

Blackwater Street N York

THE



Newfoundland

No. 579.

THURSDAY, August 30, 1838.

Sixpence.

The following Address, upon the present state of the General Government of the Country, to Lord Durham, Governor General of the British North American Colonies, was presented by Mr. Kent in the House of Assembly on Monday, the 13th inst., and was adopted by the House:—

MAY IT PLEASE YOUR EXCELLENCY,

We, her Majesty's Loyal Subjects the Commons of Newfoundland, in General Assembly convened, beg leave most respectfully to tender to your Excellency our sincere congratulation on your Excellency's assumption of the Government of the transatlantic Colonies of this Empire.

In the present state of Colonial discontent, arising as much from the character of those who govern, as from the defects of the constitution of the form of Government, it was absolutely necessary that a Nobleman of Patrician extraction, high honour, great mental acquirements and with a sound and varied practical knowledge of the Constitution of his Country, should be entrusted by his Sovereign with almost dictatorial powers—to correct the evils of misgovernment—to curb the insolence of faction—to punish the violators of social order, and to cherish a spirit of loyalty to the Mother Country and of subordination to the Laws by proving the one to be the price of external protection—and the other of internal peace, and its concomitants religion, industry, and happiness.

We have heard with unmingled satisfaction the happy results already clearly manifesting themselves from the wisdom of your administration in Canada, and we hope soon to see that fertile but unhappy Country, which a few short months ago was steeped in tears and blood, a field for the peaceful labours of the agriculturist and for the prosecution of the pursuits of Commercial Enterprise.

Fully appreciating the immense and anxious labour that would devolve on your Excellency on your first assuming the Government, the Commons of Newfoundland refrained from addressing you on the subject of the Grievances of their Country—grievances to which the people have quietly submitted, because they have always had full confidence in the Justice of the Mother Country.

In the year 1833, Newfoundland was granted a Representative form of Government.—Previously thereto the Country was governed by a class of men with whose general character in the several Colonies your Excellency must before now be well acquainted—who took possession of every avenue leading to Government House, and directed every succeeding Governor, who had at their disposition all the patronage of the Country—who looked with contemptuous indifference on the mass of the inhabitants—who were in effect the ministers of the Country without any ministerial responsibility,—and were the directors of its policy in every quarter by means of their agents—who filled throughout every office of emolument and trust.

With this party were associated the Mercantile Community, a class generally resident in England—and who have occasioned a drain of wealth from this Country as hurtful to its civilization and prosperity as are the effects of absenteeism in Ireland; they carry on their trade by means of agents and minor partners, who are instructed to look on every effort towards improving the physical features of the Country and developing its agricultural resources as so much waste labor; and who consider the people of the Country, like the hooks and lines they import, merely as instruments to drag the Cod Fish out of the waters.

On the first institution of a Local Legislature in this Island, the Board of Council was of course entirely nominated from this party, and continue to be so selected. Its members are all chosen from St. John's, there is not one Outport Gentleman found in that body—although the district of St. John's contains only 18000 Inhabitants—and the Outports near 60,000—there is not one Catholic in the Council although there are near 40,000 Catholics in the Island out of a total of 75,000.—like all the other old Colonial Councils, it has Executive and Legislative powers combined.

With two such powerful and influential parties, and with a Council so chosen, had the poor, oppressed and (politically speaking) ignorant people of Newfoundland to contend when first a representative form of Government was ceded to them.

At the first election, the people, ignorant of political character, and of the value of the franchise,

electd a majority of persons of this party for their Representatives. But they had soon reason to repent of their ignorance. The most iniquitous laws disgraced the Statute Book. The people were forced by Legislative enactment to work on the roads without remuneration.—The simple franchise of the Country was so obscured, as by and by to supply food for endless litigation.—Judges had power to chain persons on the high roads for the most trifling offences.—The avenues to the Courts of Justice were entirely placed in the hands of a few unqualified persons by a Lawyers Incorporation Act. In a Country entirely unenclosed and uncultivated Game Laws were enacted; from the desolate and craggy rocks and Islands that surrounded our Shores the harly fishermen were forbidden by Law to take the wild birds eggs; and the public revenues were squandered in supplying jobs for Contractors—in the shape of Gaols and Lock-up-houses and places for partizans as Stipendiary Magistrates and Police.

Public excitement was raised to the highest pitch; and a new election was the consequence:—The Representation of the Country was purified, and a new feature presented itself in the political history of Newfoundland.—There was then found in the House of Assembly for the first time under any shape in the Country, a power regularly constituted; and composed of men able and willing to curb the extravagances of Colonial power—to chasten its pride and check the exuberance of its riot." Since the Election of a House of Assembly—thus constituted, the history of Newfoundland is a dull, tedious and monotonous account of low and paltry opposition, not alone to the progress of reform, but to the very vitality of the Representative principle.

In 1836 after the Country had been excited from one extremity to the other by the effects of a Contested Election! and after it was known that the results of this Election were unfavourable to the dominant party, it was declared that there were no Seals to the Writs, and that the objection was valid in point of Law—the consequence was a second election, which purified still more the representation of the Country.—Governor Prescott in his communication with the Home Government, on the subject of the unsealed Writs, states that all the Writs ever before issued had all those characteristics of invalidity, which accompanied those issued in September, 1836. In his communication with the House of Assembly in July 1837, on the same subject, he states, "he has reason to think that the information upon which he made that statement was at least doubtful."—Chief Justice Boulton declared it as his opinion that the omission of the seal to the Writ invalidated the return. The Law Officers of the Crown in Great Britain declare the Writ directorial on the Returning Officer—not having a seal attached he need not have obeyed it; but when he made the return it was valid in law.—In the investigation of this case, from a minute of the Journals of the Executive Council, we find that body sitting to determine on the validity of a return of Members from the District of Conception Bay, absolutely assuming to themselves all the powers of an Election committee of the House of Commons and afterwards advising the Governor to evade calling the House together, on a pretended informality. In the period that intervened between the two Elections—a systematic attempt was made in the Supreme Court of the Island to deter parties in future from the free exercise of the Elective Franchise, by a series of prosecutions which were determined to be crimes by packed Juries, and by the most vindictive punishments, a detailed statement of these violations of law have already been placed at the foot of the Throne.—It would naturally be supposed that after the ordeal of a double Election, the Representative Branch would have some weight, with the Executive.—But a directly opposite line of policy was pursued.—The Press patronised by the Government teemed with the most vile, libellous and calumnious abuse of the House of Assembly.—The Speaker of the first House of Assembly was intrusted with the commission of the Peace.—The Speaker of this House was denied this honorary distinction. During a Session of four months' continuance, neither the Speaker nor a Member of the Assembly was found at the Governor's table. The Chief Justice and High Sheriff sued out Writs, while the House was in Session, seeking for heavy damages against three Members, for acts performed in the

House; and every sanction was given by those in power to every act calculated to lessen the legitimate influence of the people's Representatives.

The Council while they were so active in their Executive capacity, were not idle in their Legislative character. In the Session of 1837, they assumed to themselves the right of sitting in committee of Supply; and when the House objected to this usurpation, they rejected the appropriation Bill, and threw the whole Colony into confusion.

Her Majesty's principal Secretary of State, for the Colonies had transmitted in this year to the Governor of Newfoundland several reports of a Committee of the House of Lords on the subject of prison discipline—together with the Imperial Act for the promotion of greater uniformity of discipline in the prisons of England; with a command that they should be laid before the Legislature of this Colony, and the House of Assembly wisely judging that it was the intention of the Right Hon. Secretary thereby to imply a desire that a local act should be founded on the principle therein contained, introduced and passed a Bill for producing greater uniformity of discipline in the prisons of this Island—but this important measure was by the Board of Council rejected, and the anxious wishes of the people to take the regulation of the discipline, &c., of the prisons out of the hands of the Judges of the Supreme Court, disappointed.

Her Majesty's principal Secretary of State for the Colonies also communicated to His Excellency the Governor in a despatch, a copy of which was by his Excellency laid before this House, that even he could find out errors in the Returns of the Blue Book, and intimating a wish that a law may be passed to enable the Governor to demand sworn Returns from Public Officers—the House of Assembly, therefore, who also perceived several false Returns in the Blue Book of this year, brought in a Bill in conformity with the Right Hon. Secretary's intimation, but again this Bill was rejected by the Board of Council.

The House of Assembly anxious to deprive the Bar of Newfoundland of that character of exclusion by which it is at present marked, brought in another Bill, the same measure having also passed the last House of Assembly, for amending the Lawyer's Incorporation Act, but again this Bill was a second time rejected by that Board, and the Bar must now continue a monopoly in the hands of a few unqualified persons.

The House of Assembly were solicitous to place the office of Sheriff in this Country on a footing with that office in England, and in all the other North American Colonies but Newfoundland—brought in a Bill for that purpose, in order that each district may have its Sheriff—but this Bill was also lost.

In fine, of the 32 Bills which passed this Branch of the Legislature in the Session of 1837, among which were a Bill for the establishment of an Academy, a Bill for securing Education to the Poor, &c. &c., only Ten have passed into Laws; and the country remains subjected to a system universally complained of.

The present session (Summer 1838) commenced apparently under favourable auspices—the House was busily engaged in digesting many useful measures, in investigating the public accounts—in examining into the state and condition of Institutions supported at public expense or by taxes levied under particular acts of the Legislature—when a circumstance occurred which impresses the House of Assembly with a belief that it would be the wish of the Executive of the colony to deprive it of a power possessed by the most inferior Court in the Country—the power of punishing for contempt. The circumstances of the case are briefly as follows.

Edward Kielly, Esq. District Surgeon, Surgeon to the Gaol, Surgeon to His Excellency the Governor, and to the St. John's hospital, violently threatened John Kent, Esq., member of this House, for words spoken in his place in the house on the subject of the St. John's Hospital; he was taken in the custody of the Serjeant-at-Arms, brought to the bar of the house, and required to apologize; instead of so apologizing, he pointed to the said John Kent in his place in the house, and called him a liar and a coward—he was then remanded until the following day. On that day when brought to the bar, he refused to make a simple

apology to the house, and he was committed to the common Gaol by virtue of a Speaker's warrant. An application, we believe, was made to Mr. Justice Des Barres, the senior and only professionally educated Judge now in the Island, for a writ of Habeas Corpus—he refused (report says) issuing one, on the ground, as we can learn, of the fact of there being no Supreme Court in existence in the Island, owing to the absence of the Chief Justice. Mr. Assistant Judge Lilly, a man not professionally educated, who is merely a *locum tenens*, had no such scruples with respect to his power: he immediately issues a writ of Habeas Corpus, and without assigning any reason he pronounces the Speaker's warrant illegal and discharges the prisoner. The circumstances attending the investigation are peculiarly illustrative of the character of the conspiracy in active operation against the right of the House of Assembly. The argument took place in the Council Chamber, before Mr. Lilly, Judge Des Barres declining to attend. Mr. Robinson, Master in Chancery, the paid servant of the Council, was heard for the defendant, several of the Legislative Council were present. Mr. Robinson used the following arguments, and if we are to judge from the decision used them with great effect. That the House of Assembly had no more power than a body incorporated to enable it to sue and be sued—he instanced the Mechanics' Society of this town. If (said Mr. R.) a person disturbs the deliberation of the Mechanics' Society he can be handed out—so it is with the House of Assembly. If he refuses to go, he can be handed over to a police Magistrate. The House of Assembly has the same power and no more.

When the House of Assembly learned the extraordinary decision of Judge Lilly—and the equally extraordinary act on the part of the Sheriff—the Speaker's warrant was issued for the arrest of these two persons, and for Dr. Kelley, and the two first were taken into the custody of the Serjeant-at-Arms.

May it please Your Excellency,

The sequel is the most extraordinary of the whole proceeding:—his Excellency the Governor, we presume after calling his Council together for advice, determined on the very evening of the day these parties were so justly imprisoned, to prorogue the House of Assembly—thereby impeding the progress of public business, depriving the civil Government of the aids in the Supply Bill—the country of the benefit of a Road Bill, suspending the Constitution, and leaving room for suspicion that the Governor throws the shield of his prerogative between the House of Assembly and the servants of the Crown who so grossly violated its privileges.

May it please Your Excellency,

A Commission of Enquiry composed of impartial persons, with power to examine both into the form of Government, and into the character and qualifications of those filling the Executive offices of the colony, by supplying her Majesty's Government with information collected from an impartial authority, would greatly tend to expose the irritating oppressions and exclusive system under which Newfoundland is governed. The Collector of the Customs is now absent nearly two years, and the Revenue has decreased several thousand pounds.—The administration of justice swallows upwards of a third of the Revenue, and the Chief Justice, Mr. Boulton, is absent to answer charges preferred against him before the Privy Council.—Mr. Brenton, Assistant Judge, is absent on leave, and Mr. Des Barres is the only Judge now in the colony professionally educated. Judge Lilly is a man whose habits and education unfit him for the high situation of a Judge—who the other day was refused the situation of a Police Magistrate with the annual stipend of £250. The Treasurer of the island is now absent on leave, leaving the whole accumulation of the Revenue for nearly two years, owing to the rejection of the Supply Bill, to a very young man. These are circumstances that require full investigation, and the House of Assembly have just confidence in the wisdom, determination and vigour of the Governor General, that such investigation will be rigorously instituted—that the officers of the Crown will be subjected to due responsibility—that the seats of Justice will be purified, but, above all, that the rights and privileges of the Commons House of Assembly will be preserved in their inviolability.

The House of Assembly would further implore your Excellency to advise her Majesty to regenerate the Board of Council in Newfoundland, in order to render it useful to the public in the Legislature, by the separation of the Executive and Legislative characters from the same individuals, and the infusion of the Representative principle into the Council—or else, by carrying into effect the principles so ably laid down by Lord Viscount Goderich, when communicating with the late Governor Sir T. Cochrane, the instructions of his late Majesty, of happy and glorious memory, on the institution of a Legislature in Newfoundland, by the amalgamation of the two lower Branches of the Legislature into one House; where these officers of the Crown may meet the Representatives of the people, and together consider the exigencies of the country.

THE IRISH MEASURES.

As the wheel of events comes round and round, it is constantly proving to us the truth of the saying that "there is something new under the sun," but that what we deem to be so at the first glance, is but a picture of some former event in its circling turn. Thus ancient mythology tells us that the ghosts of the departed wandered on the banks of the Styx until it pleased the mighty ferryman of the infernal regions, one Mr. Charon, to pass them over to their habitations. This fable of former days is a reality in modern times. Even so, at the present moment, the ghosts of the Irish measures are wandering on the verge of the sticks of these realms, the lordly incapables who are an incubus upon the nation. As the cockney wag says—"there they sticks,"—and will do, unless, in some fit of unwonted compassion, the Charon of the peerage, the mighty Wellington, shall pass them over the wide and stormy gulf which at present renders the prospect of their voyage to dry land on the opposite coast almost a hopeless case. It may be that he will be merciful when he sees the thread-paper shape to which these once great and promising measures are now reduced. Verily, they are frittered away into what we before called them, namely, ghosts. Especially the Irish Tithe Bill, despoiled of the Appropriation clause, may be so defined. Some one has styled it "the shadow of a shade." To us there does not appear to be even a shadow of it left—it is like the German tale, whose hero had sold his shadow "to the old gentleman in black." It is so diluted, so deprived of its substance, made so very immaterial that it is quite immaterial whether it passes or not. And whose fault is this? Certainly, we believe, not that of the Ministers. They, it is affirmed, have been persuaded, against their own consent, by certain of the Irish leaders, to forego a principle to which they had pledged themselves again and again, and for which they were anxious still to contend. And the reason given for so unexpected an influence being exerted in such a quarter, tells, if true, but little to the credit of those of the Irish leaders who have used it. As long as the tithe war was carried on *vi et armis* against the peasantry of Ireland, fierce was the shout of "No Surrender," loud were the declamations, unceasing the encouragement to resistance, made by gentlemen who wielded their pens in safety in their easy chairs, or thundered forth their eloquence at public meetings or in the senate. The rural population were thus fixed in their purpose to pay no tithes, *coute qui coute*. Balls and bayonets might have done their worst—they might have taken away life, but they could not have extracted money. But

"A change comes o'er the spirit of our dream." An obsolete statute was discovered and revived. Exchequer processes became the order of the day. The pockets of the Irish leaders were approached, touched, assailed, and picked, and straightway these gallant heroes, who could still have been proxy patriots, and from a distance, seen their countrymen openly resisting the payment of tithe, prepared to cut and run themselves from the mere fear of pecuniary sacrifices. Hence their wish to settle the tithe question at all risks—hence their readiness, their willingness, their anxiety to abandon the Appropriation clause, although the abandonment involves also that of principle and honor. These are sad things to be written against public men, some of whom have held a large space in popular estimation—but they are things which have been freely urged and never contradicted. Of one thing we are very certain—that there must have been some very strong pressure, from some quarter or other, to induce the ministers to depart from the only valuable portion of the bill in question.—*Liverpool Chronicle.*

(From the Cork Southern Reporter.)

LONDON PAPERS OF TUESDAY.

TITHE BILL.

Lord John Russell moved the recommittal of this bill in the House of Commons on Monday night.

Sir R. Peel moved, after a speech of considerable length, an amendment, the effect of which was to leave with the tithe-owner the option of refusing or accepting the compensation, and to give to the government the right of recovery in all cases in which it thought right to enforce the arrears.

Lord John Russell, Viscount Howick, Mr. Clay, Lord Stanley, Mr. W. S. O'Brien, Mr. Redington, the Chancellor of the Exchequer, Mr. O'Connell, Mr. Sheil, and Lord Morpeth, severally addressed the committee.

For Sir R. Peel's amendment..... 101
Against it..... 122
Majority..... 21
Mr. Hume opposed the clause granting the money. The committee divided.
For the clause..... 171.
Against it..... 43.

Majority..... 128
After some divisions on amendments to the other clauses, the House resumed, the report was received, and the bill ordered to be read a third time on Thursday.

The Newfoundland.

ST. JOHN'S, (Thursday,) August 30, 1838.

By the arrival of the *Ann Johnston*, last evening from Liverpool, English dates to the 4th inst. have been received. Our arrangements having been previously made, we were unable to make any extracts from our papers by this conveyance, they however contain very little of interesting information.

HOUSE OF ASSEMBLY, MONDAY AUG. 27.

Mr. Morris presented a petition from Thomas Cooper and others, of Grates Cove, praying for money for roads in that neighbourhood, which was referred to committee on Roads and Bridges—he also presented a petition from Patrick Brazil and others, praying for money for repairing Road from Monday's to George's Ponds, which was also referred to aforesaid Committee.—Mr. Kent presented a petition from Thomas Williams, Henry Winton, and others, residents in Gower-Street, praying for a sum for repairing the Road at the head of said Street, and for cutting a water course from Barter's Hill to the waterside, similar to that in progress at the King's Road—this petition was also referred to Committee on Roads and Bridges. The House then resolved itself into a Committee of the whole on consideration of Bill to repeal in part an Act for the relief of sick and disabled Seamen and others, and the Chairman reported that the said Bill was agreed to without amendment—it was then set down for a third reading on Wednesday.—A resolution was entered into that the House should, on Wednesday, resolve itself into a Committee of the whole on an enquiry into the present state of the Administration of Justice in this Island, with liberty to send for persons, papers and records. Mr. Kent gave notice that he should, to-morrow, move an address to his Excellency the Governor, praying his Excellency to cause to be laid before this House, an account of the proceedings of the Commissioners appointed under an Act "to authorize the erection of a Colonial House in the town of St. John's and the raising by loan of a sum of money for that purpose," specifying the names of the Commissioners appointed,—amount of claims put forward, and admitted for ground for the purposes of the said Act—number of plans and specifications received—amount paid for the plans adopted—dates of advertisements for completing the erection of the said Building according to the plans adopted—number and name of places in which the said advertisements have been published—amount of lowest tender accepted—name of Contractor—name of Superintendent appointed—amount of loan raised and the number and amount of debentures issued. On Tuesday, Mr. Speaker having taken the Chair, laid before the House a communication from Mr. Secretary Crowdy, transmitting a statement of expense incurred in registering names of voters in the District of St. John's, which was ordered to be referred to Committee of Supply.—Mr. Moore presented a petition from Patrick Bryan and others, of English Harbor, praying for money for making a Road from said Harbor to Robin Hood bight, &c.—which was referred to Committee on Roads and Bridges.—The House then went into Committee on consideration of the Supply to be granted to her Majesty, and the Chairman reported progress and asked leave to sit again.—Mr. Morris then gave notice of motion for an address to his Excellency the Governor praying his Excellency to cause to be laid before the House, copies of proceedings in the case of *John Carroll vs. Thomas Ashman*, in Sessions Court, and in the case of *Ashman vs. M'Lenan and Boyd*, in Central Circuit Court, and copies of certain proceedings relative thereto in the Supreme Court.

On Friday morning last, between 2 and 3 o'clock, fire was discovered issuing from the roof of the house occupied by Mr. Thomas Hayes, Water-street,—the alarm was promptly given and in time sufficient to enable those who soon repaired to the place to prevent any material injury from arising; had it not been arrested in this early stage, the consequences must have been disastrous in the extreme, situated as the House is in so central and important a part of the town. On inquiry, the circumstances connected with the affair were found to wear so questionable a character, that two women were committed to gaol, on suspicion of arson, and an investigation into the matter has since been going on, but we understand that nothing has been elicited in evidence sufficient to ground a charge against any individual, though of the guilt of some one no moral doubt is entertained.

Arrivals.—In the *Hebe*, from Liverpool, Mrs. J. B. Thomson. In the *Pictou*, from Halifax, Mrs. Howe. In the *Ann Johnston*, from Liverpool, Mrs. W. Thomas, Mr. H. Thomas, Miss Thomas, Mr. and Mrs. Howley.

CORONER'S INQUEST.—On Sunday last, and again by adjournment, on Monday, a coroner's inquest was held before A. HOGSETT, Esq., for the purpose of examining into the circumstances attending the death of Mr. THOMAS O'CONNOR, who was found drowned early on Sunday morning near the cove between the premises of Messrs. James Fergus & Co and Mr. Samuel Codner:—
EDWARD KIELLEY, Esq., Surgeon, sworn.—Had minutely examined the deceased, and found no marks of violence upon him whatever. Was sure the death of the deceased was produced from suffocation and drowning.

SARAH DOOLEY deposed that deceased came to her house on Saturday night between the hours of 10 and 11. James M'Clarty was in company with him. They went up stairs and asked for some spirits;—witness had no spirits, but gave them a glass of negus. M'Clarty went away in about ten minutes. Deceased then went into the parlour where were three shipmasters, viz. Captain Brookbank, Captain Jourdan, and the Captain of the *Edgcomb*, who were about going away. The deceased did not speak to them. He went into witness's kitchen and staid some time;—thinks it might be about 11 o'clock when he went away. He appeared a little in liquor and rather stupid. He told witness that he had drunk enough of ale in the course of the day to kill a dog. Witness heard some loud talking in the direction of Mr. Dillon's after the deceased had gone. No angry words had passed in witness's house during the evening. Deceased was in the habit of drinking at Con. Denehey's, near the place where he was drowned. Before deceased left, witness had offered him a bed.

HENRY WHITE deposed that he was a seaman on board the brig *Samuel*, lying at the wharf of Mr. Samuel Codner, near River Head. On Saturday night last, at a quarter before 12 o'clock, witness was on board, and heard some person cry "Oh!" twice. Witness thereupon jumped on deck, and saw something white on the water, to which he threw a rope, but the object disappeared immediately. Witness called the mate and the boy, (the only persons on board,) but they took no further notice of the matter until Sunday morning, when deponent found the body at the bottom, and took it up, when Mr. Jonas Barter deposited it on the wharf of Mr. Fergus. The mate called out to some persons a few wharves off, but no answer was made. The captain was not on board. Could not get a boat in less than a quarter of an hour.

JAMES M'CLARTY deposed that on Saturday night last, about a quarter past 10 o'clock, saw the deceased Thomas O'Conner. Deceased knocked at witness's door, and asked him to go into Mrs. Dooley's with him, which he (witness) did. Witness drank a bottle of ginger beer, and deceased drank a glass of negus. Was about twenty minutes in the company of deceased. Thinks deceased was wild in his speech, from the effects of liquor. Witness left deceased in Mrs. Dooley's house, and returned to his own, and was in bed before 11 o'clock. Saw nothing further of deceased until the morning, when he saw him dead.

JOHN ROBERTS, master of the brig *Edgcomb*, of Liverpool, sworn.—Was at Mrs. Dooley's about half an hour on Saturday night last;—it was 11 when he left. Witness was sitting with two other shipmasters, when some person attempted to get into the parlour where they were sitting, but was prevented by the landlady, who observed that he (deceased) was not in a fit state to come in. Had not any conversation with the person, whom the landlady called Conner. Witness and the other two shipmasters went away and left Conner sitting on the sofa. Witness left the other two opposite the gate of Messrs. Butler, Bulley & Co. and went to his own vessel.

By a Juror.—Mrs. Dooley observed that the said person was something in the House of Assembly.

RICHARD HOLDEN sworn.—Saw the deceased on Saturday night at Mr. Mallowney's, at little after 10 o'clock, and left him speaking with Mr. Mallowney. Thought the deceased would have followed him down towards home, as he was in the habit of frequenting witness's house. Deceased was perfectly in his senses when witness left him—might have been drinking a little.

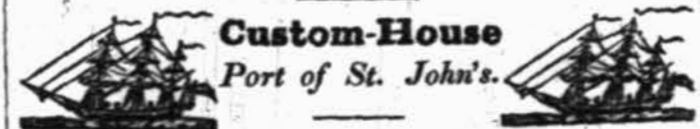
GEORGE STABB and HENRY WALTERS, the mate and the steward of the brig *Samuel*, corroborated the statement of Henry White—the former adding that he heard something touch the quarter of the vessel, and sent the boy up, who informed him there was a boat in the cove, but that he saw no person. In Walters' examination he added that upon going on deck he heard some persons unrowing the oars of a boat, but it was too dark to see them. Did not speak to them;—had no suspicion that anything was wrong.

DR. SAMUEL CARSON deposed to having examined the body of deceased in the presence of Dr. Kielley, and found no marks of violence on any part of it. Was decidedly of opinion that the deceased came by his death from suffocation and drowning.

JOHN WALSH, MARY HANBICK, and JOHN GIBBONS (of the South Side) were examined, but nothing further was elicited than the testimony given by the other witnesses.

The Jury after a very patient investigation returned a verdict of "Found drowned in the Harbour of St. John, on Sunday morning the 26th instant; but how the deceased got into the water there was no evidence to shew."

Shipping Intelligence.



Custom-House
Port of St. John's.

VESSELS (ENTERED.)

July 16.—*Euphemia*, Cameron, Copenhagen—500 bls. flour, 1200 bags bread.—*Spanish Brig Dos de Agaito*, Penei, Porto Rico—176 casks molasses, 38 bls. sugar.—*Spanish Brig Dorotea*, Millet, Havana—96 puns. molasses, 25 boxes sugar, and sundries.—*Spanish Brig Anthony*, Larranaga, Porto Rico—125 puns molasses, 16 hhd. sugar.—*Sophia*, Humphreys, Liverpool—130 boxes soap, 50 tons coal, &c.
17.—*Novelty*, Fadger, Arichat—35 sheep, 15 M. lumber and sundries.—*Sarah*, Harris, Cape Breton—64 chalds. coal.
18.—*Annandale*, Walsh, P. E. Island—30 M. lumber, 50 M. shingles.—*Eliza*, Neil, Miramichi—20 M. lumber.

20.—*Britannia*, Coysh, Greenock—200 bls. flour, 20 puns. molasses, 30 kegs gunpowder, 65 bags bread, 10 M. bricks, and sundries.—*Victory*, Fitzgerald, Cape Breton—78 chalds. coal.—*Pleades*, Durkee, Hamburg—400 bls. flour, 900 bags bread, 100 firkins butter, 40 bls. oatmeal.—*Charlotte*, Ablinette, Liverpool—general cargo.—*Mary*, Bond, London—general cargo.

22.—*Albion*, Martin, Hamburg—600 bags bread, 100 bls. flour, 100 firkins butter, 6 M. bricks.—*Fortitude*, Thomas, Hamburg—1200 bags bread, 400 bls. flour, 100 firkins butter, 10 M. bricks.

23.—*Ellen*, Kjelly, Novascotia—50 firkins butter, 47 head cattle, 13 sheep.—*Glory*, Le Blanc, Arichat—36 head cattle.—*Duchess of Gloucester*, Newman, Hamburg—600 bags bread, 250 bls. flour, 7 M. bricks.

CLEARED.

July 16.—*Sovereign*, Wood, P. E. Island—sundries.—*Devon*, Dench, Oporto—2948 qtls. fish.

18.—*Diana*, Miller, Quebec—ballast.—*Liberty*, Hill, Oporto—1400 qtls. fish.

20.—*Eliza Bunting*, Lucas, Sydney—ballast.

21.—*Daniel*, Steer, Alicant—1800 qtls. fish.—*Galatea*, Newholm, Quebec—ballast.—*Providence*, Peacock, Quebec; ballast.—*Jane*, Doane, Halifax—4 tuns seal oil.

23.—*Annandale*, Walsh, P. E. Island; ballast.

Sales by Auction.

THIS DAY,

At 12 o'clock,
ON THE WHARF OF

W. & H. Thomas & Co.

88 Prime fat Sheep
49 Firkins New Cumberland Butter
4 Tubs do. do.
3 M. Pine Board.

August 30.

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 MULLOWNEY.

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

For further particulars apply to PATRICK MORRIS.

August 2.

NOTICES.

CANTEENS

TO BE LET,

For a Term of Three Years from the 1st of October next, at Fort Townshend and Signal Hill.

SEALED TENDERS in Triplicate addressed to the Respective Officers of Her Majesty's Ordnance at this place, with the words "TENDER FOR CANTREN" written on the Outside Cover, will be received at the *Duputy Ordnance Store-keeper's Office* in the ORDNANCE YARD, where the terms and particulars may be made known by application, between the hours of 10 and 3 o'clock on or before the 17th September next.

OFFICE OF ORDNANCE, }
28th September, 1838. }

SEALED TENDERS in Triplicate addressed to the Respective Officers of Her Majesty's Ordnance, at this place, for the performance of the under-mentioned Services, will be received at this office on Monday the 24th September, at 12 o'clock, for One Year, commencing the 1st October, 1838, and ending 30th September, 1839, inclusive.

(Marked on the envelope, viz.)—
Tenders for Washing Barrack and Hospital Bedding,
Ditto for Repairing Barrack and Hospital Bedding,
Ditto for Sweeping Chimney's of the Barracks and Public Buildings,
Ditto removing the Soil and Ashes from Forts Townshend and William, and also from the Garrison Hospital.

The specified Duties and Securities required, with other information, will be made known by applying at the Office any day previous, between the hours of 10 and 3 o'clock.

OFFICE OF ORDNANCE, }
28th August, 1838. }

GRAND REVIEW IN HYDE-PARK.

Her Majesty on Monday morning reviewed the following troops:—Three troops of royal horse artillery, having two guns each; 1st regiment of life guards, 2d regiment of life guards, royal horse guards, 10th royal hussars, 12th royal lancers; three batteries of field artillery, having four guns each; the 1st and 3d battalions of grenadier guards, the 1st and 2d battalions of Scotch fusiliers, and the 1st and 2d battalions of the rifle brigade. The troops were on the ground at eleven o'clock. The Marquis of Anglesey commanded the line, Col. Rogers the Artillery, Col. Cleveland the field batteries, Lieut.-General Sir C. Dalhousie the cavalry, General D'Oyley the foot guards and infantry of the line.—Detachments of the 4th and 6th dragoons, and 20th regiment, kept the ground.

Before eleven the following personages occupied a portion of the Park opposite Grosvenor Gate:—Their Royal Highnesses the Duke and Duchess of Cambridge, Prince George of Cambridge, Duke of Nassau, Prince Esterhazy, Prince Kotchub, Prince Schwartzburg, Duke de Nemours, Count Sebastiani, Marshal Soult, Count Strogonoff, his Highness of Saxe Coburg, the Duke of Wellington, Lord Hill, Prince Christian of Holstein, Prince Ernest of Hesse Phillipsthal, Prince Furstenburgh, Prince of Leiningen, Count Zadowdowsky, her Royal Highness the Duchess of Gloucester, Marquis of Lansdowne, Duke of Devonshire, Duke of Sutherland, the Count Charles and Countess Pozzo di Borgo, Count Colbert, Prince Von Pothau, Duke of Palmella, Baron Bulow, Count Alten, Count de Kattling, Count de Bode, Marquis Brignole, Count Cruquemberg, Marquis of Londonderry, Duke of Somerset, Marquis of Hertford, Duke of Cleveland, Duke of Leinster, Duke of Beaufort, Duke of Argyll, the Saxony Minister, the Austrian Minister, the Bavarian Minister, and numerous others.

Her Majesty arrived on the ground shortly after eleven o'clock, and was received with a royal salute of twenty-one guns, and all the bands of the regiments playing together the national anthem. Her Majesty was seated in an open carriage, and shortly after her arrival proceeded all round the lines, followed by a numerous staff of officers, the ministers, foreign ambassadors, and other distinguished personages, and the business of the day then immediately commenced. Her Majesty looked remarkably well, and was received in an enthusiastically warm manner as she passed along before the people. The Duke of Wellington was also warmly cheered, as soon as recognised, as he rode along at the head of his regiment.

When the Queen took up her station the horse artillery fired a salute after which the line saluted. The troops then marched past in slow time, after which the artillery and the cavalry formed in close columns upon the right of the ground. The foot guards and the rifle brigade then marched past in quick time, and, having wheeled upon the line of the original formation, formed in line.

Whilst the infantry was thus forming, the artillery and the cavalry trotted by, and having passed, wheeled—the cavalry forming line about two hundred paces in rear of the infantry—and the horse artillery forming on the right, and the field batteries on the left, of the line of infantry.

As soon as the infantry found their front clear, they commenced firing volleys by battalions from the right.

The infantry then advanced—the two rifle battalions in column and the foot guards in line.

The line then retired, in direct echelon of battalions, from the left, and when halted, formed squares on the centre subdivisions of battalions.

The squares then fired.

The squares then re-formed column, and retired in column, forming in rear of the cavalry.

The cavalry advanced, and having attacked, retired by threes from the right of squadrons, through the intervals of the infantry, and formed line.

The infantry resumed their original position by deploying, covered by skirmishers, the artillery firing from the flanks.

The infantry then commenced fire firing.

The firing having ceased, both lines advanced, in parade order, and saluted.

The spectators were more numerous than on any previous similar occasion for many years.

The weather was exceedingly propitious, and the ground in good order, though rather dusty.

Marshal Soult and the Prince de Nemours appeared to be with the populace the principal lions among the distinguished foreigners present.

ELOQUENCE OF THE EARL OF CHATHAM.—All accounts, however, concur in representing the effects of his eloquence to have been prodigious. The spirit and vehemence which animated his greater passages—their perfect application to the subject matter of debate—the oppositeness of his invective to the individual assailed—the grandeur of the ideas which he unfolded—the heart-stirring nature of his appeals—are all confessed by the united testimony of all his contemporaries; and the fragments which remain bear out to a considerable extent, such representations; nor are we likely to be misled by those fragments for the more striking portions were certainly the ones least likely to be either forgotten or fabricated. To these mighty attractions was added the imposing the animating, the commanding power of a countenance singularly expressive: an eye so piercing that hardly any one could stand its glare, and a manner altogether singularly striking, original, and characteristic, notwithstanding a peculiarly effective and even awkward action.—Latterly his infirmities precluded all action; and he is described as standing in the House of Lords, leaning upon his crutch, and speaking for ten minutes together in an under-tone of voice, scarcely audible, but raising his notes to their full pitch

when he broke out into one of his grand bursts of invective or exclamation. But in his earlier time his whole manner is represented as having been beyond conception animated and imposing. Indeed the things which he effected by it principally, or at least which nothing but a most striking and commanding tone could have made it possible to attempt, almost exceed belief. Some of these sallies are indeed examples of that approach made to the ludicrous by the sublime, which has been charged upon him as a prevailing fault, and represented under the name of *Charlatanerie*—a favorite phrase with his adversaries, as it in later times has been with the ignorant undervaluers of Lord Erskine. It is related that once in the House of Commons he began a speech with the words "Sugar, Mr. Speaker!"—and then, observing a smile to prevail in the audience, he paused, looked fiercely around and with a loud voice rising in its notes and swelling into vehement anger, he is said to have pronounced again the word "Sugar!" three times, and having thus quelled the house, and extinguished every appearance of levity or laughter, turned round and disdainfully asked, "Who will laugh at sugar now?" We have this anecdote upon good traditional authority; that it was believed by those who had the best means of knowing Lord Chatham, is certain; and this of itself shows their sense of the extraordinary powers of his manner, and the reach of his audacity in trusting to those powers.—*Edinburgh Review*.

THE PERIODS OF HUMAN LIFE.

Childhood—From 1 to 7 years of age. The age of accidents, griefs, wants, sensibilities.
 Adolescence—From 8 to 14. The age of hopes, improvement, curiosity, impatience.
 Puberty—From 15 to 21. The age of triumphs and desires, self-love, independence, vanity.
 Youth—From 22 to 28. The age of pleasure, love, sensuality, inconstancy, enthusiasm.
 Manhood—From 29 to 35. The age of enjoyments, ambition, and the play of all the passions.
 Middle age—From 36 to 42. The age of consistency, desire of fortune, of glory, and honors.
 Mature age—From 43 to 49. The age of possession, the reign of wisdom, reason, love of property.
 Decline of Life—From 50 to 56. The age of reflection, love of tranquillity, foresight, and prudence.
 Commencement of Old Age.—From 57 to 63. The age of regrets, cares, inquietudes, ill-temper, desire of ruling.
 Old Age—From 64 to 70. The age of infirmities, exigency, love of authority, and submission.
 Decrepitude—From 71 to 77. The age of avarice, jealousy, and envy.
 Caducity—From 78 to 84. The age of distrust, vain-boasting, unfeelingness, suspicion.
 Age of Favour—From 81 to 91. The age of insensibility, love of flattery, of attention and indulgence.
 Age of Wonder—From 92 to 98. The age of indifference and love of praise.
 Phenomenon—From 99 to 105. The age of insensibility, hope, and the last sigh.

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 PUNCHONS fine flavoured RUM

Now landing from the Brig IMPROVEMENT. AND Per Ship WILLIAM PARKER from Hamburg, 1600 Bags 1st, 2d, and 3d quality BREAD 100 Barrels Superfine FLOUR 200 Firkins BUTTER OATMEAL, PEASE, LEATHERWARE, &c. May 17. BLAND & TOBIN.

BREAD.

JUST RECEIVED Per BROKE from Hamburg, AND FOR SALE AT THE STORES OF Lawrence O'Brien, 100 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 11.



Ports' Corner.

AN HORATIAN EPISTLE TO AN EX-CHANCELLOR.

These were advantages, and then he thought It was his foible, but by no means sinister. That few or none more than himself had caught Court mysteries; having been himself a minister He liked to teach that which he had been taught, And greatly shone whenever there had been a stir, And reconciled all qualities which grace man— Always a patriot and sometimes a place-man.

BYRON.

Wretched the man who, every day, Is found pursuing some new way, Which he'll avoid to-morrow; Now, boasting of his matchless sense, Then, for some fatal consequence Expressing boundless sorrow. Since first Lord Harry started forth, A wanderer from the distant north, His life has been most curious: Now upon this side, now on that, Sometimes a sharp; at other's flat, Unsteady still, and furious. He wrote reviews, he speeches made, He thrust his hand in every trade, Was always something planning: Teaching mechanics A B C Or mingling in a fierce melee With Castlereagh or Canning. Old Cobbett always said and sung, That nothing from Lord Harry's tongue Or pen was to be trusted: That, while on Freedom's cause he raved, He cared not who might be enslaved, Were his own claims adjusted. Through every phrase this wondrous man Has always kept the prudent plan:—Insight which Cobbett mentions; And whether out of place or in, Not caring who might loose or win, Has traffic'd on dissensions. But when the schoolmaster abroad Had issued with his ponderous rod, Lord Harry then waxed glorious, Keeping in the Upper House Each peer as quiet as a mouse, While he ruled there uproarious. His brandy, then, Lord Harry quaff'd, At liberty he loudly laugh'd: Or principles of desertion: He thought the Blacks were well enough, And Irish clamour only stuff, Deserving well coercion. Not Africans or Irish strive, They'll find, he said, they cannot thrive: Gaiety, whine and the galloway, Live Irish Church and Sugar Cane: Shall we be daunted by the pain Of such a pack of fellows. To Caledonia then he flew, And to the woolpack bade adieu, Though mace and seals he carried, That he a letter might indite, To tell the king by post each night The news where'er he tarried. But from his lofty perch he fell, And had to bid a long farewell To place and all its riches: 'Twas then he wished he had not rang'd For a Tartan kilt exchanged His legal gown and breeches, "Do little" now was not his cry: Lord Harry would have measure'd by With railroad legislation. Why should an ill be unredress'd? Why should a people be oppress'd, While he was in the nation? The press he daily now abused, Although the "King's press" he misused, Reviling lords and ladies, In letters which friend Isaac sent, breathing to Peter discontent, That he now in the shade is, Scribbling and putting day and night, In vain to prove that "black is white," This prince of factions squabble; The hour the pride of Tory peers, The next excited by the cheers, Which issue from a rabble. How well! great humbugger, and when A city stands in need of ten \$, Right honest men to save it, Would they have nice and you insist To make the tenth upon the list, I'd have the cits to waive it. While Cobbett's description of the landing of the great B—m from a Leith smack, upon his first visit to London, and his subsequent sketches of this eccentric statesman in his "Register," passion. "Can none remember" how this patriot enacted the part of an ultra tribune, as member for York, even after he had been offered the attorney-generalship, and how courteously he became when appointed to the office of Chancellor under Lord Grey's government, and how Conservative he was willing to have become had the Duke of Wellington allowed him to gather the crumbs of patronage which fell from his table? The application for the situation of chief baron will send his lordship down to posterity in no very enviable light. "He has abused the King's press most damnably." Shakespeare. Lord Harry is about to become the Pallas of the wilters, and to throw his wet blanket over the "heavy wet" fraternity. Land him, ye tapsters and ye who use the pen in *The Top Tab*.

On Sale, NOW LANDING AT THE WHARF OF BULLEY, JOB & Co. Ex Barque CATO from NEWCASTLE Best Walsend VITCOALS. 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, &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 Lance 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 ran. Cast Nets, St. Peter's, Shore and Sed Lines Twines, Shoe Thread, &c. May 21.

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.

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