

THE Newfoundlander

No. 594.

THURSDAY, December 13, 1838.

Sixpence.

ON SALE.

The fine fast sailing Copper Fastened and Coppered Yacht



LOTUS,

About 21 Tons Burthen. Is well Built and Found, and handsomely fitted up.—Her rate of sailing is considered superior to any craft of her description in this Island.—She would make an excellent Packet for Conception Bay.

ALSO, A handsome Four Wheeled Carriage, which can be made close at night, or in bad weather. Apply to MR. CLIFT, or to W. & H. THOMAS & Co.

October 11.

SAMUEL MUDGE

Has just received per MEDIUM, from Hamburg

AND FOR SALE,

- 500 Bags Cabin and common Bread
 - 150 Barrels Superfine Flour
 - 60 Barrels and Half bls. Pork
 - 15 Kegs Ox Tongues
 - 75 Firkins and Kegs prime Butter
 - 20 Barrels Pease and Oatmeal.
- ALSO ON HAND,
- 200 Pair Blankets
 - 100 Pieces Serges and Swanskin
 - 50 Boxes and Half Boxes Liverpool Soap
 - 800 Feet Elm Boards
 - 10 Boxes Souchong Tea
 - 20 Firkins Old Butter
 - 40 Bls. States Flour
 - 20 Bls. Damaged Oatmeal, &c.

October 11.

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.

Just Received,

AND NOW LANDING,

From the Brig PICTOU, from WATERFORD, 253 Tierces Strangman's PORTER, 20 Boxes CANDLES 48 HORSE COLLARS.

August 16

J. & J. KENT.

TO BE LET.

AND POSSESSION GIVEN THIS MONTH.

THAT large and Commodious DWELLING-HOUSE with SHOP &c. &c., completely fitted up, adjoining the premises of the Subscriber. For particulars apply to

LAWRENCE O'BRIEN.

October 4.

THE Cottage, House, Out-offices & Grounds now in the occupation of the Venerable the Archdeacon Wix.—Apply to

PATRICK MORRIS.

To view the House special application must be made to the Archdeacon September 20.

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, Commodious COOPERAGE, &c.

For particulars, apply to

MICHAEL FOLEY, King's Beach.

August 23.

On Sale

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.

Notices

NEWFOUNDLAND.

CENTRAL DISTRICT, }
St. John's, to wit. }

BY virtue of an order of Her Majesty's Justices of the Peace for this District, in Sessions assembled, I, the High Constable, am thereby required to collect a rate or assessment of Ten Shillings Currency in the Hundred Pounds, on the value of all Houses, Lands, and Tenements in this District—to be applied to the purposes of remunerating parties who have sustained damage under the operations of the Acts 4th Wm. 4. Cap. 4, and 5th Wm. 4, Cap. 5, commonly called the Road Acts.

Notice is therefore hereby given, to all Landlords and Tenants possessing any interest in the Houses, Lands, and Tenements, situate in the said District, forthwith to pay to me, the said High Constable, the said rate of Ten Shillings in the Hundred Pounds on the value of their respective interests.

Given under my hand, the 24th day of September, 1838.

J. FINLAY, High Constable.

Packet Boats

TO PLY BETWEEN PORTUGAL COVE AND CARBONEAR.

THE Subscriber begs to inform his Friends and the Public, that having now completed the new Packet

NATIVE LASS,

in a style hitherto unknown in this Country—being fitted up with comfortable Cabin, Sleeping Berths, &c.—he has commenced plying between Portugal Cove and Carbonear.—The NORA CREINA will also continue to ply as heretofore, and he will thereby be enabled to arrange so that one of the above Packets will leave Carbonear and Portugal Cove every morning while the navigation remains open.—The NATIVE LASS is built in a superior manner, copper-fastened and coppered, sails remarkably fast, and is decidedly superior to any Craft of her description.—The NORA CREINA is sufficiently known to render it unnecessary that any exposition as to her qualities should be gone into.

FARES:

- Cabin Passengers..... 7s. 6d.
- Steerage Ditto 5s. 0d.
- Letters (single)..... 0s. 6d.
- (double)..... 1s. 0d.

And Parcels in proportion to their size and weight.

The Subscriber will be responsible for any parcel, &c., that may be given in charge to him.

JAMES DOYLE.

Carbonear, September 25, 1838.

Notice.

PROSPECTUS.

NEWFOUNDLAND BREWERY

CAPITAL £5000!

In 500 Shares of £10 each.

THE affairs of the Company to be managed by Five Directors, to be elected annually by the Shareholders—no Shareholder to have more than one vote.

The Directors to elect a Chairman who is to have salary.

The Company to be formed when one-half the Shares are subscribed for.

Each Shareholder to advance Twenty-five per Cent on his Share or Shares; each remaining instalment of Twenty-five per cent. to be called in at a notice of not less than Three Months by the Directors.

No Shareholder to be liable for more than the amount of his share or shares

The Directors to be empowered to engage a first-rate and experienced Brewer, Accountant, and such other persons as may be required for the Establishment, to contract for the erection of the Brewery, and also to order a Steam Engine, and all other Machinery or utensils that may be required.

No Shareholder to take more than Twenty Shares after this date, and until the 10th Nov. next, when, if the shares are not disposed of, the subscribing Shareholders may divide the remaining Shares amongst themselves.

The following Gentlemen to act as Provisional Directors to dispose of Shares, and to explain more fully the designs of the Company.

- | | |
|--------------------|-------------------|
| P. L. Power | Lawrence O'Brien |
| Lawrence Mackassey | Patrick Morris |
| James Douglas | R. R. Wakeham |
| Patrick Mullenney | John O'Mara |
| A. W. Godfrey | Cornelius Dehnehy |
| William Power | Thomas D. Quinn. |
| Michael Allen. | |

Prospectus adopted by a meeting held at Mr. Mullenney's Long Room, Oct. 17, 1838.

COMMERCIAL TREATY BETWEEN AUSTRIA AND GREAT BRITAIN.

(From the Morning Chronicle.)

The Paris journals of Thursday furnish us with the text of the commercial treaty lately entered into between this country and Austria. It is founded on the principle of reciprocity, and gives durability to the existing convention of December, 1829. The fourth article provides for the free navigation of the Danube, which one day will become a most important object with reference either to Russia or the Ottoman Porte. All Austrian vessels proceeding from ports on the Danube are to enjoy in Great Britain the same privileges as if they came direct from Austrian ports; and British shipping, proceeding to those places, are in like manner to be as free as if they entered Austrian ports. This freedom of the Danube includes Galacz. The treaty is to be in vigour ten years:—

1. From the day of the ratification of this treaty the ships of the two Powers on entering or quitting the ports of the other respectively shall in future pay only such dues as are imposed by each on the ships of its own nation.

2. All productions of the States of the Emperor of Austria, including those which are exported to the north by the Elbe, and to the east by the Danube, which may be brought into the ports of the United Kingdom of Great Britain and Ireland; and also all the produce of the soil and industry of Great Britain imported into the ports of the Emperor of Austria shall reciprocally enjoy the same privileges and immunities.

3. All articles which are not the produce of the soil or industry of the domains of the contracting powers, but which are regularly imported from the ports of Austria into those of the United Kingdom of Great Britain and Ireland, Malta, Gibraltar, and

the other possessions of her Britannic Majesty, shall be liable only to such duties and charges as would be imposed upon them if they were imported in British vessels. Her Britannic Majesty grants to the commerce and navigation of Austria all the advantages insured by the two Acts of Parliament of 28th August, 1833, to the ships and produce of the United Kingdom and its possessions, and those enjoyed by the most favoured nations.

4. All Austrian vessels from the ports of the Danube, including Galacz as well as their cargoes may enter the ports of Great Britain and her possessions in the same manner as if they came direct from the ports of Austria, and reciprocally all English vessels and their cargoes shall enter and depart from the ports of Austria, with the same immunities as Austrian Vessels.

5. Considering that English vessels coming direct from other countries may enter the ports of Austria under this treaty, without paying any other duties than those to which Austrian vessels are liable, the productions of the soil and industry of those parts of Asia and Africa which are within the Straits of Gibraltar, and which after being carried in a right line into the ports of Austria, are thence sent in Austrian vessels to the port of Great Britain, shall enjoy the same advantages as if they had been imported by English vessels into the Austrian ports.

6. All articles of commerce imported or exported into or from the ports of the contracting countries under the flags of either, whether in British or Austrian bottoms, are to be subjected to the same duties and premiums.

7. All goods in bond from either country are to be subjected to the same duties on re-exportation.

8. The Governments of the two States undertake not to inquire into the origin of the products introduced into the ports of either.

9. With regard to trade with the East Indies in Austrian bottoms the same privileges are granted by England to Austria as to the most favoured nations, but under the same conditions and legal prescriptions.

10. The treaty does not apply to coasting navigation and trade between the ports of the same State in vessels belonging to the other of the two contracting States, as far as regards the transport of passengers and goods, because this navigation and trade are reserved to natives of each country respectively.

11. The vessels and subjects of the contracting Powers in their trade and navigation are to enjoy reciprocally all the rights and privileges of the most favoured nations in the ports of either; that is to say, Austria is to have in the United Kingdom and all the British possessions the full advantage of the Navigation Act, passed April 28, 1833; and of another Act, of the same date, for regulating the trade of the foreign possessions of England; or of any future acts or orders in Council to the same effect; and England is to have in Austrian ports all the advantages insured by treaties to other Powers. The two powers also bind themselves not to grant any favours and privileges of trade and navigation to the subjects of other Powers which shall not be at the same time granted to Austrian and British subjects reciprocally, either gratuitously or upon equivalent compensation, according to the nature of the privilege so granted to other powers.

12. The arrangements of the treaty concluded at Paris on the 5th of November, 1815, between the Courts of Austria, Great Britain, Prussia, and Russia, for the trade of the Ionian Islands, continues in force.

13. The present treaty, which replaces that of the 21st of December, 1829, between the Austrian and British Governments, is to remain in force until the 31st of December, 1848, and after that time for twelve months from the date when one of the contracting powers shall signify to the other its intention of limiting the duration of the treaty. At the expiration of such twelve months after the reception of such notice, the treaty is to cease to be of effect.

14. The treaty is to be ratified, and the ratifications exchanged within one month, or sooner if possible. Done at Vienna, July 3, 1838.

(Signed) METTERNICH.
FREDERICK JAMES LAMB.

LORD DURHAM AND THE MINISTERS.
(From the Spectator.)

Nobody disputes that unusual powers were needed for the Governor during the suspension of the ordinary Legislature. In every community occasions for legislation arise. But it may be doubted whether Lord Durham and his Council had really any legislative power. Clause 3d of the "Act to make temporary provision for the Government of Lower Canada" empowers the Governor and Council "to make such laws or ordinances for the peace, welfare, and good government of the said province of Lower Canada, as the Legislature of Lower Canada as now constituted is empowered to make;" but the proviso tacked to the same clause, on Sir William Follett's motion, says it shall not "be lawful by any such law or ordinance to repeal, suspend, or alter any provision of any act of Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any act of the Legislature of Lower Canada as now constituted, repealing or altering any such act of Parliament." This may be called a "nullifying" clause. It reduces the legislative power of the Governor and Council to almost nothing. Who would undertake the simplest measure of public improvement clogged with the condition of not touching any provision of any act of the British Parliament? What was Lord Durham sent to Canada for, if not to supersede the House of Assembly and the Legislative Council? But his authority was infinitely less than theirs. The acts of the suspended Legislature of Lower Canada might be set aside by the English Government, but there was no peremptory prohibition of measures unaccustomed with English laws. The Canadian Legislature was not fettered as Lord Durham was fettered. Yet, with authority less than that given to the smallest local corporation in England, he was expected to remodel the internal polity of the province, and to effect the most extensive changes and improvements! It is mentioned in the Canada newspapers, that even the power to impose a lighting-rate for Montreal is not possessed by the Governor and Council; and this new "tax, duty, rate, or impost" shall be made by the Governor and Council, though old ones may be continued.

When Lord Durham ascertained that the act of last session, as interpreted by the hostile majority in the Lords—whose interpretation Ministers acquiesced in—was insufficient in its powers, he had no alternative but to resign; but the Ministers might have given a totally different turn to the whole affair. Their own law officers declared the ordinances illegal on account of the banishment of Nelson and his compatriots to Bermuda; and the Tory lawyers, supported by a majority of the Lords, interpreted Sir William Follett's proviso so as to reduce Lord Durham's authority to a shadow. Now what course would Ministers possessed of ordinary talent, or of the spirit of gentlemen, have taken in such circumstances?

They would have declared themselves responsible to Parliament for any stretch of his powers by the Governor-General, seeing that his conduct commanded their entire approbation. They would have said—"We sent Lord Durham to Canada for purposes which he is able, and to us satisfactorily, following out. He is acting in conformity with the instructions he received from us. If blame attaches in any quarter, it is to the Queen's Ministers; and we are ready to bear Lord Durham harmless. But it is plain that the Act which Lord Durham was induced on our assurance to take as his sufficient authority, falls short of the emergency of the case. Increased powers are needed. Pray grant them. If you withhold them, we must resign."

To this issue Pitt, Fox, Perceval, Castlereagh, Canning, Wellington, or Grey would have brought the question. But Viscount Melbourne and his colleagues joined with their absent colleague's "bitter foes in striking at his head." They betrayed, deserted, insulted him. They saw Lord Durham bound hand and foot; and they assisted in riveting his fetters, instead of restoring him to liberty. Who can believe, that if they had taken the initiative in the application—with the erect bearing of men of straightforward purpose and manly spirit—they would have failed in obtaining more extensive powers from Parliament? But whether they could, or could not have obtained the requisite powers, one thing is clear as daylight—they ought to have tried; tried in earnest, not by a sham motion feebly made and readily withdrawn; and in the event of failure, to have gone out of office. Then, indeed, there might have been meaning in the imputation that "Lord Brougham and the Tories" had factiously thwarted Lord Durham. Then the blame of the first blunder only would have been chargeable on the Ministers; and the attempt to rectify it would have been duly appreciated.

It has been denied, of course, that the Whig-Ministers acted treacherously towards Lord Durham. But we refer to their whole course of proceeding in this affair, for evidence corroborative of the strong suspicion, that their willingness to "sacrifice" him was second only to the desire of retaining place and pay. They could have protected him, and they would not. They did not even make a serious attempt to enlarge his authority, when experience was obtained that the powers with which they had sent him to Canada were insufficient. They left him to incur the necessity of more acts of indemnity, and plunge deeper and deeper, but unconsciously, into the slough, which they virtually, if not designedly, had prepared for him. In common life and under ordinary circumstances, men who act in this way would be stigmatized as false betrayers; in the ethics of public life, why should the moral standard be lowered to the dimensions of mean Ministers and small statesmen?

RETURN OF THE LIVERPOOL STEAMER.

We have just received accounts from Cork, announcing the return of the great steamer, the Liverpool, which had put into Cove shortly after three o'clock yesterday, being the tenth day since her departure from Liverpool, from which port she sailed on Saturday week.

On many accounts, we deeply regret this occurrence. The vessel is one of the noblest structures ever launched upon the waters; and, in every way, she was admirably fitted up for the navigation of the Atlantic. But almost since her departure, she has been obstructed by extremely adverse weather, and on Thursday last she encountered a hurricane, from which, however, she escaped with very trifling injury. The Liverpool, nevertheless, had accomplished nearly one-third of her journey; but owing to the extremely unfavourable state of the wind, she had latterly been unable to make more

than four knots an hour. On account of this diminution of speed, and the immense consumption of fuel—although 563 tons of coals had been on board when she started—it was deemed advisable to turn back, and accordingly she put into the Cove of Cork.

The readers of this journal are already aware that the Government dispatches for the Earl of Durham were forwarded by a Queen's Messenger, who sailed in the Liverpool, and that it was considered of vast importance that those dispatches should reach the Noble Earl before the time fixed for his departure from America. That this object would have been accomplished there could be no doubt, but for the insurmountable obstacles which we have already described. We are, we need scarcely say, deeply grieved that this new difficulty should have arisen; but there is reason to hope that Lord Durham will delay his departure until the end of the year, and certainly long before that time he will be in possession of the dispatches.

The Great Western sailed from Bristol on Saturday; and, we have heard, took out duplicate dispatches.

With respect to the return of the Liverpool, one of the letters we have received states that so dreadful was the weather, that, in order to make head against it, there was an immense consumption of fuel. Nearly 400 tons of coal had been consumed in the ten days. As the weather still continued most unfavourable, it was properly deemed expedient—indeed there was no alternative—to turn back.

Since writing the above, we have learned that the Liverpool is to start again for New York the day after to-morrow.—*Dublin Evening Post, Oct. 30.*

The Newfoundland.

ST. JOHN'S, (THURSDAY) December 13, 1838

The Fall term of the Supreme Court was opened on Monday last by the Hon. Chief Justice HURME and the Assistant Judges, when the Chief Justice delivered the following charge to the Grand Jury:

SUPREME COURT, 10th Dec., 1838.

Mr. Foreman, and Gentlemen of the Grand Jury—

The Attorney General is about to present for your consideration, three cases of the most serious and painful description.

One is that of a female, who stands committed on the Coroner's Inquest for the concealment of the birth of her illegitimate child. The law on this subject formerly depended on an act of Parliament called Lord Ellenborough's Act; but this was altered about ten years ago, and by the 9th Geo. IV., cap. 31, s. 14, it was enacted—"That if any woman shall be delivered of a child, and shall by secret burying, or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned with or without hard labour in the common gaol or House of correction for any term not exceeding two years; and it shall not be necessary to prove whether the child died before, at, or after, its birth: Provided always, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be lawful for the jury by whose verdict she shall be acquitted, to find, in case it shall appear in evidence that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth."

The other two cases are on charges of Arson—a crime of enormous magnitude in any country, and of most peculiarly dangerous tendency in this country, where the buildings are almost universally constructed of wood. The Law on the subject of Arson has lately been revised in England. By an act which received the Royal assent on the 17th July, 1837, certain former acts were in part repealed, and it was enacted—"that whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof, shall suffer death." By sec. 3, a severe, but not capital punishment is assigned for the setting fire to any House, Stable, Coach-house, Out-house, Warehouse, Barn, and certain other buildings therein described. The fourth section relates to the firing, or in any way destroying, Ships or Vessels, for which crime, if the life of any one be thereby endangered, the life of the Offender is forfeited. The following section imposes capital punishment for hanging out false lights to vessels; and the remaining sections impose less severe punishment on crimes of less magnitude,—such as the setting fire to agricultural produce, and to straw, wood, &c. And in all cases this act provides that accessories before the fact shall be liable to the same punishment as the principal offender, whether it be death, or transportation, or imprisonment.

The alterations which this Act has made in the law of Arson, are amongst those which have been imported into this Island by an Act passed here in November, 1837, by which it is enacted—"that the Criminal Laws in force in England, on the 20th June, 1837, are to be the law in this Island; and that all Statutes of the Imperial Parliament of Great Britain in further amendment or alteration of the criminal law of England, passed, or which may be passed, subsequently to the 20th June, aforementioned, shall, in twelve months after the passing of the same, respectively, extend to, and be the law of, this Colony, so far as the same can be applied."

It is to be observed that some English Acts come into operation immediately on their being passed: while others have a day named in them whereon they are to begin to take effect; for instance, this very act amending the law of arson, did not come into force in England until the 30th

September—being between two and three months after it had passed.

The attempt to give an outline, however general, of the Criminal Law of England as it stood on the 20th June, 1837, would be a trespass upon your attention, and quite beyond the limits of a Judge's charge; but to have pointed out the amendments which have been made since the day which our Colonial Legislature has named, may not be uninteresting to some of you, and may be useful to those of the public who are now in Court, many of whom want the facilities which gentlemen in your station possess, for acquiring by other means, a knowledge of changes made in those laws under which they live, which they are bound to obey, and for disobedience to which, the law itself says, that ignorance of the law is no excuse.

An act had passed in the first year of Will. IV. amending the Laws relative to Forgery. By an act passed on the 17th July, 1837, the capital punishment is further taken away, and transportation or imprisonment, substituted.

1 Victoria, cap. 85, amends the laws relating to offences against the person. By this act, any one administering poison, or stabbing, wounding, or causing any bodily injury dangerous to life, with a murderous intent, is to suffer death. Any person administering poison, shooting at another, or in certain other ways attempting to murder, shall, although no bodily injury be effected, be transported for not less than fifteen years, or imprisoned not exceeding three years. Any person cutting and maiming, or trying to procure abortion, is liable to the like punishment. Accessories before the fact, are to have the same punishment as principals; and in all cases the Court may add to the improvement, hard labour and solitary confinement. This act contains one very salutary provision: by sec. 11, it is enacted—"that when the crime charged against any person under this act, or on *histrial* for any felony whatever, shall include an assault, the Jury may acquit of the felony, and find the verdict of guilty of the assault, if the evidence will warrant such finding; and the Court may imprison, &c." Formerly, it was too often the case that prisoners were acquitted entirely, because of some defect in proving the full technical description of the offence, whilst there was no doubt that an assault had been committed. This is now guarded against.

The 86th cap. of 1 Victoria, relates to burglary and stealing in dwelling-houses. All those who commit the crime of burglary are liable to transportation for life, or not less than 10 years, or to imprisonment. But if they add to this crime violence to the inmates, they are to suffer death. Burglary is house-breaking in the night: formerly there was some uncertainty as to when the night might be considered to commence and end; by this act its period is distinctly defined. House-breaking in the day time has severe, though not equally severe, penalties assigned to it: and there is in this act also, power given to award hard labour and solitary confinement.

Cap. 87 relates to robbery and stealing from the person. Any robbery accompanied with stabbing or wounding, is to be punished with death; if with personal violence of a less aggravated character, with transportation or imprisonment; and even attempts to rob have their punishment assigned. This act, too, contains provisions as to accessories being punished like principals, and as to solitary confinement, &c.

By cap. 88, the crime of Piracy is punished with death, in cases where there is intent to murder, or violence dangerous to life is used; and with transportation or imprisonment in other cases. There is also the like provision as to accessories—solitary confinement, &c., as in the preceding chapter.

Cap. 90 alters the amount of punishment in certain cases where it had been allowable to imprison previous to transportation, and also, where public or private whipping was added to other punishments. By this act the period for which solitary confinement can be imposed is limited.

By c. 91, the punishment of transportation, or imprisonment with hard labour and solitary confinement, is substituted for that of death, in certain cases, which were capital under 1, Geo. I. cap. 5—31 Geo. III, c. 17—37, Geo. III, c. 40. The other provisions of this act are local, and confined to England, except one relating to the Slave Trade, whereby the capital part of 5 Geo. IV. c. 113, is repealed.

On the whole, these acts evince a merciful spirit in the British Parliament, and a great tenderness for the lives even of offenders. In some instances, where mercy to a culprit might be considered no mercy by the community, they have retained the fearful punishment of death, which in many others they have removed from the Statute Book. Even where they have imposed the punishment of solitary confinement, a punishment designed to afford opportunity for reflection, for contrition, for resolution to lead a new life, they have used precaution to prevent this punishment being carried to excess. It is to be hoped that experience will shew the soundness of their views, that punishments, by becoming less severe, will become more certain. Even bad men have a new motive given them to check the commission of greater crimes, when they find that the law has drawn a fixed scale whereby a less offence has a less punishment; even the highwayman may hesitate from adding violence, when he remembers that the blows which he might inflict upon his victim would strike against his own life. To mitigate punishments, and to make them not so light as to be disregarded, but proportionate to offences, is so far from granting impunity that it tends to take from witnesses all reluctance, and from prosecutors

all excuse for shrinking from their duty to society, while it prevents the public from merging the outrage it has received in sympathy for the offender.

The resignation by Lord Durham of the government of the North American Colonies, and his intention of returning to England forthwith—have, as might have been expected, produced no little sensation in the political circles, where a world of speculation was affixed as to the probable consequences which would follow on these events. Notwithstanding the existence of violently adverse opinions on the Canadian policy since Lord Durham's assumption of the Government, there seems now to be a concurrence of sentiment as regards the evil effects likely to arise from his resignation; and this step on the part of the Noble Lord has called forth an almost universal expression of regret on all sides.—The *Glasgow Courier* (anti-ministerial paper) has the following observations on the subject:—

There is so singular unanimity in the press on the subject of Lord Durham's resignation, as to indicate an identity of sentiment on Canadian affairs which we do not often observe on any public question whatever. The commentaries of the London journalists on both sides, though more or less tinged with the peculiarities of the individual writers, agree in these points—that the retirement of the Viceroy at this particular juncture is an unfortunate event—and that the causes which have led to it are much to be deplored. We were never of those who thought that Earl Durham was the man who should have been sent on so delicate a mission as the pacification of the revolted provinces. We doubted his wisdom—we doubted his capacity—we doubted his temper—we doubted his experience—and we doubted, sadly doubted, the healing efficacy of his political belief, knowing well that whatever it might accomplish in North America, it could produce nothing but confusion and dismay in Britain; still, though holding these opinions to this hour, we entirely concur in the views of our contemporaries. Whig and Tory, on his departure from the Government which his sovereign had assigned to him. We have heard it insinuated through private channels that the Radical predictions of himself and his associates were becoming too apparent, and that the "British party" were beginning to discover the tendencies of those secret inclinations by which both are known to be actuated; but nothing of this kind is to be detected in his public acts, which, so far as we can discern, were judicious and praiseworthy. The two points on which he failed do not strike us, as exceptions, properly so called, but rather as irregularities arising partly out of ignorance, and partly out of the embarrassments of his position. The non-citation of a man such as Papineau previous to his outlawry was a mere technical blunder—discreditable, no doubt, to his lordship's legal advisers with whom the responsibility lay, but implicating his character no further than this—that he gave his evidences to men whom the result shows were unworthy of it; while the mistake touching the extent of his jurisdiction, and the banishment of the six self-admitted traitors to Bermuda, were what may be termed, after all, venial errors. Neither the one nor the other affected the interests of a single being who was free from the suspicion of guilt—while both bore directly on notorious criminals whose doom any court composed of sane men would have sealed in half an hour.

The effects of all this at home we look upon as a secondary consideration. That it will embarrass the ministry, or even destroy them, are subordinate considerations. A few months more or less of their tenure of office is of little importance; but in Canada the consequences may be serious. On the approach of winter, the very season predestined by the disaffected for a rising, the executive government is broken up—its head is withdrawn—its authority is brought into contempt—and its power annihilated. The British Canadians unite to a man in condemning the conduct which has been pursued in this country in the affair of the expatriated rebels. They feel it as a blow levelled at themselves, at their wives, their children, and their hearths; while the French behold in it the best justification that could be given of their late outbreak.

The *Lady Turner*, from Greenock, has supplied us with papers of that place to Nov. 2, and London dates to Oct. 31,—they are principally occupied with matters of Foreign intelligence, and articles on local affairs, not interesting beyond the sphere to which they bear particular reference.

The case of Edward Kielley against the Speaker and other Members of the Assembly for false imprisonment—argument on which was heard in the last Term of the Central Circuit Court—has been transferred into the Supreme Court, and is intended to be brought on in the present term. It will be remembered that the Defendants in the action pleaded Justification by virtue of their Privileges—on which was grounded the argument above referred to, and which will again be the subject of argument to be heard before the Chief and Assistant Judges, and for which Saturday next is the day appointed.

There are now several vessels due from Britain as well as Foreign Europe, but their detention may be attributed to the prevalence of strong Westerly Winds which have been experienced of late. The vessels recently arrived report having encountered unusually boisterous and adverse weather during their whole voyages.

Arrival—In the *Lady Turner*, from Greenock. Miss—Nixon.

Departures—In the *Olinda*, for Cork, Mr. Jackson, Mr. and Mrs. D. Fowler, Mr. Gardner. In the *Sarah*, for Bristol, Mr. James Carter, Mr. Wright, Mr. J. Ryan.

Married, on Tuesday evening last, by the Rev. Mr. Faulkner, Mr. Philip Tocque, of Corbomear, to Eliza, eldest daughter of the late Mr. John Chaney of this town.

Died, on the 16th November, on board the brig *Sophia*, on her passage from St. Jago de Cuba, bound to Turks Island, after a short but painful illness, which she bore with Christian resignation, Ann, the beloved wife of Captain John Humphries, and daughter of the late Mr. Adam M'Larty, of this town.

—, on the 15th instant, at West Regent Street, Mrs. Margaret Kerr, wife of Mr. James Clark, Merchant here.—*Greenock Advertiser*, Oct. 16.

Shipping Intelligence.



ENTERED,
November 30.—Waterlily, Campbell, Liverpool—100 bls flour, 100 boxes soap, 20 tons salt, and sundries. Duck, Shipton, Viana—70 tons salt, 10 cwt. onions.
December 1.—Eliza, Hally, Halifax—50 puns. molasses, 29 M. lumber.
3.—Lexington, Tilden, Boston—ballest.
Lavinia, Wyllie, Cadiz—120 tons salt, 145 boxes raisins, 25 bls. figs, 12 fraills nuts, 40 casks wine, 2 cwt macaronie.
Mary Jane, Butt, Copenhagen—300 bls. pork, 200 bls. flour, 300 firkins butter, 320 bags bread.
Harriet Elizabeth, Young, Halifax—20 puns. molasses 8 hdds. sugar. 64 hdds. porter, and sundries.
Bermuda, Petty, Barbados—49 puns. molasses, 60 tons coal.
Britannia, Coysh, New York—300 bls. flour, 100 bls. pork, 50 bls. beef, 25 puns. molasses, 50 bags bread, 17 M. staves.
4.—Douglastown, Henderson, Trinidad—86 bags bread.
10.—Lady Turner George, Greenock—85 casks ale, 100 bolls potatoes, 25 M. brick and sundry merchandize.
Funchal, Picken, Oporto—120 tons salt, 45 baskets figs, 36 boxes oranges, 26 boxes grapes and sundries.
Fanny, M'Dowell, Greenock—40 M bricks, 90 kegs powder, 30 casks oats and sundries.
Royal William, Axtell, Bridgeport—78 tons coal. 19 bags bread.
Blandford, Hutchings—100 tons salt, 40 boxes raisins.
Sophia, Humphreys, Turks Island—37 pipes rum, 75 tons salt.
11.—Amanda, Poland, Oporto—28 baskets onions, 10 fraills figs, 10 boxes oranges and sundries.
Trial, Clunn, Sydney—75 tons coal.
Scotia, Caldwell, Oporto—110 tons salt, 50 boxes oranges, 40 qils. onions, 200 leeches and sundries.
LOADING.

December 1.—Hebe, Duncan, Demerara.
3.—Lavinia, Wyllie, Greenock.
7.—Mary Jane, Butt, Liverpool.
8.—Minerva, Dowsley, Liverpool.
Mides, Webster, P. E. Island.
10.—St. Patrick, Madigan, Cork.
11.—Amity, Dollard, Cork.
Bermuda, Petty, Barbados.
Margaret, Archibald, Bristol.
Hope, Davis, Cork.
CLEARED.

November 30.—Adelaide, Hutchings, Cork—2600 qils. fish.
December 1.—Stork, Grills, London—175 tons seal & cod oil, 6 tons blubber.
L'Avengueur, Goldsworthy, Bristol—44 tons seal and cod oil.
Nightengale, Young, P. E. Island—270 bls. herring, 7 casks wine, &c.
5.—Harriet, Dingwell, P. E. Island—104 bls. herring, 10 cwt. bread and sundries.
7.—Douglastown, Henderson, Viana—2516 qils. fish.
Wave, Sanderson, P. E. Island—54 bls. herring, &c.
8.—Garyone, Brobin, Oporto—3600 qils. fish.
Catherine, Humphreys, Figueira—1300 qils. fish.
Nancy, Poland, Plymouth & Teignmouth—2600 qils. fish, 2 tons cod oil.
Harriet Elizabeth, Hally, Cape Breton—30 bls. herring, 50 bls. flour.
10.—Olinda, Scott, Cork—274 casks molasses. 18000 galls. seal and cod oil, 170 cwt. old junk.
11.—Palmetto, Pearman, Madeira—1100 qils. fish.
Sarah, Follett, Bristol 26000 galls. seal and cod oil, 223 hides and sundries.
12.—Lexington, Tilden, Brazils—2700 qils. fish.
William, Culleton, Halifax—50 tierces & 107 bls. salmon, 137 bls. herring, 300 qils fish and sundries.

ARRIVALS FROM NEWFOUNDLAND.—*Dash*, at Liverpool, 13 days; *Victory* at Waterford, 26th October; *Scipio* at Clyde.
The *George Robinson*, for Newfoundland, cleared at London 27th Oct.

NOTICES.

ALL Persons having claims on the Estate of the late WILLIAM HOWELL, of Corbomear, Merchant, are requested to present the same, and all Persons indebted to said Estate are required to make immediate payment to her
MARY X HOWELL }
mark } Administratrix
JANE GOULD. }

Carbomear, Dec. 1, 1838.

ALL Persons having claims against the FACTORY are requested to leave their Accounts with the SUPERINTENDENT, at the Establishment.
J. JENNINGS, Secretary
November 8.

Sales by Auction.

THIS DAY,

At 11 o'clock,

BY James Clift,

20 Boxes prime fresh ORANGES and LEMONS
10 Fraills FIGS
4 Sacks WALNUTS
6 Boxes GRAPES
20 Baskets ONIONS
10 Barrels APPLES
And,
10 Puncheons Prime MOLASSES.
December 13.

Auction of Fruit, &c.

FOR SALE, BY AUCTION,

THIS DAY,

At 12 o'clock,

In front of the Premises of T. HOGAN,

150 Boxes prime Valencia Raisins
1120 Lbs. Patras Currants
30 Drums Broad Figs.
ALSO,
30 Reams Wrapping Paper
20 Dozen Paste Blacking.
December 13.

Oranges and Lemons!

TO-MORROW,

(Friday.) At 11 o'clock,

BY William Firth,

30 Boxes ORANGES
30 Ditto LEMONS
30 Fraills FIGS
30 Boxes RAISINS
15 Barrels APPLES.
The above are all new, and will be sold without reserve.
December 13.

For Charter.

To Europe or the West Indies,

The fine fast sailing

BRIG



BRITANNIA

THOMAS COYSH, Master;

For particulars apply to HUNTERS & Co.

December 13.

ON SALE.

The fine fast sailing Schooner



ERIN,

81 Tons N. M., well adapted for the trade of of this Country. If not sold by Saturday she will take freight for Placentia.—For particulars apply to HUNTERS & Co.

December 13.

BY

Baine, Johnston & Co.

EX MARY JANE, from Copenhagen,

300 BARRELS Prime PORK
300 Firkins Prime BUTTER
200 Barrels Superfine FLOUR
350 Bags Fine BREAD.

EX HARRIETT ELIZABETH, from Halifax,
20 Puncheons MOLASSES
8 Hogsheads SUGAR.
December 6.

EXCHANGE

On LONDON, by

NEWMAN & Co.

November 29.

BRIDGEPORT COALS.

The Cargo per St. Patrick, for Sale by

PATRICK JORDAN.

Who offers said Vessel for Charter with fish to CORK or WATERFORD. The Vessel will be ready to load in the course of 10 days.
October 25

ON SALE.

BY PRIVATE CONTRACT,

The Brigantine

ELIZA,



Burthen 98 Tons.—Apply to

RICHARD HOWLEY.

The ELIZA is a remarkably strong and substantial Vessel, Six years old, completely fitted for a Sealer or Foreign Trader, having undergone an extensive repair at Cork this year. She is Choked, and Iron-sheathed, and will be Sold with her Punts, Spare Rudder, Towline, &c., so that she may be sent to the Seal Fishery with a trifling expense.—An Inventory of her Materials may be seen on application as above.
November 22.

Valuable Mercantile and Fishing ESTABLISHMENTS

AT FERRYLAND,

TO BE SOLD OR LET.

THAT Capital PLANTATION situate on the north side of Ferryland Harbour, comprising a modern Stone-built DWELLING-HOUSE, with spacious domestic conveniences and OUT-HOUSES, together with spacious STORES and WHARVES, calculated for carrying on an extensive Mercantile Trade, for which it has been used for a Century past.

ALSO, SEVERAL

FISHING PLANTATIONS,

Situate in the same neighbourhood.

A Purchaser or Tenant will be treated with on liberal terms. Further particulars on application to the Proprietor Mr. HENRY HOLDSWORTH, Dartmouth; Mr. JAMES SIMMS, St. John's; or to Mr. THOMAS CONGDON, on the premises.
November 22.

BY

RICHARD HOWLEY,

106 Bls. OATMEAL

Ex Rival from Hamburg.

Nov. 22.

FOR SALE,

The fine, fast sailing

Schr. Margaret,



5 years old; Burthen per Register 66 Tons; well found in Sails, Rigging, &c.—Apply to Messrs. NEWMAN & Co.

November 15.

BY

M'BRIDE & KERR,

Per *Cora* and *Olinda* from Copenhagen,
3400 BAGS Bread, No. 1, 2, & 3
1600 Barrels Superfine Flour
50 Half-barrels Ditto Ditto
300 Firkins Butter
50 Barrels prime Beef
40 Ditto ditto Pork.

Per *Avaton*, from DEMERARA,
64 Puncheons very prime Molasses;
Per *Jane*, from NEW YORK,
100 Barrels prime Pork.

ALSO,
60 Casks fresh Porter.
November 15.

THE SUBSCRIBER

Is now Landing,

From the Emma, Dove, and Rival, from Hamburg—

1388 Bags 2d quality BREAD
400 Barrels } Superfine FLOUR
100 Halfbls }
400 Firkins } First quality BUTTER
100 Half-firkins }
52 Half-barrels and 10 Barrels Prime PORK
130 Barrels OATMEAL
10 Ditto PEASE
1 Case CHEESE
100 HAMS
2 Hdds. GIN
1 Cask SHOES.
100 Boxes SOAP,
3200 BRICKS.

Fish or Oil taken in payment.

JOHN CUSACK, 6w.

November 8.

BY

EWEN STABB,

THE

Schr. ACTIVE

59 Tons Burthen, and fitted for the Ice.

Nov. 29.

ON SALE.

AT THE STORES OF

Parker & Gleeson,

EX AGNES, THOMAS BAKER, and MEDIUM from Hamburg,

1500 BAGS 1st, 2d, and 3d quality BREAD
300 Bls. & Half-bl. OATMEAL & GRITTS
150 Do. do. do. Superfine and Fine FLOUR
100 Barrels PEASE
10 Barrels Pot BARLEY
5 Barrels Pearl BARLEY
10 Barrels Split PEASE
300 Firkins Prime BUTTER.
A few Barrels prime Hamburg Beef
10,000 Bricks,
And, a few Cases Glassware.

ALSO,
30 Puns. best retailing MOLASSES.
AND IN BOND,
30 Hdds. Fayal Madeira Wine
20 Almudes London Particular
20 Qtr.-Casks Bronte Madeira (which can be recommended as a very superior Table Wine)
1000 Hogsheads COALS.
October 25.

"MADEIRA WINE!"

A Few Qr.-Casks and Octaves Choice London Particular, (Vintage 1828) imported direct per *Eliza*, for Sale by
September 6. R. HOWLEY.

J. Fergus & Co.

OFFER FOR SALE

The CARGO of the Brigantine *Quadruple*, from BERMUDA, CONSISTING OF

Very superior flavored RUM
22 Hogsheads SUGAR
Choice quality

—Also, of former importations—
20 Chests Bohea Tea,
6 Ditto Congo ditto
12 Ditto Hyson Skin'd ditto
8 Ditto Young Hyson ditto (Warranted Superior.)
20 Puncheons strong proof Rum
25 Ditto Superior Molasses
25 Firkins Butter
24 Barrels Canada Flour
A few hogsheads Fresh Porter
100 Barrels Corn Meal
A few puncheons Oats
Billets and Hardwood Plank,
November 1.

Eligible investment for Capital in Freehold Property.

THE Premises situated in Duckworth Street, opposite the Stone Buildings, in the occupancy of Michael Murphy and others, will be sold if applied for before 20th November next.—Conditions and terms can be known on application to BULLLEY, JOB & Co.

October 18.

New CIDER. The Subscribers

ARE NOW LANDING,

A small consignment, per *Eliza*, from *Newark*, in suitable packages, warranted equal, if not superior to the best English—which they offer for Sale at reasonable prices.

J. DUNSCOMB & Co.

November 15.

TO BE LET.

On a Building Lease for 31 Years.

A PIECE of GROUND, measuring in front 383 feet, immediately in rear of the Cottage lately occupied by Judge Brenton. For particulars apply to

MICHAEL MEEHAN.

October 10.

Portugal Cove Road!!

STAGE COACH "VICTORIA",
THE Public are respectfully informed that the above comfortable conveyance will in future start from the General Post Office (Mr. Solomon's) every morning at 9 o'clock, for Portugal Cove, where persons wishing to procure seats, &c., will please apply.

N. B.—All Letters, Parcels, &c., left at the Post Office, and intended for Conception Bay, will be carefully forwarded by the Proprietor.
November 8.



Poets' Corner.

NAPOLEON AND THE BRITISH SAILOR.

[The following simple but affecting little poem—taken from the *Diadems*, edited by Miss Sheridan—is from the pen of our gifted bard Thomas Campbell, Esq.]

I love contemplating, apart
From all his homicidal story,
The traits that soften to our heart
Napoleon's glory.

'Twas when his banners at Boulogne
Arm'd in our island every freeman,
His navy chanced to capture one
Poor British seaman.

They suffered him, I know not how,
Unprisoned on the shore to roam;
And eye was bent his youthful brow
On England's home.

His eye, methinks! pursued the flight
Of birds to Britain, half way over,
With envy; they could reach the white
Dear cliffs of Dover!

A stormy midnight watch, he thought,
Than this sojourn would have been dearer,
If but the storm his vessel brought
To England nearer!

At last when care had banished sleep,
He saw one morning—dreaming—doating,
An empty hoghead, on the deep
Come shoreward floating!

He hid it in a cave, and wrought
The live long day—laborious—lurking,
Until he launched a tiny boat
By mighty working!

Heaven help us! 'twas a thing beyond
Description,—such a wretched wherry
Perhaps ne'er ventured on a pond,
Or crossed a ferry.

For ploughing in the salt sea field
'Twould make the very boldest shudder;
Untarr'd—uncompass'd—and unkeel'd,—
No sail—no rudder!

From neighbouring woods he interlaced
His sorry skiff with wattled willows,
And thus equipped he would have passed
The foaming billows!

The French guard caught him on a beach—
His little argus sorely jeering,
Till tidings of him came to reach
Napoleon's hearing.

With folded arms Napoleon stood,
Serene alike in peace or danger,
And in his wonted attitude
Addressed the stranger—

"Rash youth! that wouldst yon channel pass,
With twigs and staves so rudely fashioned,
Thy heart with some sweet English lass
Must be impassioned?"

"I have no sweetheart," said the lad;
But—absent years from one another—
Great was the longing that I had
To see my mother."

"And so thou shalt!" Napoleon said,
"Ye're both my favour justly won,
A noble mother must have bred
So brave a son."

He gave the tar a piece of gold;
And with a flag of truce commanded
He should be shipped to England old,
And safely landed.

Our sailor oft could scantily shift
To find a dinner plain and hearty;
But never changed the coin and gift
Of Buonaparte.

FROM "CONVERSATIONS WITH AN AMBITIOUS STUDENT IN ILL HEALTH."

It was a fine morning at the end of last August, and I rode leisurely to L.—'s solitary house; his strength had so materially declined during the few days past, that I felt a gloomy presentiment that I was about to see him for the last time. He had always resolved, and I believe this is not uncommon with persons in his disease, not to take to his bed until absolutely compelled. His habitual amusements, few and tranquil, were such that he could happily continue them to the last, and his powers of conversation, naturally so rich and various, were not diminished by the approach of death; perhaps they were only rendered more impressive by the lowered tones of the sweetest of human voices, or the occasional cough that mingled, as it were, his theories on this world with a warning from the next. I have observed that as in old people the memory becomes the strongest of the faculties, so it also does with those whom mortal sickness equally with age detaches from the lengthened prospects of the future. Forbidden the objects from without, the mind turns within for its occupation, and the thoughts, formerly impelled towards hope, nourish themselves on retrospection. Once I had not noted in L.— that extraordinary strength of memory—the ready co-

piousness of its stores—that he now seemed to display. His imagination had been more perceptible than his learning—now every subject on which we conversed elicited hoards of knowledge, always extensive and often minute—of which perhaps he himself had been previously unconscious. It is a beautiful sight, even in the midst of its melancholy, the gradual passing away of one of the better order of souls—the passions lulled as the mind awakens, and a thousand graces of fortitude and gentleness called forth by the infirmities of the declining frame. The character assumes a more intellectual, a more ethereal complexion; and our love is made a loftier quality by our admiration, while it is softened by our pity.

Full of these reflections, I arrived at the house of my dying friend. "My master, sir," said the old servant, "has passed but a poor night; he seems in low spirits this morning, and I think he will be glad to see you, for he has inquired repeatedly what o'clock it was, as if time passed heavily with him." The old man wiped his eyes as he spoke, and I followed him into L.—'s study. The countenance of the invalid was greatly changed even since I last saw him. The eyes seemed more sunken, and the usual flush of his complaint had subsided into a deep transparent paleness. I took his hand, and he shook his head gently as I did so. "The goal is nearly won!" said he faintly, but with a slight smile. I did not answer, and he proceeded after a short pause—"It has been said that 'life is a jest'; it is a very sorry one, and unlike jests in general,—its dulness is the greater as we get to the close. At the end of a long illness it is only the dregs of a man's spirit that are left him. People talk of the moral pangs that attend the death-bed of a sinner—as well might they talk of the physical weakness of a dying wrestler. The mental and the physical powers are too nearly allied for us fairly to speculate on the fidelity of the one while the other declines. Happy in my case that the endurance if not the elasticity of my mind lingers with me to the last! I was looking over some papers this morning, which were full of my early visions, aspirations of fame, and longings after immortality. I am fortunate that time is not allowed me to sacrifice happiness to these phantoms. A man's heart must be very frivolous if the possession of fame rewards the labour to attain it. For the worst of reputation is, that it is not palpable or present—we do not feel, or see, or taste it. People praise us behind our backs, and we hear them not: few before our faces, and who is not suspicious of the truth of such praise? What does come before us perpetually in our career of honours is the blame, not praise—the envy, not esteem. Every review, if in letters,—every newspaper, if in politics, erects itself into, not our worshipper, but our censor. We receive justice as one believed guilty is discovered to have been innocent—only after death."

"Ay," said I, "but after a little while the great man learns to despise the abuse which is not acknowledged to be just."

"In proportion as he despises abuse," answered he, "he will despise praise—if the one gives no pain, the other will give no pleasure; and thus the hunt after honours will be but a life of toil without a reward, and entail the apathies of obscurity without its content."

"But consider, there is the reward of our own heart which none can take away—our proud self-esteem, and, if you will, our fond appeal to the justice of an after age."

In discourses of this sort the day wore to its close, and when will the remembrance of that day ever depart from me! It seemed to me, as we sat by the window, the sun sinking through the still summer air, the leaves at rest, but how full of life, the notes dancing upon the beam, the birds with their hymns of love, and every now and then the chirp of the grasshopper—

"That evening reveller who makes
His life an infancy and sings his fill!"—

as we so sat, and looking upon the hushed face of our mother Nature, I listened to the accents of that wild and impassioned wisdom, so full of high conjecture and burning vision, and golden illustration, which belonged to him for whom life was closing, I could have fancied that the world was younger by some two thousand years, and that it was not one of this trite and dull age's children that was taking his farewell of life; but rather one of the sage enthusiasts of that day when knowledge was both a passion and a dream, when the mysteries of the universe and the life to come were thought the most alluring of human themes, and when, in the beautiful climates of the West, the sons of wisdom crept out to die among the trees they had peopled with divinities, and yielded their own Spirit to the Great Soul of which it was a part, and which their mysterious faith had made the Life and Ruler of the world. For I think, nay, I feel assured, that those, the high sons of the past philosophy, have neither in their conduct nor their manner of thought been fully appreciated by that posterity that treads lightly over the dust of what once was life. They wandered wildly but their wanderings were "not of the earth, earthly;" and they possessed more of that power, and beauty, and majesty, and aspiration, which are the soul—they had less of the body, and more of spirit, than all the priests have dreamed of while they railed against the earthliness of paganism, from the cherubic paradise of tithes. For religion, Christ's religion, the beautiful, the saving, is not fenced round with the hedges of glebe land, or doled forth in the cold hypothesises of pulpited orthodoxy. Religion and priests have

the same connexion with each other as justice and attorneys. And now the sun sank, and

"Maro's shepherd star
Watched the soft silence with a loving eye."

When I was about to take leave of L.— for the night, he asked me, in a meaning voice, to stay with him a little longer: "The fact is," said he, "that Dr. — implies a doubt whether I shall see another day; so be with me at least till I fall asleep. I mean," added he, smiling, "not in the metaphoric, but the literal sense of the word."

Accordingly when he retired for the night, I sat by his bedside, and we continued to converse, for he wished it, though but by fits and starts: he gave me several instructions as to his burial, and as to various little bequests, not mentioned in his formal testament. While indifferent to the companionship of men, he had never been ungrateful for their affection: the least kindness affected him sensibly, and he was willing in death to shew that he had not forgotten it. Indeed I have observed, that the more we live out of the world, the more little courtesies, such as in the crowd are unheeded, are magnified into favours—true, that the same process of exaggeration occurs in respect to petty affronts or inconsiderate slights. The Heart never attains the independence of the Mind.

Before the window, which looked out into the garden, the dark tops of the trees waved mournfully to and fro; and above, in deep relief, was the sky, utterly cloudless, and all alive with stars. "My eyes are very heavy," said L.—; "close the curtains round my head." I did so, and crept softly into the next room, where the nurse sat dozing in a large chair by the fireside.

"Does he sleep, sir?" said she, waking up as I approached.

"He will shortly," said I; "he seems inclined to it."

"Poor gentleman! he will soon be out of his sufferings," said the nurse; and she therewith took a huge pinch of snuff.

Yes! this is the world's notion. With what wondrous ingenuity they shift off the pain of regret! A friend, a brother, nay, a son dies—they thank God he is out of his afflictions! In one sense they are right. They make the best of their own short summer, and do not ask the cloud to stay longer than sufficient to call up the flowers or refresh the soil. Yet this is a narrow view of the subject of death. A bright genius disappears—a warm heart is stilled, and we think only (when we console ourselves) of the escape of the individual from his bed of pain. But ought we not to think of the loss that the world—that our whole race sustains? I believe so. How many thoughts which might have flashed conviction on the universe will be stricken for ever dumb by the early death of one being! What services to earth might the high purity, the deep knowledge, the ardent spirit of L.— have effected! But this we never think of. "Poor gentleman!" quoth the nurse, "he will soon be out of his sufferings!" and therewith she took a huge pinch of snuff—My God! what shallow self-comforters we are!

"He is a good gentleman!" said she again, turning round to the fire; "and so fond of dumb animals. Caesar, sir, the dog Caesar, is it at the foot of the bed, as usual?—ay, I warrant he lies there, sir, as still as a mouse. I am sure them creatures know when we are sick or not. Ah! sir, how the dog will take on, when—" and the nurse, breaking off, applied again to her snuff-box.

I did not feel at home in this conversation, and I soon stole again into the next room. What a stillness there was in it! It seemed palpable. Stillness is not silent, at least to the heart. I walked straight up to the bed—L.—'s wan hand was flung over the pillow. I felt it gently; the pulse was almost imperceptibly low—but it fluttered nevertheless. I was about to drop the hand, when L.— half turned round, and that hand gently pressed my own. I heard a slight sigh, and fancying he was awake, I bent over to look into his face. The light from the window came full upon it, and I was struck—appalled, by the exceeding beauty of the smile that rested on the lips. But those lips had fallen from each other! I pressed the pulse again. No—the fluttering was gone. I started away with an unutterable tightness at my heart. I moved to the door, and called (but under my breath to the nurse.) She came quickly; yet I thought an hour had passed before she crossed the threshold. We went once more to the bed—and there, by his master's face, sat the poor dog. He had crept softly up from his usual resting-place; and when he saw us draw aside the curtain, he looked at us so wistfully, that—no, I cannot go on!—There is a religion in a good man's death that we cannot babble to all the world!

A FEW WORDS ON HANDS.

As different as their moral natures and their personal appearances are the hands of a lady and those of a gentleman—as different as iron and silver—as the branch of the gnarled oak and the tender stalk of the most delicate of myrtles. The gentleman's fit to wield the sword—its own weapon,—whose beauty is in the firmness of its grasp and in its powerful symmetry. The lady's, a daintiness, made to bear only flowers, and such fairy and beautiful things as will not harm its delicacy or pollute the perfect chastity of its hue—to fondle the strings of the lute, or the ivory tongues of the pianoforte—to cool with its kind palm the heated forehead of a beloved one—whose pressure bring-

eth a year's joy and hope,—over whose fingers love's breath seems to have shed a warm bloom. Lord Byron tells us that "there is, perhaps, nothing more distinctive of birth than the hand; it is almost the only sign of blood which aristocracy can generate." There is a little of self-love in the motive his lordship had in making this remark, because, as we believe is very well known, he had a beautiful hand himself—although, since it was much more what a woman's should be than a man's, in relation with his sex, we always regarded it as a deformity, just as the most fertile and finest-curved mustachios upon the lip of a lady are generally regarded as something having an aspect bordering upon the horrible. The chief objection to this remark, and we will not allude to any other, is, that though our female aristocracy have, with scarcely an exception, very beautiful and delicate hands, there may be found hands among the ignoble quite as capable of setting off a ring, and making a white handkerchief look objectionably black. One of the most beautiful hands we ever saw is that of the fair authoress of the most fearful of German and English romances, and the widow of one of our greatest poets. Her hand it seems shameful to use, even for the advancement of the worthiest object, gem as it is, which milk even might pollute, and the purest snow tarnish. We have seen many beautiful hands wearily at their needle in show-rooms and shops, into which merciless women drag even the best of men. Hands, we contend, are women's most irresistible charm to persuade us against our most excellent and powerful resolutions, on matters most intimately connected with our interests. Eyes can look a great deal, especially blue ones (which we pronounce the finest of any)—lips, also, smile us into compliance with considerable ease—but there have been found men with hearts sufficiently strong to resist both. We are not aware of any man whose heart, however, could resist the pressure of his own by the hand of his beloved one—the printing-press has done a great deal, but nothing can press with such certainty as a lady's hand. This assertion admits of no correction whatever; if any person imagine that it does, they are, in all courtesy we inform them, mistaken. The hand also is the most sacred medium of intercourse between lovers—their eyes not only look but are looked at. It is impossible to place them between their shoulders. Smiles, when love awakens them, are apt to be so beautiful, that they are sure to be remarked by more than her or him for whom they are intended; but the hand can bring about a reconciliation or renew affection so stealthily, as well as vehemently and sincerely, that while it enables the parties to understand one another better than by any other means, nobody is at all aware that the lady has squeezed the gentleman's, or his hers—a squeeze of the hand being a sort of anatory pistol, very effective in its effects, but all over in an instant. The hand also, it should never be forgotten, bears the sweetest of all bonds—the marriage ring, the emblem of the perfect union of two human beings. To its custody is the treasure given—a treasure which gives to its cherish beauty—lovely as it is in itself—which sheds round it the balm of a thousand associations, and makes it the keeper of the heart's regalia.—*Court Journal.*

MADEIRA.—The expense of living here is not so moderate as is, I believe, generally supposed; but there is a much better table provided than I ever met with in Spain or Portugal. Fish is very good, and in great variety; poultry is also plentiful. The beef is excellent, from a small breed of mountain cattle; but the mutton very indifferent. Of game, there is the partridge, with snipes, woodcocks, and quails. The hare and pheasant; I understand, cannot be naturalised; the former is plentiful in Portugal, and I know no reason why it should not succeed here. Vegetables of all kinds are abundant. On the first day I arrived I was astonished to see at table a dish of fine green peas. The potato and onions are exported to the West Indies, but not to a large extent. However, if the Portuguese government would allow the former to be imported into the island, at a trifling duty, a cargo or two would, yearly, be taken for seed: and by this means, an immense number would be exported annually, produced on lands at present almost useless. Of fruits, besides every kind that I think, we have in England, there are the banana, guava, custard-apple, orange, lemon, lime, shaddock, pomegranate, and every description of table grape. Flowers, which require the greatest care in more northern latitudes, spring up spontaneously in all parts of the island; and hedges or fences are formed of the fuschia, geranium, myrtle, wild roses, jessamine, honeysuckle, and prickly pear, giving a beautiful appearance as you ride along, and imparting a fragrance equally pleasing. As you approach the higher parts of the mountains, the tall palm tree, the cedar, chesnut, pine, and poplar, appear in all their beauty and grandeur; whilst the heath and broom, with an innumerable variety of creeping or humble plants, grow in every direction, with the utmost luxuriance.—*Driver's Letter's from Madeira.*