Cork, Mr. W. Ryan, Mr. W. Bond.

Sales by Auction.

THIS DAY,  
At 10 o’clock,

ON THE WHARF OF

J. & J. Kent,  
2 Fat OXEN,

December 21.

THIS DAY,  
At 11 o’clock,

BY

JAMES CLIFT,

- 24 Silver Watches
- 1 Time-piece
- 2 Dozen Watch Seals
- 2 Dozen Watch Keys
- 2 Dozen Watch Chains
- 4 Dozen Snuff Boxes
- 20 Dozen Necklaces
- 30 Dozen Back, Side, and Dressing Combs
- 1 Dozer Butter Knives
- 22 Fowling-pieces, 1 Rifle
- 1 Dozen Looking Glasses
- 1 Brass Fender, 1 Bronze ditto
- 1 Iron Bedstead
- 1 Chest Drawers
- 1 Carpet
- 1 Easy Chair
- 2 Bedsteads
- 4 Hearth Rugs
- Regatta Shirts, Printed Cottons
- Canvass Frocks, &c.
- 1 Covered Sleigh
- 1 Double ditto
- 1 Single ditto
- 1 Sulky, and capital Set Harness,
- 1 Buffalo Skin
- 1 Hall Stove,

And sundry other Articles.  
December 21.

For HALIFAX.

THE FIRST-CLASS SCHOONER

Anastatia,

For FREIGHT or PASSAGE

Apply to

BAIN, JOHNSTON & Co.

December 7.

Sale by Auction.

At the Commercial Room,  
TO-MORROW,

(Friday, the 22d inst.) At 12 o’clock,

If not previously disposed of by Private Bargain,

THE BRIG

ROWENA,

Burthen per Register 108 Tons (old measurement,) now laying in this Port. A very desirable Vessel for the general purposes of the Trade; she is in all respects well found, and in excellent order, and has most of the Materials for the Sealing Voyage.

Inventory may be seen, and further particulars known, on application to

December 21. CHARLES McCALLUM

On SATURDAY next,

The 23d Inst., at 12 o’clock,

AT THE STORES OF

RICHARD HOWLEY

3 DOZEN Bottled Fruits, (preserved) viz.—Cherries, Plumbs, Green Gages, Gooseberries, &c.

6 Dozen Black and Red Currant, Strawberry, Apple, and other Jellies,

6 Dozen Harvey and other Sauces

3 Ditto assorted Pickles,

6 Ditto Mustard, in small packages,

10 Ditto Cherry Brandy } In Pints

10 Ditto Raspberry Do. }

10 Ditto Prime Sherry Wine

4 Qr.-Casks Port Ditto,

10 Burels Paste Blacking, in small pots

2 Cases Sparkling Champagne, in pints

50 Half-boxes London Mould Candles

3 Dozen London Calf Skins

2 Ditto Wellington Boot Legs

10 Hhds. Cognac Brandy

4 Ditto Hollan’s

And sundry other Articles to close Sales.

December 21.

On THURSDAY

Tue 4th January,

At 12 o’clock,

(Without Reserve.)

If not Previously disposed of by Private Contract,

ON THE WHARF OF

John & James Kent,

THE FINE NEW SCHOONER

Victory,

Burthen per Register 105 tons, new measurement, with all her materials.

Terms of payment made known on day of sale.  
December 21.

Notices.

TREASURY BILLS

THE ASSISTANT COMMISSARY GENERAL will receive Sealed Tenders until 12 o’clock, on TUESDAY, the 2d January, 1838, for a supply of Spanish or Mexican DOLLARS to the amount of

£4,000 Sterling,

to be raised by Bills at 30 days’ sight on the Rt. Hon. the Lords Commissioners of Her Majesty’s Treasury.

The rate of Exchange, in Pence, per Dollar, and the amount tendered, also in Sterling, must be expressed in words at length.

Answers will be given at this Office, at 10 o’clock, on Wednesday, the 3d January.

Commissariat, St. John’s, Newfoundland,  
18th 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 PUNTEY,  
THOMAS CHANCEY, } Commissioners.  
Harbour Grace, 13th November, 1837.

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 here, and persons wishing to engage FREIGHT or PASSAGES may secure them before her sailing from hence, by applying as above.

On Sale

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 dol.
  - 4 Ditto Superior ditto
  - 2 Pipes
  - 10 Hhds } PORT WINE.
  - 12 Qr.-Casks }
  - 25 Hhds. fresh PORTER
- Ex Anastatia 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 56x80 and 60x90, which would be sold very low for prompt payment

DANIEL FOWLER.

November 2.

Provisions, Dry Goods, &c.

BULLEY, 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.

To be Let.

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 Bed-room, 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.

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

SALE OF VALUABLE  
BAYED PROPERTY.

The Executor to the Estate of the late

JOHN BROOM, Esq.,

WILL DISPOSE OF

At Auction,

On TUESDAY, 30th January next,

At 12 o’Clock,

ON THE PREMISES,

ALL the Right, Title, and Interest of the late JOHN BROOM, Esq., in the UNDERMENTIONED PROPERTY:—

All that Piece and Parcel of LAND situate and being in the town of St. John’s, bounded on the North by part of Lady SHIP’S Room; on the East, by Ground, the Heirs and Assigns of the late STEPHEN KNIGHT; on the South, by Water-street; and on the East, by Queen-street; held by the late JOHN BROOM, Esq., under lease from the Crown, bearing date 8th October, 1835, for the term or time of 30 years, from the 1st September then last past, at the yearly rent of £30 sterling, payable on the 1st September of each year. And for one further term of 30 years, free of fine, on which is erected that superb Block of Buildings, comprising Three Tenements, now in the occupancy of Messrs. JOHN DILLON, THOMAS WILLIAMS, and GEORGE J. HAYWARD, and which will be Sold in the following order:—

Lot 1.—All that spacious Dwelling House, Out-houses, and Premises, part of the above Block and Premises, now in the occupancy of Mr. JOHN DILLON, and held by him under lease from the late JOHN BROOM, Esq., for the term of 21 years, from the 20th April, 1833, at the rent of £32 10s. currency, payable half-yearly.

Lot 2.—All that Dwelling House and Out-houses, part of the above Block and Premises, now in the occupancy of Mr. THOMAS WILLIAMS, at a Rent for the present year of £80 currency.

Lot 3.—All that Dwelling House, Out-houses, and Premises, part of the above Block, now in the occupancy of Mr. GEORGE J. HAYWARD, and held by him under lease from the late JOHN BROOM, Esq., for the term of Seven, Fourteen, or Twenty-one years, at the yearly rent of £42 currency, of which 12 years are unexpired.

Lot 4.—All that plot of cultivated Ground, containing about One Acre and Twenty-seven Perches, situate and being at the North-east angle of the Pennywell Road; on the West, by the said Road; on the North, by a Road leading from Maddocks towards the East; and on the South, by Ground leading to the late JOHN WILLIAMS’S property; held by the late JOHN BROOM, Esq., under Grant from the Crown, for the term of Thirty years, from the 24th October, 1803, at the yearly rent of £1 2s. sterling, payable on the 1st September of each year, renewable at every further term of Thirty years, at the same rent, on payment of a fine of £4 sterling.

Lot 5.—All that pleasantly-situated and well cultivated Land, lying and being on the Barrage, near Fort Townsend, containing 4 Acres and 1 Perch (on which has lately been built a neat Cottage and Out-houses), forming a boundary of Ground attached to the Garrison, and bounded thereby on the South-east, one hundred and seven yards to a Road leading North-west to Fort Townsend; and by that Road, one hundred and eighty-seven yards, to Ground leased to the late JAMES GILL; and by that Ground East by North about one hundred and forty-three yards; then about South-east by Ground held by HUNTERS & Co., about one hundred and fifty yards to the Military Trench, held by the late JOHN BROOM, Esq., under Grant from the Crown for the term of Thirty years from the 1st October, 1813, subject to a yearly rent of £1 sterling, payable on 1st September of each year, renewable on every further term of Thirty years, on payment of a fine of £4 sterling, which said piece or parcel of land is now in the occupancy of Mr. JOHN PERKINS, and held by him under lease from the late JOHN BROOM, Esq., for the term of Twenty-one years, from the 31st October, 1830, subject to the rent of £14 sterling, payable half-yearly.

Lot 6.—All that piece or parcel of Cultivated Land, situate on the North Side of the road leading from the Town to Fresh Water, bounded on the East by ROBERT DOOLING’S Land; on the North, by JAMES TRACY’S Land; and on the South, by JOHN HARVEY’S Land; and containing about 2½ Acres; which said piece or parcel of Land was assigned in fee to the late J. BROOM, Esq., from T. H. BROOKING, Esq. under date the 1st Nov. 1827, and is now under lease from him to EDMUND COLLBERT for the term of 31 years from the 18th May 1832, subject to the rent of £10 currency, payable half-yearly; and the covenant to build a part or parcel, of the said land within the term of five years, a substantial Dwelling-House, of not less than 25 feet in length, 20 feet in width, and 14 feet from sill to wall plate.

December 19

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.

Poets' Corner.

CONCILIATION.

BY T. HOOD.

How strange it is while on all vital questions  
That occupy the House and public mind,  
We always meet with some humane suggestions  
Of gentle measures of a healing kind,  
Instead of flesh and vigour,  
The Saint alone his preference retains  
For bills of penalties and pains,  
And marks his narrow code with legal rigour!  
Why deem us worthless of affiliation,  
What men of all political persuasion  
Extol—and even use upon occasion—  
That Christian principle, conciliation?  
But possibly the men who make such fuss  
With Sunday pippins and old Trots infirm,  
Attach some other meaning to the term  
As thus:

One market morning, in my usual rambles,  
Passing along Whitechapel's ancient shambles,  
Where meat was hung in many a joint and quarter,  
I had to halt awhile, like other folks,  
To let a killing butcher coax  
A score of lambs and fatted sheep to slaughter,  
A sturdy man he look'd to fell an ox,  
But-fatted, ruddy, with a formal streak  
Of well-greased hair down either cheek.  
As if he dee-dash-dee'd some other flock's  
Besides those woolly-headed stubborn blocks  
That stood before him in vexatious huddle—  
Poor little lambs, with bleating wethers group'd,  
While, now and then, a thirsty creature stoop'd  
And meekly snuff'd but did not taste the puddle.

Fierce bark'd the dog, and many a blow was dealt,  
That hon, and clump, and scrap and saddle felt,  
Yet still, that fatal step they all declin'd it,  
And sham'd the tainted door, as if they smelt  
Onions, mint sauce, and lemon juice behind it,  
At last there came a pause of brutal force,  
The ear was silent, for his jaws were full  
Of tangled locks of tarry wool,  
The man had whoop'd and bellow'd till dead hoarse,  
The time was ripe for mild expostulation,  
And thus it stammer'd from a stander-by—  
"Zounds!—my good fellow,—it quite makes me—  
why,  
It really—my dear fellow—do just try  
Conciliation!"

Stringing his nerves like flint,  
The sturdy butcher seized upon the hint,—  
At least he seized upon the foremost wether,—  
And hugg'd and lugg'd (and tugg'd him neck and crop  
Just *volens volens* through the open shop—  
If tails come off he didn't care a feather,—  
Then walking to the door, and smiling grim,  
He rubb'd his forehead and his sleeve together—  
"There! I've conciliated him!"

THE FERRYMAN'S DAUGHTER.

A RHINE SKETCH.

By T. C. Grattan, Esq., author of *Highways and Byeways*.

It is a pleasant arrangement among the peasantry of all countries, that the 'daily bread' for which the fathers work so hard is brought to them by one of their children. This may appear a small matter; but time and circumstances often give great importance to small matters. The precision with which the German labourers rest from their toil at ten o'clock in the morning, would of itself make one attach an exclusive value to that chosen hour. The thought that so many thousands of rural workmen are at that given moment reposing on the broad lap of nature, picturesquely served by their sons or daughters, and taking their simple refreshment with wholesome appetites and thankful hearts, is a pleasant thought. It puts one in good humour with nature. It is pleasanter still to look closely on some group in your field or in your garden so employed, and the preparatory hand-washing in the nearest fountain or stream, might prepare you to expect a ceremony more elaborate than that of sitting down to eat a section of dry brown bread—poetically called *black*—for the national motto of Germany, *Schwarzbrod und Freiheit*, is as much an exaggeration of fancy with regard to the food as to the freedom.

This is the *morgen-brod* of Germany, and the *abend-brod* is an *entremet* for four o'clock—a connecting link between dinner and supper. How happy is the man whose wife can afford to send him a jug of coffee at these middle meals; and happy was Johan Reisacher. Not that he had a wife at the time I knew him, but just a maiden sister who made his bed, his soup and his coffee, with due attention and regularity. He had, however, a daughter—the child of his old age, the consolation of the widower, his every day companion out of school hours, the knitter and mender of his stockings, and the Hebe of his *abend-brod*.

Susannah Reisacher was one of those hardy, straight-forward, strong built and sober minded children that we meet with now and then, and at the first glance assure ourselves that be their condition what it may, they will inevitably make the best of it, and thrive progressively through life, without any other distinction than that of always doing their duty. Susannah fully bore out the promise of her countenance. She was one of the most diligent and orderly scholars of Sabasch school, the most attentive to the duties of household affairs, and steady beyond comparison in those she owed to her old father and her elderly aunt. She was 12 years old when she first attracted my notice; and her father had been ferryman of Sabasch, in the district or parish of Breisach, for more than double that number of years. And it must be confessed that old Reisacher had the appearance of one who had been blown about by the east winds of life. He looked more worn than his thread-bare gray jacket, and yet there was an air of precaution and economy about him that promised an unusual length of days, both to himself and his wardrobe. He was the oracle of his village, and a remarkable man in his way. He could ascertain when a dog or a cow had been looked at by an evil eye, and if invoked, would counteract this spell, by burning certain withered leaves at night in presence of the afflicted quadruped. He could, moreover, stop the gaping mouth of insignificant wounds by the mysterious utterance of the two or three sentences (which no one ever heard,) and these—when assisted by cob-webs, or certain chewed leaves—had been known to produce miraculous results.

But I must not trust myself with the precise detail of his many superfluous accomplishments. Let those already mentioned suffice; and let him stand out in my picture as a part and parcel of a group in which he does not form the principal picture—an adjunct of that deep rolling river on which my scene is laid, in which he enthusiastically gloried, from a conviction that he somehow—he knew not how—belonged to it or to him. He often used to say, as he looked on it in his angry moods, that it was '*gastlich schon*,' which is, being interpreted, 'horridly beautiful,' and such it certainly was on the day that forms the epoch of my sketch.

It was within a few minutes, more or less, just four o'clock, on the 15th September, 1831, when I resolved to cross by the Sabasch ferry, and resume my evening walk on the other side of the river; for the mid-day meal had been long over, and like all eaten bread soon forgotten. But on approaching the well known boat, I paused to observe the innocent appropriation of the hour, on the part of my old acquaintance and his young attendant. There stood Susannah in the middle of the boat—her feet and legs unconscious of shoes and stockings; and there sat old Johan at one end of it, indulging in all the garrulous greetings common to the proprietors of wrinkles and gray hairs. The coffee jug, which he at times applied to his lips, seemed to liquidize his imagination, and from his smiles and gestures, I could fancy him in a diluted state of feeling altogether amiable. The *schwarz-brod* remained beside him for graver discussion. But just at this moment I was unfortunately perceived, and the meal came to an untimely end.

With all the ready bustle of one who wisely and habitually considers his business as of more importance than his ease, friend Reisacher rose from his seat, laid his hand on the oar, declared himself ready, with his usual obstinate activity; and on my stepping into the boat, he proceeded to make his angular transit, first against the current, and then with it, with geometrical precision, and in five minutes we were on the opposite side of the river, which moved on in a sullen swell, reflecting the dark and heavy autumn clouds, that rolled slowly above. During those five minutes, I had succeeded in tempting the venerable connoisseur to accompany me to a village not quite half a league from the ferry, for the purpose of looking at a wood ranger's horse, which, making liberal allowance for the errors of his education and its potatoe diet, was very much the sort of an animal that I had a mind to purchase.

'Susannah, child,' said the old man, 'keep the boat here, and wait for me, I shall be back in three little half hours. Let no one persuade you to cross, for the wind is rising, and the current is very strong; and the weather seems upon the change: I feel that we shall have a squally evening. But I shall be with you in time to take you home, and excuse you from your good old aunt Lena's scolding for staying out so long.' And so saying, he drew it up, coiled the rope round a tree hard by, and away we went, the weather seer carefully avoiding to look up at the sky, (which could have told any fool that bad weather was coming) lest his atmospheric sagacity might appear less profound than he meant to believe it.

Susannah took out her blue worsted stocking, and multiplied its parallelograms, comfortably indifferent to the cold gusts that swept across the valley.

But after a time, the heavy cloud which old Reisacher preferred not seeing, and the chilling wind which his daughter seemed determined not to feel, began to burst and hiss; and a sudden stop was put to one of my companion's vain-glorious panegyrics on his own infallibility of judgment in matters of horse flesh, by a loud crash of thunder.

'There will be a storm,' said I.  
'Aye, indeed there will; but I scarcely thought it would be so bad as what is coming,' replied Johan, thoughtfully, and staring full in the face of the

lowering sky. 'Yet the child need not get wet for all that, unless she likes it; for is not there the old tarpaulin and the oars, whereof she can make covering.'

I saw clearly that old Reisacher was appealing to himself, rather than to me, so I waited until his inclination prompted him to step out faster on our way to the wood ranger's house, which we at last reached, as nearly wet through as it was possible to be. The wood ranger was at home, but the horse was not; and the storm increased, and so at last did the father's anxiety about his only child.

'I must go back,' said he, gazing from the eminence we stood on, back towards the Rhine; 'Susannah will be frightened. Pray look at the river, sir, I never saw it more furious, and never so suddenly aroused. It is *gastlich schon*. Isn't it?'

'It is a fine sight to look at from this safe distance,' said I; 'but it has few charms for the poor fellows in that boat, that is tossed about so roughly.'

'Tis true for you, sir; I doubt if it be not in great danger,' observed Johan, eyeing keenly the wave-buffed little craft to which I called his attention. It was heavily laden with a large freight of firewood, so heavily that even in the smoothest weather the gunwale would have touched the water's edge. It was in the middle of the river, endeavouring to force its way up against the stream, by the aid of a square and tattered lookingsail, but every effort of the men who managed it was baffled by the extreme violence of the waves, which we could plainly see washing clear over it from stem to stern.

'I'll just wish you good evening, sir, and hurry on to the ferry; and I hope the boat may have succeeded in passing it before I arrive, for that ledge of rock just above the station is hard to steer past in such a dreadful squall,' said my companion with a benevolent anxiety. But I was not disposed to part with him thus. The dangers to which the unhappy boatmen were exposed, was attraction sufficient to lead me to the scene; and old Johan and I proceeded rapidly together on our way back, hurried silently forward by the force of mere excitement, and never losing sight of the struggling vessel, which, though it made scarcely any way, was nevertheless gaining on us, as we approached the ferry in a now nearly parallel line with the river.

Every moment that led us nearer, showed us the increasing peril of the frail craft; and I thought I could distinguish at times a despairing cry for aid from the two men who were imperfectly managing her, and whose gestures, as she was heavily tossed to and fro by the angry swell, spoke a plain story of terrified helplessness. A hollow in the road made us lose sight of her for a few minutes; and as we ascended again in breathless impatience, we caught a new view, which confirmed our worst forebodings. The boat, either from the rudder being unshipped, or the man at the helm being washed down by a wave, had turned completely round, and was swept across to almost the other side of the river, by the strong side wind, and the violent eddy. Every wave threatened to swamp it altogether, and it was drifting fast into the ledge of rocks alluded to by Reisacher, and over which there was a loom of breakers scarcely to be believed by any one who has not seen the Rhine in one of its angriest moods. We were now within a few hundred yards of the ferry.

The cries for help were less frequent, for there was to all appearance no help at hand. Four or five peasants, men and women, stood at different points on the banks, throwing up their hands and screaming unavailing advice or consolation to the poor boatmen; and now and then the dismal echo of their shouts was felt rather than heard, as I and my old companion ran along the slippery road.

In a few minutes more the boat drifted into an eddy most particularly dreaded by the old ferryman.

'It's all over with her now; and there she goes, sure enough!' exclaimed Reisacher, as a powerful wave caught the boat under the side and turned it keel upwards.

'They must be lost before we can reach the river,' added he, as he caught at the railing by the road side overcome by agitation and exertion while I stopped to recover my breath, and stared down into the river from the precipitate bank. The rain now swept in sheets up the stream, and almost hid every object upon it; but I fancied I distinguished, like a phantom boat in the mist, old Johan's skiff, striving to plunge through the waves, and rocked like a cradle by the opposing influence of wind and tide.

'No, it cannot be! Yet—yes, it is, it is Susannah striving to steer towards the wreck!' exclaimed I, involuntarily. The old man's eyes, dim from age, but their vision quickened from affection, were fixed like mine, in straining scrutiny, and when his gaze was sure of its object, he cried out in a tone of bitterest anguish—

'Oh, my child! My Susannah! It is her—it is the boat. She will perish. Oh! save her! save her! Her Gott!' And with incredible speed he darted away from our resting-place. I soon overtook him, and supported him on my arm, as he tottered, panting and exhausted to the tree against which his little skiff had been erewhile coiled. We now saw it within fifty yards of us on the boiling surf, and the heroic child—her young heart buoyant with pity's life blood—working her helm like oar with all her strength, and looking pale and stern at the rain and the waves, which drenched her through and through, at the furious wind which had loosened her long hair, and sent it streaming around her, and at the broad lightning, which gave, at intervals, a supernatural

hue to her whole person. She was in a minute or two more, in the power of the formidable current, in which the half drowned men now clung to their boat, and she was nearly in as much danger as they were. It was a moment of actual distraction for her father, and of indescribable awe to me, I shall never forget the sensation of that fearful interval of suspense.

The grey headed old man now gasped convulsively, and wildly stretching forth his arms, he flung himself on the earth, as if to shut out the scene of almost inevitable death. The despairing men were, with hoarse, faint voices, hailing and cheering on the intrepid girl, and giving what snatches of instructions they could utter as to the means of approaching them. But alas! the utmost strength of a child, fortified, as it must have been, by a powerful feeling of religious confidence and a noble courage, was insufficient for so severe a struggle; and I had the deep anguish of seeing the wreck, and the forlorn brothers, who hung upon it, with a fierce yet enfeebled grasp, swept by within a dozen yards of the ferry boat.

At this moment old Reisacher started up, and he would have plunged into the merciless river, had I not forcibly held him back—but, screaming louder than the storm, his voice now reached Susannah, and it seemed at once to paralyse all her power and skill. She cast her looks, by turn, on the wretched object, she would have saved and on the half maddened parent, who seemed rushing in a frantic effort to assist her.

At this crisis, Martin Buckholz, one of the brothers, perceiving that their combined hope of safety depended entirely on the possibility of his gaining the ferry boat—for his companion could not swim—he resolved to trust himself, inexperienced, exhausted and encumbered as he was, to the chances of the torrent. He slipped into the river, struck out his new-nerved arms to buffet every wave, and rolling and plunging with the fierce energy of despair, he little by little, approached the skiff. Susannah regained her presence of mind, and she laboured at her oar with renewed strength and redoubled efforts. She soon met the bold swimmer; he grasped the prow—heaved himself up the side—caught the oar from his preserver's hands—and though now a considerable distance from the heavy rolling wreck, he came up with it just as his brother was fainting from exhaustion and terror, and lifted him safely into the skiff.

And now to describe old Reisacher's delight, quick following despair, as he saw the ferry boat bounding triumphantly across the waves, with its miraculously rescued freight,—the tears, the blessings, the thanksgivings,—the love, the pride, the gratitude!—all fell down in plenteous showers upon the head of his child, or rose up to heaven in fervent but silent thought.

Susannah—calm, modest and apparently unconscious in the midst of all our united praise and admiration—was destined to the conviction that she had done a virtuous and heroic action without knowing, at the time, it; uncommon merit.

The Grand Duke of Baden, on hearing the circumstance, was pleased to bestow a gratuity of 200 florins, on our little heroine, together with a medal as a special distinction, bearing the inscription, 'She trusted in God.' She was, when I last saw her, a year after the adventure, receiving the full benefit of an excellent education; for some voluntary subscriptions procured her many additional advantages; and she walked at the head of her village schoolfellows, in their daily promenades, with a step as composed, and a look as promising as before the event which has given her name its local immortality.

But since the year 1831, friend Reisacher has lost his old sister and given up the ferry. But the gratitude of Martin and George Buckholz does not allow him to want the comforts of a house in his old age; and I should not be at all surprised to hear at any day (for Susannah is now seventeen) that the gratitude of Martin, who is still unmarried, was about to give a still more permanent expression of his attachment to the young remaining member of the female branch of the Reisacher family.

GAMING IN ENGLAND.—Gaming in England prevailed at an early period. During the reign of Richard Cœur de Lion, and also that of John, the chances of the dice constituted the chief amusement of the great; and the length to which they were carried may be inferred from the fact that not even the pomp and chivalry of the martial field could allure them from the fascinating pursuit. Honour itself was sacrificed at the shrine of the unworthy and demoralizing passion; and this, too, by some amongst that gallant band of cavaliers to whom England is indebted for many of her choicest privileges and liberties. And if still stronger proof were wanting of the prevalence of gaming among the Anglo-Normans of those days, it would be found in the fact of the second of those laws which the 'intimately allied' kings of England and France drew up in 1190, for the government of the force fitted out against the Saracens, which related to this vice. It was carried to a daring excess in the reign of the dissolute Charles II., who may be said to have suffered adversity without having gained wisdom. That he even gambled with his boon companions may be gathered from a witticism of Rochester. 'I will bet my soul to an orange,' said the King, 'on the game.' 'If your Majesty will bet odds, I will take them,' rejoined the Peer,