



# Newfoundland

No. 558.

THURSDAY, April 5, 1838.

Sixpence.

### Notices.

#### SAVINGS BANK.

At the Annual Meeting of the Governors of the above valuable Institution, the following Resolution was passed—  
That in addition to the Three per Cent. interest on the amount of deposits, a Bonus of One per Cent. for One Year be paid on all Sums that had been deposited Twelve Months previous to the close of the accounts.

N. W. HOYLES,  
Cashier.

January 18.

#### FACTORY.

The committee of the St. John's Factory being desirous of employing an additional number of work people, will undertake, at very low rates, the making of any quantity of Cotton, Baize, or Canvas Shirts, Flannel, or Blanketing Drawers, Stockings, Cuffs, or any other articles of needle or knitting work.

J. JENNINGS,  
Secretary

January 18.

N. B.—Persons willing to support the Institution are respectfully requested to send material for such work as they may require, to the superintendent, at the Factory.

### On Sale.

#### PROVISIONS, &c.

Richard Howley  
HAS JUST RECEIVED

Per Barque BROAD OAK from Hamburgh,  
AND OFFERS AT REDUCED PRICES

- 200 Bls. prime new Mess Pork
- 200 Do. Superfine Flour
- 100 Firkins Holstein Butter
- 50 Bags Cabin Biscuit
- 350 Do. good common do.
- 100 Coils patent Russia Cordage, (Shroud and Hawser-laid) from 6 thread to 4 inch
- 20 Do. 2 and 3 yarn Spun yarn
- 3 Bales Marline, Hambroline, & Houseline
- 20 Cwt. Oakum
- 20 Bls. Stockholm Tar
- 25 Bales prime smoked Bacon } Recommended
- 20 Kegs pickled Ox Tongues } to families as
- 100 Westphalia Hams } very good
- A quantity of knit Yarn Hose and Gloves
- Deck Boots, &c. &c.

Also,

Per ELIZA and ANN from London, and other Importations,

- 15 Cases Cherry and Raspberry } By the Case
- Brandy, in pints } or Dozen.
- 5 Do. Sparkling Champagne, in } At cost and
- quarts and pints } charges by the
- 5 Cases Jellies,—viz., Currant, } package or
- Strawberry, Apple, &c. } low by retail.
- 10 Do. Pickles, Sauces, Durham } Mustard, &c.
- 30 Bls. prime bottled Sherry, at 25s. per doz.
- 5 Qr-Casks Old Port, at £10
- Benecarlo Wine in Pipes and Qr.-casks
- 8 Hhds. Cognac Brandy (Martell's brand)
- 20 Do. Charente and Bordeaux do. } In Bond
- 5 do. Skiedam Gin }
- 100 Boxes London Mould Candles
- 5 Dozen English Calf Skins

And now opening

An extensive supply of  
**Nautical Goods,**

Viz.—Charts, Quadrants, Telescopes, Almanacks  
Bunting, Flags, &c. &c.

And,

A general Assortment of Manufactures suitable  
for the Seal Fishery.

January 11.

N. B.—On draught, Cognac and  
Hollands, Genuine.

### Imperial Parliament.

HOUSE OF LORDS, FEBRUARY 2.

CANADA.

The order of the day for the second reading of the Canada Government Bill having been read, Lord GLENELG rose and said that in proposing to their lordships a measure which went to withdraw, even although for a short period only, a constitution which had been granted to one of our colonies, he felt he should have some difficulties; and if he were now called upon for the first time to make such a proposition, considering the importance of the subject, he felt he should have to trespass a considerable time on their lordships' attention; but he was relieved from that, inasmuch as the subject was not new—it had already occupied the house some time on a former occasion; and in recommending the second reading of the bill, he begged to remind their lordships that it had passed by a large majority in the other house of parliament, and he trusted it would meet with the approbation of their lordships. The nature of the bill was such, he felt, that it could only be justified by absolute necessity. That such a necessity existed, he trusted the house would agree with him in believing, as the papers upon the table, and the facts which were already known to the world, proved. Their lordships were aware that, between 40 and 50 years ago, a constitution was granted to Lower Canada, and for more than 20 years it had been in abeyance—at least parts of that constitution, to use a common phrase, had not worked well together; the result of which was, that for some few years the constitution had been almost paralysed. It would not, he apprehended, be denied that in Lower Canada the constitution was, in point of fact, suspended. He did not intend to stop here to inquire whether the Legislative Council or the House of Assembly, or both those bodies together, had caused such a state of things; but he stated the fact of the suspension of the constitution as a sufficient ground for the measure which he was compelled to propose. That being the state of things, the subject naturally reverted to the power first granting the constitution—viz., the parliament of the united kingdom, which was now called upon to interpose. He knew it had been said that, instead of having recourse to parliament, it would have been far better to call the House of Assembly together again, and make another experiment. But it was obvious that, to bring that assembly again into action, would only be to prepare the way for further disappointment, and further suspension of the functions of the constitution. There was only one way in which that assembly could proceed with its functions harmoniously, as at present constituted; he meant by conceding to the demands which had been made. But he would here ask what those demands were? They were various, and of such a description—but that which was the most vital was, the admission of the elective principle into the Legislative Council—that they could not be complied with. He need hardly call their lordships' attention to the fact that it was not many months ago since both houses of parliament had pronounced their negative to the admission of that principle. Parliament having pronounced that decree he considered it to be impossible to retract it. It should be recollected, when, in 1837, parliament refused assent to the principle, the Canadians had not then assumed a menacing attitude towards the mother country; and now that they had appeared in arms, there was still less reason why they should yield assent to it. Parliament was called upon to interpose, and for what ultimate purposes had their interference become necessary? The great object which they should have in view was, to allay the animosity and the disunion which existed in that colony, and ultimately to restore the constitution of 1791, improved, as it might be, and adapted to the existing state of affairs in the province of Lower Canada. It was admitted on all hands that there were defects in that constitution, and it became parliament to ascertain what those defects were in the opinions of those for whose benefit it was intended. The constitution of 1791 applied both to the provinces of Upper and Lower Canada; and in looking forward to its restoration on the basis on which it had hitherto stood, and its adaptation to the new position of affairs, it was certainly their duty to consult the feelings and opinions of the inhabitants

of both those provinces. If he could assert that they had at this moment a constitution prepared in order to suit the nature of the occasion—framed and founded upon the feelings to which he had adverted, this was not the moment at which such a constitution could be carried into action with advantage. Certainly the time of agitation—the time of civil contest was not the time when any constitution, however wisely framed, and however wisely adapted for the ordinary wants and feelings of the people, could with any possible advantage, be carried into operation, while wisdom, diligence, and labour, were necessary, in order to compose these struggles. Many angry feelings were to be allayed, and many animosities to be extinguished. It was obvious therefore, there must be an interval of time before they could introduce the constitution, improved in the manner he had stated. During that time, however, it was necessary to give a provisional government to Canada, and that government it was the object of this bill to establish. The bill, as their lordships were aware, vested the government in a governor and council, who were armed with legislative authority, and it limited the period of this government to a fixed time, providing that the laws enacted by this government should not extend beyond a given limit. This was undoubtedly a measure of coercion; the character of the measure could not be disguised, and it was only by the emergency of the occasion that it could be justified. But as that could not be called a constitution which might be said to have ceased to exist, and as they could not call another constitution immediately into being, it was obvious that during the interval they must provide for the authority of government and the safety of this province. It was undoubtedly a great departure from the constitution, but he trusted that it would be a mere temporary measure; that it would be no long time before they were enabled to return to the constitution; but in the present state of circumstances it was impossible for them but to resort to a government of power and authority, in order to ensure a state of peace and comfort. As they were compelled to resort to a departure from the constitutional principle, there was an advantage in making it as striking a departure as the present was, as it would ensure in itself that it was only a provisional measure—that it was only a provision for a time, and could not be suspected as laying the basis of any system which could be permanent; it showed that there must be, in a short time, a return to a government upon liberal principles. At the same time, though it was always to be remembered that it was to be connected with an ultimate return to a better system, the interests of the people of the two Canadas were to be consulted; therefore it was that they were to look to this declaration of parliament, the language of which was not that they were entering upon their course as vindictive judges, not that they sought to deprive the Canadians of their constitution for ever—the language of parliament was, that they wished to ask what was the state of society in those countries—to ask whether the constitution of that country was useful, or whether it had failed in some of its purposes, and that they wished to improve it. They interposed as arbiters between contending parties, and their object was, although for a time they created an arbitrary government, to revert as speedily as possible to a wise and liberal system of government, trusting and believing it would not be long before they would be able to establish it under better auspices. Much undoubtedly would depend on the character and judgment of the noble person who would be sent out as governor. Every reliance was to be placed on that noble person, and he could not help hoping that, with the assiduity, impartiality, and liberality that distinguished him in conjunction with his practical experience, he would be enabled to suggest such measures as would tend to the welfare, peace, and prosperity of the colony. Such was the simple and plain statement of the case which he had to make, and he thought it was not necessary for him to trouble their lordships further than to express a hope that, whatever might be their lordships' opinion on other circumstances connected with the subject, they would at least think the necessity of the case justified the measure he proposed. The noble lord then moved that the bill be read a second time.

Lord BROUGHAM said, how came it to pass, and by what fate is it, that as often as that great question of Canada came before their lordships, he should be the only person in that house who should ever be doomed to interrupt the unanimity and harmony of their lordships' house, that he alone should stand there the advocate of law, and the enemy of the violation of justice in the highest court of law appointed to distribute justice in this country. The task he had undertaken was a thankless one—but he would not abandon the post where his duty had planted him; and accordingly there he was, at the last moment of that hateful controversy, to maintain the side of justice. He might return defeated, but not disgraced; and if he gained nothing else he would at least retain the satisfaction of his own mind. Little had been said in explanation of the bill, no attempt had been made to reconcile its manifest inconsistencies, nothing to defend its arbitrary provisions, except the very able, and in that part, the very temperate speech of the noble earl opposite. But before he went to that he would say one word as to the less temperate portions of the noble earl's speech—those in which he followed up the kind of saving protest of the noble duke and the noble lords near him—protesting against being withheld, by consenting to the address on a former occasion, from expressing their free opinions of the conduct of her Majesty's government. The noble earl had promised to express his opinions in charity, but his charity was not that which covered a multitude of sins (loud laughter)—it was the charity which showered down a multitude of attacks (continued laughter, for some minutes). In what did the charity of the noble earl consist? Why, that on a calm (certainly not on a very kind) review of the whole conduct of his noble friend—he could not condescend to compliment it by calling it a system of vacillation and delay—he stigmatised it as being no system at all (laughter)—but an inveterate practice—an incurable habit—of wavering vacillation and infirmity of purpose (continued laughter). Having, as he hoped, now set himself right as to the personal question, he would approach the more important one. The only argument in favour of this bill was, that the assembly had again and again refused the supplies, and that having thus been wanting in their duty, the only course was to suspend their constitution. It remained on record that they had been told again and again that, until they had the power of refusing the supplies, theirs only was the mockery of a constitution; and then was given to them the power to grant or to withhold until they obtained redress. That was what was told them; and that power they used. Short sighted men! Innocent individuals!—(laughter)—But the moment they used that power they were turned upon. Was it not a mockery little short of insult to boast of having given the Canadians, out of kindness, their political privileges; and when they attempted to use it to say, "You are abusing our gift; it was never meant to be so used; it was only meant to round a period in a despatch, or in a Viceroy's speech at Quebec, but never to be used except in one way; that is to say, "You shall have the power of refusing supplies on this condition, that you should always please to give and never to refuse" (laughter). That was the state of the case between the two parties. They had refused the supplies, and, on their refusal, the eight resolutions were passed—those resolutions which even the defenders of them acknowledged to be calculated to harass, vex, irritate and annoy the Canadian people. These resolutions were passed, and their natural consequences had followed. His lordship continued, addressing ministers—you took no pains to prevent those consequences; not a man did you send—not an art did you frame—not even the breath required for an order, did you expend in precaution. Not a man is sent, or a pound spent, to prevent the inevitable because natural, consequences of your eight resolutions (hear.) And now in one of those two provinces we have a scene that baffles all description—a scene of abuse of the governing power—a scene which I drag forward with pain, but which I defy any other christian country in the world to produce. A governor appointed to administer the laws, sent to exercise a paternal power, to administer justice in mercy, and what does he do? Heavens (and it is boasted of by you) in his despatches to his employers, that although he knew that preparations were making for crime—although he was aware that rebellion was hatching, and the traitors laying their plans—although he knew that, day by day the slightly disaffected were seconded by the arts of

greater traitors—he did not deem it his duty to take any steps for its prevention—(hear.) Gracious Lord! do I live in a civilized country? (Hear, hear.) Am I to be told that we are a mother country—a parent state, bound to foster and protect—to well-govern and justly guide those over whom we have assumed the control? And, after all does it turn out that our mode of governing is, that when we are aware of the existence of disaffection, and when we could easily put it down we do nothing but send away our troops from the scene of danger? (hear.) Is it because the disaffected may think better, and return to their allegiance? No, our object was, to force disaffection into revolt, that we may pounce down upon the disaffected with an army of volunteers, and that blood may be spilled—the blood of the innocent as well as of the guilty (hear, hear, hear.) He appealed to the venerable bench of bishops, was such a mode of proceeding consistent with Christian duty? He called on the judges of the land to say how they dealt with the police officers and informers who, instead of prevention, sought for information, prosecution, and punishment. All this had been done in Upper Canada, and boasted of in that house, and the governor had not been ashamed to boast of such a betrayal of his trust to the people he had maltreated. The rebellion had burst forth, and he could assure their lordships it was not yet over. This same governor or now threatened war with the United States. A more injudicious course could not be adopted. Already had the territory of the States been violated—violated by volunteers, a force which could not be controlled; a thing easy with regular troops (hear, hear.) When he was told by the noble lord at the head of the government that he had a high military opinion in vindication of his government, he (Lord Brougham) would pay the greatest respect to military authority on military subjects, but none on such as were of civil concern (hear, hear.) That was no military question. It was a civil question, and civil only. The omission of their precaution of having a sufficient number of troops in the province had created rebellion, led to the effusion of blood, and created rancorous sores, which would lead to unspeakable irritation in after times; and the employment of volunteers had led to a breach of the peace with the United States. He looked appalled, not because he expected an American war, but because he utterly abominated every thing that was likely to increase the soreness which was left by the last American war. But if any one asked him did he think the late untoward event would lead to a rupture, he would reply that he did not. He knew the good sense of the government of the United States; he was aware of their peaceful disposition and temperate course, which he hoped would long continue, as the most important interests in the world—the brightest interests of humanity depended on its continuance. If our friendly relation with that country were interrupted, the warlike nature of mankind would render it impossible to preserve long the peace of the world. They must observe that the government of the United States was, unhappily, the only party in that country willing to refuse assistance to the people on the opposite bank of the St. Lawrence; and that that government, fortified by a foreign enlistment act, as stringent as any in this country, was too feeble to resist the national feeling, and that incapacity was much increased by the late violation of the American territory. He looked forward, therefore, with pain to the effects of this unhappy rencontre, which never would have taken place but for the absence of a sufficient military force. (Hear.) They were now preparing to punish the Canadians for the consequences of their own rash policy by a suspension of their free constitution. He would ask them, were they to punish a whole nation for the sins of a portion? He would ask them to recollect the statements which had been made by the government in that and the other house previous to the late accounts. The disaffected were then a mere handful, only a few people in Richelieu, all the rest of the country was in a perfectly sound state, and Upper Canada had put down her rebellion without a soldier. Suppose the outbreak of Canada had occurred in another part of the empire; suppose that, instead of the late partial revolt, there had been half a dozen counties proclaimed in a state of disaffection—suppose it came under the provisions of the insurrection act, an act intended as a barometer to gauge the loyalty of the country; suppose that, instead of being 3000 miles away, she was almost in sight—and that, instead of being without a fraction of a representative in the Imperial Parliament, she had been represented by 105 members; suppose that seventy of those had been the strenuous supporters, the thick-and-thin advocates of her Majesty's Ministers, how would government in that case have treated what was called Canada, but which in the case supposed might go by another name. (Laughter.) His noble friend acting upon a misrepresented expression of Mr. Fox, said that there was but one way in which a people ought to be governed—and what would their lordships think was that way? It was to give them exactly what they asked. But that was not his Canadian rule—that was his Irish rule. The Irish were six millions, led and influenced by one individual—they had 70 staunch representatives to demand justice and to have their demands heard. But when Canada was in question, the rule in her case was to turn a deaf ear to her grievance—to mock her inhabitants with a remedy which they were told they might use when they pleased, but the moment they dared to do so they were treated as rebels and deprived of their constitution. (Hear, hear.) He had known many

instances in private life in which the difference between the parent and the step-mother showed itself; but never had he known in all those examples an instance of such gross, such violent outrageous contrast as that between the mother government of Ireland, and the step-mother conduct practised towards Canada. His lordship continued addressing ministers. Your instructions argue an extraordinary degree of foresight, you have assumed to yourselves the faculty of second sight, and can foresee in January what you are likely to wish to do in May. (Laughter.) Such a thing, my lords, was never known. How do my noble friends know that they will be in the same mind in May as now? They change their minds very often. (Laughter.) My noble friend is not to go until the weather gets fine—until the month of April. He may not go at all—but if he does, it is highly probable he will go without his instructions. (Hear.) He (Lord Brougham) knew what would be the fate of these instructions; his noble friend might return them and get new ones. He (Lord B.) thought them but an idle form of words—a mere commission of inquiry. What, then, would be the result of the mission? Why, to report—nothing else, and they had already enough of reports in all conscience. (Hear.) Because three men had not been able to get information enough they were now going to send out a fourth, to pass away a few more months before coming to that sad necessity to which they must come at last, which was to do their duty. When he heard it said that it was impossible to grant an elective council to Canada without involving a severance of the colony from the mother country; when he heard a comparison drawn between it and an elective House of Peers, he said it was a fallacy—a false application of a wrong analogy. An elective House of Peers would make an end of the constitution as it was at present framed; it might substitute a better, but certainly a different one; but why? From the peculiar position of the executive government, from the position in which they stood with reference to the people's representatives. (Hear.) That was the reason why it was absolutely necessary to have an hereditary house independent of the people for the protection of the crown, and to prevent its coming into collision with the people. (Hear.) That was the use of the hereditary House of Peers, but it was only necessary in this country. The slightest consideration would show how inapplicable was any analogy that could be drawn between the colony and this country. In a colony the case was different, for there the governor could refuse his assent to a bill passed by the House of Assembly, as the House of Peers could refuse its assent here to a bill passed by the House of Commons. The government, from the circumstances of a colony, and the support which it received from the central government, had no occasion for that protection which the House of Peers afforded to the crown. But if the House of Commons should judge it expedient to refuse the supplies, what would the crown have to fall back upon? The crown, in such a case, had no other fund on the support of which it could rely. Any analogy between the case of the colony and the home government would fail, so long as parliament voted the supplies which the colonial House of Assembly refused to grant. But by some mutual concession all differences might be avoided, and by a mutual sacrifice harmony would be restored, discord would be prevented, and a rupture avoided. Her Majesty's government had determined to send out his noble friend without those powers, being deprived of which it would be better that he did not go at all. His last advice as well as his first advice was, that they should go all lengths that they could to restore kind feelings and amicable and friendly relations with our subjects in Canada. Let them be merciful, wherever and to whatever extent justice permitted them to be so. Let them punish where

(See last page.)

HOUSE OF COMMONS.—FEB. 29.

MR. O'CONNELL.

Lord Maidstone move that the order of the day for the attendance of Mr. O'Connell in his place be read. It was read accordingly. Mr. Speaker inquired whether Mr. O'Connell was in his place. Mr. O'Connell immediately rose and said, "Here, sir," and resumed his seat. The Speaker—Please to stand up. Mr. O'Connell accordingly rose. The Speaker—Mr. O'Connell, you have permitted yourself to be betrayed into the use of expressions, at a public meeting, with respect to which the House has come to the following resolutions: "That the expressions in the said speech, containing a charge of foul perjury against the members of this House in the discharge of their official duties, are a foul and scandalous imputation on the honour and character of this House." "That Mr. O'Connell, having avowed that he used the said expressions, is guilty of a breach of the privileges of this House; therefore that he be reprimanded in his place." The charge of foul perjury is one of the heaviest that can be preferred. You cannot be surprised that, having cast so grave an imputation on members of this House, you have raised the indignation of those against whom it was directed, and have exposed yourself to the severest censure and displeasure of this House. You have endeavoured to vindicate your conduct by alleging that you were impelled by a strong sense of the defective constitution of the present tribunal for the trial of controverted elections, and that you sought to effect a remedy by stimulating the public opinion. It is unnecessary for me to remind you that, at the time you used expressions which have been condemned, this House had recognised, with scarcely any difference of opinion, the

expediency of attempting to apply a real remedy to the evils of which you complain; and you could not have found a more legitimate or useful employment of your energies and talents than in endeavouring to render the measure before the House efficient for its object. You have further alleged, and it is true, that others have used language as strong as that which you have employed with respect to this House and its members. In general this House has been of opinion that it considered its real dignity, and obeyed the dictates of true wisdom, in relying for protection and defence against misrepresentation and calumny on the consciousness of the zeal and fidelity with which it discharged its duty to the people which it represents. The case, however, is very different when one of its own members seeks to disparage and degrade this House in public estimation by charging a large portion of the members with foul perjury. No one knows better than you do that the laws and constitution of the realm have invested this House with authority and power so large, that its acts must always have a great influence on the well-being of the state, and that no authority or power can be beneficially exercised unless they are administered by those who are respected. It is therefore the first duty of the members of this House to contribute by all proper means to sustain its character, which is as essential for the credit of the House itself as for the interest of the country. If unhappily the day should ever arrive when, from any cause, this House should be stripped of the moral influence of character and of the respect of the people, its means of resistance to inexpedient or unjust demands would be so weakened, that this great assembly, now popularly constituted, might be tossed and driven by every successive current, and the safety of the state might be endangered. I should be unworthy of the station which I hold if I did not feel the deepest interest in whatever can touch or affect the character of this House; and it is therefore with great pain that I have been compelled thus to advert on the conduct of a member who has disparaged this House by impeaching the conduct and honour of a large portion of its members. It only remains that, in obedience to the commands of the House, I reprimand you, as I accordingly do.

Mr. O'Connell immediately addressed the chair, and to the following effect:

It appears to me that it is extremely inconvenient to follow the precedent here laid down. On the present occasion, I have been deprived of considerable advantage in my defence by the mode the House has adopted. As to myself, personally, it is but of small importance what my inconvenience and suffering may be; but it is of great importance to the House and to the country that its proceedings should be so arranged as not to produce moral disparagement between the House and the country at large, and the morality of the House is not to be disparaged if any party violates that morality. It is not because we are pleased to say we are pure that the country will believe them to be so. It is not because a majority of 29 or 200 have declared themselves free from taint that the country will believe them to be so. As to myself, that is trivial; but the question is most important to the true administration of justice, that all decisions and proceedings of this House should be free from political and party bias. In my opinion, and in that, I doubt not, of the country, this House does not vindicate itself by such resolutions as the present, more than the Judges could have vindicated themselves by declaring their decisions to be law regarding the levy of ship-money. I am sorry that I was not in the House, or that I did not know what the resolutions to be moved were. Taking my words, such as they were, to be the same as those placed in the resolution, are they, I would ask, sufficient to enable the House to declare the language false, and inconsistent with the fact? I have no hesitation in declaring it not to be so, and that facts were brought forward to show that what I stated was true, and that the greatest partiality has been exercised in election committees; facts would laugh the resolution to scorn. Is there any gentleman, I would ask, who could declare that it was his firm belief that election committees were impartial and free from party bias? No one can doubt that the greatest party bias influences the members of such committees. It is admitted that many gentlemen vote in election committees from party bias. In the motion of last night it is expressly so stated. It is there stated that many of the members sworn to try the merits of election petitions are biased by party interest and attachments—if that is not perjury I know not what is. That charged members with being biased in committees by their party feelings—if that is not a charge of perjury, then I have never used the word, because that was all I meant to convey. Gentlemen opposite may lay the flattering unction to their souls, but I will ask will the public go with them? In order to do so they must disclaim that these tribunals were actuated by party feelings. Have they done so?—No—nor can they. As for a bill before the House it is nothing—it says that these committees are partial and then goes on to continue them. I mean no disrespect to the gentlemen who introduced the bill, but it does not apply any remedy. The public has been long opposed to the system—I hold in my hand a pamphlet which was published by a parliamentary agent of much experience about a year ago, in which, speaking of these committees, he says, "I have not known a single case, during a practice of nine years, in which the parties interested, as also the gentlemen of the Bar, did not look more at the character and political opinions of the members of the committee, as furnishing grounds for success, than to the merits of the case"—(hear.) He proceeds—"The evil has continued to increase until it has become tolerable." I have, sir, received your reprimand, because I have felt it to be intolerable to the part of the country from which I come. The pamphlet adds—"No member is safe—no member is secure of his seat, nor can any petitioner hope to succeed with the best case—all depends upon the political opinions of the committee"—(hear.) I am aware that I am not very popular with the gentlemen opposite. It may be my fault; but if so, it is one I cannot repent of. Instead of assailing me, why do not the hon. gentleman attack the gentleman who has put forth my sentiments in a publication which met them in every publisher's shop? I tell them that they cannot stifle either the voice of the public or mine. I have every respect for the assembly of the gentlemen around me, but no respect for any body will ever keep me from speaking the truth. Many of the gentlemen present will remember that Galileo was put into prison by the inquisition for saying that "the world moved." He was conducted there, and as they were turning the key, Galileo exclaimed, "the world still moves"—(cheers.) I need not name

the gentleman who has written this character of committees of this House on election petitions, because he is not a whig, much less a radical as I am—but he belongs in politics to a party opposed to me; and he says "Nothing depends on the merits—every thing depends on the committee." I ask gentlemen to put their hands to their hearts, and say whether that is true or false?—(cheers.) Parties endeavour to get committees of the most extraordinary nature. I have heard even to-day of a most extraordinary circumstance with respect to a committee. And it really was suggested to me—only the noble lord has conducted his case with so much politeness towards me, I must say that I will not at all think of involving him in any species of even legitimate complaint—but it has been suggested to me, it was arranged that my case should be brought on early, before the facts of that other case came before the House. It appears that some gentlemen have that sweet oblivious antidote, that makes them forget that two and two make four, or some proposition of equal certainty. But it is thus the writer goes on—"To ensure a favourable committee every principle of decency and justice are notoriously and openly prostituted." This has been in print for twelve months; and now I am assailed for taking up this thing when it is pressing home to the bosoms of those whose rights are most dear to me. This is what the public say; and yet you come with your vindication of yourselves, with a majority of nine, declaring that to be true which the public declares to be utterly untrue—(cheers.) The author goes on—"The solemnity of an oath and public opinion have little effect on many when the interest of one of their party is at stake"—(hear, hear.) That is what the public say, and what becomes of your vindication or your reprimand of me? I have expressed no regret for what I have uttered—I have retracted nothing—I retract nothing. Sir, I have risen to move the appointment of a committee of investigation, which I had not an opportunity of doing before. Let me meet your resolution by evidence. Give me a committee—let it be selected in a way you think most likely to obtain the opinion of the public—let the leading men of each party be upon it. Let it be nominated by the speaker. Ought this House to submit to this history of it given to the public? It is not only to the organs of both parties I refer to—I refer to the deliberate publication of an experienced parliamentary agent. I will examine before that committee the members of this House. Many learned counsel who practice here have said to me, it is in vain for you to struggle, you see the committee will decide every thing against us—(hear.) They will at once say, that when seven to four are struck, you may instantly send your witnesses home—we will go on with your case, but they will strike to-morrow—(hear.) I have heard that said recently—(hear.) and now that being so, I will put it to the honour and candour of the gentleman who hear me, if they will persevere in that course, and not give us this trial. You have your public tribunals to try every thing unstained and untainted. You find in those tribunals gentlemen among you, whatever their politics may be, who perform their duty with impartiality. I will just say that of English gentlemen who come among us. You have therefore unstained and untainted benches of justice—you have impartial juries—you can remove a trial from place to place—you can, what we call, change the venue—you can get counties free from all bias and party attachment—you can get the judges to preside and correct the errors of juries if they find a verdict against evidence, or the weight of evidence—but your present tribunal, who is to correct it? Nobody. It is the most absurd tribunal in the world. Law it professes to know nothing of; and what can be more dangerous than for a body to take upon itself to decide cases of law, against the rules of evidence by which it is governed? You sages who have laid down rules that no man shall be deprived by law of his life or property without evidence, what is your evidence? What would you require? This gentleman goes on to state that, whatever one side wishes to have, they have only to suggest to a friendly member of the committee that he may ask for it, and that which a counsel in a court of justice would be ashamed to ask is granted. I am ready to prove my case. I call on you to let me prove my case—(hear.) If that committee decide that I have made a false charge, there is no submission too humble which will not proudly be bowed to by me. If that committee states it is proved that I have made an exaggerated statement, there is no reparation I shall not make which so humble an individual as myself may be capable of. But I cannot stand by the notion that any censure is inflicted on me by any vote of a majority that will not come to the evil and remove it—(much cheering.) I will not say all—several may not come, but many will come down to-morrow, and be reproached in their clubs, if they happen to be away when their ballot is going on. All they want to have said is—"Oh! if you had been in your place—if you had been there, the majority would have been the other way." A morality of party against the morality of justice! I have heard a great deal about religion here. What scuffles and scrambles have been made for the purpose of throwing out observations against religion in one part of the House and in another, and what sanctimoniousness of demeanour has been observed on other occasions! This, then, is a question of trying a matter fairly, after being sworn on the holy word of God. Where, then, are those men of pure sanctity? Why don't they come forward now and adjourn their Sabbath Day Bills, if we are to hear any more of those bills—adjourn them for a week or ten days, and come to a real vindication of their calling on the sanctity of the name of the Eternal God. Sir, I mean to move that this committee shall be formed, and I shall submit upon that to any thing which the House may think fit. I have repented of nothing—I have retracted nothing—(hear.) I mean not to use harsh or offensive language, but I re-adopted that which I have used. I admire the attention which is paid to a subject which introduces the name and sanction of the Deity—(hear.) I repeat what I have said, but I wish I could find terms less offensive in themselves and equally significant. I am bound to re-assert what I have said, for I am convinced of nothing by a vote. Sir, I now move for the appointment of a committee.

Mr. Speaker—It is contrary to the rules of the House to move for a committee without having given notice.

Mr. O'Connell—If that is the rule Sir, I now give notice that I will move for the committee to-morrow—(hear.)

Lord John Russell—Sir, I rise to move that your reprimand be inserted in the journals of the House.

(From the Morning Herald, March 3.)

The House of Commons was occupied, during the greater part of last night, with the Irish Poor Law Bill.

Anxiously as we have, for years past, contended for the establishment of an honest system of poor laws in Ireland, we have never, for a moment, supposed, that the present measure could be productive of any benefit, either to Ireland, or to England—unless in so far as the present whig bill involves a recognition of the principle of a provision for the poor! For all beyond, the present bill is useless;—nay, from the present bill, much evil may, perhaps, not unfairly, be apprehended.

The measure now before Parliament will, if it shall pass into law, involve an immense outlay for the erection of work houses—will create an immense mass of jobbing in commissionerships, and overseerships, and paid guardianships—and all for what? For no other purpose, than that of securing provision in work houses, for eighty thousand of the aged and infirm poor of Ireland; whilst to the able bodied poor, who shall be unable to find employment, no aid of any kind is furnished, or promised! The great source of Irish misery is the want of employment and the amount of employment will not be increased by the bill now before parliament.

The present measure is sure to prove a failure; but its failure will not lessen its expensiveness as an experiment. Four or five millions of money will be thrown away; and then, the whigs, or their successors in office will discover the necessity of commencing the experiment again, on sounder principles. One half of the amount which the whigs are now about to squander, without any fair chance of securing an equivalent in the increased happiness, order, or wealth of Ireland, would if applied in reclaiming the waste lands of that country, be productive of results a thousand times more important than any which can flow from the projected new poor law!

The emigration clause—the clause under which it is proposed to enable the guardians and commissioners to apply a portion of the rates to the removal of the destitute poor to foreign countries—was under discussion for at least two hours. The Irish members were nearly unanimous in condemning it; and Mr. O'Connell, in particular, urged some very powerful objections against its nature and tendency.

The emigration clause in the Irish poor law is simply a branch of the emigration job, which the whigs have lent themselves with so much zeal for four years past. It is the interest of the Australian and Canadian land-jobbers to acquire as much power as possible, over the labour of the poor in England and in Ireland. The new poor law in England, and the projected poor law for Ireland tend to the same object—to place the labouring classes more completely at the mercy of schemers, at home, and in the colonies! Why, besides, should the poor-rates be applied to the purposes of sending the poor labourer to the opposite extremity of the globe? Half the money which would be necessary to convey a labourer from Connaught to Australia, would suffice to create profitable employment for him in Ireland! By applying that money in reclaiming Irish waste land, England would be richer and stronger, not only by the amount of money retained in this country—but by the amount of labour, for which that money might create profitable employment. To send away from our shores, young, healthy, vigorous labourers, is a strange mode of relieving the country;—but to send them away, at the cost of a heavy tax,—and, then, to flatter ourselves that by such a course we are advancing the prosperity of England—does appear a project calculated to secure for its authors a reputation for insanity—or for something still more dangerous, and more to be deprecated than insanity itself.

The Newfoundland.

ST. JOHN'S, (Thursday,) April 5, 1838.

By the *Funchal*, from Greenock, and the subsequent arrival of the *Hebe*, from Lisbon, in 20 days, we are in possession of British dates down to March 4, from which we have extracted such portion of the contents as seemed to us to be most interesting at this side of the Atlantic. The Canadian affairs, as was expected, occupied the chief attention of Parliament, until the finalization of the measure which was introduced to meet the circumstances into which Canada was thrown by the recent revolt.—The course which the British Government have deemed it right to pursue, has been to suspend, for two years, the constitution under which the Government of that Country has hitherto existed—and a Bill, embodying this principle, has passed all its stages in Lords and Commons, and having received the Royal Assent by commission, is possibly now in operation in Canada.

This is certainly a sweeping remedy to apply—and looking at the measure abstractedly, it would seem to partake more of harshness and severity, than consort well with the mild and paternal spirit of the British Government; but viewing it in all its bearings, with reference to the circumstances which have called it into existence, it at once ceases to bear that objectionable character which would otherwise apply to it.—We publish in this day's paper the debate on the second reading of the Bill, in the House of Lords, which will be read with interest. Lord Glenelg, in moving the debate, said, it was with extreme regret that the Government set themselves called upon to propose such a

course of proceeding, which nothing but the extremity of the case to which the Bill applied could ever justify—the measure involved a departure from the principles of the constitution, and that departure being deemed necessary, Ministers were desirous that it should be as striking as possible, in order that it might be seen that the arrangement contemplated nothing permanent; for besides the suspension of the constitution, it goes to establish a Provisional Government for two years, and also provides that during that time means shall be adopted with a view to the allaying of discontent, and to the re-establishment of the constitution on sounder principles, and on such a footing as to lead to the improved prosperity and happiness of the Country.

Lord Durham has been selected as the person upon whom shall devolve the important functions of Governor-in-Chief of that Colony. The request of the acceptance of this mission by the Noble Lord was made by Her Majesty, and was acceded to on condition that no emolument should attach to the appointment, or to that of his Secretary. A mission of peace and conciliation could not have been bestowed on any man possessing a larger portion of the qualities to enable him to discharge its duties well and efficiently; and the appointment of Lord Durham to the head of the provisional government—and going out as he does under such disinterested and independent circumstances—afford a moral assurance that all the benefits which the Suspension Act contemplates will be secured to the country, under the administration of this distinguished nobleman.

The other leading topic of discussion was the Bill to establish a Poor Law for Ireland, which is likely to be passed in the course of the Session. Upon the principle of this bill there is almost a unanimity of feeling—but in the details, very powerful objections have been urged on many points:—its evident insufficiency to meet the extent of poverty which prevails in that country, is a point on which much discussion has arisen. The bill provides only for the relief of 80,000 of the aged and infirm, out of the two millions of paupers in that Country, leaving all the able-bodied who may be unemployed in their present deplorable state. This must be considered but a very partial remedy of the evil, still it will be so much gained, and the measure will doubtless be received with satisfaction by the people of Ireland.

An Eclipse of the Moon will occur at Greenwich on Monday next, 9th inst.—it will commence at 5 m. to 11 P. M.; the greatest obscuration will be at 1 to 2 A. M., and it will terminate at 1/2 past 4.—When, &c. will this phenomenon be visible here?

We have been requested to submit this question, with a view to inducing some of our literati to draw on their scientific resources, and afford the public the benefit of an elucidation of the matter.

[It strikes us that an Eclipse of the Moon may be seen from all parts of the Earth, where it is above the horizon, at the same moment, making due allowance for the difference of longitude or time; and consequently the first part should commence here 3h. 2m. before the period pointed at for its appearance at Greenwich. This, of course, is a mere speculative opinion.]

ARRIVALS FROM NEWFOUNDLAND, &c.

- January 13.—Alamode, at Falmouth, with loss of bulwarks and sails split.
- 20.—Olive Branch, at Plymouth.
- 17.—Amity, off Oporto.
- 12.—Julia, at Lisbon, part cargo damaged. The Captain (Stanworth) was washed overboard in a storm.
- 22.—Hope, Cooper, at Waterford.
- 23.—Eling, Luens, at Cork.
- 30.—Pomona, Dunnay, at Poole.
- 23.—Sisters, Penny, at Scilly.
- Emily, Turner, at ditto.
- Dec. 30.—Heart of Oak, at Naples.
- Jan. 7.—David, Hancock, at ditto.
- 3.—Eggardon Castle sailed from ditto for Galipoli.
- 20.—Stork, Grog, Amity, and Sir J. Byng, at Vigo.
- 17.—Victoria, Power, at Alicant, and sailed for Naples.

CROOKHAVEN, Feb. 2.—Put back, Eliza, Hartly, out 78 days, and Julia, Smith, out 100 days, bound to Newfoundland—the latter with loss of Sails and much strained. On the 7th ult. the Julia fell in with a great number of barrels Flour marked "D. C. & Co.," with the usual Hamburg Brand, and a great deal of wreck apparently the gangway of a large vessel which had been burned.—[This, no doubt, was part of the cargo and wreck of the "Huzza," crew brought in here by the Douglas-town in January.]

- Feb. 2.—Susan, Brooks, at Poole.
- January 26.—Trinity and Blandford, at Cadiz.
- Feb. 19.—Neptune, at Cork, with loss of boats, bulwarks, &c., having been out 67 days and within 70 miles of St. John's.

Jan. 20.—Brig Brook, from Hamburg to Newfoundland, at Fayal, with loss of Sails, bulwarks, and other damage, having been 2 months at sea.

LIVERPOOL, Feb. 22.—Edgecombe, Roberts.

LONDON, March 10.—Louisa Hannah, from Poole for Gibraltar, with damage, and loss of Captain and two men.

Shipping Intelligence.

Custom-House

Port of St. John's.

VESSELS (ENTERED.)

- February 5.—Ranger, Lisbon—80 tons salt, 1 cask wine.
- 15.—Lady Young, New York—80 bls. flour, 100 bls. pork, 20 bls. beef, 30 puns. molasses, 226 cwt. manufactured tobacco, and sundries.
- 28.—Catherine Ann, Viana—100 tons salt.
- March 30.—Sophia, Trinidad de Cuba—195 puns. molasses, 77 cwt. moist sugar.
- Funchal, Greenock—100 boxes soap, 50 boxes candles, 110 tons salt.
- 31.—Palmetto, Porto Rico—75 puns. molasses.
- Devonshire, Grenada—38 bls. flour, 122 puns. rum, 61 kegs tamarinds.

VESSELS (CLEARED.)

- March 6.—Lancet, Cadiz—1120 qtls. fish.
- 23.—Mermaid, Barbados—1282 qtls. fish, 5 tuns seal oil, 25 tierces salmon, 122 bls. mackerel and herring.

DIED, On Thursday last, aged 54 years, ANN, widow of the late Lieutenant-Colonel HALY, and daughter of the late George Hutchings Esq.—Her funeral took place on Monday last, very respectably attended.

SALE BY AUCTION.

TO-MORROW,

(Friday,) At 11 o'clock,

ON THE WHARF OF

Bland & Tobin,

- 25 Hhds. Prime Halifax Porter
- 15 Barrels Cider
- 6 Barrels Bottled Ale
- 50 Firkins Butter
- 4 Hhds. Sugar
- 25 Cases ditto
- 5 Chests Bohea Tea
- 50 Barrels Pork.

April 5.

Orphan Asylum School.

At the Monthly Meeting of the Committee of the ORPHAN ASYLUM SCHOOL, it was unanimously

Resolved—That the thanks of this committee be given to the undermentioned gentlemen for their generous subscriptions to the funds of the School.

JAMES HOGAN, Chairman.

Rt. Rev. Dr. Fleming.....	5	0	0
Messrs. Newman & Co.....	2	2	0
— James Fergus & Co.....	2	0	0
Mr. Samuel Codner.....	1	0	0
Messrs. Robert Alsop & Co.....	1	10	0
— Rennie, Stuart & Co.....	2	0	0
Mr. James Stuart, Sen.....	2	0	0
— Wm. Warren, Jun.....	0	10	0
Messrs. Codner & Jennings.....	1	0	0
Mr. Daniel Fowler.....	1	1	0
Messrs. Matthew Stuart & Co.....	1	0	0
— M'Bride & Kerr.....	2	0	0
Mr. Samuel Mudge.....	0	5	0
Messrs. Baine, Johnston & Co.....	2	10	0
— T. M'Murdo & Co.....	0	10	0
Mr. Wm. Firth.....	0	10	0
Messrs. Perchard & Boag.....	1	0	0
Mr. Garland Gaden.....	0	10	0
Messrs. Jas. Stewart & Co.....	2	0	0
— W. & H. Thomas & Co.....	3	3	0
Mr. John Ryan.....	1	0	0
Messrs. G. & R. Clapp.....	1	0	0
— Hunters & Co.....	2	2	0
Hon. J. B. Bland.....	1	0	0
Mr. Andrew Milroy.....	0	10	0
— James Brien.....	2	0	0
— John Ellis.....	0	10	0
— Robert Brine.....	0	5	0
Messrs. T. & J. Brocklebank.....	1	1	0
Mr. Charles Simms.....	1	0	0
— R. R. Wakeham.....	1	0	0
A friend to Education.....	2	0	0
	£44	19	0

PUBLIC EXAMINATION.

THE Semi-annual Examination of the Scholars of ORPHAN ASYLUM SCHOOL will commence on MONDAY next, the 9th instant, at 11 o'clock A. M.

April 5.

TO BE LET,

For a Term of Years.

THAT DWELLING HOUSE and YARD &c., conveniently situate in King's Place, and adjoining the House occupied by the underigned.—For further particulars apply to

CHARLES SIMMS.

March 8.

Notices.

To Architects.

TENDERS for the ERECTION of a COLONIAL BUILDING in this town will be received on or before the 1st day of June next, at the Office of the Colonial Secretary. Plans and Specifications of the proposed building may be inspected, and all particulars obtained, by applying to

FREDERICK ELLIOT,

Clerk to the Commissioners

St. John's, Newfoundland, 1st March, 1838.

TENDERS will be received by the Chairman of the Board of Road Commissioners, until MONDAY, the 23d April next, from Persons desirous of contracting for the Undermentioned Works, agreeably to Plans and Specifications now exhibiting at his Office.

For rebuilding the "Waterford Bridge," of stone. For erecting a Stone Bridge in Duckworth-Street, opposite "Beck's Cove."

For building a Safety Wall in Duckworth-Street, on the property of WILLIAM NEWMAN, Esq., opposite "M'Bride's Cove."

JAMES DOUGLAS,

Chairman of the Board of Road Commissioners for the District of St. John's

February 8.

On Sale

BY

THOMAS CASEY,

IN THE HOUSE LATELY OCCUPIED BY MR. JOHN MITCHELL,

Near the Custom House,

130 CASKS First Quality HOLSTEIN

BUTTER,

Which can be recommended for Family use.

March 15.

BY

BAINÉ, JOHNSTON & Co.

Ex HARMONY from New-York,

200 Barrels Prime BEEF.

EDGECOMB from Liverpool,

100 Firkins Prime BUTTER,

79 Barrels Prime BEEF.

MARY JANE from Demerara,

79 Puncheons MOLASSES.

JOHN FULTON from Boston,

79 Kegs Negrohead TOBACCO,

700 CABBAGES.

February 8.

BY

WESTON HUNT,

Ex METEOR from Hamburg,

150 Firkins first quality Rander's

BUTTER

100 Bls. prime mess PORK.

Which will be so d Cheap.

January 18.

W. & H. THOMAS & CO.

OFFER FOR SALE,

1000 Quintals Shore Merchantable

COD FISH.

January 18.

Bulley, Job & Co.

OFFER FOR SALE,

At low Prices, for Cash,

Ex Barque BROAD OAK from Hamburg,

200 Bags good common BREAD

200 Barrels Extra Superfine FLOUR

100 Firkins Rander's BUTTER.

Also, on hand,

2 Casks choice Westphalia HAMS,

And few Cases Pink CHAMPAGNE.

January 11.

BY

EWEN STABB,

XX ALE and PORTER, in 60 and 20 gal. casks

50 Dozen BROWN STOUT

60 Dozen Port, Sherry, and Madeira WINES

100 Cases GENEVA

Westphalia HAMS

100 Bags BREAD

300 Firkins BUTTER

150 Bls. PORK

20 Puns. Demerara MOLASSES

BARLEY and BEANS

Deck BOOTS, SHOES

Hide and Butt LEATHER

CORDAGE, TAR, &c.

January 11



Poets' Corner.

REMEMBER!

BY LADY E. S. WORTLEY.

Remember! 'twas the last low whispered sound  
Which struck my ear even in that parting hour;  
Still my heart tendrils round its echoes wound,  
Thrill to that recollected tone of power—  
Of strange dread power o'er all my being's waste,  
Whose fountains sealed, flowed chainless in the past.  
Remember!—ere those thoughts and thou canst part,  
Changed must thou be, my heart!

Soft—softer than the broken tremulous breathings  
Of some veined rainbow shell's smooth hollowed  
wreathings—  
That last, that ever-baunting murmur, fell  
Within my heart's core—fixed to brood and dwell  
For ever and for ever! Oh fear not  
That for one light'ning moment 'tis forgot.  
Remember!—ay: ere that and thou canst part  
Changed must thou be my heart!

Methought, in my young days of fiery life,  
When every thought of Spring and Hope was rife,  
That the soft nightingale's deep throbbing throat  
Poured an entrancing and victorious note;  
But I have heard thy voice! and now, not so—  
The nightingale—the nightingale may go!  
Remember!—ay: ere that and thou canst part,  
Changed must thou be my heart!

We parted in the sunset's hour of rest,  
When a rich silence broods along the breast;  
And the soul turns, by impulse softly given,  
From dreams of passion unto dreams of heaven!  
Thus linked with loftiest feelings of the soul,  
Those memories kindly and proudly roll!  
Remember!—ay: ere that and thou canst part,  
Changed must thou be my heart!

That parting hour though mists of after-years—  
Through chequered destinies and chastening tears,  
How vividly it shines!—'Tis here again!  
With its dark transports and its conquering pain—  
Its exquisite joy—and, ah! its exquisite woe!  
Remember!—yes; till in the grave laid low!  
Remember!—ay: ere that and thou canst part,  
Dead must thou be, my heart!

(Continued from second page.)

punishment was demanded, but not with any angry retrospect of the past; and above all, their object ought to be conciliation with a view to the establishment of future friendship and future kindly feelings with our North American colonies. Let them listen not to the arguments of those who would say that the time for conciliation was past. But he would say if conciliation was right at any time it was right still; and if coercion was always advisable, it was equally so now. The character of this country stood too high to suffer its lustre to be stained or its influence impaired by any twitting about national honour and national character which might be indulged in either in the new or the old world. Let them, above all, stick to justice. Let them make it the arbiter in their councils—the guide of their path—the director of all their proceedings, and they need not heed those who would deal out slanders upon the character of their country. If they did not establish peace and kindly feeling—if they did not restore themselves to the confidence and affection of their subjects in those colonies—Canada would prove not a blessing, but a curse; and it was not the losing; but the maintaining, of that colony that would become a source of weakness to the empire. (Hear.)

VISCOUNT MELBOURNE said, for the part of the noble and learned lord's speech recommending harmony and conciliation, and attention to the dictates of justice tempered with mercy, the only pure and enlarged policy, he (Viscount Melbourne) was extremely obliged. Those parts of the noble and learned lord's speech which were of a different nature, which were so severe and sarcastic in their tone, their lordships would readily excuse him troubling them with any lengthened reply to. He (Viscount Melbourne) had long expected the outburst. He all along knew it must come—that the spirit of bitterness, the acerbity of feeling which took its birth in the noble and learned lord's mind in the beginning of 1833, and which had been gathering strength and bitterness from long forcible suppression, must break out at last. He (Viscount Melbourne) thanked the noble and learned lord for his active support in 1835, for his absence from the house in 1836 (a laugh), for his less active support in 1837—and he felt no irritation at the very different tone which the noble and learned lord's regard for the public service, his zeal for the public welfare, his great patriotism, and his anxious desire for the people's well-being, had reluctantly compelled the noble and learned lord to adopt in the present session. (Laughter.) The

charges which had been brought against the government, were great delay, vacillation, and fluctuation of opinion, a deficiency of firmness, and the not acting on a well-considered and a well-determined line of policy. (Hear, hear, hear.) The noble and learned lord said, the object of the commission which was appointed was delay—that no further information was required—that the information attained in the year 1828 was sufficient. He (Viscount Melbourne) did not concur in this view of the subject; on the contrary, the most plausible argument against the present measure seemed to be that even now we had not sufficient information on the subject of the colony. With respect to the resolutions, he (Viscount Melbourne) believed that, consistently with the state of public business, those resolutions proceeded with as much expedition as possible. As to the force in Canada, the real fact was, the military forces there had not been reinforced because government believed from the representations which had been made, both from the civil and military authorities there, and from other quarters, that there was no danger of an outbreak during the winter. This had turned out to be not the case—to be an error in judgment; and certainly, after what had taken place, he (Viscount Melbourne) greatly wished that additional troops had been earlier sent out—though he did not believe that even this would have prevented the outbreak, for the outbreak was unpremeditated. Some observations had been made in reference to the change which had elsewhere been made in the preamble of the bill. He (Viscount Melbourne) was well aware that the course which had been pursued in framing that preamble was novel without precedent; but the circumstance of its being without precedent by no means necessarily proved it to have been erroneous. In framing that preamble they were anxious that there should stand as the basis of the measure a distinct statement that though they were establishing an arbitrary power in Canada—an arbitrary power, let it be observed, not a despotism, for what he (Viscount Melbourne) understood by despotism was irresponsible power, a description which could not be applied at all to that with which Lord Durham was entrusted—(hear, hear)—they were anxious, he would repeat, to state in the front and face of the measure, to the people of Canada, of England, to the whole world, that what they were doing was only for a temporary purpose; to exhibit their anxiety to return to constitutional forms of government at the earliest possible period; and though he believed it to be unusual to refer to instructions given by the crown in preambles to acts of parliament, yet it had been considered how great was the magnitude of the occasion, and the necessity there was of giving this public notice, to show the full concurrence between the legislative and executive powers on the subject, and to prove the manner for which the one was disposed to combine and co-operate with the other. The noble and learned lord had made some very severe observations on the despatches from Upper Canada of Sir F. Head, and unquestionably these might be considered as not altogether free from a certain over-chivalrous tone, not altogether unmixed with imprudence—(hear)—and as exhibiting a mode of proceeding somewhat hazardous in its character. He (Viscount Melbourne) quite agreed with the noble and learned lord that if they were to judge entirely from the expressions used by Sir Francis Head himself, it could hardly be denied that that officer would appear to have given encouragement to those crimes which it was stated, might by a different line of proceeding, have been prevented. But it must be considered that these expressions were cast in the epigrammatic pointed style, which Sir F. Head was known to admire, and which might lead persons to see in them a wider statement of what had been done, and what dangers had been incurred, than was meant to be conveyed. Tho' undoubtedly he could not praise the prudence of Sir F. Head's conduct, on his own showing, yet in all probability, if that officer had interfered too early he would have run the risk of a charge of having interfered without any reason whatever. The persons who had occupied Navy Island were mostly North Americans, and the person who described himself as their general was a native-born American. It was, under such circumstances, highly satisfactory to him (Viscount Melbourne) to have it in his power to state that all these proceedings were entirely disapproved of and discountenanced by the government of the United States—(hear)—that our minister at Washington had received the most complete disclaimer of these proceedings on the part of the government there, and the most satisfactory assurances that all the powers of the central government would be exerted for the purpose of putting an end to the insurrection, and preserving the neutrality of the United States in a contest which they deeply lamented. (Hear, hear.) Further, a message had been sent to Congress for additional powers for this purpose, and a proclamation had been made by the President exhorting the citizens of the United States to abstain from interfering in the contest. (Hear, hear.) Notwithstanding the severity of the noble earl (Aberdeen) opposite, and the bitterness, the acerbity, of the noble and learned lord (Brougham) or his right hand, yet to him (Viscount Melbourne) it was a great matter of consolation that on the bill before their lordships there was no difference of opinion. He could assure their lordships that so far as the government of this country was concerned, and as far as the noble earl entrusted with the execution of the measure was concerned, there was the utmost anxiety to heal the wounds now open, to produce a return of good feeling and affection between this country and Canada, and to do

everything to promote the happiness and prosperity of that province. (Hear, hear.)

The Duke of WELLINGTON said—The present measure was applicable solely to Lower Canada, and he must observe on what had been stated by the noble and learned lord in respect of the necessity of defining the degree to which such a province as Upper or Lower Canada might offend, before such a measure should be insisted on, that there was a clear distinction to be drawn between Upper and Lower Canada. It was true that rebellion had occurred in each; but it must be observed, that Upper Canada had not refused to provide the means of administering the civil government, they had not refused to supply the means of administering justice; they had not insisted on a revolution of government, and on rendering the Legislative Council elective; they had not insisted on rendering the Executive Council elective; and they had refused the supplies to her Majesty on the score of those very measures; at the same time, that these measures had not been thought of by the Assembly of Canada until the act of 1831 had placed the money at their disposal; they had not thought of an elective legislative council or of an elective executive council until the measure had passed which left the money at their disposal, and then they came and made their demands, and told us, that unless we destroyed that constitution under which we claimed to hold those provinces, viz., the act of 1791—that unless we repealed a great portion of that act, and gave them possession, not only of the money, but also possession of the government, by means of an elective executive council, then that they would not give us the means of administering the civil government, and of administering justice to our subjects in Canada. This conduct of the House of Assembly in Lower Canada made a great distinction between them and Upper Canada; but this was not all. The noble and learned lord had adverted to the complaints made of the conduct of the Assembly of Lower Canada, in using their privilege (and to which the noble and learned lord adverted in very strong terms)—the privilege of refusing the supplies. The noble lord had said we told them that they had the money at their disposal, and consequently the privilege of refusing the supplies, and then we at the same moment, on their exercising the privilege, turned round and said they must forfeit their constitution. The noble duke spoke very indistinctly, but we understood him to say that he was one of the last to defend that argument, but that against the act of 1831 he had protested. It was stated at the time, and since then there was every reason to believe in the assurance of the persons who negotiated that bill, and of persons who were examined before the committee here in 1828, that if that bill of 1831 passed into a law they would take the necessary measures to insure the Crown a competent civil list, and ample supplies for the civil government and for the administration of justice in the colony (hear.) With this condition they nevertheless at last turned round and call upon us to destroy the constitution which had been given in 1791, and said that we had forfeited all claim to payment of a civil government, and of the administration of justice in the province (hear.) There was a clear distinction between Upper and Lower Canada, and he thought there was no ground whatever for any definition (which had been maintained by the noble and learned lord) of the amount of offence of any province before they should lose their constitution. It would be a gross usurpation to attempt to act on the instructions as far as Upper Canada was concerned, and he should be exceedingly sorry if the noble lord who was appointed to carry on the government of the provinces, and to effect an arrangement of the questions depending between Upper and Lower Canada, should attempt, or if the ministers should attempt to carry their measures into execution without being thoroughly advised as the opinions of the leading men in the Canadas, and as to the system of government which would be most agreeable to the country. No one could be more anxious than he was that all those points should be properly ascertained, though he objected to ascertain them by means of a convention; which he again asserted was inconsistent with the practice of this country in its relations with the colonies (hear.) He now came to a subject on which a good deal had been said by the noble and learned lord opposite—he meant the question of making the Legislative Council in Lower Canada elective. In his opinion, the noble and learned lord had not stated with accuracy the relations between the executive of a colony and the executive in this country. The noble and learned lord seemed to think that the governor of a colony could, without the smallest difficulty or inconvenience, refuse his assent to the acts of the legislature. With regard to the Canadas, there were sometimes acts passed preferable to relations with foreign states, to relations between the two provinces and frequently bearing on points of commerce and of communication by means of the St. Lawrence. These were acts from which the governor of Lower Canada might find it extremely inconvenient to withhold his sanction; and yet they might be vital to the interests of Upper Canada, and if carried into effect, tend to the greatest possible inconvenience. But there was a large English population in Lower Canada, which required certain protection, and which protection they now only received by means of the Legislative Council, nominated by the Crown; for they had no influence in the Legislative Assembly. If this Legislative Council were to be constituted in a different manner, the British population would be thrown under the dominion of the House of Assembly, which was returned by

the French Canadians; and in both provinces the English population would consider themselves as exceedingly aggrieved, and in this country would find great difficulty in carrying on the government of those provinces. (Hear, hear.) He earnestly entreated their lordships to take all these matters into their consideration, and to form for both the provinces of Canada as good a government as could possibly be devised—to form one on the principles of the British constitution; to secure, above all, the funds for the administration of the civil government and of justice; and in every respect to render the administration of affairs as cheap as possible. (Hear.) The noble duke next alluded, but in a very indistinct tone, to the occupation of Navy Island by an armed force. We understood him to express his concurrence in what had fallen from the noble viscount (Melbourne) in reference to that subject, and also to state, that though the insurrection had broken out nineteen or twenty days sooner than was intended, the governor of the Upper Province would have acted prudently in not sending away all his troops. With respect to another point which had been alluded to he had already stated to the House that he had been informed by military officers that there was no chance of an outbreak in Lower Canada. He had heard lately, and had reason to believe, that such was the opinion of the general officer commanding her Majesty's troops in Lower Canada, up to the month of October last. But this was a political question, with respect to which he did not lay claim to a better judgment than any other individual. He had put confidence in those who informed him of the state of Canada, and had, before the rebellion took place, expressed an opinion that there was no chance of an insurrection breaking out in Canada. At the same time he must say that, previous to the 20th of November last, he heard the commanding officer in Lower Canada had made arrangements which looked as if he expected a rebellion to break out, and he (the Duke of Wellington) was very much surprised to find that an hon. gentleman in the other house, in the debate on the address, alluded to those arrangements, and asked the ministers how they meant to pass the winter. This clearly showed that there must have been a communication between this country and those in a state of disaffection in Lower Canada.—The rebellion might now, perhaps, be quelled, but he entreated the ministers not to suppose that it was completely got rid of; he entreated them to proceed with their preparations, and to assemble in Canada at the earliest possible period the largest force the resources of this country would admit of. He repeated that there could be for this country no such thing as a little war; and he begged the noble lord to observe, that since the 22d of December, the first day on which intelligence of the unfortunate transactions in Canada were received, not less than four important events had occurred, each of which was calculated to excite the deepest attention of the government. He knew from accounts to which the noble lord had referred, that the President of the United States had desired additional power in order to prevent hostilities on the part of the citizens of the states against Upper Canada, and that he had sent an officer (General Scott) to the frontiers of Canada, to examine the state of things on the American side, with the view to the more effectual prevention of the threatened hostilities. It had been seen that within a very short space points had been raised relating to the question of the boundary of the State of Maine, to that of the river Columbia, to that of Mexico, besides other important subjects, and he had no doubt that in proportion as the present difficulties in the Canadas died away other questions would arise which would require the most vigilant attention on the part of the government of this country. The government must therefore, he repeated, not look upon this as a small affair. They should consider, and he entreated them to do so, that in proportion as they were strong in Canada, they would have the countenance and support of many in the United States who would otherwise be against them, even tho' in doing so they might act against their consciences. Let them then, he repeated, not think the present a small affair, or that tho' it might be brought to an end, it never could without the maintenance of such a force as he had referred to be brought to a satisfactory termination.

On the motion of Lord BROUGHAM, it was ordered that on Monday Mr. Roebuck should be heard at the bar against the bill, without reference to the validity or otherwise of his appointment as agent for Lower Canada.—Adjourned.

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