



# Newfoundland

No. 578.

THURSDAY, August 23, 1838.

Sixpence.

## JUDGMENT.

In the matter of the Imprisonment of Edward Kielley.

In Chambers, August 13, 1838.

Having upon a previous day, upon hearing counsel at great length, and after the fullest research into this question which the brevity of the time between the issuing and return of the *Habeas Corpus* permitted me, been clearly of opinion upon several grounds that the imprisonment of the party was illegal, I did, as was my duty in such case, immediately restore him to his liberty—intending, however, at as early a day as possible, to give at more length the reasons upon which I had arrived at the judgment I then pronounced. Having in the meantime had sufficient opportunity to consult the best authorities upon the subject, in addition to the extensive information which I derived from the learned and very able arguments of the counsel for the prisoner, I shall now enter more fully upon the consideration of the grounds of my decision, in order that the community at large, and especially the parties more nearly interested in this question, may understand that I have not acted in this matter rashly or unadvisedly, but upon reasons satisfactory to my own mind, and, I trust also, to all who will take the trouble of enquiring into them.

This was an application by the prisoner to be discharged, under a *Habeas Corpus*, from the goal of this town, to which he had been committed by virtue of a warrant to the Sheriff from the Speaker of the House of Assembly of the Island, for an alleged breach of the privileges of the House. The questions, therefore, which present themselves to my mind are,—First: What are the privileges of the House of Assembly? Secondly: Have they the power of punishing summarily for a breach of their privileges by imprisonment? And thirdly: If it cannot be clearly shewn that they have such power, whether the warrant in the present case is a legal and valid document for the detention of the prisoner?

As to the first question, I am given to understand that the House of Assembly here assume to themselves the privileges of the Imperial House of Commons, and claim to exercise the like powers of punishment for a breach of those privileges, and that upon this plea they have exercised the power of punishing the prisoner on the present occasion. This, therefore, leads me in the first instance, to examine briefly into the nature and origin of the privileges and powers of Imperial Parliaments, and more especially those of the House of Commons, before enquiring for the authority upon which those privileges and powers are claimed for the House of Assembly.

Every one who has sufficiently read the history of our mother country well knows that anciently the two House of Parliament sat together, and formed what then and after their separation was and still is called the High Court of Parliament—a Court of the remotest antiquity, of the highest dignity, and of the most unlimited power and authority within the Realm. Its laws, customs and usages, which Sir Edward Coke and all the old writers style the *lex et consuetudo parliamenti*, were from the earliest times held and considered to be part of the law of the land, and in that respect a part of the Common Law; and at the time of the separation of the two Houses, which was as early as the 49 Hen. 3, the privileges enjoyed and the functions uniformly exercised by each branch of the Legislature were, in the opinion of Lord Ellenborough, by a formal act at the time of their separation, statutorily assigned to each.

If not the whole, the greater part therefore, of these laws, customs, and usages are coeval with the Common Law. They have, from time to time, been expressly altered and varied by Acts of the Legislature for that purpose, and are to be found in the "rolls of Parliament"—"in precedents and records," and "continual experience of the customs of Parliament." It therefore appears that the Law of Parliament was not originally one uniform code, but has been added to, altered, and amended from time to time; that many of the powers and privileges of the two branches of the Legislature have, at various times, been doubted, resisted, and debated, and have been exercised only upon their being clearly ascertained to be a part of the ancient and undoubted usage and cus-

tom of Parliament. But the House of Commons have never claimed, nor has any one been hardy enough on their behalf to claim the power, by their own resolution, of making that a privilege which before was no privilege. Neither are their privileges arbitrary and undefined, vague and uncertain, but where doubts arise are discoverable by "examining the records of Parliament," and enquiring "what was claimed and allowed in similar instances in former times," precisely in the same manner as the Common Law is construed by the Judges of the several Courts of Law. It does not precisely appear at what time the House of Commons first convicted for contempt as in the nature of a breach of privilege, and Mr. Hatsell mentions that up to the time of Hen. 7, the Commons had never proceeded as for a breach of privilege upon their own authority.† It is now, however, and indeed always has been clear law, that the House of Commons does lawfully possess the power of commitment for contempt, as in the nature of a breach of privilege—a power recognized by Statute as having been anciently exercised by them—equally applicable to the House of Lords, for they are one and the same in this respect—the Grand Council of the Realm divided into two different parts, and carrying with them those powers which they collectively exercised before their separation. Upon a *Habeas Corpus*, therefore, to discharge one committed by the House of Commons for contempt, it has been adjudged and decided in satisfaction of that part of Magna Charta which directs that no man shall be imprisoned but by the lawful judgment of his peers, or by the Law of the land, and of the 28 Edw. 3, that no man shall be taken or imprisoned without being brought into answer by due process of the Law, that the *lex et consuetudo parliamenti*—the Law of Parliament—is part of the Law of the land equally with the Common and Statute Law.

I come now to the most important consideration—namely, does the House of Assembly of this Island possess the powers and privileges acknowledged as belonging to the House of Commons, and more particularly the power of punishing summarily by imprisonment for a breach of privileges, as in the present instance? Upon this point let us look at the origin of our Local Legislature. It is, as is well known to all of us, but some five or six years since it first commenced to exist by virtue of a Commission from His late Majesty to the Governor of the Colony, empowering him to convolve General Assemblies from among the inhabitants of the Island, who, in conjunction with the Governor and Council, were to make laws and ordinances for the good government of the Colony, not repugnant to the Acts of the Imperial Parliament. But is there in this Charter contained anything which erects the House of Assembly of the Island into a body of the same power and authority, and possessing the same rights and privileges as the Imperial House of Commons? There is not. Is there any Statute or Act of the Imperial Parliament which defines their rights, powers, and privileges, and declares them to be, within their jurisdiction, coequal in power with the House of Commons? There is none. Whence, then—by what authority, and from what source, do they derive the power which they have exercised on the present occasion? I am given to understand that it is by analogy to the House of Commons and the Assemblies of other British Colonies—that is, because the House of Assembly is the representative branch of the Local Legislature, it is therefore necessarily invested with all the privileges and powers acknowledged to belong to the House of Commons, as well as the customs and usages of the Houses of Assembly of other colonies. I myself have heard not only this doctrine, but that even of the power of inflicting corporal punishment broadly asserted by members of the House of Assembly. Let us examine into it. This colony is one of those provincial establishments, the constitution of which, according to Blackstone, "depend on the respective commissions issued by the Crown to the Governors, and the instructions which usually accompany those commissions, under the authority of which Provincial Assemblies are constituted with the power of making local ordinances not repugnant to the laws of England." So far then our Assembly is not equal in power, even within

this colony to the Imperial Parliament, to which it, as well as all other Legislatures in the Queen's dominions, is subordinate—whose constitution is as yet liable to alteration by the Sovereign Power which granted it, and whose existence may, by an Act of Parliament, at any time be terminated. Again, our House of Assembly does neither by itself nor in conjunction with the Council form a Court of Record; neither do the Council and Assembly together, nor does either separately, form a Court of Judicature; nor does it possess the power of impeachment—one of the highest powers of the House of Commons, which may consequently commit even for a crime, in order to an impeachment. The House of Lords, as is well known, is the highest Court of Record, and possesses supreme appellate jurisdiction within the realm; but does the Council of this Island—the Upper Branch of the Legislature—in the least respect whatever exercise analogous powers?—and yet the powers and privileges claimed to be exercised by the House of Assembly on the present occasion should, for the like reason, apply equally to the Council, from its analogy to the House of Lords. It is true there are here three branches of the Legislature, in imitation of the British Parliament, and somewhat similar forms of procedure in the passing of bills are observed, but beyond this it is absurd to talk of analogy where there is no resemblance of origin, constitution or powers. Indeed it is not long since the executive government upon view of the style of Parliament which the Legislature had arrogated to itself, disallowed the title as wholly inapplicable; and if under the name Parliament our Assembly might have claimed to exercise the powers of the Imperial Parliament, this act of the government has prevented them doing so.

And here I will refer as conclusive upon this subject to the opinion of Lord Camden—a lawyer of the highest learning and ability, who was successively Attorney General, Chief Justice of the Common Pleas, and Lord Chancellor of England—one who it is well known favoured popular claims, and during the war of the revolted American colonies sided with colonial pretensions. Speaking of the exercise of rights by the Colonial Assemblies, as supported by arguments drawn from the exercise of the like rights in the House of Commons, he says—"The constitution of the two Assemblies (that is of the House of Assembly and the House of Commons) differ fundamentally in many respects; our House of Commons stands upon its own laws, the *lex parliamenti*, whereas Assemblies in the colonies are regulated by their respective charters, usages, and the common Law of England, and will never be allowed to assume those privileges which the House of Commons are entitled to justly here, upon principles that neither can nor must be applied to the Assemblies of the Colonies." And again he says—"In this disposition of the Lower House to assume to themselves any privilege which the English House of Commons enjoy here. His Lordship (Lord Baltimore) should resist all such attempts where they are unreasonable, with firmness, and should never allow any encroachments to be established on the weight of that argument singly; for I am satisfied that neither the Crown nor the Parliament will ever suffer those Assemblies to erect themselves into the power and authority of the British House of Commons."

Let us now enquire into the legality of exercising the power of punishing summarily by imprisonment for contempt, as in the nature of breach of privilege, upon the ground that a similar power is exercised by the Legislatures of other colonies. The constitutions of these colonies, as has been shewn, are not all alike, but depend upon the terms of the respective Commissions under which they are granted, and indeed those of the old American colonies were greatly dissimilar to each other. In some of them the Councils at least were Courts of Record possessing various powers of judicature; but if any of them (Nova-Scotia for instance) the power of punishing by imprisonment for breach of privilege is exercised by the House of Assembly, it is not necessarily because the House of Commons exercise the same power, nor of any inherent right in the Assembly to exercise such power. It may be that in such colony they originally enacted and declared by a Law

what the rights and privileges of the several branches of the Legislature were, and conferred upon them the power of punishing summarily for a breach of those privileges. The most probable foundation for the exercise of such a power is long practice, not questioned in the first instance, and after lapse of time and repeated exercise grown into an usage, and recognized perhaps by the Courts of Law. If so, such power became to be, as regards such colony, in some respect part of the law of the land. But will any one say that such an usage can be pleaded as having any force in this colony, and that if it have even grown into Law in the colony where it obtains, it can be said to be the law of this Island a whit more than their statute of distributions or for the release of power or any other act of the Local Legislature of such Colony can be held to be in force as the law of this Island?

It is laid down in the books of authority that the decisions of the two Houses of Parliament, in cases in which they are admitted to be the sole competent judges, are fitly governed by usage and controlled by precedent. But how can the House of Assembly here, whose existence commenced scarcely six years ago, be said to be governed by usage or controlled by precedent in the present case, as to which manifestly neither usage nor precedent exists? If it is to be the usages and precedents of the Imperial Parliament, or those of other Colonial Assemblies, they refer, certainly they do not understand the meaning of the terms.

But if the House of Assembly on the first occasion upon which they choose to exercise a power of imprisonment, consider themselves invested with it because the House of Commons exercise the same, then are they equally entitled upon same ground and for the like reason to all the powers and privileges of the House of Commons, for the rule by which they claim forbids them to choose some powers and privileges and reject others—they must take all or none—and if in addition to the *lex et consuetudo parliamenti* they are at liberty to call and choose from among the customs and usages of other Colonial Legislatures all such as in their judgment are desirable and convenient, they would be I fear a much more powerful body than the Imperial Parliament itself, or indeed any other known to the British Constitution.

That the House of Assembly here are invested with some privileges as incident to their condition, I do not mean to deny; but of these I do not desire to constitute myself the arbiter—nor is it of importance on the present occasion that I should define what and how extensive they are, but it is my duty and an imperative duty to take care that they arrogate no privileges and exercise no powers, unless they be beyond question entitled to do so, which may interfere with the undoubted privilege—the dearest birthright of every British subject, recognized and confirmed by Magna Carta, "that no man shall be imprisoned but by the lawful judgment of his peers, or by the law of the land,"—secured also by the statute of the 28 Edward 3d, which enacts that no man shall be put out of land or tenement, nor taken or imprisoned, nor disinherited, nor put to death, without being brought in to answer by due process of the law." It has been shewn in argument, as it is laid down by the highest authorities, and is clear law, that a statute made in the affirmative, without any negative expressed or implied, doth not take away the Common Law—much less then shall a man's liberty, of which our laws are so tender, be restrained by implication or analogy.

The Courts of Record in England exercise and always have exercised the power of commitment for contempt, which power is part of the law of the land, and the Superior Courts in this colony also possess the like power, but is by virtue of an express act of the Imperial Parliament, and this power of the House of Commons, to commit for the like offence originates, among other sources, in its being part of the highest Court of Record in the Realm, whose powers and privileges were originally assigned by Statute, and have been sanctioned by immemorial usage;—for as Lord Ellenborough says, "there is no pretence for treating the privileges of the House of Commons, as some persons have treated them as things of a novel origin and constitution, beginning within the time of legal memory, and standing upon no au-

\* Lord Coke, 4 Inst. 50

† 1. Hat 51.

\* Chalmers's opinions.

(See last page.)

DEATH OF PRINCE TALLEYRAND.

(From the Correspondent of the Morning Post.)

PARIS, MAY 18.—The attention of every circle in this capital is directed towards the demise of one of the most remarkable men of our times, and, most certainly, the most distinguished character in this country. The minister of the Republic, of the Directory, Empire, and Restoration; the ambassador of the revolution of 1830; the active and influential agent in almost all the negotiations and events which have marked the history of Europe since the year 1789; the wit upon whom so many other wits have fathered their sayings to give them lustre and currency, Charles Maurice Prince de Talleyrand Perigord, departed this life yesterday afternoon, at the advanced age of 84 years and 3 months. He expired at some eight minutes to four, at his own mansion in the Rue Saint Florenun, retaining almost to the last his recollection and presence of mind, though the power to articulate failed him three or four hours before he ceased to exist. The disease which accelerated the destructive work of inexorable time would appear to have invaded his decayed frame about three weeks ago. I have heard some members of the faculty denominate it an anthrax, or white gangrene. Its progress was rapid and extensive. Yet, though on Friday last it assumed a very alarming appearance, some persons affirm that the Prince was enabled to enter his carriage and pay a few visits on Sunday afternoon. He had had to undergo two operations, the extraction of a furuncle on his face, and of another on his left side, which he had borne with great serenity. On Wednesday his situation had grown so desperate, that it was doubted whether he could survive the night. Fully aware of his hopeless condition, he was seen to smile, while he observed—"Voyez ce que c'est que le monde: la le debut, ici la fin!" pointing to a young kinswoman, who had just made her premiere communion and stood among the friends and relations surrounding his couch.

During the last days of his illness his residence was thronged with inquirers after his health. Between nine and ten o'clock yesterday morning Louis Philippe, whose aids-de-camp had been calling every half hour, arrived, with Madame Adelaide, a circumstance the more remarkable as Casimir Perier and Lafayette were not favoured with any visit from him on their deathbeds. The appearance of the King is said to have touched M. de Talleyrand so much that he observed either "This is the highest honour that my house has yet received," or "This is a great day for this house when the King of the French honours one of its members with his visit." If rumour be correct, the dying statesman bestowed some political advice upon his royal visitor, whom the interview touched so much that he was near fainting. In his will he formally prohibits his heirs from publishing his memoirs before 30 years have elapsed from the day of his demise, and he enjoins them to protest against the genuineness of any other memoirs that may appear under his name. He concludes the will by declaring that he dies in the Roman Catholic religion, and by expressing the wish of being buried at Valençay.

MELANCHOLY SUICIDE BY A YOUNG LADY AT SEACOMBE.

An event of a most tragical character occurred on board the Seacombe Steam-boat *Alice*, on the afternoon of Thursday, the unhappy sufferer in which exhibited a degree of reckless intrepidity and coolness of purpose, in the execution of her horrid project, almost unparalleled in the history of her sex. The facts of this distressing case are as novel as they are heart-rending. The deceased, a young lady of great personal beauty, and accomplishments, arrived at the Seacombe Hotel, on the morning of Tuesday, accompanied by her father, mother, sister, brother, and uncle, from Carnarvon, where they had been spending a few days. On Thursday, about noon, she crossed the river with her uncle, a lieutenant in the Hon. East India Company's service. Her uncle adjourned to the News-room, and the young lady, having in the meantime some purchases to make in Bold-st., was met again by her uncle, about half-past two, who accompanied her to the Seacombe slip; she re-crossed the river, and he saw no more of her. On the same afternoon, between four and five, she again left Seacombe in the packet for Liverpool. She appeared to be very restless, and did not, as is usual with ladies, confine herself to the hind part of the vessel; on the contrary, she walked about the fore part of the deck, deliberately took off her bonnet, and watching her opportunity, plunged into the river from the fore gangway. The alarm was instantly given—"Stop the engine, there is a person overboard!" A boat was immediately launched from the deck, and simultaneously, a small boat put off from the Seacombe slip, for the purpose of rescuing the young lady. It was some time before either of the boats reached her; the waves dashed over her head, but she did not sink, owing, probably, to the buoyancy of her clothing. She must have sprung into the river a considerable distance, so as to outreach the revolution of the paddle-wheels, otherwise she would have been instantly dashed to pieces. The boat which put off from Seacombe succeeded in reaching her first, and by it she was conveyed to the hotel. The lady in attendance there cut her clothes, rolled her in blankets, and placed her on a sofa. Mr. Ellis, surgeon, of Seacombe, was called in, together with Mr. Halliday of the same place. At the request

of the former gentleman, the young lady was carried up stairs, put to bed, and the usual means employed as in the case of drowned persons were put into requisition. The deceased, during this proceeding, appeared in great pain, but perfectly sensible. She asked for her pocket handkerchief, and on its being brought by Miss Smith, of the hotel, she exclaimed, throwing her arms round that lady's neck—"O, Miss Smith, I shall never get better, I have taken arsenic—an ounce and a half!" Miss Smith asked where she procured it, and she replied in Carnarvon, adding that she had put the paper containing it under her drawer in her bed-room. The paper was immediately sought for and found in the position described, bearing the words "arsenic—poison." When left alone with the deceased, Miss Smith, asked her reason for committing so fatal an act, her reply was, "I am very unhappy, and have been so for a long time—I wish to die." Mr. Ellis appearing at the same time, the deceased asked him sternly, "Doctor, how long have I to live?" On learning that she had taken poison, the stomach pump was applied by the medical men, and all available means used to prolong life, without effect. A few minutes before her death, Miss Smith asked the deceased if she would wish to see her father and mother, her reply was—"No!" She expired in about an hour and a half after being taken out of the water, having from that time until within a few minutes of her death, experienced the most excruciating agonies from the operation of the arsenic.

The deceased, as we have stated, was a remarkably fine looking young woman, in the 19th year of her age. All the arrangements for the successful execution of her fearful purpose were devised with lamentable prudence and forethought. Before entering the packet, she changed her shoes for slippers, untied her hair, left her veil, scarf, and brooch behind, and, as we have already mentioned, took off her bonnet and deliberately placed it on the deck of the steamer ere she plunged into the river.

It appears from the facts which have transpired, that the young lady, whose melancholy end we have detailed, was married at the early age of 17. Her husband is a barrister. The marriage proved unfortunate, for after living together for a short time, they separated, since which the spirits of the deceased have suffered great depression. To increase this depression, she was lately afflicted with an attack of rheumatic gout, at Carnarvon, at which watering place she was residing with her friends before coming to Seacombe. This illness, according to the testimony of her uncle, was produced by the deceased remaining too long in the water whilst bathing. The young lady belonged to a highly respectable family, who are, it may easily be believed, in the greatest possible agony at the tragic result we have detailed. Her father who supports a carriage, resides at Broom, near Stourbridge, in Staffordshire. The family are now at Parry's Hotel, where they will remain until the interment of their daughter.

Yesterday an inquest was held on the body before Faithful Thomas, Esq., Coroner for the northern division of Cheshire. The facts we have stated were proved in evidence, and the Jury returned the following verdict:—"We unanimously find that the deceased came by her death from the effects of having taken poison, during a state of temporary derangement."

GEORGE CANNING.—This eminent man was the only son of a barrister of good family, but slender means, who, having offended his family by marrying a portionless wife, was discarded with a pittance of £150 a year. A speculating disposition and improvident habits quickly dissipated this annuity; and the first birth-day of George Canning witnessed the death of his father, who died in penury and misery, of a broken heart. The widow and her infant were left in a state of utter destitution, and the former was obliged for her maintenance to attempt the stage. She appeared as Jane Shore; but, failing to satisfy a London audience, she was compelled to accept provincial engagements, and at length married a person of the same profession. In youth she was beautiful and accomplished. In after life, little more is known of her than that she received, to the last hour of her existence, the most assiduous and affectionate attention from her illustrious son. Mrs. Hunn, for that was the name she acquired by her second marriage, soon became a second time a widow, and settled at Bath. Her son took the earliest opportunity of withdrawing her from the stage; he applied to her support a considerable portion of the means allowed him by his family for his college expenses; and when he came forth to the world, his mother shared every success. At his retirement from the office of Under Secretary, in 1801, he settled upon her the pension of £500 a year, to which he was entitled; he paid an annual visit to her at Bath, and made it a rule, with which no engagements were allowed to interfere, to write to her every Sunday. Even during his embassy to Lisbon, when there was usually an interval of several weeks between the mails, the Sunday letter was never omitted, and the packet frequently brought four or five together. These letters the delighted parent read with no little pride in the circle of her friends at Bath.—*Cooke's History of Party.*

The first issue of sovereigns, bearing the impress of Queen Victoria, took place on Saturday, the London bankers having been supplied with a limited quantity, for the purpose of distribution among their immediate friends and customers. The likeness of the queen is considered perfect by those qualified to judge of such matters, and the coin is thought to be one of the best that has been issued from the mint for many years past.

EMANCIPATION OF THE NEGROES.

The cry of the British people for justice, mercy, and liberty for the slave has been successful in a large degree. In Barbadoes, in St. Vincent, and other of the smaller islands in the West Indies, the full emancipation of the Negroes on the coming first of August has been determined upon. In Jamaica the Governor has called together the local Legislature with every prospect of the same great object being there almost unanimously carried also. The only black spot remaining will then be Guiana, of which we confess we have small hopes from any good feelings in the breasts of the planters. The men who import coolies are not likely to give freedom to the negroes. But although no good motive is likely to have any influence in that slave-tainted region of the earth, still we think that there is even a glimmering of hope for the slaves there. As it is not very likely that the negroes will work as slaves, after they hear that their freedom has been once voted by the House of Commons upon the occasion of Sir Eardley Wilmot's motion, and as the likelihood will be again diminished into something very like a minimum, when they hear also that their fellow-captives all around them are set free, it is not altogether impossible that, upon the consideration of these things, the planters finding that "might will no longer make right," will screw a merit out of necessity and be driven by fear, to do what justice, mercy, and religion have never been able to recommend to them.

Most heartily then do we congratulate the public both on what has been accomplished, and what seems to be on the eve of accomplishment, in behalf of the long-oppressed negro. The people may well rejoice and be proud on this occasion. Whatever has been done they have done it. It is their triumph. The immediate emancipation of the slave is, indeed, a trophy worthy of the earnestness with which they have fought the fight, and struggled for the victory, in the cause of humanity. It is also a mighty homage, an immense tribute, to the power and force of public opinion. It shows what it can effect when it is brought to bear, in all its energy and strength, upon one common object.

P. E. ISLAND, JULY, 18.

Despatches of considerable importance with reference to the local affairs of this Colony were received by the Packet.

The Royal Assent to the Election Bill has been officially announced.

The above is not the only political change in the structure of our local government that we have to announce. The prayer of the House of Assembly for two distinct Councils, has also been acceded to; and directions have been received to dissolve the present Council, and to appoint two Councils in its stead, the one for Executive and the other for legislative purposes.

The Joint Report of the Council and Assembly on the Glebe question has been handed over to the Bishop of Nova Scotia, who is still in England for his Lordship to make his comments upon it.

His Excellency, we understand has received instructions to empower all the Justices of the peace throughout the Island to raise men for her Majesty's land service, to be attached to such regiments in North America as they may choose to enlist into. The usual bounty will be paid on their arrival at Head Quarters. A proclamation to this effect may be expected in the course of next week. This, combined with the convocation of Governors about to be held at Quebec, looks somewhat warlike.

The Cape Breton steamer on her passage to Charlottetown from Miramichi on Wednesday last fell in with H. M. S. *Andromache*, standing up Miramichi river with His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, on board, on his return from Quebec. His Excellency being desirous of landing, and the wind being scant, the steamer put about and put him on shore at Chatham. The *Andromache* having despatches to Sir A. Fitzroy from the Earl of Durham, they were put on board the steamer and arrived here on Thursday evening. They require, we understand, His Excellency's presence in Quebec. The *Andromache* was to proceed to Newfoundland for the purpose of conveying Governor Prescott from thence to Quebec where his presence is also required. On her return she is directed to call here for Sir Charles Fitzroy in order that both Governors may proceed in her together; but as the Newfoundland Legislature is at present in Session, we should suppose that some embarrassment might ensue were Governor Prescott to leave his Government at this particular time. A similar mandate, we understand, has been transmitted to Nova Scotia, to Sir Colin Campbell.

The Newfoundland.

ST. JOHN'S, (Thursday,) August 23, 1838.

The Legislature was opened on Monday last pursuant to proclamation.—His Excellency the Governor arrived at the Court House at 2 o'clock, and having summoned the House of Assembly to the Council Chamber, he delivered the following Speech:

"Mr. President and Honourable Gentlemen of the Council:

"Mr. Speaker and Gentlemen of the House of Assembly:

"Our financial and other affairs being, as respects the current year, precisely in the state in

which they were at the commencement of the late session; I have only now to refer you to my opening address on that occasion, and to recommend to your early consideration the subjects therein mentioned, and the various documents connected with them, which I have since transmitted."

In the House of Assembly, the Speaker having taken the Chair, informed the House that he had obtained a copy of the Speech, which he read;—he then reported that on entering the Speaker's Room a short time previously to the opening of the Session, a writ had been served upon him for the sum of £3000 at the suit of Edward Kielley, for certain proceedings of the House relative to the taking into custody and subsequent imprisonment of the said Edward Kielley,—which information he submitted for the purpose of enabling the House to take it into immediate consideration.

Mr. Kent also reported that he had been served with a similar process; and on motion, the House resolved itself into a committee of Privileges; and the chairman reported that some progress had been made, and that he had been instructed to move for leave to sit again, which was granted;—after which an adjournment was moved and carried.

On Tuesday the House again met—a motion for a committee to prepare an Address in reply to His Excellency's speech was carried. Mr. Winsler gave notice of motion for a Committee to examine the public accounts,—to sit every day for two hours previously to the opening of the House, and to be at liberty to send for persons and papers—he (Mr. W.) also gave notice of motion for leave to bring in a Bill to repeal the act for Relief of Sick and Disabled Seamen Fishermen and others, and to provide for the appropriation of the unexpended money, raised by virtue of said Act.—Mr. Brown gave notice of sundry Bills, viz.—A Bill to amend Act for encouragement of Education—Bill to provide for the vacating of seats by Members of the Assembly, and for the election of others in their stead—Bill to provide for registering names of voters, and to repeal an Act now in operation for that purpose—Bill to regulate office and fees of Sheriff, &c. and to provide for appointing a Sheriff in each Judicial District.—Mr. Morris presented a petition from William Goff and others, for money to repair road leading by Cooke's and Walsh's plantation.

Mr. Kent gave notice that he would move the House into committee on supply, to-morrow (Wednesday)—and on ways and means on Thursday. The House then resolved itself into a Committee of the whole on privilege—and the Chairman reported that the Committee had considered the business referred to them—had examined evidence with reference to it—and had come to the following Resolutions which he was directed to report to the House.

Resolved—That Bryan Robinson, Esq., Master-in-Chancery attendant on Her Majesty's Council by contemptuous language and observations respecting the House and the members thereof, and by the suing out of certain writs, at the suit of one Edward Kielley for alleged damages, against the Speaker and other Members of this House for proceedings within the House, has been guilty of a gross breach of the privileges of this House—and the said Bryan Robinson being an officer of the Board of Council this House cannot proceed against him for such contempt.

Resolved—That the said Bryan Robinson be no longer admitted as the bearer of any message to this House, until a message be despatched to Her Majesty's Council acquainting the Council with these Resolutions—and until satisfaction be made on the part of the said Bryan Robinson for such repeated violations of the privileges of the Commons House of Assembly.

The foregoing report having been read was, on motion, adopted. On yesterday the Bills, of which notice was given on Tuesday, were severally read a first time, and the House was afterwards in Committee on Supply pursuant to notice given on the day previously.

Private advices received by the *Sophia* from Liverpool, convey the information that the Committee of the Privy Council in the case of the House of Assembly of Newfoundland versus the Hon. H. J. Boulton, had come to the decision that they deemed it inexpedient that Mr. Boulton should return to Newfoundland in his Judicial station, for the reasons assigned in the annexed copy of Judgment pronounced in this matter.

"In reporting to your Majesty the memorial which your Majesty has been pleased to refer to us from your Majesty's Commons of Newfoundland in general Assembly convened, we think it right in the first place to state, that we have not found anything to justify the terms adopted in the prayer of the memorial. That your Majesty would be pleased to purify the Bench of Justice in Newfoundland, by the removal of the Chief Justice, inasmuch as we have not found any ground for imputing to the Chief Justice any corrupt motive or intentional deviation from his duty as a Judge; and we feel it incumbent upon us to express disapprobation at the language and conduct adopted towards him personally, and which is inconsistent with the respect due to the high office he was filling.

"We regret however to be under the necessity of reporting that we have found in some of the transactions brought under our consideration, so much of indiscretion in the conduct of the Chief Justice, and that he has permitted himself so much to participate in the strong feelings which appear unfortunately to have influenced the different parties in the colony, (although we do not find that his judicial proceedings have been affected thereby,) that we feel it our duty to state that we think it will be inexpedient that he should be continued in the office of Chief Justice of Newfoundland."

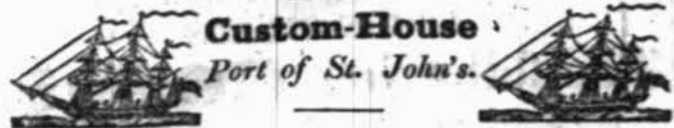
NOTICES.

It is said that Mr. Boulton will remain in England for the purpose of laying his case and the proceedings upon it before the House of Commons, with a view to obtaining from that body some compensation for the want of justice which he conceives to have characterised the decision of the Privy Council.

Mrs. Boulton and family sailed yesterday in the *Galatea* for Quebec;—they were attended on board by a large number of friends, who testified towards them every demonstration of respect on the occasion.

ARRIVALS.—In the *Mary*, from London, Col. Sall, R. V. C., Dr. Grant, R. V. C.—In the *Fortitude*, from Hamburg, Captain Spearman, Collector of Customs, Mrs. Spearman and Miss Frampton.

Shipping Intelligence.



Custom-House Port of St. John's.

VESSLS (ENTERED.)

August 15.—Brig *Lavinia*, Wylie, Copenhagen—400 bls. flour, 50 bls. pork, 100 firkins butter, 1285 bags bread, 8 M. bricks.  
Brig *Picton*, Flavin, Waterford, 250 tierces porter, 40 feather beds, and sundries.

CLEARED.

August 14.—Schooner *Endeavour*, M'Donald, Nova Scotia—50 hds. salt and sundries.  
Schooner *Bezzin* K. Reece, Tuzo, Porto Rico—1200 qtls. cod fish, 3 M. staves and sundries.  
15.—Brig *Emma*, Toft, Bathurst—ballast.

Sales by Auction.

On TUESDAY next,

The 28th Inst., at 12 o'clock, ON THE PREMISES,

ALL the late JOHN KENNA'S Interest (16 years) in Two HOUSES and a Plot of Garden Ground, situate in *Cayfield's Lane*—part of which is now in the occupancy of Mr. MICHAEL KNIGHT;—Also,

His Household Furniture,

CONSISTING OF

Feather Beds and Bedsteads, Chairs, Tables, Earthenware, Kitchen Utensils, and 3 Sealing Guns.

August 23.

Desirable Investment.

POSTPONED SALE.

On Saturday

The First September, 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.

ALSO,

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 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.

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. BLAKIE, Administratrix.

TENDERS will be received by the Subscriber until 12 o'clock, THIS DAY, (THURSDAY), from persons willing to contract for SHINGLING the old end of the St. JOHN'S HOSPITAL, as well as the Two Porches attached to the Building. The Shingles to be of the best quality, and the work to be entered upon forthwith, and to be subject to approval.

By order of the Directors, A. SHEA, Secretary.

August 23.

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.

WANTED

To load for the West Indies,

A VESSEL

that will carry from 1600 to 2000 Qtls. Fish in Casks.—Apply to

HUNTERS & Co

August 2.

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 *Duckworth-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.

TO BE LET.

(For One or more Years, as may be agreed on.) ALL those Waterside Premises at the King's Beach, lately in the occupancy of Mr. PATRICK KELLY, Cooper, comprising a SHOP and DWELLING-HOUSE, and other Tenements adjoining;—Also, substantial-built STORES, an extensive WHARF, &c.

For particulars, apply to

MICHAEL FOLEY, King's Beach.

August 23.

John and James Kent

ARE NOW LANDING,

Per *Pleiades* and *Duchess Gloucester* from Hamburg,

2000 Bags fine-middling and common Bread

700 Barrels Fine and Superfine Flour

100 Firkins new Butter

40 barrels Oatmeal

20 Ditto Pease

70 Westphalia Hams

7000 Large Bricks.

And per *Fox* from London,

30 Chests best Twankey,

10 Ditto Fine Congou

TEAS

Which will be Sold low for Cash or Shore Fish in October.

August 23.

ON SALE.

NOW LANDING

From the rig *EMMA*, from *HAM URGH*, 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, 1 1/2 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 *Avon*, from GREENOCK,

A PART OF THEIR FALL SUPPLY OF MANUFACTURED

GOODS,

COMPRISING

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

PROWSE STUFFS.

BEAVERS,

ARTIC CLOTHS,

Hosiery, Tartans &c.

90 Pieces Number and Flat Canvas

14 Casks prime bottled Ale & 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.

BR

Patrick Gleeson,

2 Kitchen Ranges,

(Complete.)

June 21.

ON SALE.

Now Landing

AND FOR SALE,

AT THE WHARF OF

PARKER & GLEESON,

The Cargo of the Brigantine ALPHA

from Fayal,

CONSISTING OF

1000 Hampers Potatoes

50 Ditto Onions

100 Cabbages

70 Casks assorted Wines in Pipes

Hhds. and Eighths.

August 23.

Just Received,

AND NOW LANDING,

From the Brig *Picton*, from WATERFORD,

253 Tierces Strangman's PORTER,

20 Boxes CANDLES

48 HORSE COLLARS.

August 16

J. & J. KENT.

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. 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 Berbice,

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 *ONERON*, from Hamburg

Viz:—

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.

FRESH IRISH

PORTER.

The Subscribers

(Continued from first page.)

"theory of prescription or Statute." But can it be shown that there is in force in this Island any negative Statute, any law or usage whatever which would, in defiance of Magna Carta and the 28 Edw. 3, interfere with the liberty of the subject in the mode now under consideration? If it be said that it is necessary to the House of Assembly to possess the power of punishing summarily, as for a breach of their privileges, (whatever these privileges may be assumed to be) as the House of Commons do, I deny it also. They are entitled and I will admit particularly entitled to protection in the due performance of their functions, but the laws of the land are equally open to them as to every other lawfully constituted body, and amply sufficient to punish all offenders against that freedom and protection to which they are entitled. Their sittings are not necessarily open to the public, though it is most desirable they should be, but certainly they of all public bodies should know how to preserve order and decorum in their meetings, and of all public bodies would undoubtedly have the fullest aid of the constituted authorities to protect them. If, then, the powers of imprisonment is not absolutely necessary to them, it cannot for any other reason that I can discover, if indeed it could possibly upon this one, be said to be inherent in them (as some would have it) any more than the power of impeachment or any other of the extraordinary powers of Parliament is inherent in them.

But let us look at the present case, for we cannot shut out the whole facts of it as disclosed in the affidavit before me, and it plainly appears that, without defining what their privileges are, the Assembly assume the power of adjudging and determining at pleasure upon any act committed by an individual which they may consider to be a breach of those privileges, and this too without permitting the person accused, or his witnesses, to be parties to the investigation, when the offence complained of was denied. Here at least the House of Assembly have not conformed to the practice of the House of Commons, who invariably call on the offender to admit or deny the charge and disprove it, if he can. My duty now, however, is not to pronounce upon the merits of the complaint, but upon the legality of the punishment with which it has been visited.

Again, this power of vindicating what they assert to be their privileges by summary punishment cannot, according to the same rule by which they claim to exercise it—i. e. the Law of Parliament, in any manner be drawn in question, nor can the party imprisoned obtain redress by or in any Court in the Queen's dominions. And yet such absolute powers as these are claimed to be exercised by a body, not being a Court of Record—scarcely six years in existence—consists of but fifteen individuals, of whom six only form a quorum—eligible upon a qualification which in England would not entitle them to vote for a member of Parliament—without the sanction of any law, usage, or precedent—and having other abundant means of protection and redress, but merely because the House of Commons, forming with the House of Lords the Supreme Court of the Realm, and consisting of several hundreds of the most eminent men in the nation for talent, learning, wealth and influence, exercise similar powers and privileges, originally assigned to them by a positive statute, and sanctioned by immemorial usage from the remotest ages.

I am sworn to do equal law and execution of right to all the Queen's subjects, rich and poor, without having regard to any one; and as I find the law so will I to the best of my ability administer it. We live, thank God, under a system of laws the boast of the civilized world, and the best bulwarks of British freedom, which will not permit the liberty of any subject of the crown to be restrained upon light or trivial grounds; and while there is no man more chary of the just rights and privileges of any of the constituted authorities than I am, no man will be more forward in enforcing, so far as lies within my province, those laws which hedge round and secure the liberty of the subject, and which are the chiefest supports of the freedom of the state.

I shall now consider, as the last point, the validity and sufficiency of the warrant set forth in the return to the Habeas Corpus; and here I will say in limine that if the House of Assembly do really possess the powers which they claim to exercise equally with the British House of Commons, the warrant of the Speaker (provided it discloses a sufficient ground of commitment) ought not to be scanned with that critical nicety as to technicalities which are requisite to the validity of other commitments. But, admitting, for argument's sake, that they have the same authority with the House of Commons to direct their Speaker to issue his warrant in such a case as this, does this warrant disclose a sufficient ground of commitment? In my judgment it does not. The prisoner is not stated to have been adjudged by the House to be guilty of any offence—for the proceeding of the House is in the nature of a judgment, or it is nothing—nor does it recite any order or resolution that the party should be committed for the offence, and that the Speaker should issue his warrant to the Sheriff accordingly.

But having shown that the House of Assembly is not a Court of Record, nor part of a Court of Record, that it does not possess the powers which it claims to exercise by virtue of any law, usage or precedent, upon no one, in short, of the grounds or authorities by virtue of which the House of Commons exercise such a power, let us see whether, under these circumstances, there is any thing in this warrant which gives it efficacy; for in a

warrant which is to take away a man's liberty nothing is to be inferred but what the words themselves fairly and strictly import. A warrant, then, must be in writing and made by a person having competent authority. It must be under seal: without this the commitment is unlawful, the gaoler is liable to false imprisonment, and the wilful escape by the gaoler, or breach of prison by the prisoner, makes no felony. A warrant committing one in execution (which is the case here) must state that the party has been convicted. And it must be for a time certain, and should set forth clearly the authority under which it is made. In all these essentials this warrant is utterly defective.

Had I entertained doubts only that this warrant was issued by a Court of competent jurisdiction, it would still have been my duty to see that it was in form and substance legal and valid for the purposes for which it professed to be issued; for the Queen's Bench upon a Habeas Corpus will examine into the commitment of a party for contempt by any other Court of Law having competent authority to commit, and will discharge the prisoner, if the process of such Court be irregular, though the judgment upon which it issued be unquestionable; but under all the circumstances having no doubt of the want of authority in the Assembly, it is the more imperative upon me to pronounce upon the legal sufficiency of this warrant.

When powers and privileges affecting the liberty of the subject are for the first time arrogated by any man, or body of men, who claim also to draw in question and pronounce definitely upon any act which they may deem to be a breach of those privileges, and to punish for the same by their own authority as they may see fit, it especially behoves those who administer the laws to take care that no one is subjected to such punishment, unless it be clearly warranted by the law of the land, and to be unquestionable in any other Court, then I say, and with every deference, that such a power is of all others the most liable to be so abused, as to render the liberties of all who dwell in this portion of the British dominions dependent upon as frail a tenure as those of the subjects of the most despotic government in the world.

As I have already said, the powers which the Assembly have claimed to exercise upon this occasion are not necessary for them, and the laws of the land are abundantly sufficient for their protection—but if it be considered that the omnipotent powers which they have arrogated are necessary, then let it be so declared and enacted by the legislature. Until, however, I can satisfy my mind that the laws of the land now in force give them such powers, I shall at least withhold my sanction from them.

\* 1. Hale, 583. † 6. T. R. 509.  
§ 5. B. & A. 894. † 2. Haw. c. 16. s. 13.

MILITARY AND NAVAL PROMOTIONS.

WAR-OFFICE, July 3.

Her Majesty has been pleased to appoint the following Officers of the Royal Artillery and Royal Engineers to take rank, by Brevet, as under-mentioned. Commissions to bear date 28th June, 1838.

To be Generals in the Army—Lieutenants-General J. Macklean, Royal Engineers; G. Wilson, Royal Artillery.

To be Lieutenant-Generals in the Army—Major-general Sir J. Maclean, Royal Artillery; R. Dickenson, Royal Artillery; A. Armstrong, late Royal Irish Artillery; H. Evatt, Royal Engineers; Sir F. W. Mulcaister, Royal Engineers.

To be Major-Generals in the Army—Colonel F. Coulson, late Royal Irish Artillery; R. Uniacke, late Royal Irish Artillery; G. Irving, late Royal Irish Artillery; Sir J. May, K. C. B., Royal Artillery; J. F. Burgoyne, Royal Engineers.

To be Colonels in the Army—Lieutenant-Colonel G. G. Lewis, Royal Engineers; Sir G. C. Hoste, Royal Engineers; G. J. Harding, Royal Engineers; J. R. Wright, Royal Engineers.

To be Lieutenant-Colonel in the Army—Major W. Miller, Royal Artillery.

To be Majors in the Army—Capt. R. B. Rawnsley, Royal Artillery; W. A. Raynes, Royal Artillery; R. Hardinge, Royal Artillery; J. Hanwell, Royal Artillery; R. Andrews, Royal Artillery; T. H. Fenwick, Royal Engineers; L. A. Hall, Royal Engineers; P. Yule, Royal Engineers; G. Philpots, Royal Engineers; C. J. Selwyn, Royal Engineers; E. Sheppard, Royal Artillery; W. M. Gosset, Royal Engineers; D. Bolton, Royal Engineers; L. S. B. Robertson, Royal Artillery; W. E. Lock, Royal Artillery; P. Sandilands, Royal Artillery; B. Willis, Royal Artillery; B. H. Vaughan, Royal Artillery; T. G. Higgins, Royal Artillery; F. W. Whynates, Royal Engineers; A. W. Robe, Royal Engineers; R. C. Alderson, Royal Engineers; C. Wright, Royal Engineers; C. Rivers, Royal Engineers; F. R. Thomas, Royal Engineers; A. Wright, Royal Artillery; H. Y. Wrotham, Royal Engineers.

WAR-OFFICE, July 3.

Her Majesty has been pleased to appoint the following officers of the Royal Marines, to take rank, by brevet, as under mentioned. Commissions to bear date 28th June, 1838:

To be Generals in the Army—Lieutenant-General J. Meredith; R. H. Farmer.

To be Majors in the Army—Captain W. M. Burton; A. H. Gordon.

ADMIRALTY, June 28.

This day, in pursuance of her Majesty's pleasure, the following Flag-officers of her Majesty's Fleet were promoted, viz.:

Vice-Admirals of the Red—J. E. Douglas, Esq.; Sir R. Donnelly, K. C. B.; Sir J. P. Beresford; Bart., K. C. B., G. C. H.—to be Admirals of the Blue.

Vice-Admirals of the White—J. West, Esq.; S. Pontz, Esq.; Right Hon. J. Lord Colville; J. Cochet, Esq.—to be Vice-Admirals of the Red.

Vice-Admirals of the Blue—Sir H. Heathcoat, Knt.; Sir E. W. C. R. Owen, K. C. B., G. C. H.; Sir G. Scott, K. C. B.; Sir T. Dundas, K. C. B.; Sir J. T. Rodd, K. C. B.—to be Vice-Admirals of the White.

Rear-Admirals of the Red—Sir T. Livingstone, Bart.; Sir E. Brace, K. C. B.; Sir F. W. Austen, K. C. B.; Sir P. Campbell K. C. B.—to be Vice-Admirals of the Blue.

Rear-Admirals of the White—Sir T. Briggs, G. C. St. M. and G.; Right Hon. T. Earl of Dundonald; Sir W. Parker, K. C. B.; Sir R. T. Ricketts; Bart.; G. McKinley, Esq.; Sir C. Dashwood, Knt.—to be Rear-Admirals of the Red.

Rear-Admirals of the Blue—S. C. Rowley, Esq.; T. Browne, Esq.; S. Pym, Esq. C. B.; R. Jackson, Esq.; Sir R. Barrie, Knt. C. B., K. C. H.; C. B. H. Ross, Esq. C. B.; Sir C. Malcolm, Knt.; F. W. Fane, Esq.; Honourable G. Elliot, C. B.; J. Hillyar, C. B., K. C. H.—to be Rear-Admirals of the White.

And the under-mentioned Captains were also appointed Flag-officers of her Majesty's Fleet:—J. R. Daeres, Esq.; J. Sykes, Esq.; J. Hancock, Esq. C. B.; Hon. D. H. Mackay; F. Mason, Esq., C. B.; T. Brown, Esq.; A. Shippard, Esq.; R. Henderson, Esq.; Sir L. Curtis, Bart., C. B.; Sir J. Louis, Bart.; B. Hodgson, Esq.; H. Hanway Christian, Esq.—to be Rear-Admirals of the Blue.

ON SALE.

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 flavoured RUM

Now landing from the Brig IMPROVEMENT.

AND

Per Ship WILLIAM PARKER from Hamburgh,

1600 Bags Ist, 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 Hamburgh,

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 Muscovado Sugar.

June 14.

BY

Robinson, Brooking, Garland & Co.

Ex CARRS, from HAMBURGH,

818 Bags BREAD,

380 Firkins BUTTER.

June 7.

On Sale.

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

10 Boxes London Mold CANDLES, &c

A few do. do. Wax do. do.

100 Pieces CANVASS from No. 1 to 7

ALSO IN STORE,

A large assortment of CORDAGE

LINSEED 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,

400 Boxes English Yellow and White SOAP

A large assortment of

Bridport GOODS,

Viz.:

Cod and Caplin Seines, assorted sizes

Lines, Twines, and Lanced Bunts.

April 26.

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 fms.

Cast Nets, St. Peter's, Shore and Sed Lines

Twines, Shoe Thread, &c.

May 24.

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 Commercial 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 Commercial Hotel, where Passengers will please apply to secure the Coaches.

St. John's, May 31.

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