



Newfoundland

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HOUSE OF LORDS,

FEBRUARY 5.

Lord BROUGHAM assured their lordships, that it gave him unfeigned satisfaction that nothing was to be found, either in the speech from the Throne or in the manner in which all their lordships, save the noble mover, had handled the great subjects contained in it, that called for any material difference of opinion, or that was likely to interrupt the harmony of debate on an occasion on which courtesy to the Crown enjoined all possible forbearance, and begot in all, strong as their opinions might be at other times, a disposition to consider the Address as an act of courtesy on the part of the house in return to an act of courtesy on behalf of the Crown, and to treat it as a measure which pledged them to nothing except that the matters contained in it were worthy the serious consideration of their lordships, rather than as an act of well matured and deliberate policy. He should not raise any question on the Address, regarding it, as all experience proved it to be, an occasion rather for joining in an act of courtesy than pledging themselves to any one substantive proposition. He purposely abstained from all observation on the question of Canada; he abstained from it, not because he agreed in the observations of the noble mover of the Address upon that subject, the sort of lecture which in passing his noble friend had read to their lordships, the other house of parliament, and the Crown, on account of a measure which was passed last session by Queen, Lords, and Commons; but upon that he would say nothing, because his noble friend the last Governor of Canada had that night most manfully, and in a manner which in his opinion did him the highest honour, testified his anxious and most natural and justifiable earnestness and even impatience of every hour that passed over his head until that question had been brought in his presence before their lordships. (Hear, hear.) He reserved what he had to say upon the general question to that occasion, which would be the proper time for the discussion. But the noble duke (Wellington) made a remark to which he could not avoid advertent, because he did not think the noble viscount (Melbourne) who spoke last was sufficiently aware of the grounds on which the noble duke put the question, and the failure of his argument, which seemed to him, with all respect, to be complete in that point of view. "Why," said the noble duke, "did not the American government interfere along that widely-extended, barren, uninhabited, and in many respects uncultivated frontier, to prevent individuals passing over under the influence of political opinions, or worse motives, in order to commit predatory, or aid in rebellious, expeditions?" The noble duke, as appeared to him, in a great degree answered himself; for he said, "let me tell the government, that if such expeditions from the United States across the Canadian frontier continue, if such a predatory or political system of interference is persevered in, all the power of the English government in Canada will not avail to prevent retaliatory measures by the subjects of Canada on those of the United States." But if all the power of a government were more solidly established—a government with much better means of repressing such proceedings—a government much more vigorous than that of a republic like the United States could be supposed to be—if an established government, with 12,000 regular troops, besides militia, backed too by the great mass of the people, was unable to prevent such incursions, what could Mr. President Van Buren be expected to accomplish with no such means, with an equally extended frontier, with a people not taking part with him to repress such incursions, but sympathising with them, having no standing army and no regular militia, when we professed that our own government, much more vigorous, much better armed, having a standing army, a regular militia, a much better force at home and abroad, could not prevent reprisals? But then it might be said, it would be just to make reprisals on the one hand, while the predatory incursions on the other were lawless and unjustifiable. The difficulty of prevention, however, was

not in proportion to the injustice of the aggression or the badness of the cause, but in proportion to the intensity of the motives of the sympathisers; and whether the motive was plunder or political sympathy did not in any degree alter the question. He rejoiced in the harmony which prevailed between this country and America. He looked on the continuance of peace between those two countries as of the utmost importance to England as well as to America—to the peace, civilization, and happiness of the whole world; and putting into one scale the continuance of those pacific dispositions, the uninterrupted endurance of that unbroken harmony, and into the other the whole value of all the Canadian possessions of the crown put together—if he held the balance, the latter would kick the beam. Some observations had been made on that part of the Speech which related to our policy in India. He hoped no great time would elapse before that important question was brought under the consideration of the house. He was unwilling to anticipate that necessary discussion. He was aware of the difficulty and complexity of the question. He was also aware that the present government in India stood in a peculiar position. If he mistook not, one important branch of its conduct had not been fortunate enough to meet with the approval of the authorities at home.

Viscount MELBOURNE—Yes, yes.

Lord BROUGHAM was sorry to hear it. He must then transfer his blame from the authorities in India to the authorities at home. He had hoped that the rumours which were so extensively circulated, and which had been referred to, if he mistook not, by his right hon. friend the President of the Board of Control last summer as being well founded—he meant that most culpable proceeding of the Calcutta government with respect to Oude.

Viscount MELBOURNE—Oh, as to that, you are quite right.

Lord BROUGHAM would then retransfer his blame from the authorities at home to those in India; he would leave his blame there. But this was placing our government in India in a very peculiar situation, leaving it in the hands of those whose most important act from the beginning of their administration to the present hour had been so blamed as to be formally repudiated by the authorities at home; for the treaty was refused ratification; it could only be refused ratification for having been disapproved of, and it was disapproved of, in his judgment, most wisely and justly, as a treaty that brought dishonour on the English name in India. In these circumstances, and armed with all the power over public opinion in India which a disavowed, disclaimed government, might possess in that country, it fell to the lot, unhappily, of that government, whether necessarily or unavoidably, to carry on one of the most large, extensive operations, both of policy and of war, which he would venture to say, from the days of Lord Clive—from the time when the fate of their eastern empire depended on the battle of Assaye—had never been contemplated, promulgated, or executed by any English statesman in India. He said nothing now of the capture of the island of Karack, in the Persian Gulf; he said nothing now of the negotiation with the Afghanistan princes, on the violation of which that capture was effected—of these things he said nothing, nor would he be carried into an argument on that singular process of reasoning by which an Indian government thought itself justified in avowing in a proclamation to all the world, containing, he admitted, a most candid statement of the motives, views, and arguments on which their policy was framed, and the reasoning or the misreasoning, the contempt of all colour of argument, by which in this way a conclusion was arrived at—that because the King of Persia did something they did not like, therefore they would march an army to dethrone the King of Cabul. (A laugh.) Of all these things he said nothing. He did not advert to the history of Cabul—to the kind of man now about to be set up—a pretender—a mendicant pensioner on our charity—a man twice dethroned, because he was hateful to his people in Cabul, and their only reason for preferring him to Dost Mahomed, now on the throne, and whom our envoy, Sir John Burnes, declared in his dispatches to be a wise, able, and politic prince—their only reason for preferring him being that the one was the legitimate

Sovereign of right, and the other only the popular Sovereign, whom the people preferred—so different were the principles of their foreign policy, on this side of the Cape recognising particular sovereigns because they were the choice of the people in preference to others who were not the choice of the people, but, having a legitimate character, were expelled by the people. (Hear, hear.) The empire of India was founded on opinion—that had been said again and again, until it had become a byword and a proverb of Indian policy; but believe him, it meant nothing but the opinion—1st, that they governed there better for the people themselves, which he freely admitted had been the case up to the present hour; 2d, that they governed justly as regarded their foreign relations with the native princes, which he could not admit; and lastly, the opinion of their power and force; he hoped in God that opinion would not now be weakened by its being found that they had marched 600 miles to the north-west of India on a speculation of dethroning one King and putting another in his room, all that force, that body of actual, effective, substantive power, in the opinion of which they held their eastern dominions. There was a resolution of parliament, it was incorporated in a statute, and that resolution, and the exigency of that statute, he greatly feared would not be found to be violated on the present occasion; it declared it to be against the wishes, policy, and honour of England, to extend our conquests in India. They need not be afraid that the present proceeding would violate that resolution, or break that statutory enactment; they need not fear the wish of the public would be thwarted, or the policy of the country counteracted, or the honour of the country tarnished in the present instance, by any extension of our Indian dominions; whether those India dominions would be reduced in extent, in consequence of those wild, wide, unintelligible operations, which they would have a better opportunity of afterwards discussing when they could see more than they now saw—always reminding their lordships that he was now giving the Indian government great fair play, for he was observing only, he was deciding, if he decided at all, only on their own case—he had seen no other—he made no attack—all he was in possession of was their own manifesto, giving a full, candid, and, he had no doubt, honest exposition of their motives and plans. And now he must be permitted to say a word or two upon that point to which the noble duke had referred, and to which he had already incidentally adverted—the meetings and the supposed unlawful proceedings in different parts of the country, chiefly in Lancashire. He believed the speakers, rather than the Speech on the Address, had somewhat exaggerated the amount of those disturbances; but he was far from saying that no ground existed for the observations of the Speech and the Address. That speeches of the most criminal, not to say insane nature, had been made, for which the parties were now in imprisonment or under bail, to take their trial, as guilty of a misdemeanour, was undeniable; but it was equally true that Lancashire was not the only part of the empire in which illegal speeches had been made. The lawless excitement which prevailed in that part of the United Kingdom was marked by one feature which distinguished it, not only from every other species of disturbance taking place in other districts, but in some respects even from any occurring in that part of the empire. He meant the apparent absence of all opinions, feelings, or motives, springing from the sentiments of the parties to this excitement. They appeared not to think for themselves, but to suffer others to do so. They acted as if no motive of their own set their hands in motion. Crimes the most hateful and the most enormous were perpetrated without hesitation, and, to all appearance, without remorse; not, as it would seem, by reason of any passion setting men's minds and hands in motion; but from motives of interest, be they sordid or be they fanatical, which stimulated, not the agents, but the instigators of those unequalled offences—offences committed from motives residing in the bosoms of other men, communicated by the lips of those who alone had even any seeming interest in the result, and received into the ears of those by whose hands the fearful enormities were to be carried into actual execution, and who were evidently but puppets and instruments in the hands of others. It shocked every moral sense to learn that such sa-

vage barbarities should be committed in the 19th century, and nearly at the middle of the 19th century, that in any part of a civilised land, ruled under a free political constitution, regulated by a system of laws, distinguished moreover for an admirable administration of its criminal justice, and more than all, that in a Christian country such scenes should be enacted, would appear incredible, if it were not attested by evidence the most indisputable and convincing. (Hear, hear.) Men in this country would hardly believe that in Ireland human life was no more regarded than animals or chattels—that blood was spilt as water on the land. He remembered once asking a great law authority in that country, how it was that such a condition of society could continue to exist as that any man desiring to destroy the life of another might have that object effected whenever he pleased at the small expense of £20? The reply to that was, that it would be a matter of much greater wonder if any could be found guilty of the gross extravagance of giving £20 for that which he could at any time, and under almost any circumstances, accomplish for the much smaller cost of 20s. (Hear, hear.) Was it not monstrous that where crimes of this frightful enormity were committed, witnesses could not be found to testify against the criminals, unless large sums of money were offered—any, unless offers were made of annuities payable in any part of the world, that immediately on their giving their evidence, the witnesses might reside in Algiers, Constantinople, or Herat, or some country in which life was more valued than in Ireland. (Hear, hear.) A case which strikingly exemplified the character of these crimes, and the mode in which they were perpetrated, was that of the two assassins who were employed to kill a man and woman; they agreed that each was to have his victim, but the individual to whose lot it fell to murder the woman objected—not to her being killed—but to her being killed by his hands, on account of some connection which had previously subsisted between them. The assassins made no difficulty about changing parts and coolly co-operating in the work of destruction; and when the offenders were brought to trial, the counsel for the Crown congratulated themselves and congratulated the country on the disproof of any extensive conspiracy in that part of the United Kingdom. He stood not upon mere phraseology, he cared not for terms, but without qualification he meant to affirm, that such was the state of society in Ireland, that murder was conceived, imagined, compassed, and perpetrated to an extent, and after a fashion, of which the history of no country on the habitable globe afforded a parallel. Let one of the latest, and certainly one of the most atrocious, murders committed in Ireland be remembered by the house; it was that of a most amiable and respectable individual, who was admired and esteemed in society, a man beloved and endeared to the bulk of his tenantry; yet this nobleman was shot at from behind a hedge, like an animal *feræ nature*—(hear, hear)—and it then appeared to be as impracticable to discover the assassin as though it were physically impossible to trace his footsteps. Viewing crimes like these, and looking at such a state of society, he could not help asking himself if all were well in the political government of that part of the United Kingdom—if its police were on the footing which should exist in any country where such revolting crimes had become matters of every day occurrence? No one attempted to deny their existence, though there might be found those who had the impudence, the malignity, the enormous effrontery, to endeavour to turn away attention from the real assassins, and to divert from them the universal indignation which their abominable offences were calculated to call forth. These efforts of desperate faction made men's blood curdle in their veins, at the moment that all who became acquainted with them felt them to be in accordance with much that had gone before, and that they crowned the accumulated mass of falsehood and malignity. He, of course, earnestly hoped that justice would be done as well on the assassin of the father as on those who endeavoured to assassinate the reputation of the son. (Loud cheers.) They little knew what Englishmen were made of if they fancied that all their influence with government would protect them, if they showed their faces in this country, from the abhorrence and detestation which sentiments and language like

(See last page.)

Mr. O'CONNELL expressed his disapprobation of the course pursued with regard to Limburgh and Luxemburg, and expressed his anxious expectation that Belgium would not submit to such treatment. The Five Powers should take care lest by the course they were pursuing they might provoke, instead of avoiding a war. Injustice was spreading along the banks of the Rhine. The conduct of the King of Prussia to his Catholic subjects was most atrocious, and in violation of express stipulation. (Derisive cheers.) Hon. gentlemen might think that an archbishop, because he was a Catholic, might be sent to prison without trial, and by the mere will of a despot; but he trusted he should never see the same outrage perpetrated on a protestant archbishop. It was a weak and wicked policy to interfere by imposing conditions on Belgium, especially in the present state of that country. Let the house, too, consider the situation of France, to which the right hon. member for Tamworth last night drew attention. Could any man venture to prophesy that the elements of anarchy would not be let loose there in a few weeks, or even days? and nothing would be so tempting to the borderers on Belgium as an opportunity of flying to arms in support of the people of that country. There was another subject on which he wished to address the house, relating to Ireland. He heard last night one of the exceedingly well-dressed gentlemen who instructed and ornamented the house at the commencement of the debate declare that Ireland wanted nothing more than corporate reform. Whatever might be the value of that gentleman's cotton calculations, he certainly was not well acquainted with Ireland, if he thought corporate reform would be a panacea, for all its evils. In sober and melancholy sadness (continued the honourable and learned gentleman), let me ask what connection there is between corporate reform and the agrarian disturbances of that country which have occasionally terminated in such horrible assassinations? Let me adduce as an example the murder of Lord Norbury, though whether it was occasioned by agrarian causes or not is not exactly known. Facts are stated one day which are contradicted the next. In the Dublin newspapers of the beginning of January, it was stated that the mark on the spot where the assassin escaped was imprinted, not only by the shoe of the peasant, but by his boots with nicely finished heels; and in one of those papers of the 7th January it was stated, that a special reporter had been sent down to take a sketch of the place, and that they were ready to show it to any person who pleased to call at their office. From that time up to the 24th or 25th January this account—that the impress of the assassin was made, not by the shoe of the Irish peasant, but by the boot of a person belonging to a superior order—was circulated without contradiction. At length it was contradicted, not by a Dublin newspaper, but by a London one. The *Evening Mail* having quoted this contradiction, commented upon it by saying, that neither account was quite correct; for the fact was, that one of the impressions was that of a peasant's shoe, and the other that of a boot, which the editor charitably accounts for in this way, that it was probable the Jesuits lent the assassin the boot (hear, and a laugh.) I go into these particulars because this matter has become to me one of personal interest. I understand that it had been somewhere observed that I suggested that it was the son of Lord Norbury who had perpetrated this horrible outrage; and my conduct in this respect has been censured in terms as unmeasured as they would be deserving, if they had any foundation. Now, the fact is, that such a thought never crossed my mind, (hear, hear.) In a speech of mine delivered in Dublin, after correcting some misrepresentations of the press, I go on to state that though the *Evening Mail* (the paper on which I was commenting) was remarkable for atrocious lying, it was the most atrocious and ridiculous lie of the five millions of lies which they had already circulated, to say that it was I who suggested the idea that Lord Norbury fell by the hand of his son. That I said as soon as the calumny appeared. It appears, however, that there are others as capable as the authors of the five millions of lies of casting such an imputation; and I find that by what may be considered the judicial decision of a grave personage, on the hearing of one side only, and without ever waiting to see whether there was any answer to the charge, judgment is pronounced and execution perpetrated. It is not difficult to conclude that the person (if any such there be) capable of such conduct, must be one of the worst judges that ever existed, though he may combine the ludicrous character of a court jester with the gravity which belongs to a judicial position, and who was so unfit for his situation that he was not deprived of it by an adverse party, but got rid of as an incumbrance by his own friends, who could not allow him any longer to remain in an office, for the performance of the duties of which he exhibited a total disqualification. They had fortunately found an excellent person to succeed him, but that did not diminish the contemptuous notion which was entertained respecting him by the party which so treated him. I believe that a judge of that description must have been the ridicule of the bar, and the terror of clients; one who mistook rapidly for the due administration of Justice, and who made decrees which served not as examples to be imitated, but as landmarks to be avoided by all future Chancellors (cries of Order, from the opposition) who—

Mr. SPEAKER, interrupting the hon. and learned member, said—I must throw myself on the in-

duigence of the House whilst I put it to the honorable and learned member whether it is right that he should take the course which he is now pursuing. The honorable and learned gentleman has the fullest right that he should go into every statement which can bear upon any part of the address; but I am sure I need not state the great inconvenience which must arise from having a war carried on between the two houses—in disguise, it was true, but still very intelligibly, (hear, hear.) I think it is very reasonable and desirable that the honorable and learned gentleman should give a correct statement of the facts to which he has referred; but I am sure the hon. and learned gentleman, and the whole house, will feel that we at least should set a good example in our proceedings—(cheers.)

Mr. O'CONNELL resumed: I am quite willing to agree, Sir, to any decision which you may pronounce. I only regret that you had not the power of preventing the attack. (Hear, hear.) I have known attacks made in that house on much higher persons than the humble individual who now addresses you, without any possibility of reply. As to the attack which has been made on myself, I shall not further refer to it. I despise its malignity. I have demonstrated its falsehood, and having done both one and the other, I admit I should ask myself what right I have to complain when even maiden modesty cannot protect her who holds the highest station in the empire from the obscene slanders of a wretch who has dared to pollute her name by coupling it with an insinuation too gross to mention. The sycophant of one monarch and the slanderer of another. I admit that a charge coming from so foul and polluted a source, is best treated when it is despised. He may call himself the "friend of the people"—he may be the enemy of the throne; but I don't envy him the notoriety which he has acquired in either character.

The Newfoundlander.

ST. JOHN'S, (THURSDAY) April 18, 1839.

The Spring Term of the Central Circuit Court opened on Monday last. The Chief Justice in charging the Jury, adverted to the flattering fact of the lightness of the Criminal Calendar—a fact peculiarly gratifying to the Community, and complimentary to the character of the people, when the past winter has been one of unparalleled poverty and distress. This state of things he said would by no means justify crime, but it is known to be a powerful incentive, and such has been shown to be its tendency in England and other Countries whenever the people have experienced seasons of want and penury.—The Calendar presented five or six cases chiefly of an unimportant character.

Though we have not before adverted to the subject, we have been by no means an indifferent spectator to the many and various attacks which from time to time since his arrival in this country have been levelled at our present Chief Justice, Mr. BOURNE. We were desirous to forbear from mixing ourself in a discussion out of which we did not deem that any useful results could be expected to arise, because the insinuations had not been believed any foundation, and we therefore thought their existence must be but of short duration, and that no permanence or eventual importance could be made to attach to them. We regret that the results have not accorded with such views,—the same system of unfair attack is acted upon, for what purpose we are at a loss to discover; for it cannot be promotive of any public interests which, in the present state of this community, would be best subserved by appeals to reason and judgment. We cannot but express our total disapproval of such an attempt to raise a hue and cry, because in Mr. BOURNE's general conduct we can discover no justification for any censorious remarks which have been made upon him. We have taken some little pains to mark his conduct and deportment on the Judicial seat, and we confess ourselves unable to discover what act of his called for reprobation, or when his conduct was such as not to elicit general approval. Where are the tinges of party feeling to be found, or any manifestations in the course of his public proceedings that would warrant a belief that his actions were influenced by motives which a Judge is imperatively bound not to entertain?

We see no good taste and less of correct feeling in the endeavour to vilify and injure this Gentleman's character; he is yet a stranger, and this should be sufficient to establish his claim to our courtesy and kindly feeling,—he is in a high position, and his acts and conduct are of much importance to this community for good or evil,—and it is therefore necessary that a hasty and immature opinion should not be pronounced. Did we believe Mr. BOURNE to be obnoxious to a charge of bias in his judicial character, or that a spirit of partizanship burned in his breast and regulated his acts, we should be the last to step forward and to urge an opinion in his defence, and we should say that no reprobation would be too severe to visit on a Judge who would allow his public conduct to be made subservient to such unworthy influences; but entertaining the converse of such opinion, we deem it but just to say thus much on behalf of an individual whose station shuts out from him the power of coming before the public to vindicate his own conduct.

A few Sealing Craft have come in since our last with good trips.—The *Superb*, yesterday, brings favourable accounts of many of the St. John's vessels, and the information received by her is on the whole satisfactory.

My Lord,

We have to acknowledge the receipt of your Lordship's letter of the 25th of September last, transmitting to us copies of four despatches with their inclosures, dated on the 14th, 16th, 18th, and 24th of August last, which your Lordship had received from the Governor of Newfoundland.

From these documents your Lordship observes we shall learn that discussions have arisen between the Governor on the one hand, and the House of Assembly on the other, relating to the constitutional rights and privileges of that House; and your Lordship states that an essential part of the information necessary to enable your Lordship to form a conclusion as to the propriety of the conduct pursued by the Governor, will consist of ascertaining how far the proceedings of the House of Assembly, of the Sheriff, of the acting Assistant Judge, and of the Governor, respectively, were in accordance with Law—and upon that question your Lordship desires us to report our opinion.

We have taken these papers into our consideration, and have to report that in our opinion the House of Assembly has not the power of commitment for which it contends, and consequently that the acts of the Speaker and the Serjeant-at-Arms and his Assistants were contrary to Law.—The Assistant Judge and the Sheriff did right in discharging Dr. Kieffley, and the Governor had the legal power of proroguing the Assembly.

We think it impossible to contend that the Crown can, by constituting or calling together a General Assembly in a Colony, with power to assist in making laws for the Colony not repugnant to the laws of the Mother Country, thereby give implicitly to that body the undefined and extensive privileges possessed by the House of Commons as a branch of the High Court of Parliament. The power of committing for contempt or breach of privilege is possessed by the House of Commons as part of the Lex et Consuetudo Parliamenti; and has been immemorially so treated and enjoyed—and therefore a person so committed, is not imprisoned in violation of Magna Charta, which says that no one shall be imprisoned unless by judgment of his Peers, *vel per Legem Terræ*—He is imprisoned by virtue of the Law of Parliament, which is part of the *Lex Terræ*.

But there is no Lex et Consuetudo of the Assembly of Newfoundland, constituting part of the Common Law, and we are of opinion therefore that no such power as that which is contended for exists.

We give this opinion however with great diffidence and hesitation, on account of its differing materially from that attributed to Mr. Baron Parke when delivering the Judgement of the Privy Council in the case of Beaumont v. Barrett (1 Moore P. C. cases 73)—In that case the Jamaica House of Assembly had committed the Appellant Beaumont to custody for a breach of privilege in having published in a Colonial paper what the Assembly had resolved to be a libel on their body.—Beaumont brought his action in the Island against Barrett the Speaker; and the Colonial Courts decided in favor of the privilege of the Assembly.—From that decision Beaumont appealed to the King in Council, and the Judicial Committee affirmed the Judgement of the Court below, thus establishing the right of the Jamaica House of Assembly to commit for contempt.

It must be observed that Jamaica was not, like Newfoundland, a Colony acquired by settlement, the inhabitants of which are entitled to the benefits of British Law, but a possession which the Crown acquired by conquest, and over which therefore had a clear right of Legislation. In the reign of Charles the 2nd an Assembly was constituted by authority of the Crown with the power of making laws for the Colony, agreeable (as far as might be) to the Laws of England, subject of course to the approbation of the Crown.—Between the time when the Assembly was constituted (about the year 1650) and the reign of George the 2nd, repeated instances occurred in which the Assembly, no doubt supposing itself to possess the rights enjoyed by the British House of Commons, voted different publications to be breaches of their privileges, and committed their authors as for contempt. This part of the Law of England had thus (whether rightly or wrongly) been accepted and used, as the law of the Island previously to the reign of Geo the 2nd, in the 1st year of whose reign a Colonial Act was passed (1 Geo. 2, c. 1) which enacts that "all such laws and statutes of England as have been at any time esteemed introduced, used, accepted or received as laws in the Island, should and were thereby declared to be and continue laws of His Majesty's Island of Jamaica for ever." This was a statutable recognition of the right which the Assembly had in fact exercised, and appears to us fully to warrant the Colonial Courts and the Judicial Committee in the decision to which they came in the case of Beaumont v. Barrett.

It is further to be observed, that the Courts in Jamaica had all decided in favour of the power contended for by the Assembly, as being consistent with the laws and usages of the Island, the contrary of which is the case in Newfoundland.

We are however quite aware that Mr. Baron Parke, in delivering his Judgement, though he refers to the above mentioned statute as what would be sufficient to justify the course pursued by the Assembly and though he adverts to the weight due to the decision of the Colonial Courts, yet, takes pains to state, that even independently of the statute and the Colonial decisions, he considered the right of the Assembly to be indisputable—"it would appear" he says "to be inherent in every

Assembly that possesses a Supreme Legislative Authority to have the power of punishing contempts, and not merely such as are a direct obstruction to its due course of proceeding, but such also as have a tendency indirectly to produce such an obstruction"—and the same sentiment is expressed in other parts of his Judgement.

It is obvious from the context that by an Assembly possessing Supreme Legislative Authority, Mr. Baron Parke meant to designate a Colonial Assembly, constituted in the ordinary form, having power with the concurrence of a Governor and Council to make Laws for the Colony, subject to the approbation of the Crown.—To the proposition in this unqualified form, we feel it impossible to give our assent, until it has been established, by decision of the Privy Council, in some case free from the special circumstances connected with the Island of Jamaica. If such a power is necessarily inherent in the House of Assembly, the body analogous to the House of Commons, it must, by a parity of reasoning, also belong to the Council, the branch of the Colonial Legislature intended to resemble the House of Lords—moreover, if such a power is a necessary incident to one of two or more bodies constituting the Supreme Colonial Legislature, a fortiori it must belong to a single body, where the Legislative functions have not been divided—and yet we believe such a power has never been claimed by the Councils or other bodies having power of making Laws with the concurrence of the Governor, in the different Australian settlements, and in other Colonies where there is no Elective Assembly.

We have left it our duty thus to state our view of the Law on this subject; but opposed as it is to the opinion, though not to the decision, of the Privy Council in the case of Beaumont v. Barrett, we feel that your Lordship must entertain great doubt how far we are correct; and as your Lordship has the means of obtaining the opinion of the Judicial Committee of the Privy Council, we would respectfully suggest whether the case is not of sufficient importance to render such a course expedient.

We have, &c. &c.

(Signed,) J. CAMPBELL, R. M. ROLFE.

The Lord GLENELG, &c. &c. &c.

COUNCIL OFFICE, White Hall, 24th December, 1838.

Sir,

I am directed to state to you, for the information of Lord Glenelg, that the Lord President of the Council is of opinion that it would not be advisable to recommend to Her Majesty to refer the documents transmitted to me with Lord Glenelg's letter of the 15th December, to the Judicial Committee of the Privy Council, and I therefore return all the papers relating to that matter to you.

I have, &c.

(Signed,) C. C. GREVILLE.

J. STEPHENS, Esq., &c. &c.

TO THE EDITOR OF THE NEWFOUNDLANDER.

Sir,

"Lone from a nation ever hardly used, At random censur'd, wantonly abus'd, Have Britons drawn their strength. With partial view Form'd general notions; and from the rascal few— Judged and condemn'd a people."

A very cursory glance at the anti-Ministerial journals of Great Britain, received by the late arrivals, will serve to demonstrate the irrefutable truths contained in the above quotation. These daily and weekly instructors of the public, imbued as they are with all the rancour of party spirit, and the low-minded animosity engendered by national antipathy have, it would appear, actually succeeded in convincing themselves that crime itself is either desperately atrocious or comparatively innocuous, according to the side of the Channel at which it may have been committed; and that the black offence of murder is an enormity of a much deeper die when perpetrated in Ireland, than when the English soil is polluted with such guilt.

As an example, I would cite the assassination of the late lamented Lord Norbury, and I appeal to any dispassionate man who has carefully examined the circumstances connected with it, and the subsequent proceedings thereupon, down to the latest dates from home—and I would fearlessly ask such person whether any thing had transpired to criminate—not the Irish people—not the people of any province—not the people of any county—but even the people of the district in which the death was inflicted, as having in the remotest degree had any participation in the crime. That some ferocious ruffian did the deed, cannot be questioned; and that he had an accomplice or two, or three, is most probable; but that the people of the country round were not implicated directly or indirectly, it is only fair to assume upon the evidence before us, after the keenest investigations which the friends of the deceased could possibly make; and they would be more likely to outstep than to fall short of their duty on such an occasion. I say nothing of the unequivocal manifestations of sympathy exhibited by the Catholic Clergy and peasantry of the district where the late nobleman resided, relying as I do solely on the testimony of those who would "nothing extenuate" if the people emphatically so called, could with any plea of justice have been involved in the atrocity.

Well, then, the murder of Lord Norbury, though deeply to be deplored, was clearly not the act of

an organised body combined for revolutionary purposes, but was evidently the act of a solitary criminal, with probably some two or three accomplices, instigated by some agrarian evil, real or imaginary. But to read the English journals before referred to, one would imagine that the whole Irish nation was concerned in its enormity, whereas common sense would satisfy any one not steeped to the lips in prejudice, that the neighbours and tenants of so excellent a man, and so kind a landlord, were immediately interested in his preservation, and could not possibly derive any advantage from his death; for, his successor to the title and estates might not be so amiable a person on the one hand, and on the other might naturally enough cherish through life a feeling of vindictiveness against that part of the country, generated by his father's untimely end. I hope I have not failed to show that the death of Lord Norbury reflects no disgrace on the people of Ireland, inasmuch as the act or acts of a few miscreants cannot attach censure to the whole body to which they may belong.

But, it may be asked, are there no crimes committed in Great Britain similar to those which the English journals clamour so loudly about when perpetrated in the Sister Isle? I answer promptly...there are, unfortunately,—and I call upon those persons who carefully peruse the newspapers of Britain, to bear me out when I declare it as my conviction from the evidences afforded by their pages, that the quantum of crime, of various descriptions, with which England stands charged in a year, upon testimony so unequivocal, exceeds considerably that of Ireland in the same period, taking into due consideration the relative population of the two countries. This is not mere assertion. Let the criminal calendars of England and Ireland be compared, and let the result of such comparison be the test of the correctness of my statement.

Where, then, is the justice or the good policy of magnifying into unnatural dimensions the sins of Ireland, for, whatever they may be, England should not stand forward as her accuser, knowing as she must know, that she has a heavy account to answer for to that maltreated part of the empire, and besides she ought to look at home, and first purge her own stains. But if neither justice nor magnanimity prompts an honorable course, surely common calculation ought to prevent the circulation of those slanders which must necessarily induce the aggrieved party to resort to statements of plain facts which cannot be controverted, and which will not convey a "flattering union" to the breasts of Englishmen enamoured with the idea of their own country's superiority over Ireland in morality; as well as in good government, and wealth and their accompaniments.

I forbear to enumerate any portion of the long catalogue of atrocities with which the English journals now before me so unhappily abound; my only object is to show the turpitude of those wholesale libelers who would poison the public mind against a whole nation for the infamous acts of a few wretches placed beyond the pale of society. I have been induced, Mr. Editor, to trouble you with these observations, because I have not noticed that any strong disposition exists amongst the journalists here to repudiate the calumnies so industriously propagated by the periodicals of Great Britain and Ireland in the Tory interest. I wish the duty had fallen into more competent hands; but in the absence of any correspondent's contributions, that you may more approve of, you will give this publication.

I am, Sir, &c.
AUDI ALTERAM PARTEM.

The Rifleman, hence for Halifax, is at Bay Bulls, leaky, and it is supposed will be obliged to discharge her cargo.

SALES BY AUCTION.

THIS DAY,

(Thursday) At 11 o'clock,
ON THE WHARF OF

W. & H. THOMAS & Co

- 36 BARRELS Prime Boston APPLES
- 49 Ditto American Tar
- 7 Dozen Pair Boots and Shoes (assorted)
- 300,000 Friction Matches
- 7 Bls very Prime Halifax Ale
- 20 Boxes Digby Herrings
- 36 Truss Hoops
- 40 Boxes Chocolate
- 50 Qr.-Chests Bohea Tea
- 20 Boxes fine Congo do.
- 18 Qr.-Chests Souchong do.
- 8 Boxes Twankey do.
- 5 Ditto Hyson Skin do.
- 8 Ditto Young Hyson do.
- 2 Qr.-Chests Imperial Hyson do.
- AND TO CLOSE SALES,
- 20 Punns heavy Molasses
- 15 Tierces Sugar.

April 18.

THIS DAY

At 12 o'clock,
AT THE WHARF OF THE SUBSCRIBERS,
THE FINE NEW SCHOONER

NEPTUNE,

103 Tons Old Measurement; well found in Sails, Rigging, Chains, Anchors, &c., and can be sent to Sea at a trifling expense.

April 18.

M. STEWART & Co.

SALES BY AUCTION.

TO-MORROW

(Friday) At 11 o'clock,
ON THE WHARF OF

BLAND & TOBIN,

40 Hhds. and 1 } Halifax Porter,
10 Half Hhds. }
Of the very best quality, just imported per Schooner "Collector" from Halifax.

April 18.

Damaged Goods.

ON
Messrs. McBRIDE & KERR'S
WHARF, AT 11 O'CLOCK

THIS DAY,

WILL BE SOLD
BY PUBLIC AUCTION,

The undermentioned Goods, damaged by sea water on board the Brig "AQUAFORTE" Captain Jones, on her late voyage from Greenock towards this port—surveyed and recommended to be forthwith sold for account of all concerned—Viz.,

Part Contents of Cask "K. M. B."

- No. 1.—13 Loaves Refined Sugar
- " 2.—50 Do. do.
- " 3.—44 Do. do.
- " 4.—41 Do. do.
- " 5.—35 Do. do.

5 Puncheons } Lime.
3 Hhds. }

JOHN BOYD.

April 18.

SALE POSTPONED.

THE 23 Qr.-Chests Superior SOUCHONG TEA and 6 Hhds., 8 Qr.-Casks RED WINE, advertised for Sale by Public Auction, Yesterday, on the Wharf of J. NICHOLS, will take place

TO-MORROW

(Friday) At 11 o'clock.

R. PROWSE,

April 18. Auctioneer.

For FIGUEIRA.

THE BRIG

Aquaforte,

Captain Jones,

Has room for a few hundred qts. fish on freight, Apply to

McBRIDE & KERR.

April 18.

NOTICES.

Government Contracts.

THE Assistant Commissary General will receive Sealed Tenders at this Office, until One o'clock, P. M. on THURSDAY, the 28th May, 1839, from any person willing to Contract for either of the following services:

FOR COALS.

700 Chaldrons of the best Sydney Coals, from the mines in Cape Breton; deliverable at the Government Wharf in July, August and September next.

The Contractor will be exempted from paying the import duty.

The price Sterling per Chaldron, of 36 bushels Imperial measure, to be stated in words at length, and in figures.

The Tender to be accompanied by a letter signed by two respectable persons (subject to approval by the Senior Commissariat Officer) engaging to become bound with the party tendering in the penal sum of £300 Army Sterling, for the due fulfilment of the Contract.

FRESH BEEF.

Five days in the week, for one, two or three years, commencing 1st August, 1839.

The rate Sterling per pound, to be specified in words at length, and in figures.

Approved security as above, will be required; £800 Army Sterling, if the Tender be made for One-year, or £1,000 if for a longer term.

The conditions of both Contracts may be seen daily. Payment, in each case, will be made monthly in the usual manner, in British Silver, or (at the option of the Senior Commissariat Officer) in Treasury Bills at 30 days' sight, at the fixed rate of a Bill of £100 for every £101 10s. due on the Contract.

COMMISSARIAT,

Newfoundland, St. John's,

2d April, 1839.

WANTED,

A FEMALE SERVANT, who understands the management of a Farm Yard, Cows, Pigs, and Poultry,—Likewise a MILK MAN, well acquainted with the Town of St. John's.

April 16.

Apply at BILLIES.

TO BE LET,

ON BUILDING LEASES,

ALL that Piece or Parc of GROUND belonging to the late JOHN THOMSON, Esq., extending from the Premises of Mr. JAMES MURRAY, Baker, to Apple Tree Well.—For particulars apply to

JAMES TUBRID,

Cooper.

April 18

AMATEUR THEATRE.

(For the Benefit of the Poor.)

On TO-MORROW Evening

WILL BE PERFORMED,

THE COMEDY OF
PAUL PRY,

Followed by the Laughable Farce of

THE LYING VALET.

Doors to be opened at half-past 6 o'clock; Performance to commence precisely at 7.—Tickets to be had at Messrs. Perchard & Boag's; Box 3s. Pit 2s.

April 18.

OFF SALE.

PROVISIONS

ON SALE BY

T. & J. BROCKLEBANK

1450 Barrels superfine Trieste, and extra superfine Silesian Flour

1590 Bags 1st & 2d quality Bread

90 Barrels prime Mess Pork.

April 11.

BY
JOHN CUSACK,

900 BAGS BREAD, 2d and 3d quality

200 Firkins BUTTER

140 Barrels Superfine FLOUR

50 Do. OATMEAL

55 Chests Congo and Green TFAS

100 HAMS

A few Tierces Archangel BEEF

April 11.

JUST RECEIVED

Per AMANDA from London,

And for Sale by

John M. Rendell & Co.

RICE

COFFEE

LOAF SUGAR

CANDLES (mould and dipt)

CONGO TEA;

Also,

A few dozen Pieces India Silk HANDKER-

CHIEFS.

April 11.—3w.

BY

Wm. E. TAYLOR,

16 Ancient

Oil Paintings,

principally adapted for places of devotion.

April 11.

BY

Baine, Johnston, & Co,

Ex Brig OLINDA, from Greenock,

24 Barrels PORK

7 Tierces BEEF;

IN STORE.

60 Puncheons Scotch OATS

30 Kegs Negrohead TOBACCO

BREAD, FLOUR

PORK, BUTTER, MOLASSES

PITCH, TAR, &c. &c.

April 4.

COALS! COALS!!

At 8s. 6d. per Hhd.

CARTED TO THE HOUSE OF THE PURCHASER!

THE REMAINING STOCK OF

Newcastle and Sydney Coals,

BELONGING TO THE

Estate of **ROBERT BRINE & Co.**

Is Selling off on the above Terms by

R. PROWSE,

J. M. BRINE,

Agents.

April 4.

By the Subscriber,

Deliverable at his Farm, on the Torbay road,

30 TONS PRIME UPLAND

HAY,

PATRICK GLEESON.

April 4.

THE Treasurer of the INDIANT SICK SOCIETY begs to acknowledge the following subscriptions in aid of the funds of that institution:

Anonymous	10	0	O'Kendle, Mrs.	0	2	6
Anderson, Miss	0	10	O'Kent, Mrs.	0	10	0
Axtell, Mr.	0	1	O'Kavanagh, Mr.	0	5	0
Allen, Mrs.	0	5	O'Kough, Mr.	0	10	0
Archibald, Mrs.	1	10	O'Keating, Miss	0	10	0
Brine, Mr.	0	0	O'Liddle, Miss	0	2	0
Bennett Mrs. C.F.	2	2	O'Long, Mrs.	0	6	0
Barter, Mr. J.	0	5	O'Lilly, Mr. J.	0	2	0
Brine, Mrs.	0	1	O'Lilly, Miss	0	2	0
Boggin, Mr.	0	1	O'Little, Mrs.	0	5	0
Bulley, Mr.	1	0	O'Leitch, Mrs.	0	5	0
Branscomb Mr.	0	10	O'Leary, Mrs.	0	6	0
Bland, Mrs.	1	10	O'Looy, Mrs.	0	10	0
Buckley, Mr. W.	0	1	O'LeMessurier Mr.			
Boag, Mrs.	0	5	O. P. P.	0	5	0
Blake, Mr. W.	0	2	O'Laugh, Mrs.	0	5	0
Barron, Mrs.	0	2	O'Morrison, Mr.	0	5	0
Bonge, Mr.	0	1	O'Murphy, Mr.	0	1	3
Bowring, Mrs.	0	10	O'Money, Mrs.	0	0	0
Boyd, Mr.	0	5	O'Mahon, Mr.	0	1	0
Bayley, Mrs.	0	1	O'Meray, Mr.	0	2	0
Bray, Mrs.	0	3	O'Murray, Mr. A.	1	0	0
Bourne, Mrs.	5	5	O'Neenan Mr. W. E. O.	5	0	0
Bennett, Mrs.	1	0	O'May Mr. W.	0	2	0
Beck, Mrs.	0	10	O'M'Carthy, Mrs.	0	2	6
Brine, Mr. John	0	5	O'M'iver, Mr. A.	0	5	0
Barnes, Mr.	0	5	O'M'Brade, Mr. T.	1	0	0
Bulger, Mrs.	0	1	O'M'urdo Mr. T.	0	10	0
Brine, Mr James	0	5	O'M'Conroy Mrs.	0	5	0
Cox Mr.	0	1	O'M'Callan Mrs.	0	5	0
Currie, Mrs.	0	0	O'Maher, Mrs.	0	1	3
Cassey, Mrs.	0	1	O'Maher, Mrs.	0	2	6
Cummings, Mrs.	0	1	O'Murray, Mr.	0	3	6
Cummiford, Mr.	0	1	O'Mudge Mrs.	0	10	0
Cusack, Mrs.	0	5	O'M'William, Mrs.	0	5	0
Codner, Mr. S.	1	0	O'M'Grath, Miss	0	0	0
Campbell, Mrs.	0	1	O'M'Ken Dr.	1	0	6
Clift, Mrs.	0	5	O'M'Gill, Mr.	0	5	0
Connors, Mr.	0	1	O'Mahone, Mr.	0	2	6
Crowdy, Mrs.	1	0	O'M'Gale, Mr.	0	5	0
Coaker & Hext	1	0	O'Maddock, Mrs.	0	2	6
Deady, Mrs.	0	1	O'Maddock Mrs J. O.	2	6	0
Duder, Mr.	0	3	O'Mulowney Mrs.	0	1	0
Doyle, Mrs. B.	0	0	O'M'iver Rev. Mr.	1	0	0
Doyle Mr. P.	0	5	O'Newman & Co.	2	0	0
Downey, Mr.	0	1	O'Nichols, Mr.	2	0	0
Donevan, Mr.	0	2	O'Noid Mrs.	0	10	0
Duchemin Mrs.	0	5	O'O'Brien, Mr. I.	1	0	0
Dickson, Mrs.	1	0	O'O'Mara, Mr. D.	0	1	3
Dixon, Miss.	0	10	O'O'Bride Er. J.	0	0	7
Ellis, Mrs.	0	10	O'Power, M. E.	0	0	3
Eppes, Mrs.	0	10	O'Power, Mr.	0	2	6
Friend	0	5	O'Prichard Mr.	0	0	7
Friend	0	2	O'Perchard Mrs R.	0	10	0
Friend	0	10	O'Ryland Mrs.	0	10	0
Firth, Mrs.	0	5	O'Row, Mr.	1	0	0
Friend	0	5	O'Rennie, Mrs.	1	0	0
Friend	0	2	O'Rogerson, Mrs.	0	1	3
Fleming, Right			O'Rennis, Stewart			
Rev. Dr.	1	10	O' & Co.	2	0	0
Fowler, Mr P.	0	2	O'Rendall Mrs. T.	0	1	3
Faulkner, Mrs.	0	10	O'Roger, Mr.	0	10	0
Freeman, Mrs.	0	5	O'Rennie, Mr.	1	0	0
Forestal Rev. J.	0	5	O'Robinson Brook-			
Friend, Rev.	0	5	ing			

(Continued from first page.)

theirs of necessity must excite. (Hear, hear.) The noble viscount had told the house that the hon. and learned member for Dublin was not very high in the confidence of her Majesty's government. True, the hon. and learned member might repose great confidence in them, but the sentiment was not mutual. Never was any one less in the confidence of a government. The language held was, that "though he is not in our confidence, we stand very high in his. We don't at all like him, we don't trust him, but he nevertheless has great confidence in us, and though we don't trust him, yet we offered to make him the second or third judge in Ireland." Now, to the minds of most men it would appear that elevating a man to such high judicial rank showed anything but a want of confidence. If they had no confidence in this individual, that want of confidence must be apparent in their conduct, and deducible from their acts. Every portion of their conduct towards him must be governed by that distrust, which they so unqualifiedly expressed. Their offer of the second judgeship must clearly be taken as evidence of that distrust which they professed, and if they had offered to make him Chief Justice, it would, according to the rule of three, be further and stronger proof of their want of confidence. (A laugh.) All this might be very well as matter of drollery in the noble viscount; but let the house see what happened. The Rev. Mr. Stephens was now about to be tried in this country, and for that reason he (Lord Brougham) would say nothing with respect to him. Long before he was likely to be tried he had not scrupled to express the views which he entertained of that gentleman's conduct; but now as his trial appeared to be likely, he should take care not to say a word one way or the other—not a syllable affecting the question of Mr. Stephens's guilt or innocence; but thus much he might be allowed to say, that he knew how the defence of such prisoners was made up. The gentleman to whom Mr. Stephens had applied to conduct his defence was one eminently distinguished for his skill and ingenuity and great experience and success in similar cases, and, therefore, there could be no doubt that he would, were he to have undertaken it, which he did not, have availed himself, as whoever undertook it would be likely to do, of the very obvious topics which the present state of Ireland afforded. For his part he (Lord Brougham) had no wish but that the law should take its course, and of Mr. Stephens he should only say, "God send him a good deliverance." His defence, however, would rest upon the merits of his case, nothing was more unlikely than that it should. In the hands of a skillful and experienced advocate topics of necessity would be thrown before the jury calculated rather to produce a present and immediate effect upon their minds than to weigh with a man coolly considering the evidence in his closet. In the conduct of such a defence as that of Mr. Stephens counsel would naturally ask how it happened that the law, which in Lancashire could be administered with perfect facility and justice—that the law, there in full force and vigour, proceeding in its course without interruption, and visiting with its terrors every offender—dropped paralysed on the other side of the Channel; that on the opposite coasts of Lancashire and Ireland the law and the offence were alike altered in their character. On the one side of the Channel the slightest misdemeanour could be visited with the heaviest penalties that the administration of justice required, while on the other the most frightful and enormous criminals appeared to enjoy perfect impunity, protected as they were in a country in which the hon. and learned member for Dublin said there were to be found so many thousands who would approach her Majesty of "loyal subjects, but fighting men." These were topics, in his opinion, likely to be thrown before a jury, and likely to have much influence. As he said already, he hoped for justice, he hoped that the guilty might be convicted in order to deter "others in the like case offending." He was far from thinking that the topics to which he had referred ought to have much weight in the cool and dispassionate consideration of such a question as that involved in the proceeding against Mr. Stephens; he considered such an element in his defence as illogical, but powerful, and he could not conceal from himself that the present state of Ireland put such a topic into the mouths of his counsel. In referring to these subjects he felt that he had a duty to perform, and, however painful that duty might be, he further felt that he ought not to shrink from its performance. It had been his fate for years to take part with some of the individuals to whom he had now found it necessary to refer; it was on that account that he was the more bound to express the views and opinions which, in the present circumstances of the country, he felt constrained to take of their conduct, and he was the more urged to this, when he found them transgressing all law, and utterly regardless of those motives which should influence public men. There appeared to be no end to the anarchy which existed in Ireland, but he desired, in thus giving expression to his sentiments on the subject, to get that load off his feelings which had oppressed them ever since he had read the details of the atrocious murder in the King's County, and of the horrible crimes disclosed by the proceedings at the special commission in Tipperary. (Hear, hear.) He never entertained but one opinion as to the policy that ought to be pursued with regard to Ireland. There was no outrage which could be committed by individuals—there was not any violence that might be charged upon the great body of the people, which should induce him for a mo-

ment to swerve from the long-formed opinion that he held in favour of the liberal, tolerant, and enlightened policy towards Ireland, of which he had ever been the advocate. The hon. and learned member for Dublin had given the Queen's government all the praise which he could bestow for their having, as he said, objected to putting down the law, and denounced in terms of unmeasured censure himself (Lord Brougham) and Lord Grey as authors of a coercion bill, the hon. and learned member forgetting who it was that actually brought in that bill, and took charge of it in its passage through their lordships' house. The noble viscount now at the head of her Majesty's government then Secretary for the Home Department, and therefore having especially the care of Irish affairs, was the individual by whom that bill was introduced and conducted through its several stages in that house of parliament. However, the hon. and learned member now gave his full confidence to the noble viscount, and thought no terms of reprobation too severe for the government of Lord Grey. Oh, but he and Lord Grey would make no judges, and the noble viscount would; therefore they were the most unworthy and unprincipled of politicians. (Hear, hear.) The hon. and learned member was lavish of his confidence to the government; but the government told him very plainly that there was no reciprocity—that he was better known than trusted, while they were more trusted than known. (A laugh.) The last topic (hear, hear) with which he should trouble their lordships was of the most interesting kind at all times, and especially so at the present moment; it was the subject of the corn-laws, and he was the more unwilling to sit down without adverting to this subject, as he had a petition to present in reference to those laws; at this moment, however, he should abstain from entering upon any argument bearing upon the question, and merely content himself with saying that the opinion which he held at present was that which he had always expressed. Looking at what was said by the noble viscount last year in reference to the corn laws, he could not but rejoice to hear the noble viscount that night give the gloss which the house had heard him give to the speech he made in the last session of parliament. It was certainly understood that on that occasion the noble viscount had pledged himself to resist any alteration of the law. The noble viscount now said that he was not pledged to one side or the other, and he was prepared to modify those laws, if the people should demand such modification. What ever might be the prudence or the imprudence of such a declaration, the noble viscount certainly made it; he was prepared for a resistance nisi. He would resist unless concession were demanded. So much for the opinions of the noble viscount. He (Lord Brougham) should now come to the point which led to his broaching the subject at all. In the year 1827 he addressed a speech to the landed gentry in the other house of parliament, which had since been most unfairly quoted. He declared then that he was against any protection except that which the expense of freight and insurance supplied. He said that he was for all manner of just protection, and on that occasion he endeavoured to show what sort of protection entered into his mind. He addressed the House of Commons for three quarters of an hour amidst a noise such as he might expect to prevail on the deck of a vessel in a storm. To him it was a matter of wonder how any reporter could catch what he said, or even the purport of it; but the reports did state that he went on to show that the landlords had no right to any protection. Now, he affirmed that this part of the reports fully showed that he had been unfairly quoted, and he was desirous of taking this the earliest opportunity which presented itself, of setting himself right with the house on the subject. Reference had been made by the noble viscount to the circumstance that the corn-law was to be an open question. In his opinion the government ought not to be carried on upon any such principle as that of open questions. They had had examples—of which the slave-trade and the Catholic question were two—wherein the government having opinions on every other subject, abdicated their function of rulers, by declaring that upon those specific subjects they had none. The experience of these two questions, and the results of that experience, proved that the practice was one inconsistent with principle, subversive of honesty, and which, in fact, meant to say, "I have opinions, but I won't act upon them. I have principles, but to those I prefer my interests." (Hear, hear.) He admitted—who did not?—that upon trifling questions unimportant particulars, details of important questions even, the most honourable, and honest, and well principled men, might compromise and traffic, and modify and surrender their opinions for the sake of unanimity upon things of greater weight and moment. But he spoke of those *ardua regni*, of those questions involving great interests, of the reform of abuses, of the ecclesiastical establishment of the administration of justice, of law and parliamentary reform—ay, and upon such questions, too, as the corn-laws—one of the greatest, and most important, and most interesting, that ever divided the parliament or distracted the community. Upon that question alone was there to be no opinion formed? And by whom but men who of all others were the most imperatively bound by every consideration of honour and of duty to form an opinion upon it (hear, hear), and according to that opinion to act? (Hear, hear.) Why did one set of men league together as a party, and only as a party did they assume the government of the country, rather than any other body of men, if it were not that there existed between them a community of sentiment upon great public questions—*idem sentire de re publica*? There had been amidst all ages, and among the best of statesmen, an intelligible, worthy, honest, and safe bond of union—a golden bond, based upon principle, grounded upon honest opinions, and reared into virtuous exertions for the common weal. But there was also another kind of bond—one made of a baser material, a link of gross—of which he would say, *Eadem velle atque nolle, ea demum est inter malos firma amicitia*. He disliked to change or keep things as they were for the sake of the *eadem*, or for the sake of keeping his friends firm, with their confederates, at the expense of all principle. (Hear, hear.) The constitution of this country was ignorant of such a practice. There were subjects to be sure, upon which he might be right, and they wrong, or they right and he wrong; but no statesman should think or decline to form an opinion upon such important subjects as those he had named. If they were for the public benefit, the public had a right to the support of the government; if it were shown

that they would be detrimental to the public, then had the public a sacred and an inalienable right to the assistance of the government in resisting them as a government. He did not like to see two persons getting up from the Treasury bench, as occurred upon the Catholic question, which was granted at last, but too late to produce one-half of its good effect, and declaring themselves opposed to each other on the same question. The slave trade was due to a disgraceful breach of duty in a former cabinet. He could not, therefore, endure the name of what was called an open question, and he had felt it his duty to avail himself of that opportunity to express these his long entertained opinions upon the subject.

THE LATE HURRICANE.

(From the Examiner.)

The country papers are filled to a great part of their extent with the local details of the late dreadful hurricane, which appears to have been universal throughout England and Ireland, but more partial in its devastations in Scotland. We cannot find room for the melancholy details, but the loss of life, as well as of property, has been very extensive. A convincing proof that this storm has not been equalled within living memory is furnished by the fact, that most of the accounts, though from widely different places, represent it as altogether unparalleled. One of the most remarkable proofs of the force of the wind in Yorkshire is the fact, that at Leeds, which is seventy miles distant from the Irish Sea, as well as at Huddersfield, Hebden bridge, and other places which are nearer to the western coast, but all separated from it by a high ridge of hills, there was a saline deposition, which must have proceeded from the spray of the sea, caught up by the wind and carried to so great a distance. The salt on the windows was very perceptible to the taste. We are not without fears that the deficiency of the late harvest may be aggravated by the very extensive destruction of corn-stacks. Immense numbers of stacks were thrown down, and their contents scattered far and wide; and we apprehend they could not be gathered together again without much waste. The tempest was the most fatal at Liverpool, where not less than one hundred and sixteen lives were lost in the town, in the Mersey, and at the mouth of the river; and many buildings reduced to ruins. In Ireland, independently of the loss of life, which is very great indeed, the loss to the farmers is immense in the destruction of agricultural property. Not a nobleman or gentleman's demesne has escaped the wreck of its finest timber. In some instances from 15,000 to 20,000 trees have been uprooted. Seventeen fishing-boats belonging to Skerries, each containing a crew of from nine to twelve men, have all perished. Houses blown or burnt down in Ireland, 177.

The following account of the Lockwoods wreck, and of the conduct of the life-boat crew, is most interesting. We take it from the evidence of Thomas Fleck, the first mate:—Had the life-boat remained with the steam-tug, I think all hands might have been saved. At daylight the next morning I saw the steam-tug, and about eight o'clock she came nearer to us in the channel, and the Holyake boat was coming off from the main. To the best of my knowledge it was about three o'clock on the morning of Wednesday that the ship began to break up, and several persons on board were washed away. Before the ship began to break up, part of the passengers were on the mizzen rigging, and part in the mizzen-top; but, fearing the masts would fall, we all came down again to the poop. The sea was at this time washing right over us, and there were only two of the crew besides myself left on board, all the rest, excepting one who was drowned during the night, having been taken away by the Victoria. From the time the steam-tug left us on Tuesday night, till the following morning, a great number of the passengers perished. I counted about thirty dead on the poop in the morning, all of whom, I think, died from the cold and from the sea washing over them. The Holyake boat, on Wednesday morning, took the remainder of the survivors from the wreck. There was one passenger who would not leave the wreck, as his wife was then nearly dead. I did all I could to persuade him. I even got a rope tied round him and got him to the side, but after all he would not leave. Excepting him I was the last man to leave, and before doing so I overhauled every part of the wreck to ascertain if there was any one else alive on board, and I would not even then have left without the woman but the boatmen said that they would not have any half-dead people on board, and that if I did not come they would leave me too. I was then taken on board the steam-tug, and I immediately informed them of the two I had left on board. They then towed up the life-boat abreast of the wreck, and the man and woman were taken away by the life-boat. I believe there were between eighty and ninety passengers. During the night of Tuesday I went down in the cabin and found some ale, porter, and spirits, which I distributed amongst the survivors.

We may add to this interesting evidence an account which we find in the Liverpool papers, of other striking circumstances attending the loss of this ill-fated vessel:—"The total number of souls on board was 108, 84 of whom were passengers—the crew amounted to 24. Of the latter only one was drowned; but 52 emigrants have lost their lives by this tragical event. It is not difficult to imagine the affliction which this melancholy affair will carry to the feelings of the fathers, wives, and

relatives of the unhappy victims. The Lockwood sailed on the afternoon of Sunday, and got aground about noon on Tuesday, at Hoyle Bank, nearly opposite to Casoway Castle. When she struck, the cries of the wives and children of the emigrants were appalling; they appeared on deck in a frantic state, running about in wild despair, believing their fate to be inevitable. The crew, after some difficulty, got out the anchors. At this moment a terrific sea swept over the devoted craft, and the poop of the cabin was instantly dashed to pieces. This, as may be supposed, did not allay the general consternation. To render her position still more desperate, one of her cables snapped about this time, and she was at the mercy of the raging storm. She began to fill rapidly, and the care of the affrighted emigrants was now devoted to rescuing their wives, children, and relatives from the impending ruin which stared them in the face. Great exertions were made by the captain and crew to get the passengers into the rigging, as the only likely place of safety and refuge. The steamer Victoria hove in sight to windward, together with a pilot-boat, about four o'clock on Tuesday afternoon, which had the effect of imparting a ray of hope to their sinking spirits. Two hours elapsed before the steamer reached them. In the meantime the jolly-boat was launched, and the captain, steward, carpenters, and two other men got into it; they hailed the Victoria, into which they got, and then proceeded to the wreck. For the purpose of receiving the passengers, the stern of the steamer was placed to the stern of the Lockwoods; and such as had sufficient strength to jump from one to the other saved themselves. Two of the most robust of the passengers undertook the task of getting the children away—one throwing them from the vessel, the other, on board the steamer, receiving them in his arms. Twenty-six of the passengers were by this means taken from the wreck. With these the Victoria proceeded to Liverpool, leaving the unhappy beings on board exposed in the rigging, during the whole of the night, to a boisterous and piercing wind, accompanied with a keen frost, and interspersed with snow, sleet, thunder, and lightning. Their sufferings pass description. When the steamer returned to the Lockwoods, on Wednesday morning, at eleven o'clock, the poor creatures who had survived the horrors of the night were weak and dying, every hour reducing their number. The conduct of the chief mate [a portion of whose evidence is given above] is beyond all praise. He exerted himself in every possible way for the safety of those committed to his care. Had it not been for the noble conduct of Mr. Flake, who was the last person to quit the ship, the mortality must have been even greater. Many of the sufferers who were washed away during the night, or who died from the extreme severity of the weather, experienced the kind attention of the mate. One poor fellow lost his wife and four children. Amongst the persons brought from the wreck were two children whose mother had perished, the father being left on the wreck. One of them was an infant only seven weeks old; they were taken to the British Queen, formerly the Carnarvon Castle, New Quay, kept by Mrs. Sayer. The hospitable landlady had an infant of her own at the breast, but put it aside in order to succour and cherish the almost perishing little stranger, on whom she bestowed the most maternal attention until the following afternoon, when it was restored to the father, who in the meantime had been brought from the wreck, with others of his fellow-sufferers. These traits of feeling are creditable to humanity, amid the mass of selfishness with which unfortunately they are associated."

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Carbonear, September 25, 1838.