



Newfoundlander

No. 577.

THURSDAY, August 16, 1838

Sixpence.

On Sale.

ON SALE.

SUMMER IN INDIA.

BY CAPT. WESTMACOTT.

NOW LANDING
AT THE WHARF OF
BULLEY, JOB & Co.
Ex Barque CATO from NEWCASTLE
Best Walsend
COALS.

N. B.—Families can be supplied on very accommodating terms, and free of Cartage.
May 24.

Lawrence O'Brien

OFFERS FOR SALE,
AT HIS STORES

The following **GOODS,**

Just received from London per HAZARD and

GEORGE ROBINSON,

- 400 Bushels prime English OATS
- 120 Kegs White, Black, and Green PAINTS
- 50 Barrels FLOUR
- 40 Boxes London Mold CANDLES, 6's
- A few do. do. Wax do. do.
- 100 Pieces CANVASS from No. 1 to 7.

ALSO IN STORE,

A large assortment of CORDAGE
LINED OIL, NAILS all sizes
IRON, CHALK, &c. &c.

April 26.

Bulley, Job & Co.

HAVE RECEIVED,

Per DIANA from Liverpool, and TERRA NOVA
from London.

Part of their Spring Supply of Manufactured

GOODS,

Now ready for inspection, at usually low prices.

Also,

100 Boxes English Yellow and White SOAP

A large assortment of
Bridport GOODS,

Viz:—

Cod and Caplin Seines, assorted sizes
Lines, Twines, and Lance Bunts.

April 26.

FRESH IRISH
PORTER.

The Subscribers
HAVE FOR SALE
STOUT PORTER,

47s. 6d. per Tierce.

Just received Ex HORE from Waterford.

R. BRINE & Co.

May 31.

Richard Howley

HAS JUST RECEIVED,

Per NILE from LIVERPOOL,

1000 Pair best Yorkshire

BLANKETS,

Which being a consignment will be sold at Cost
and Charges by the Bale.

ALSO, A QUANTITY OF

INDIGO COATINGS,

Well worth the attention of Tailors.

AND NOW LANDING Ex HABERDINE,

8 Bales Bridport Wares,

viz.

Herring Nets, 40, 45, and 50 rans.
Cast Nets, St. Peter's, Shore and Sed Lines
Twines, Shoe Thread, &c.

May 24.

THE SUBSCRIBERS
Have for Sale
SUPERIOR Sydney COALS,
Lime, Roach and Slack.

In Bulk and in Casks of different sizes, will be
delivered at any part of the town or suburbs at
short Notice.

ALSO,

SPARS, for masts, yards, topmasts, &c.

Hardwood Timber,

Bowsprit Pieces

10 M. seasoned Billets

1 Ship's Boat.

R. BRINE & Co.

May 17.

42 PUNCHEONS fine fla-
vored RUM

Now landing from the Brig IMPROVEMENT.

AND

Per Ship WILLIAM PARKER from Hamburg,

1600 Bags 1st, 2d, and 3d quality BREAD

400 Barrels Superfine FLOUR

200 Firkins BUTTER

OATMEAL, PEASE, LEATHERWARE, &c.

May 17.

BLAND & TOBIN.

BREAD.

JUST RECEIVED

Per BROOKE from Hamburg,

AND FOR SALE

AT THE STORES OF

Lawrence O'Brien,

400 Bags fine BREAD

OATMEAL

GRITTS, FLOUR, &c.

April 19.

W. & H. THOMAS Co.

OFFER FOR SALE

The Cargo of the Brig Mermaid from

Porto Rico

CONSISTING OF

160 Puns. best retailing Molasses

2 Hhds. and 66 Bls. fine Musco-

vado Sugar.

June 14.

BY

Robinson, Brooking, Gar-
land & Co.

Ex CARRS, from HAMBURGH,

818 Bags BREAD,

380 Firkins BUTTER.

June 7.

Notice.

Portugal Cove Road!

Stage Coaches VICTORIA, VELOCITY,
and CATCH.

THE Proprietors of these Coaches having made
arrangements conducive to the greater
comfort and convenience of Passengers, by having
Luggage-Carts, &c. &c., to accompany them, beg
leave to inform the Public that they have now
commenced running—starting from the *Commer-*
cial Hotel for the Cove every morning at 9 o'clock,
and for *St. John's*, immediately after the arrival
of the Packets.

TERMS.—Passengers.....5s.
Luggage over 20lb. weight cannot be carried
without a reasonable charge.

N. B.—All Letters, Parcels, Luggage, &c. &c.
intended for *Conception Bay* to be left at the *Com-*
mercial Hotel, where Passengers will please apply
to secure the Coaches.

St. John's, May 31.

Now is the season when buffaloes bathe them-
selves in rivers, and crocodiles cock their snouts
above water to snuff the air, and frogs disport
themselves in deep pools, and porkers of tender
age lie in the mud and are fondled by cherubs as
naked as themselves. And a journey in a palan-
keen at noon is as good as a baking in an oven,
and vegetables are scarce, and fruits plentiful, and
the thermometer rises to near 100° in the shade.

Now fleas are on the alert, and pack-horses
grow weary, and bullocks think their burdens a
bore and had rather leave them in the mire than
lug them a mile, and the covers of books curl at
the corners like the toe of a Turk's slipper, and
the pores of patients are opened without recourse
to sudorifics. Now changes of linen are more
frequent than changes of the weather, and lean
people fall into a melting mood and are uneasy at
parting with their substance, and fat folks dissolve
like sugar—but not so sweetly—and no one from
Caulbul to Cape Comorin cries—"Oh! that this
too too solid flesh would melt."

Now lilies want consistency, and butter ceases
to be solid, and claret and ale are better for a dip
in the ice-pail; and they who go into gutters are
careful to guard their noses, and they who forage
for grass must be content to dig up the roots, and
they who look about for greensward are green-
horns. Now leather becomes tough, and shoes
shrink in the soles, and corns are a curse, and
they who set out to walk a league are glad to stop
at a fountain, and those who go forth to breathe the
air gulp the dust; and the skin gives out drops
less pearly than dew, and moisture deserts the
beds of rivulets and is found sometimes in the beds
of those who sleep in warm places.

Now women fill their water-jars at wells, and
vegetation is kept alive by irrigation and men by
refrigeration, and woollens and Welsh flannel are
at a discount, and water-bearers at a premium.
Now ladies' looks smack more of languor than
love, and stale loaves are common, and dry bis-
cuits are not scarce, and butchers' meat a day old
is an unprofitable commodity, and sweetmeats, in
bazaars, are less savoury than usual, and flies con-
gregate about the cheese-cakes and hold a carnival
in honey-pots; and rank smells are rife in market-
places, and fishmongers that fail of customers in
the morning are pretty certain not to find them at
noon.

Now a washerman has a cooler berth than a
cook, and a dinner-party is anything but a dry
affair, and luckless wights that sit opposite to sad-
dles and sirlains, and "cut" for a company, are
sorry when people "come again," and are glad to
change both their shirt and their situation. And
sufferers from the tedium vitæ seek relief in aqua
vitæ, and swains of more succulence than senti-
ment sipper an adieu to their sweethearts and fly
to pale ale and ginger-pop.

Now mosquitoes are merry because of the sun-
shine, and keep a vigil under stools and chair-
bottoms, and sting unsuspecting people—it mat-
ters not where; and the air glows like a furnace,
and fire-worshippers enjoy the sun in his glory,
and they who are not fire-proof take the shady
side of a street. Now tempests are terrific, espe-
cially if ushered in by thunder, and exhibitions of
the electric fluid are dazzling rather than deligh-
ful; and rainbows are rare, and the sky wears a
livery of blue, and is seldom overcast; and ducks
are downcast for lack of drink, and water-wagtails
weep for want of water; and nature is chary of
her charms, and landscape limners and sonnetteers
grow sorrowful, and reluctant inspiration promotes
perspiration, and poets fly for relief to the pump-
room, and dream less of Dryades than of water-
nymphs.

Now is the witching time when tigers are taken
in the toils, and fishes in nets, and fevers in the
forests; and sportsmen are brisk as a belle in a
large bustle, and powder and ball quit the shelves,
and double-barrel guns and rifles their cases. Now
lovers put off the lighting of the hymeneal lamp,
or, as plain Mr. Simpson would say, people post-
pone their weddings till after the warm weather;
and life in the country-quarters is pretty nearly
confined to "loll-shrub," and lolling on sofas, cold-
bathing, curry, and cayenne, sherbet and cham-
pagne, the pipe, parade and the punch-bowl.

Now bellows-blowers in a smithy cry "blow
me this is warm work!" and to be cool is a com-

fort, and a hug is anything but a happiness, and a
great-coat puts the wearer in a sweat; and chim-
ney-nooks are neglected, and fire-irons are out of
employ; and babies are carried about by black
men, and little children go along chirping in hand-
chaises; and servants carry chatahs to shade
them from the sun. Now to flirt a lady with a
fan is agreeable to her feelings—and some like to
flirt themselves—and punkhas are in a state of
agitation, and the blood of stagnation, and ruddy
dames and rosy damsels mourn over their fading
beauty, and pale lasses grow a shade paler, and
brunettes a shade browner, and sick people turn
yellow like a leaf in autumn. And now the ink
has dried without the aid of pounce, and put an
end to a dry subject, and to weep over the mishap
is impossible, for the springs that feed the eyes
have given over gushing, and "the sacred source
of sympathetic tears" is dried up with the draught.

THE EARL OF DALHOUSIE, G. C. B.—His
Lordship died on Wednesday the 21st inst. at
Dalhousie Castle. His Lordship, who had been
long in a declining state of health, was a General
in the army, Colonel of the 26th Foot, and Cap-
tain-General of the Royal Company of Archers or
Queen's Body Guard. His Lordship was born in
1770, and was consequently in the 68th year of
his age. He is succeeded by his son, Lord Ram-
sey. The late Earl, besides his Scotch Peerages,
had one in that of the United Kingdom, as Baron
Dalhousie. He married in 1805, Christian, only
daughter of C. Brown, Esq., by whom he had
issue, besides the present Earl, now in his 32nd
year, another son living, and one (the second) who
died in his 10th year. He entered the army in
July, 1787. The origin of the Dalhousie family

may be traced to a very early date, and is said to
have been originally from Germany. The first
man of note was Simon de Ramsay, who flourished
in the reigns of David I. and Malcolm IV.; and
there were several considerable families of this
name before the reign of King Robert Bruce. The
original name was Dalwolsie, as appears from Sir
William, designed "Willielmus Ramsay Dalwol-
sey, Miles." He was succeeded by his son Alex-
ander, of whom Fordun says—"Nobilis Alexan-
der de Ramsay inter Scotos famosissimus probi-
tate habebatur." After enumerating many a crest
that is famous in story, it appears that "Sir George
was much favoured by James I. of England, who
created him a peer by the title of Lord Ramsay,
of Melross, 1618, which title he changed to Dal-
housie." The family is alluded to in Sir Walter
Scott's "Fortunes of Nigel," in which romance
figure the "horologer," David Ramsay, and his
"pretty daughter, Mistress Margaret Ramsay." The
King, after some labour in searching through
old books and documents, for the purpose of estab-
lishing the bride's (Peg-a-Ramsay's) pretensions
to a noble, though remote descent, exclaims to Sir
Mungo Malagrowth, who one day took upon him
to grieve bitterly for the bride's lack of pedigree,—
"Ye may save your grief for your ain next occa-
sions, Sir Mungo; for by our royal soul we will
uphold her father, Davie Ramsay, to be a gentle-
man of nine descents, whose great gudesire came
of the auld martial stock of the house of Dalwol-
sey, than whom better men never did, and better
never will, draw sword for king and country.
Heard ye never of Sir William Ramsay of Dal-
wolsie, man? of whom John Fordun saith,—'He
was belliciosissimus, nobillissimus.'—His castle stands
to witness for itself, not three miles from Dalkeith,
man, and within a mile of Banock-rigg." In the
lines of Allan Ramsay, the pastoral poet, it is as-
serted that he was descended from a branch of that
family.

Mr. Murray is said to have given £4,000 for
the copywright of the late Mr. Wilberforce's life,
of which the first edition consists of 5,000 copies,
upwards of 3,500 of which were bespoke by the
trade.

The British have 32 men of war in North Ame-
rican waters, mounting 1160 guns, and carrying
10,210 men.

There are at the present time, two hundred and
seventy eight thousand French soldiers under
arms in France, at a cost to the government of
two hundred and six millions of francs.

MILITARY PROMOTIONS.

WAR-OFFICE, JULY 3.

Her Majesty has been pleased to appoint the following Officers to take rank, by Brevet, as under-mentioned. The commissions to be dated 28th June, 1838:—

To be Generals in the Army—Lieut.-Generals Sir T. Saumarez; C. Callander; J. S. Saunders; Sir W. M. Peacocke, K. C.; J. Pare; Sir C. Wale, K. C. B.; Sir J. O. Vandeleur, G. C. B.; C. P. Douglas; R. B. Clayton; A. J. Goldie; Sir R. H. Sheaffe, Bart.; Hon. Sir A. Duff; Sir R. S. Donkin, K. C. B.; W. Eden; Sir G. T. Walker, Bart., G. C. B.; Sir J. H. Dalrymple, Bart.; S. Hawker.

To be Lieutenant-Generals in the Army—Major-Generals S. Brown; D. Herbert; J. Ross; Hon. Sir H. King, K. C. B.; Sir J. Macdonald, K. C. B.; Sir W. Thornton, K. C. B.; Sir C. Pratt, K. C. B.; Hon. J. B. R. O'Neill; A. Salvin; A. Walsh; Sir W. Johnston, K. C. B.; F. Newbery; D. F. Blommar; Sir J. Straton; Sir J. C. Dalbiac; Right Hon. Sir E. Blakeney, K. C. B.; Sir J. Maclean, K. C. B.; Sir R. D. Jackson, K. C. B.; Sir T. Hawker; Sir G. A. Quentin; Sir C. Campbell, K. C. B.; Sir J. Wilson, K. C. B.; Sir S. F. Whittingham, K. C. B.; Sir John Colborne, G. C. B.; Sir A. Campbell, Bart., G. C. B.; Sir T. M'Mahon, Bart., K. C. B.; Sir A. Woodford, K. C. B.; Sir T. Arbuthnot, K. C. B.; Sir H. F. Bouvier, K. C. B.; John Lord Broughers, K. C. B.; Lord F. J. H. Somerset, K. C. B.; Lord C. S. Manners, K. C. B.

To be Major-Generals in the Army—Colonel H. O'Byly, Grenadier Foot Guards; Sir F. H. Doyle, Bart., half-pay 54th Foot; W. Gray, half-pay 1st Foot; E. Darley, 61st Foot; W. V. Homspech, half-pay Unattached; C. Hamilton, 97th Foot; G. J. Reeves, half-pay 27th Foot; Hon. H. Murray, half-pay 18th Light Dragoons; Hon. L. Stanhope, half-pay Unattached; J. Grey, half-pay 5th Foot; A. Cameron, half-pay Greek Light Infantry; Sir J. Wilson, K. C. B., half-pay 48th Foot; Sir H. Watson, half-pay Portuguese service; E. Walker, half-pay 60th Foot; T. Evans, 70th Foot.

To be Colonels in the Army—Lieutenant-Colonel J. A. Mein, 74th Foot; A. Wedderburn, Coldstream Guards; P. Dumas, half-pay 4th West India Regiment; M. Fane, 54th Foot; J. Martin, half-pay Unattached; G. H. Hewett, half-pay Unattached; C. Wyndham, half-pay Unattached; H. Earl of Uxbridge, half-pay Unattached; Hon. H. Hutcheson, half-pay Unattached; Sir J. M. Wallace, 5th Dragoon Guards; Hon. J. Finch, half-pay Unattached; J. Lindsay, half-pay Unattached; W. G. Moore, half-pay Unattached; Sir A. F. D'Este, half-pay Unattached; J. Campbell, 95th Foot; W. Cochrane, half-pay Unattached; H. Somerset, half-pay Cape Corps; N. Wodehouse, 50th Foot; H. M'Laine, half-pay Unattached; H. Earl of Darlington, half-pay Unattached; G. A. Wetherall, 7st Foot; J. M'Caskey, 9th Foot; J. Carter 1st Foot; J. Simpson, 29th Foot; J. F. Love, 73d Foot; Hon. G. Anson, half-pay Unattached; D. M'Gregor, 23d Foot; E. Warner, half-pay 26th Foot; N. Hamilton, Inspecting Field Officer; J. Dennis, 3d Foot; M. G. Blake, half-pay Cape Corps; C. R. Bentinck, Coldstream Foot Guards; R. H. Sale, 13th Foot; H. Lane, half-pay Unattached; J. G. Baumgardt, 2d Foot; R. Nickle; on a particular service; D. Falla, half-pay Unattached; Sir H. G. Macleod, half-pay Unattached; S. Stowell, 12th Light Dragoons; C. G. J. Arbuthnot, 72d Foot; F. Valiant, 40th Foot; Chesborough Grant Falconer, 22d Foot; R. England, 41st Foot; C. Middleton, half-pay Unattached; B. Lord Hotham, half-pay Unattached; J. Patterson, on a particular service.

To be Lieutenant-Colonels in the Army—Major D. Graham, half-pay 56th Foot; John Algeo, 6th Foot; P. Edwards, half-pay Unattached; W. F. Williams, on a particular service; W. Cartwright, half-pay Unattached; J. Garland, half-pay Unattached; R. Frazer, half-pay 93d Foot; R. W. Hartstonge, half-pay Unattached; H. R. Sanderson, half-pay Unattached; W. P. Yale, half-pay Unattached; D. Urquhart, 39th Foot; C. H. Smith, half-pay 40th Foot; W. H. Newton, half-pay Unattached; N. L. Darrah, 97th Regiment; M. Glenie, 60th Regiment; A. Gore, half-pay Unattached; W. Wilkinson, 49th Foot; G. Marshall, 32d Foot; D. Goodson, half-pay Unattached; L. Owen, half-pay Unattached; P. Taylor, half-pay Unattached; J. A. Schreiber, half-pay Unattached; C. Levinge, 71st Foot; R. Winchester, 92d Foot; H. D. Campbell, half-pay Unattached; J. Wood, half-pay Unattached; W. F. Tining, half-pay Unattached; A. Clarke, 46th Foot; S. Holmes, half-pay Unattached; H. H. Manners, 37th Foot.

To be Majors in the Army—Captains J. Bonamy, 6th Foot; T. J. Adair, 67th Foot; S. R. Warren, 65th Foot; R. Manners, 59th Foot; J. Tomlinson, 16th Light Dragoons; J. Cowper, 18th Foot; H. K. Bloomfield, 11th Foot; B. P. Brown, 11th Light Dragoons; H. Bond, 3d Light Dragoons; J. Birtwhistle, 32d Foot; A. Myers, 22d Foot; J. T. Moore, 87th Foot; J. H. Serjeantson, 50th Foot; W. Harris, 15th Foot; H. Suckling, 90th Foot; A. Spong, 60th Foot; W. Frazer, 43d Foot; J. Clarke, 66th Foot; J. Stoyte, 24th Foot; A. S. H. Alpin, 89th Foot; J. Hutchinson, 21st Foot; F. W. Dillon, 18th Foot; I. Richardson, 11th Foot; R. Browne, 16th Foot; W. Cannon, 17th Foot; R. Tatton, 77th Foot; J. Jackson, 57th Foot; G. F. G. O'Connor, 85th Regiment; J. Creagh, 86th Foot; E. Johnston,

50th Foot; W. A. Riach, 79th Foot; T. Nickoll, 1st Foot; W. H. Arthur, 56th Foot; T. L'Es-trange, 36th Foot; W. Bindon, Newfoundland Veteran Companies; F. C. Montgomery, 50th Foot; W. T. T. Hunt, 85th Foot; N. Palmer, 56th Foot; T. J. Galloway, 33d Foot; J. R. Raines, 95th Foot; C. B. Brisbane, 34th Foot; J. L. Black, 53d Foot; C. Douglas, 9th Foot; C. H. Doyle, 24th Foot; W. White, Town Major of Dublin; R. Westmore, 33d Foot; T. Wood, Grenadier Foot Guards; M. Power, 85th Foot; J. M'Queen, 15th Light Dragoons; C. Hall, 1st Life Guards; A. Jeffares, Newfoundland Veteran Companies; E. Thorp, 89th Foot; W. Sadler, 58th Regiment of Foot; J. Lawrenson, 17th Light Dragoons; R. Hort, 81st Foot; J. Dalzell, 16th Foot; A. Ward, 48th Foot; A. B. Armstrong, Cape Mounted Riflemen; H. Master, 4th Light Dragoons; H. W. Hartley, 8th Foot; J. Swinburne, 83d Foot; J. M'Donall, 2d Life Guards; E. Twopeny 78th Foot; G. Carpenter, 41st Foot; G. Whannel, 33d Foot; D. Frazer, 42d Regiment; A. Buchan 76th Regiment; G. Hogarth, 26th Foot; W. Thain, 33d Foot; D. M'Niocol, 1st Foot; J. C. Peddie, 21st Foot; R. Willington, 84th Foot; P. Cheape, 96th Foot; J. A. Forbes, 92d Foot; A. M'Leod, 61st Foot; C. Smith, 20th Foot; C. H. Potts, 19th Foot; F. Westenra, 5th Dragoon Guards; W. H. Law, 83d Foot.

The Newfoundland.

ST. JOHN'S, (Thursday,) August 16, 1838.

The House of Assembly was occupied on Thursday last in the further consideration of the charges of Breach of Privilege against Doctor Kielley (as referred to in our last.) An amendment was proposed and carried on the motion submitted on the previous day, for committing said Dr. Kielley to the Common Gaol, viz.,—that the House deem it inexpedient to proceed to extremities in the case that Dr. Kielley be brought to the bar of the House, that he be required to make an apology to be dictated by the House, expressive of his regret for having used language which was construed by the House into contempt, and that when this shall be done that he be discharged. Dr. Kielley was summoned, and having appeared, the required apology was read for him—but he said that he could not adopt it—it would be doing violence to his feelings and his sense of honour. The motion for his committal to Gaol was then put and carried, and he was accordingly committed.

In the course of the day, a writ of Habeas Corpus was sued out by Assistant Judge Lilly to bring Dr. Kielley before him on the following day. We take the following extract from the deposition on which the writ was issued.

"And this deponent further saith that on Monday last deponent saw Mr JOHN KENT, one of the members of the said House of Assembly, in the public street of St. John's, when he, this deponent civilly asked the said Mr. Kent if any relief could be afforded to a poor person to whom this deponent was then speaking, or in words to that effect, shewing at the same time to Mr. KENT a written paper wherein deponent recommended the pauper to the protection of the magistrate. That Mr. KENT then said to this deponent—"Is this all you can do, you cormorant and robber of the poor," and that he this deponent should relieve the pauper; and then and there used other and most abusive language towards this deponent. The defendant being exasperated by the conduct and abusive language of the said Mr. KENT, was lead into the use of strong language towards him, but deponent solemnly swears that he did not name or allude in any way to the House of Assembly, or in any manner or way refer to the fact of Mr. KENT being a member of the said House, or use the word "Privilege," or allude to any act or word of the said Mr. KENT in the said House, nor did deponent intend to infringe the privileges of the said House of Assembly, and is not conscious of having done so throughout the whole altercation, nor did deponent lay hands on the said JOHN KENT, or obstruct or in any manner retard his going whithersoever he wished.

On Friday the matter was brought before the hon. Judge Lilly in Chambers. Bryan Robinson Esq. appeared on behalf of Dr. Kielley, and in a long and argumentative speech moved that Dr. K. be discharged.

Judge Lilly decided, upon the Habeas Corpus, that without the going at large into the whole question, the Warrant to the Sheriff was clearly void and Mr. Kielley entitled to his discharge, but that he would upon an early day give his opinion at length upon the powers of the House of Assembly to issue such a Warrant. Dr. Kielley was accordingly discharged.

The opinion as above referred to was delivered by Judge Lilly on Monday.

On Saturday by an order from the House of Assembly, the hon. Judge Lilly and the High Sheriff were taken into custody by the Serjeant-at-Arms for the interference with the orders of the House, in the case of Edward Kielley Esq. such interference having been pronounced by the House to be a gross violation of their privileges.

HOUSE OF ASSEMBLY, MONDAY, August 13.

The Serjeant-at-Arms reported that he had, in obedience to the commands of the House, taken into custody the Hon Judge Lilly and the High Sheriff—but had not succeeded in securing Dr. Kielley.

Mr. Speaker Laid before the House the following.

Secretary's Office, 11th August, 1838.

Sir,—I am commanded by the Governor to acquaint you that it is his Excellency's intention to go down to the Council Chamber on Monday next, at two o'clock in the afternoon, and give his assent to the Revenue Bill, which he perceives by the Journals of the Council has passed the two other Branches of the Legislature, and that his Excellency will afterwards prorogue the General Assembly.

I have the honor to be, Sir, Your very obedient Servant,

JAS. CROWDY.

The Hon. the Speaker of the House of Assembly.

The Master-in-Chancery brought down the following message—

MR. SPEAKER,

Her Majesty's Council have passed the Bill sent up from the Assembly entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies"—without amendment.

A. WALKER, President.

Council-Chamber, 10th August, 1838.

The House then went into Committee on the state of the Colony, and the Chairman reported—

That in consequence of His Excellency the Governor having intimated to the Hon. the Speaker, his intention of proroguing the General Assembly of the Island this day, and it being the opinion of the Committee that His Excellency came to this decision in order to release from the custody of the Serjeant-at-Arms Assistant Judge Lilly and the High Sheriff Garrett, committed for having been guilty of a gross breach of the privileges of this House—Assistant Judge Lilly for the issuing of a Writ of Habeas Corpus to liberate Edward Kielley, Esq., guilty of gross breach of privilege and imprisoned for the same—and the High Sheriff Garrett for having discharged from his custody Edward Kielley, Esq., aforesaid—and that His Excellency's intention to prorogue the Assembly in the midst of a press of business so necessary to be brought to a termination—for the purpose of procuring the release of the aforesaid Assistant Judge Lilly and Sheriff Garrett, is, in the opinion of this Committee, an act that may lead the public to conclude that the House of Assembly have acted unconstitutionally.—It is therefore the opinion of this Committee that a deputation should forthwith be appointed to proceed to Canada to lay before the Earl of Durham Lord High Commissioner of Her Majesty's North American Colonies, the whole of the proceedings connected with, and relating to, the circumstances which have produced the promised prorogation, and that the Hon. the Speaker and Peter Brown, Esq., possessing the full confidence of the House, do form such deputation, and that R. R. Wakeham, Esq., Clerk of the House, do accompany them as Secretary, and that the deputation be instructed to pray that Earl Durham may suspend Assistant Judge Lilly and Sheriff Garrett, for their unconstitutional proceedings by their interference with the privileges of the House of Assembly, and that he may enquire into the conduct of His Excellency's advisers in exercising the prerogative of the Crown, by sanctioning the prorogation of the House of Assembly in the midst of the business of the Colony, and further that the deputation be instructed to pray for a separation of the Executive from the Legislative Councils and for a total change in the duties of the department of the latter body, so that all interests whatsoever may be represented in Her Majesty's Legislative and Executive Councils.

Resolved—That the advisers of his Excellency in recommending the exercise of the prerogative of the Crown, so as to interfere with the free deliberation of the House of Assembly and its privileges, are participators in the contempt offered to the House.

Resolved—That an address be prepared and presented by a deputation of two Members of the House of Assembly to lay before Earl Durham the state and condition of this Colony, and that a sum of Two Hundred pounds be inserted in the Bill of Supply to defray the expenses of the same.

Mr. Kent then moved the following—

Whereas it has been the invariable practice on all Bills for raising a Revenue, after such Bills have passed the Council and have been sent down to this House, for the Clerk of the House to engross the same on parchment and, for the purpose of preventing mistakes, to collate the same with the Clerk of the Honorable the Board of Council, and whereas a Bill intituled "An Act for granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," and which passed this House, was not sent down, by her Majesty's Council, to this House before half-past 12 o'clock this day, and whereas the Governor has notified his intention to prorogue the House this day, at 2 o'clock, and give his assent to said Revenue Bill, and whereas it was impossible in the intervening period for the Clerk to engross the same on parchment and to prevent mistakes collate it with the Clerk of the Board of Council. Be it resolved that a deputation wait on His Excellency to inform His Excellency of the same and that this House cannot depart from the usage adopted on such like occasions.

Ordered, that Mr. Kent, Mr. Brown, and Mr. Winsor, do form such deputation.

The deputation having presented the foregoing Resolution His Excellency replied as follows:

GENTLEMEN,

I am aware there has not been sufficient time to engross the Revenue Bill upon parchment, but as it has passed the Council and House of Assembly, and received the signature of the President of the former and the Speaker of the latter, I am instructed that my assent only is requisite to make it law in its present state.

Government House, 13th August, 1838.

The following Resolution was then entered upon and transmitted:—

Resolved—That a message be presented to his Excellency the Governor, informing him that this House regrets that it cannot comply with the request contained in his Excellency's last message, relating to the Revenue Bill, owing to the opinion of this House that the objection contained in the last message of this House are insuperable.

To which His Excellency replied:—

H. PRESCOTT.

The Governor being prepared to pass the Revenue Bill requests it may be immediately sent to him for his signature.

13th August, 1838.

The Assembly adhered to the original decision and the matter remains.

The House was then summoned to attend His Excellency, when he delivered the following

SPEECH:

Mr. President, and Honorable Gentlemen of the Council;

Mr. Speaker, and Gentlemen of the House of Assembly;

It having been represented to me that an Assistant Judge of the Supreme Court has been arrested by order of the House of Assembly, in consequence of a decision made by him in his judicial capacity; and that the Sheriff has also been arrested for having obeyed a mandate of his Superior, the said Judge, founded upon that decision—I feel myself compelled to have recourse to a prorogation, for the purpose of putting a stop to proceedings which, independently of any question as to their legality, seem wholly unsuited to the character and condition of the colony, and calculated to subvert that respect which is due, and which it is highly expedient that all classes of Society should render to the Administrators of the Law in the exercise of their functions.

Some inconvenience must result from the present measure, but to this it behoves us to submit for the avoidance of greater evil: and I trust that a short recess, by affording opportunity for reflection, may have the effect of producing calmer counsels for the future.

August 13, 1838.

After which the hon. the president of the Council, by command of His Excellency the Governor, Prorogued the General Assembly to the 20th instant, then to meet for the despatch of business.

[FOR THE NEWFOUNDLANDER.]

The exclusive powers vested in different branches of the British Constitution appear to have been created and modified by a long series of events, and as far as our limited knowledge of the science of Legislation and of Government extends, are necessary for the support of their dignity and due administration. Those powers solely possessed by the Sovereign are denominated Prerogatives,—those enjoyed by the people, or their representatives, Privileges.

The House of Assembly have found it necessary to exercise one of its most valuable, most essential privileges, and of the extent and manner of doing so the law has pronounced it to be the sole judge. The Assembly have punished three individuals for contempts. The Governor, representing the Queen, and invested in this instance with the Royal prerogative, at a day's notice adjourns the Legislature in the middle of the Session, thereby obstructing the progress of many useful bills, at a period when none but the Revenue Bill had passed both branches—the Supply in advanced progress—and while the Assembly was daily occupied in inquiring into abuses stated to exist in several public institutions. By this act of the prerogative all the officers of the Civil Government, as in 1837 by the ignorant assumptions of His Majesty's Council in presuming a controlling power over every item in a Supply Bill, to a repetition of all the misfortunes, all the sad calamities, through many channels, which followed the rejection of that Bill. There is more of evil than of good in such proceedings.

A question may be here naturally asked—What are the ends and objects of Government? and it may be as naturally answered—the good of the people—their instruction, their amelioration—to give them the plentiful enjoyment of all those goods which a bountiful nature has placed before them, and of which she liberally invites them to partake.

It would be useless, because it is unnecessary, for me to argue on the prerogatives of the Crown, or the privileges of the House of Assembly. They exist, they are acknowledged to exist, and are as much the property of each as their hands or feet. The only question is, have they been discreetly exercised and for the promotion of the public good? I shall give a short history of this affair, and I believe there will be found none acquainted with the history of the British Constitution who can fail coming to a satisfactory conclusion.

Complaints had been made to several members of the Assembly of the want of due attendance on the part of the Medical Officer of the paupers' and fishermen's Hospital, and of other mal-arrangements. The same medical officer is surgeon to the gaol, and enjoys, it is said, the exclusive patronage of his Excellency. St. John's contains several professional men who have had the most liberal medical education, who enjoy the confidence of the public, and who have obtained the highest professional honors. But the Newfoundland Governors are Captains of the Navy, and the medical gentleman alluded to was once a surgeon in the Navy. The sick paupers are supported by an annual vote of the Assembly, and the sick fishermen are provided in the hospital in virtue of an act of the Legislature. It is, therefore, the duty and the right of the Assembly to attend to every complaint and to inquire into the medical treatment as well as into all other arrangements. It

was especially the duty of Mr. Kent as representing in the Assembly the district of St. John's. In the committee of supply, when the vote for the poor was under consideration, Mr. Kent stated some representations calculated to make a strong impression on the committee as regarded the professional attendant, nurses, &c. The committee came to the resolution that medical attendance on the paupers, for the future, should be placed on a footing similar to English dispensaries:—that the town should be divided into four districts, each district having a separate medical attendant; the four medical men to be appointed by the Governor; but deeming that the Surgeon to the Gaol and the Fishermen's Hospital would afford sufficient public duties to their medical attendant, excluded him from being one of the four. For this act of duty Mr. Kielley attacked Mr. Kent at his own door, when about to go to perform his duty in the Assembly—insulted and threatened personal chastisement. Mr. Kent's statement before the House and the committee was supported in the committee by the following evidence:—

PATRICK BYRNE Examined.—Doctor Kielley had directed him to the Court House to get some assistance; Witness was proceeding, when Dr. K. called him back and told him to apply to Mr. Kent, who was then standing at his door. On showing Mr. Kent a paper he got from Mr. Carter, Doctor Kielley pointed his hand at him (Mr. Kent), calling him a puppy, and said he would pull his nose.

RICHARD BUTT Examined.—About 12 o'clock to-day he was passing by Mr. Kent's dwelling-house; Mr. Kent was standing at the door speaking to Patrick Byrne when Dr. Kielley said he (Mr. Kent) was a puppy and he would kick him; and walking up to Mr. Kent in a threatening attitude, with clenched hand, said he had it in for him, the lying puppy, and that his privileges should not protect him.

The Assembly, on presentation of the committee, committed Mr. Kielley to the custody of the Sergeant-at-Arms. On the following day he was brought to the bar of the Assembly and required to make a very moderate apology to the House. He was permitted to enter into a full explanation, during which (relying, perhaps, on influential protection) he became furiously outrageous in manner and in words, pointing to Mr. Kent, in his place, called him a liar and a coward. He was ordered from the bar in the custody of the Sergeant-at-Arms, refusing to make the apology, and continuing contumacious, he was next day placed in the hands of the Sheriff and committed to gaol. On the following morning, Saturday, the 11th August, he was brought by Habeas Corpus into Chambers, issued by George Lilly, an acting assistant Judge of the Supreme Court. At present there is no Chief Justice or acting Chief Justice in the Island; consequently, agreeably to the Charter, there is no Supreme Court. Assistant Judge Des Barres is the only Judge of that Court at present in the country, and he refusing his sanction to an illegal act, Acting Judge Lilly, relying perhaps on influential protection, or in the hopes of future favor, liberated from the custody of the Sheriff, Edward Kielley. Mr. Lilly is not professionally educated, and the circumstance that caused his appointment having passed by, it is questionable that he could hold a dormant commission as an Acting Assistant Judge, to be called into action at the pleasure of the Executive;—the Charter does not sanction such power. Those who have been in the habit of reading the journals of this place, or associating with that party who have stilled themselves the respectable and thinking part of the community—a party who have assumed the patronage and sway of Newfoundland through the borough influence of Poole and Dartmouth and others, for more than two hundred years, and who have deemed the natives, planters, settlers, &c., their slaves—cannot help thinking (if they think justly) that the House of Assembly have been by far too lenient in not long before bringing libellers to the bar of the house. This respectable and thinking part of the community are principally composed of agents, or junior partners of mercantile houses, the principals living in England, Scotland, or Ireland. They represent absentee gentry of our Island, who after having obtained fortunes here, have retired to their native kingdoms. It is shrewdly suspected that Governors have been nominated under the influence of this non-resident party, and of course supported by their agents. There is a reciprocity in evil as well as good. I ask any dispassionate man could the Assembly do less than commit Mr. Kielley? Could it do less than place under the custody of the Sergeant-at-Arms, Mr. Lilly and Mr. High Sheriff? This was done as regards the two latter,—at three o'clock, Mr. Kielley had absconded.

The Governor in approving of me as Speaker, I demanded, among other usual privileges, freedom of speech. The President of the Council, by command of His Excellency, said that he would extend to me and the Assembly the fullest privileges which had been granted to my predecessors. In the first Assembly, when John Garland, Esq., was chosen Speaker, and on making a similar demand of privileges, Sir Thomas Cochrane, then Governor, personally addressed the Speaker, and said—"Mr. Speaker, I most cheerfully grant your request, conformable to the usage of Parliament, the laws of the Land, and the Royal Instructions." It is the first duty of a Governor to protect the privileges of the Legislature, particularly of the representative branch. In 1837 the privileges of the House of Assembly were so grossly violated, and the House itself so insulted by His Majesty's Council, that it found it necessary to appeal to his Excellency for protection and justice, but his Excellency declined interfering; and now when the House comes forward to protect itself, by an act of adjournment his Excellency sets at naught its best privilege—the privilege of preserving itself from insult and degradation. On Saturday night after I had gone to bed, I received from the executive, as Speaker of the Assembly, a notification that his Excellency on Monday, at two o'clock, would adjourn the House, and thus the labours of the Assembly for two months are annihilated—for there is not one Bill completed—and the country put to the expense of between One and Two Thousand Pounds. The proceedings of the House of Assembly in this crisis are dignified and able, and will teach his Excellency, I hope, a better lesson than he appears to have received from his advisers.

WILLIAM CARSON.

Billies, August 14, 1838.

ARRIVALS.—In the Harriet Elizabeth, from Boston, Mr. J. Cozens.—In the —, from Quebec, Mr. Harding.—In the Pictou, from Waterford, Mr. R. Kent.—In the Sophia, from Liverpool, P. Morris, Esq., M. C. P.

DEPARTURES.—In the Neptune, for Liverpool, Assistant Judge Brenton, Mrs. and Miss Brenton, and Dy.-Asst.-Com.-Gen. Milray.—In the Mary Jane, for Liverpool, Lieut. Oldfield, R. A.

Arrived, yesterday, the Sophia, from Liverpool.—Euphemia, from Copenhagen,—a Spanish Brig and Schooner.

Arrivals from Newfoundland at Cork.—St John's Percy, 10 days; Earl Grey, —, 11 ditto

Sale by Auction.

Desirable Investment.

POSTPONED SALE.

On Monday.

The 20th August, if not previously disposed of BY PRIVATE CONTRACT.

THE INTEREST for the unexpired Term of 26 years, from the 31st October Next, of and in those **STONE & BRICK BUILDINGS** and **PREMISES** situate on the south side of Water Street, now in the occupancy of Dr. O'DWYER, Mr. WM. HART, and Messrs. M'BRIDE & KERR.

For the unexpired term of 35 years from the 1st November next, of and in that **STONE PREMISES** situate on the South side of the said Street, and now in the occupancy of Mr. PATRICK MULLONEY.

The said **BUILDING** and **PREMISES** yield a profit rent of £158 sterling, per annum.

For further particulars apply to **PATRICK MORRIS.**

August 2.

For HALIFAX.

THE FINE SCHOONER JANE,
For FREIGHT or PASSAGE
apply to Capt. DOANE, on board,
BLAND & TOBIN.
or to
August 16.

For FREIGHT or CHARTER

The well-known, substantial, and fast-sailing Brig
PICTOU
Wm. FLAVIN, Master;
Burthen 139 Tons, will carry about 2800 Qtls.
Fish in bulk.—Apply to
August 16. **J. & J. KENT.**

Notice.

COMMISSIONS

MR. PROWSE having taken Premises in a central part of the Town, near Messrs. BAINE, JOHNSTON & Co.'s, He will be happy to receive Goods for disposal, on COMMISSION, either by private or public Sale.
August 16.

BENEVOLENT IRISH SOCIETY.

THE Quarterly Meeting of the Benevolent Irish Society will be held at the Orphan Asylum School, on **SUNDAY** next, at One o'clock
By Order,
August 16. **WILLIAM POWER, Sec'y.**

TENDERS will be received by the Subscriber until **FRIDAY**, the 17th August, at 10 o'clock, A. M.

For repairing part of the Road leading from Apple Tree Well to George's Pond.

For repairing part of the Road from King's Bridge to Outer Cove.

For repairing the Road from Logy Bay, to meet the Road from St. John's to Outer Cove.

For repairing part of the Road from St. John's to Wigmore's Gully.

For repairing part of the Portugal Cove Road.

For repairing the Road from Goff's Bridge, Portugal Cove, to Westward Point.

For repairing part of the Bay Bulls Road, commencing at Waterford Bridge.

N. B.—Sections and Specifications may be seen at the office of

JAMES DOUGLAS,
Chairman of the Board of Road Commissioners.

August 2.

WANTED
To load for the West Indies,
A VESSEL
that will carry from 1600
to 2000 Qtls. Fish in
Casks.—Apply to

August 2.

ALL Persons having claims against the Estate of the late **JAMES BLAIKIE, Esq.,** are requested to present the same, duly attested, on or before the 1st October next, to

SARAH W. BLAIKIE, Administratrix.

ON SALE.

Just Received,
AND NOW LANDING.

From the Brig PICTOU, from WATERFORD,
253 Tierces Strangman's PORTER,
20 Boxes CANDLES
48 HORSE COLLARS.
August 16. **J. & J. KENT.**

NOW LANDING

From the Brig EMMA, from HAMBURGH,
AND FOR SALE
AT THE STORES OF
LAWRENCE O'BRIEN,
1000 BAGS 1st, 2nd, and 3rd quality
BREAD
300 Barrels Fine and Superfine FLOUR
150 Firkins BUTTER
40 Barrels PORK
100 Bags BRAN
4000 BRICKS,
Which will be Sold on low terms.
August 9.

SAMUEL CODNER

HAS JUST RECEIVED,

Per EMMA, from HAMBURGH,
AND OFFERS FOR SALE,
15 Barrels Smoked Pigs' Heads
80 Firkins Randers' Butter.
ALSO,
White Lead, Black Paint,
Boiled and Raw Linseed Oil.
August 9.

Thos. & John Brocklebank

OFFER FOR SALE

For Fish in September next,
301 Bags second quality
BISCUIT,

Just received by the EMMA from
Hamburg. August 2.

BY
HUNTERS & Co.
THE CARGO

Of the ANNANDALE, from P. E. Island,
PINE and Spruce BOARD
Hardwood PLANK, 1½ to 3 Inches
Spruce and Hardwood SCANTLING
SHINGLES and BILLETS.
August 2.

SAMUEL MUDGE

Offers for Sale,

HIS REMAINING STOCK OF
Bridport GOODS,

AT REDUCED PRICES,

Consisting of—

COD and Caplin Seines, Cod Nets
Lance Bunts, Lines and Twines, and
80 Herring Nets, 30, 40, 50 and 60 fms;

ALSO,

400 Bags Hamburg BREAD
50 Bls. Flour and Pease
40 Firkins prime Butter
Pearl Barley, Sugar, Tea
300 Pair English Blankets
100 Pieces Serges & Swanskin
800 Feet Elm Boards
Canvass, Hemp, 2 Fish Beams
19 English Kettles, 1 Cask Lime
8 Hhds. Ale and Cider
7 Dozen Madeira and Champagne Wine
80 Boxes and Half-boxes Liverpool Soap.
August 2.

FIRST FALL GOODS.

WARREN & WHEATLEY

HAVE JUST RECEIVED,
Per Ardon, from GREENOCK.
A PART OF THEIR FALL SUPPLY OF
**M N U F C T U R E D
G O O D S,**

COMPRISING
A very Select Assortment of the Newest Styles of
SHAWLS and other fancy GOODS,
A VARIED AND FASHIONABLE ASSORTMENT OF

TROUSER STUFFS,

BEAVERS,

ARTIC CLOTHS,
Hosiery, Tartans &c.

90 Pieces Number and Flat Canvas
14 Casks prime bottled le & Porter
Wrapping Paper, &c. &c.

—o—

ALSO,
By the Brig Emma, from HAMBURGH,
100 Bags good common Bread
150 Do. Middling quality do.
100 Do. Fine do.
Which they offer for Sale on the Lowest Terms.
August 2.—5w.

ON SALE.

BY

EWEN STABB,

280 Tons Salt (afloat)
Butt and Shoulder Leather
Packages of Boots and Shoes, assorted
English and Westphalia Hams
Geneva in cases containing 3 gallons
Brown Stout, in barrels 3 dozen.
Port Wine do. do.
Hardware, Cordage
Herring Nets, &c.
Hamburg Butter, &c. &c.
August 2.

MAZEPPA

Just arrived from Copenhagen.

T. & J. BROCKLEBANK

OFFER FOR SALE,

The Cargo of the Mazeppa for Fish in September next.

960 Barrels Superfine Copenhagen FLOUR
80 Half do. extra do. do.
100 Barrels Prime Mess PORK
100 Bags first quality BISCUIT
190 Do. second do. do.
July 26.

BY

BAINE, JOHNSTON & CO

Ex Brigantine Goshawk from Barbic.

61 PUNS RUM

2 Hhds. ditto
32 Puns. MOLASSES
3 Hhds. SUGAR.

IN STORE,

20 Hhds. SUGAR
OATMEAL, PEASE, BARLEY, &c. &c.
July 26.

T. & J. Brocklebank

OFFER FOR SALE,

The Cargo of the Brig OBERON, from Hamburg
Via:—

500 Bls. Superfine Flour
799 Bags 1st & 2d quality Cread
9000 Bricks.
July 19.

LANDING,

AND FOR SALE.

The Cargo of the Brig NAIAD, from DANTZIC,
CONSISTING OF

1890 BAGS BREAD
1400 Barrels FLOUR
250 Ditto PEASE
100 Ditto PORK,
BY NEWMAN & Co.
July 12.

Grenada RUM.

THE SUBSCRIBERS
Offer for Sale,

The Cargo of the Brigantine LUNA, Consisting of
55 Puns. Grenada Rum and
2 Hhds. Sugar.
JAMES FERGUS & Co.
July 19.

Attorney General's Office,
27th July, 1838.

Sir,

I have the honour to acquaint you, for the information of His Excellency the Governor, that in pursuance of his directions, conveyed to me in your letter of the 25th instant, I have considered the query therewith submitted to me on the part of the Board of Road Commissioners, "Whether Cellars, Vaults and Hatchways within the boundaries of 50 feet and 40 feet respectively, prescribed by the Imperial Act of 1st Geo. 4, c. 51, to be the breadth of Water-Street and Duchworth-Street, are Nuisances?" I am humbly of opinion that all such excavations and erections upon, in, or under the said Streets, and within the boundaries laid down by the said Act, are public nuisances.—Upon this point I have not at any time entertained any doubt.

I have the honour to be, Sir,

Your most obedient

Humble servant,

JAMES SIMMS.

The Honorable
JAMES CROWDY.

SANCTIONED by the above opinion of Her Majesty's Attorney General, the Commissioners of Roads and Bridges for this District hereby give Notice, that all Cellars, Vaults and Hatchways, in the Public Streets, shall be forthwith abated as public nuisances; and all Persons immediately interested will govern themselves accordingly.

By Order,
JAMES DOUGLAS,
Chairman.

August 9.



Poets' Corner.

THE QUIET EYE.

BY ELIZA COOK.

The orb I like is not the one
That dazzles with its lightning gleam;
That dares to look upon the sun,
As though it challenged brighter beam.
That orb may sparkle, flash, and roll;
Its fire may blaze, its shaft may fly—
But not for me; I prize the soul
That slumbers in a quiet eye.

There's something in its placid shade
That tells of calm unworldly thought;
Hope may be crowned, or joy delay'd,
No dimness steals, no ray is caught;
Its pensive language seems to say,
"I know that I must close and die,"
And death itself, come when it may,
Can hardly change the quiet eye.

There's meaning in its steady glance,
Of gentle blame or praising love,
That makes me tremble to advance
A word, that meaning might reprove.
The haughty threat, the fiery look,
My spirit proudly can defy;
But never yet could meet and brook
The upbraiding of a quiet eye.

There's firmness in its even light,
That augurs of a breast sincere;
And, oh! take watch how he excite
That firmness till it yield a tear.
Some bosoms give an easy sigh,
Some drops of grief will freely start;
But that which sears the quiet eye
Hath its deep fountain in the heart.

WOMAN'S LOVE.

How blest is he for whom the sigh
Of gentle woman oft is breathed!—
On whom is fix'd her wistful eye—
Around whose heart her hopes are wreathed!
Oh, priceless is her tender love!
'Tis th' only drop to mankind given,
From the bright bowl that's fill'd above,
From which they drink of bliss in Heaven!
But not for all does woman's heart
Yield up the feeling there implanted—
Alas! 'tis oft the bitter part
Of him to whom it ne'er is granted,
To prize it most. Thus are the fairest,
And richest gems always the rarest!

NIGHTS AT SEA.

THE CHASE—THE FORECASTLE YARN.

A cheerless and disheartening spectacle is a dismayed ship, with all her mass of wreck still clinging to the hull, that it once bore proudly over the billows! 'Tis like the unfortunate, abandoned by his friends; who, however, continue to hang around him, though more to impede his way than to retrieve his fortunes! And there lay the Spankaway, with her long line of taper spars reversed, their heads in the water, and their heels uppermost; and, as if in mockery of the mishap, the beautiful bright moon showed their diminished shadows on the again smooth surface of the ocean. The squall had passed far away to leeward, and was dwindling to a mere speck of silvery vapour, whilst all beside was still, and calm, and passionless.

Now it was no pleasant sight to Lord Eustace Dash and his officers to witness the dismantling of the craft they loved; and as the chief, it may be naturally supposed that the chagrin of his lordship far exceeded that of his subs; but there was one amongst them almost affected to tears, and that was old Will Parallel the master.

"Smack smooth to the lower caps, by _____!" said his lordship, as he surveyed the havoc made in his dashing frigate: "not a rope-yarn above the lower-mast heads, and—"

"Not a bit of canvass abroad big enough to make a clout for a baby," chimed in the old master; "spanker, jib, topsels, all gone to the devil! as 'll have no more manner o' use for 'em than a serjeant of jollies has for a hand-bible."

"Where's Mr. _____?" shouted his lordship; and the master's mate, who had had charge of the deck, stood before him. "How came all this, sir?"

"It was a white squall, my lord," replied the young man addressed; "not a soul saw it till it caught the ship, and the topmasts went over the sides immediately."

"I shall inquire into the fact presently, sir," rejoined his lordship, excessively vexed and mortified. "Turn the hands up—clear the wreck!"

That night was a night of arduous but light-hearted toil; no man shrunk from his task; and, when they piped to breakfast next morning, the

frigate was once more all at aunt's, with royals and studding-sails set, in chase of a large ship of warlike appearance, that was seen in the north-west, running away large, apparently bound in for Toulon.

"Foretop-sail-yard, there!" shouted Lord Eustace from the quarter-deck. "What do you make of her, Mr. Nugent?"

"She's nearly end on, my lord," responded the young lieutenant, as, steadying himself by the topsail-tie, he directed his glass towards the stranger; and then, in a few minutes, added, "She spreads a broad cloth, my lord; and, from the cut of her canvass, I should most certainly say—" and he paused to take another look.

"I'd take my daffy on it, Mister Nugent," said the look-out man, "her topsels are more hollowed out than ourn; her royals never came out of a British dock-yard; and I'd bet my six months' whack again a scupper-nail that she's a Frenchman, and a large frigate too."

"Well, what is she, Nugent?" shouted the noble Captain. "Can you see down to her courses?"

"Yes, my lord," responded the lieutenant; "we shall, I hope, have her hull in sight before long, as I have no hesitation in saying—that is, my lord, I think she's an enemy's frigate."

This announcement was heard fore and aft; for, during the time of his lordship's hailing, every whisper was hushed, and scarcely even a limb moved, lest the listener should lose the replies. Expectations had been raised that the vessel in sight might be a French transport, from the Egyptian coast, or perhaps a merchantman; but the chance of an enemy's frigate was indeed joyous news. Breakfast was hastily despatched; the mess-kids were speedily stowed away, and the boatswain's shrill call echoed amongst the canvass as he piped "Make sail, ahoy!" In an instant every man was at his station; every yard of cloth that could catch a breath of wind was packed upon the Spankaway, who seemed to glide along through the water just as easy as when she first started from the buttered slips. Indeed, Jack Sheavehole declared that "she wur all the better for the spree she'd had the night afore."

An exciting period is the time of chase, and it is extremely interesting to observe the anxious looks of the officers as they eye the trim of the sails, and the ready attention of the tars as they execute the most minute command as if every thing depended on their own individual exertions.

All day the chase continued; and the Spankaway overhauled the stranger so as materially to lessen the distance between them; in fact, her hull could be plainly discerned from the deck, and there was no longer any doubt of her national character. In the afternoon permission was given to take the hammocks below, but not a man availed himself of it; they were therefore re-stowed in readiness for that engagement which all hearts were eager for, all hands itching to begin. Evening closed in, and keen eyes were employed to keep sight of the enemy. The men lay down at their quarters; some to take a nigger's sleep,—one eye shut and the other open; some to converse in good audible whispers; some leaning out at the ports, and watching the moonbeams reflected on the waters, whilst the hissing and chattering noise made by the progress of the ship was sweet music to their ears.

It was a lovely night for contemplation—but what did Jack want with contemplation whilst an enemy's frigate was in sight? The breeze was light enough to please a lady,—it would have scarcely vibrated the cords of an Æolian lyre; but this was not the breeze for our honest tars; they wanted to hear the gale thrilling through the barystrings of the standing rigging, with a running accompaniment of deep bass from the ocean, as their counter, set in sea, trebled the piping noise of the wind. Yet there was one satisfaction; the Frenchman had no more than themselves, and they carried every fresh capful along with them before it reached the chase. The full moon tried her best endeavour to make her borrowed radiance equally luminous as that of the glorious orb which so generously granted the loan, with only one provision, that a certain rate of interest should be paid to the earth; but the old girl on this night tried to sport the principal. The waters were lucidly clear, and the mimic waves on its surface would scarcely have been a rough sea to that model of a Dutch dogger—a walnut-shell. Yet the Spankaway was stealing along some seven knots an hour, and the sails just like a dreamer's sleep.

On the fore-castle—that post of honour to a seaman, where the tallest and best of Britain's pride are always to be found—men who can take the weather-wheel, heave the lead, splice a cable, or furl a foresail,—the A. B.'s of the royal navy,—on the fore-castle, just in amidships, before the mast, sat our old friend, Jack Sheavehole, Sam Slick, the ship's tailor, Joe Nighthead, Mungo Pearl, a negro captain of the sweepers, Jemmy Ducks, the poulterer, Bob Martingal, a fore-castle-man, and several others, who were stationed at the foremost guns.

"Silence there in amidships," said Mr. Parallel; "you make so much noise that I can't keep my glass steady. Spin your yarns, Mr. Pearl, with your mouth shut, like an oyster;" and then, addressing the captain, "We rise her fast, my lord, and the breeze freshens: the old beauty knows she's got some work cut out for her; she begins to smell garlic, and walks along like an ostrich on the stretch—legs and wings, and all in full play."

"What distance are we from Toulon?" inquired Lord Eustace, as he carefully and anxiously scanned the stranger through his glass.

"About nine leagues," promptly answered Mr. Parallel; "and if the breeze holds on, or comes stronger, another three hours will carry us alongside of the enemy."

"We shall soon have her within reach of the bow-guns," said the first lieutenant, "and a shot well thrown may take in some of her canvass."

"That's a good deal of chance word," responded the master; "it mought and it moughtn't; but firing is sure to frighten the—"

"Spirits of the wind," added Nugent, who stood close beside him; "they become alarmed and fake to flight, and so we lose the flapping of their airy wings."

"Hairy grandmother," grumbled old Parallel, "hairy wings indeed; why, who ever seed such a thing? Spirits of wind, too,—rum spirits, mayhap, to cure flatulency. Stick to natur, Mr. Nugent, or she'll be giving us another squall, just out o' revenge for being rediculed."

"The chase is trying his range my lord," exclaimed Mr. Seymour—"but the shot must have fallen very short, as we couldn't hear it."

"Keep less noise on the fokesel," said old Parallel. "What ails that lubberly wet-nurse to all the geese in the ship? Ay ay, he'll have hold on yhu by-and-by! Get a pull of that topmast-stud-nel tack!"

Half an hour elapsed from the first discharge of the enemy's stern-chaser, when he again tried his range; and to prove how rapidly they were nearing each other, the shot this time passed over the British frigate. There was something exhilarating to the ears of the seamen in the whiz of its flight. Two or three taps on the drum aroused every man to his quarters; the guns were cast loose, and the bow chasers cleared away for the officers to practice. Heavy bets were made relative to hitting the target, the iron was well thrown, and every moment increased the eagerness of the tars to get fairly along-side. The land was rising higher and higher out of the water,—The French port was in view,—the enemy began to exult in the prospect of escape, when an eighteen-pounder, pointed by the hands of the master, brought down her main-top-gallant-mast; and the Frenchman, finding it was utterly impossible to get away without fighting, shortened sail, and cleared for action. Three cheers hailed this manœuvre. The British tars now made certain of their prize—and, when within half pistol shot, it came the Spankaway's flying-kites, and in five minutes she was not only under snug commanding canvas, but the moment they returned to their quarters they passed close under the French frigate, and steadily poured in a raking broadside, every shot doing its own proper duty, and crashing and tearing the enemy's stern-frame to pieces, ploughing up the decks as they ranged fore and aft, and diminishing the strength of their opponents by no less than twenty-seven killed and wounded. Still the Frenchman fought bravely, and handled his vessel in admirable style. Six of the Spankaway's lay dead, and thirteen wounded. Amongst the latter was our worthy old friend Will Parallel, the master; a splinter had struck him on the breast, and he was carried below insensible.—Sea fights have so often been described, that they have but little novelty; let it therefore suffice, that, in fifty-six minutes from the first broadside, the tri-coloured flag came down, and the national frigate Hippolito, mounting forty-four guns, struck to His Britannic Majesty's ship the Spankaway, whose first lieutenant, Mr. Seymour, was sent on board to take possession, as a prelude to that step which he was now certain of obtaining. Thus two nights of labor passed away, and the triumph of the second made ample amends for the misfortunes of the first—besides enabling the warrant officers to expend their stores, and not a word about the white squall.

There glides the dashing Spankaway over the smooth surface of the ocean, whilst close in her wake, moves the vanquished Hippolito. The damages have been repaired so as to be scarcely perceptible: the shot holes have been well plugged and secured; and the two frigates appear more like consorts on a cruise than enemies so recently engaged in deadly strife. The breeze is a royal breeze: and gallantly the beautiful-ships are splitting the yielding waters, whilst the watches are employed in necessary duties. Near the taffrail of the Spankaway stand two prominent figures, both remarkably fine-looking men, who might be taken for brother officers but for the difference in their uniforms. The one on the larboard hand has his head erect, his chest thrown forward, his left hand thrust into his waistcoat, and his right foot in advance planted firmly on the deck; he is indulging in high wrought and proud feelings as he silently gazes on the prize; his voice is not heard but there is a speaking meaning in his look as he contemplates the red cross of St. George upon a white field floating majestically above the tricolour, whilst his own untarnished ensign waves singly at his peak. The individual on his starboard hand has a cast of melancholy on his countenance; his head is depressed, his arms are folded on his breast; and, though sensible that he had done his duty and defended his command as long as his crew rendered it tenable, yet he knows that he was not well supported by his fellow-citizens, among whom equality is the order of the day; and he is suffering from a sense of deep humiliation at the degraded condition in which he is placed. These are the captains of the two frigates,—the victor and vanquished.

Upon the quarter-deck of the Hippolito is Mr. Seymour, hurrying to and fro, issuing his orders, and rendering the prize as effective as possible.

There is a laughing glee upon his features that plainly evidences the pleasure he cherishes in his heart; he looks around with exultation as he anticipates the moment when he himself shall have such a desirable command. One step he makes sure of; a few hours more may perform fresh wonders; and his mind, with all the vividness of a seaman's hope, is making a hop, skip and a jump, progress to certain conclusions favourable to promotion. The fact is, Seymour had been long neglected; he was an excellent officer, and a brave man; had fought in several actions, been severely wounded on more than one occasion; but the coveted distinction had been withheld because he was not a first lieutenant. Now however, he made sure of it; and already began to feel the weight of the epaulette on the left shoulder, with an ardent determination to do something that would transfer it to the right shoulder.

But whither are the frigates steering? their heads are not on the compass-point for a friendly port, but directly the reverse. Night is coming on; they are running into the gulph of Genoa. There are the Hiers, a little open on the larboard bow, just rising from the sea. Southwest should carry them to Gibraltar, and there are they going away north-east.

"Your undertaking is rather hazardous, my lord," said Citizen Captain Bagaud; "there are ships of the line in the immediate neighbourhood, and the English fleet may have again resumed its station."

"If the latter is the case," replied Lord Eustace, "I can run no hazard; for Lord Nelson will have a bright eye upon the enemy. On the other hand the enterprise is worth a little risk; and, though I despise the fellows who gave me information, yet it is my duty, as well as according to my inclination, to make the most of it."

"Vous avez, raison, milord," rejoined the Frenchman; "mais—" he paused; "sacree! the rascal who told you merits the guillotine; he is a disgrace to the grande nation."

Lovely is a Mediterranean twilight in those balmy months that breathe the odorous incense of exulting Nature in all its richest perfumes! then is the hour for contemplation! it is then the mind ranges over its best affections; and hearts, though oceans divide them, hold a mysterious communing with each other.

"Deeper, oh twilight, let thy shades increase
Till every feeling, every pulse, is peace."

It is the poet alone that can describe its influences, for the art of the painter is baffled; he cannot produce the deepening tints as the web of darkness appears to be progressively weaving over the face of the heavens.

"I love this season," said Lord Eustace to his captive, as they still stood side by side abaft; "there is a holy tranquillity about it that calms every turbulent passion, and soothes the heart in its sorrow."

"C'est vrai milord," returned the Frenchman, mournfully enough for one of his country; "and you star there," pointing to Algol in Medusa's head, "has ever been to me the star of my destiny. Three days since I quitted Toulon; that orb at night was dim, and a heavy foreboding rested on my spirit; and on the following night its brightness, even its dimensions, had decreased, and then I knew the doom of my honour was at hand."

"Whatever presentiment you might have had," said Lord Eustace, "rest satisfied your honour remains untarnished. You fought your ship well, and be assured my account of the action shall do you ample justice. But I should like to know why you consider that particular star as connected with your fortunes?"

"You shall be gratified then," responded the Frenchman, "if you have no objections to a tale of horror."

"None, none,—not in the least!" answered the noble captain; "the hour, the quiet, the dubious light it is just the time for such a thing. Pray favour me and I will gaze on the Gorgon, and listen with profound attention."

CANNING, LYNDHURST, AND WELLINGTON.—I have been endeavouring, this morning, to understand why the art of painting should produce such exquisite delight in some minds and not in others. Does it depend on a quick, pleasurable feeling, communicated to the mind by means of vision? It cannot depend on great intellectual capacity, because Mr. Canning, with all his splendid talents, never felt any gratification at sight of a fine picture. The present Lord Chancellor derives great pleasure from art. His father was the celebrated painter, Copley, and I heard the Chancellor say, on looking at one of Canaletti's pictures, "What a pleasurable companion for a wet day! You require nothing else." I suspect the Duke of *****'s delight in pictures is not strong; yet he possesses the greatest powers of common sense, seizing always the right points, and calculating with remarkable accuracy, on the consequences. At the battle of ***** he attempted no movement, I understand, and stood like a brick wall, and never, in all his campaigns, made a move until the French had demonstrated their intentions. He always waited and followed theirs, in place of permitting them to follow him.—Memoirs of Sir Wm. Knighton.

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