IMPERIAL PARLIAMENT.

CANADIAN AFFAIRS.

House of Lords, Aug. 7.

Lord Brougham said that although he had already pronounced these papers (holding up the ordinances of Lord Durham) to be illegal, yet a perusal of them had convinced him that the history of legislation furnished nothing like them. He had already declared his opinion that these ordinances were illegal; he was now convinced that a bill of indemnity should be passed to protect the authors of them. It was quite clear, by the obvious construction of the Coercion Bill, that no power was given by it to the governor and council of passing sentence according to a bill of pains and penalties, or by ordinance. The words of the act were perfectly plain. They authorised Lord Durham and council to make "such rules and regulations as were necessary for the good government of the province:" meaning, of course, general laws, and nothing else. But there was an express exception, in the teeth of which these ordinances went from beginning to end. The governor and council were tied up from repealing or altering any act of Parliament. Now, there was the 7th William III., which related to the trial of all treasonable offences. Now, surely the Canadian Act did not give the power of repealing this law in an individual instance, by passing sentence on those who were charged with high treason, without a challenge of jurors—without a copy of the indictment—without five days' notice to witnesses—without, in short, all those safeguards so carefully given to the subject by that important statute. Let it be observed that Mr. Papineau and 14 others were sentenced in like manner, though they never could be tried, their only ostensible offence being that they were out of the country. How different was the course pursued after the rebellion on the accession of King William. When those implicated in the rebellion were absent from this country, they were not attainted in their absence, but witnesses were examined to convict them; the only difference being, that the trial took place before Parliament instead of being before the ordinary courts. He thought he might assume this much at least, that if they gave the powers of making laws to the governor and council, they should be required to draw up those laws in as consistent, rational, precise, and intelligible a manner as the legislature could do, whose authority had been vested in them. When these high powers were delegated to a small body, it was the more necessary that they should be cautiously exercised, and that what was meant should be specifically defined. Now, mark the marvellously incredible absurdity which he was about to point out. They (the governor and council) did not begin by declaring what they meant, viz., to pass a bill of attainder, and say that A, B, C, being guilty of high treason should suffer penalties; but without declaring that they were guilty, these men were sentenced to be banished to the Island of Bermuda; and if they came away from that place and return to Canada, then, in that case alone, were they to be treated as being guilty of high treason. So that here was a kind of high treason in suspense—a sort of springing treasonable use—by which these men were to be punished, not for any act they committed in Canada, but for having left Bermuda. [Hear, hear.] Now, that ordinance was clearly opposed to the 25th Edw. III., which most salutarily limited treasonable offences to a very small number indeed. Well, this monstrous absurdity in legislation was followed up by a declaration that twelve or fourteen persons were guilty of the murder of Lieutenant Weir, and "that nothing in any proclamation of her Majesty should extend, or be held or construed to extend to the cases of these men." So that if the Queen should think fit—as she had a perfect right to do, unless the viceroy over Canada were viceroy over the Queen also—to pardon all these men, this proclamation shut her out from pursuing that course which, for aught we know, might be the most wise and salutary that could be adopted. It was clear that what was meant by the words, "that nothing in any proclamation should extend to the case of those who murdered Lieutenant Weir," was this—that nothing in the proclamation then issued should be interpreted. But his complaint was that it was worded in a loose and equivocal manner. All these things were done under the color of the Coercion Act, though he had shown that the governor and council were expressly forbidden to infringe upon the statutes of England. But under what authority did the Coercion Act extend to the West India Islands? Now, what said the ordinance? "And whereas in the exercise, and in pursuance of the extraordinary powers aforesaid, it hath been ordained and enacted by an ordinance of this day, made and passed according to law, entitled 'An Ordinance to provide for the Security of the Province of Lower Canada,' that it shall be lawful for us to transport certain persons named in the same ordinances to our Island of Bermuda during our pleasure." Now, suppose the governor and council to have a right to pass a bill of pains and penalties in Canada, and to increase the number of treasonable offences in opposition to the propositions of the acts of Wm. III. and Edw. III., still they did not possess the slightest power over the island of Bermuda. Yet such was the jurisdiction exerted, not on consultation with a lawyer certainly, but with Sir Charles Paget, a most worthy officer, for the purpose of banishing these men to Bermuda, where it was said they could be placed under strict surveillance. Now, in God's name, let not Sir C. Paget attempt to institute any such system of surveillance, for if he did he would be liable to an action for false imprisonment. The gallant admiral had no power whatever to touch a hair of these men's heads as long as they were in Bermuda, by an act agreed to in Canada. The ordinance passed in Canada declared that if these men were found at large, they should be punished by death; so that it mattered not whether they left Bermuda or were found in London, this governor and council of Canada had, it seemed an unequal power to visit them with punishment. There were also in these ordinances acts which could not be defended on the ground of state necessity, but which proved the desire to make a mere useless display of power. Contrary to the laws of James I, and Wm. III power was given to any justice to issue a search warrant for the apprehension of persons tippling, not only in a tavern but in a boarding-house, and for imprisoning and keeping him to hard labour for a period not exceeding two calendar months. Now, there was another part of these regulations which were exceedingly absurd. Punishment was decreed against any person "for over-loading, over-driving, or otherwise ill-treating any horse, dog, or other animal." This meant, he presumed, animals of the domestic kind; but, according to the words, it referred to animals of all kinds. It might include hunting a hare, or it might be constructed into ill-treating a sheep or a hog, to take away their lives [a laugh.] All this looked unquestionably very absurd; but it was no light matter that the monstrous unconstitutional laws entrusted to this council should be used in so reckless a manner [opposition cheers.] If these powers were to be exercised at all, it was impossible that they could be exercised too cautiously, too sparingly, and with too great an attention to the consistency of each act with the law of the land, and with too great a regard to common sense and justice. The sooner something was done to curb by instruction or bill, the powers which he had shown were exercised without the slightest consideration, the better. He passed over the objection taken on a former night by the noble lord (Lord Ellenborough) to four persons only being present at the council, and to 24 cases being disposed of in one morning, only just reminding their Lordships that 14 persons and Mr. Papineau were condemned to suffer death as traitors, not one of them being asked to say a word in their defence, and every one of whom he had a right, according to the genius of the English law, to suppose not guilty until their offences were proved [hear, hear, from the opposition.]

The defence set up by Lord Glenelg and Melbourne was a sort of appeal to the indulgence of the House. It is, however, a matter of paramount duty in a case of such importance that there should be at once a clear and precise understanding as to the powers delegated to Lord Durham. If there be any doubt on the subject, let a short declaratory act be passed. We can only say, that if the enormous powers claimed by Lord Durham be really assigned to him in the act under which he governs Canada, it is an act that ought to be rescinded.

On Wednesday Aug. 8, Lord Brougham brought in the bill. It was read a first time without much debate, and ordered for a second reading on the 9th instant.

Thursday, Aug. 9.—Lord Brougham moved the order of the day for the second reading of the Canada Government Act Declaratory Bill. His Lordship's motion was supported directly by the powerful reasoning of Lord Lyndhurst and the Duke of Wellington, and indirectly by Lords Glenelg and Melbourne, who, while they opposed the bill by vote, sanctioned its principle in their speeches, by their admission of the doubts now hanging over the construction of the extent of the powers granted by the existing statute. In point of fact, the bill, as to the part at least which proposes to "indemnify those who have issued or acted under a certain ordinance made under colour of that act," was, as the Duke of Wellington said, absolutely necessary. The second reading was carried by a majority of 18.

CANADA GOVERNMENT ACT DECLARATORY BILL.

House of Lords, Aug. 10.

On the order of the day being moved by Lord Brougham for the House to go into Committee on the above-named bill.

Viscount Melbourne said he was desirous of stating the course which her Majesty's Ministers intended to pursue with regard to this bill. Their Lordships had undoubtedly come to a different conclusion to him last night, in their agreeing to the second reading of the bill, and it was impossible for him to deny that he felt much anxiety upon the subject, considering the great interests which were necessarily at stake. The objection which had been taken to those ordinances of the Noble Earl rested, it was true, upon very broad principles of law were not such as the community would view, he was inclined to believe, in the way that their Lordships had viewed them, and he very much apprehended that that decision would tend to create, not more, difficulties in the colony itself. He could not but say that, looking at the ordinance as it was promulgated, and the difficulty in executing the part which was not defective, and considering also what his Noble and Learned Friend had said upon that point, he (Lord M) must admit that he could not but feel strongly pressed with that argument; and also considering that the council had not the power of enforcing their decision, he and his colleagues had come to this conclusion, that her Majesty ought to disallow the ordinance. (Hear, hear.) After alluding to the ordinance of the 28th of June, which he said could not be enforced, and after again expressing regret that Ministers had not been left to act as they saw fit in the matter, the Noble Viscount went on to observe that, as their Lordships had agreed to the second reading of the bill, and as the ordinance was defective in one point, it followed also that that part of it being illegal which had been done under it the parties would have to be indemnified from the consequences of civil or criminal proceedings which might be taken: seeing, therefore, that some indemnification was necessary, and seeing that the law had been violated, he thought it was right that the indemnity clause of the bill should be retained. (Hear, hear.) With regard to the first clause, however, or as to the declaratory part of the bill relative to the powers given under the previous Act, he could not concur; and he thought a great deal had been said in argument last night with respect to the intention of the proviso, limiting the powers of the Governor-General of Canada in Council, and preventing him from doing anything in contravention of any Act of Parliament of Great Britain, or of any Act of Parliament of the colony. It could not, be the intention to tie up the Governor-General of Canada and his Council from adopting such measures as should be necessary for the safety of the country, which might possibly interfere with the statute or common law of the land. He (Lord Melbourne) could not help thinking, therefore, that the Noble and Learned Lord's arguments were pushed to something like absurdity. He thought, therefore, their Lordships would have no objection to introduce into this bill a provision, giving an extension of power to the Governor-General, stating that he was not to put it in force where it was not absolutely necessary, but giving him the power to attaint persons in any case or cases of treason or rebellion that might occur in Canada. When their Lordships were in Committee, and came to that part of the bill, he should move a proviso to that effect.

Lord Brougham said, that but for the contending part of the Noble Viscount's speech, he should have heard that speech with unqualified satisfaction. Ministers had determined to adopt what was a most wise course, and one worthy of those who had always upheld civil liberty, in disallowing this most outrageous ordinance. He differed, however, from the Noble Viscount in one or two particulars. The Noble Viscount lamented their Lordships' decision, and he said he laboured under apprehensions as to the consequences, and flung upon their Lordships, and upon him (Lord Brougham), the consequences of the decision. He (Lord Brougham) maintained that the ordinance was an outrage upon all justice in the eyes of every one. He maintained that their lordships had acted wisely. The people would not make it a pretext for further outrages, it would be the most shallow and hollow pretext ever adopted. Let not their Lordships be discouraged, but let them pursue the course they had so honourably adopted. Let them be reckless whether they were called a jealous oligarchy or a truculent democracy, so that they showed a jealousy, not of their own privileges, but of the people's rights—[Cheers]—and so that they displayed truculency only in preventing innocent blood being shed by unlawful ordinances, and parties being condemned untried, unheard, and unsummoned. [Cheers.] He heartily rejoiced that the Government should have taken this virtuous step. He saw conciliation established which, if wisely worked out, might regain to us the hearts of the Canadian people. The Noble and Learned Lord proceeded to say, that after what the Government had determined to do, he had no objection to strike out the declaratory part of the bill. But he must say, that the Noble Viscount's proposition to introduce a clause which would arm the Governor-General with powers which he did not now possess, was one to be deprecated. The conduct of the Governor-General had not been such as to induce him to enlarge those powers. He did not go with the Noble Viscount in saying that the bill relating to Canada gave power to the Governor and Council to pass bills of attainder and bills of pains and penalties. But the Noble Viscount said the Governor of Canada ought to have that power. He could hardly consent to give them the larger power, because when they had the doubtful power they passed bills of attainder illegally, without hearing the accused party. He asked them to have the law as it stood on the bill. Let it stand, but give indemnity for errors. At the same time he would not deprive certain individuals who had been illegally used of their right of action.

The Duke of Wellington expressed great dissatisfaction with respect to the conclusion of the remarks made by the Noble Viscount. He would add his sincere desire that the Noble Viscount might be disappointed in his apprehension that the course taken by the House the preceding evening would lead to evils in the provinces of Canada, such as the Noble Viscount had described. He was impressed with a conviction that the people of Canada, as well as this country, were looking for justice on this subject, and that they would not be led to believe that Lords intended, by the course they pursued on Thursday night, to effect any other object than justice. [Hear, hear.] With respect to the amendment to be proposed by the Noble Viscount, he must say, with all the respect he entertained for the Noble Lord, that he could not be induced to give any public opinion on that subject until he saw what the amendment was which he intended to introduce. [Hear.] But there were some considerations which had occurred to his mind even on the first hearing of the Noble Viscount's proposition, and the objection taken to it by the Noble and Learned Lord, which induced him to think it would be highly inexpedient to adopt such a proposition. Their Lordships were now at the close of the session of Parliament which commenced by the adoption of the Canada Bill, after a full consideration by both Houses of Parliament. He contended that it was perfectly understood, in the other House of Parliament at least, if not in that, a clause in the act to provide for the cases which many of their Lordships contended were provided for last night. [Hear.] Under these circumstances he should say that it would be highly inexpedient in Committee on another bill so far to alter an act brought in at the commencement of the session, which passed that House unanimously, or at least with the exception of the dissentient voice of the Noble and Learned Lord, and which was passed by a large majority in the other House. He also begged to submit to the Noble Viscount that the alteration he proposed was by no means necessary; it was not necessary to adopt this amendment in order to enable the Governor to punish rebellion and treason in this province. And for this reason; because he believed that the late Governor-General (Sir John Colborne) had acted under the provisions of this very Act of Parliament, and he must have had the power of preventing rebellion and treason under the act as it existed without such an alteration as was now proposed by the Noble Viscount. [Hear.] Under these circumstances he, for one, should wish that this proposition should not be brought under the consideration of their Lordships, inasmuch as he he had a sincere desire that this matter should terminate without any further discussion upon it. He felt convinced that the question had now been brought to that stage by which real service had been done to the State, and he hoped also to the Governor of Canada.

The bill then passed through Committee.

On the report,

Lord Brougham moved some amendments, to the effect that whereas certain acts had been done which could not be justified by law, but which were intended for the security of the province; that, therefore, all persons ordaining, or acting under or in obedience to so much of the ordinance of the Governor-General as related to the sending to Bermuda certain persons therein named, should be indemnified; and that a proclamation should be made of this act immediately on its reception in the colonies.

These amendments were agreed to.

The report was brought up, and the bill ordered to be read a third time on Monday.

LORD BROUGHAM'S BILL.

Entitled "An Act for declaring the true intent and Meaning of an Act passed in the present Session of Parliament, entitled 'An Act to make temporary Provision for the Government of Lower Canada;' and for indemnifying those who have issued or acted under a certain Ordinance made under colour of the said Act."

Whereas an act was made this present Session of Parliament, entitled "An Act to make Temporary Provision for the Government of Lower Canada;" and whereas doubts have arisen touching the meaning of certain parts of the said Act. Now for removing such doubts, it is hereby declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same that nothing in the said act contained shall be taken to empower the Governor of the Province of Lower Canada, or the Governor with the advice and consent of the Special Council therein authorized to be appointed, to make any law or ordinance for altering or suspending the course of the criminal law within the said province in any particular case or cases, or for attainting or for subjecting to any pains and penalties, or otherwise punishing any persons not convicted by due course of law, or for declaring any person or persons not so convicted to be guilty of any offence for refusing to leave the said province, or for coming within the same, or for not returning within the same.

II. And whereas a certain law or ordinance hath been made and published by the Governor of the said province, by and with the advice and consent of the Special Council, bearing date the 28th day of June last, entitled "An Ordinance to provide for the Security of the Province of Lower Canada," which ordinance cannot be justified by law, but was so much for the service of the public that it ought to be justified by act of Parliament, and all persons advising, or acting under, or in obedience to the same indemnified; be it hereby enacted, that all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever which have been or shall be prosecuted or commenced against any person or persons for or by reason of any act, matter, or thing advised, commanded, appointed, or done in relation to the premises are and shall be discharged and made void by virtue of this act; and that if any action or suit shall be prosecuted or commenced against any person or persons for any such act, matter, or thing so advised, commanded, appointed or done, he, she, or they may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs in any action or suit so to be prosecuted or commenced, except in that part of Great Britain called Scotland, after the 1st day of October next, shall become nonsuit, or forbear further prosecution or suffer discontinuance; or if a verdict pass against such plaintiff or plaintiffs the defendant or defendants shall recover his, her, or their double costs, for which he, she, or they shall have the like remedy as in cases where costs by law are given to defendants; and if any such action or suit as aforesaid shall be commenced or prosecuted after the 1st day of October next in that part of Great Britain called Scotland, the Court before whom such action or suit shall be commenced or prosecuted, shall allow to the defender the benefit of the discharge and indemnity hereby provided, and shall further allow to him his double costs of suit in all such cases as aforesaid.

DOINGS IN NEWFOUNDLAND.

From the Public Ledger.

The *Newfoundland Patriot*, the well known organ of the "Priests' Party," has put forth the following jubilation upon the occasion of the removal of the Hon. Chief Justice from his official situation in this Colony.

Huzza, Huzza, Huzza ! ! !

"Fisherman rejoice! there is some hope for you that the wages for which you have toiled and perilled your lives, will not again be snatched from you by the edicts of an unjust and despotic Judge!

"Current Sufferers, let joy animate your bosoms—the law broken to injure you, and set aside for the vilest party purposes, will again become your security!

"Victims of Judicial Tyranny—persecuted Priests and People—ALL NEWFOUNDLAND lift up your hearts in thankfulness to God.

"BOULTON is convicted! condemned!! sentenced!!!

"He has been found Guilty upon the principal charges—guilty of abrogating the laws and customs of the country, and being a political partizan—and has been REMOVED FROM THE JUSTICE SEAT OF NEWFOUNDLAND FOR EVER!!!

We know that it has been the darling object of the Priests' Party, for some years past, to procure the removal of Mr. Boulton "from the justice seat of Newfoundland for ever;" and so far as that goes the end has been accomplished. But in order to correct the erroneous views which they are so earnestly desirous of having propagated, we will just subjoin the terms on which the judicial committee of the House of Lords have pronounced their decision, and we will then put it to every honest man, no matter to what party he belongs, if the enemies of Judge Boulton have not ample reason to be abashed at their own barefaced proceedings, and at the well merited rebuke which they receive, instead of thus *glorying* in their very shame!

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

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

Now, instead of our highly-respected Chief Justice being "convicted, condemned, sentenced," in the sense in which his vile, heartless enemies would have it, here is an unqualified approbation of the whole of his judicial proceedings!—nay more—upon the authority of private letters from an unquestionable source, we are assured that, apart from this decision, Mr. Boulton was greatly complimented by the highest judicial authorities from the acumen and great legal knowledge which he had exhibited in the various decisions which have been so much complained of by his prejudiced and ignorant opponents.

It is true that the committee of the Privy Council have adjudged Mr. Boulton to have been indiscreet in some transactions, and to have permitted himself to participate in party feelings—although the Council "do not find that his judicial proceedings have been affected thereby;"—and it is upon this ground alone that they think it inexpedient that he should be continued in the office of Chief Justice of Newfoundland!

The Council do not condescend to inform us what are the particular transactions in which they find Mr. Boulton to have been indiscreet, or in what instances he had mixed himself up with party feelings, but we think we can supply some clue to it.

It is a well known fact that Dr. Fleming, the Roman Catholic Bishop, immediately upon the arrival of Judge Boulton in this colony, conceived strong feelings of hostility against him, arising out of circumstances as honourable to the Judge as they were mortifying to the wary prelate; and it is equally well known that the Bishop with his subordinate clergy very soon pitted themselves, not merely against Judge Boulton, but against all the respectable inhabitants of the district, whether Protestant or Catholic. From that time down to the present, a system of insulting annoyance has been kept up by the Catholic clergy, and those who have been ignorant or timid enough to stand in awe of the threatened anathemas of the Catholic Church, against Judge Boulton, in particular; and his lady, who is a Roman Catholic, has been frequently insulted in the chapel by the application of most violent epithets towards the respected Judge. Amongst other modes of proceeding, Petitions have been got up against him by the Priests' Party, and under compulsion signed at the chapel door—then forwarded to the home Government, as expressive of the voice of the whole inhabitants of this district! We have however, one curious document before us, which, as illustrative of the infernal machinations which have been secretly going on, we cannot withhold. Twelve out of the fourteen whose signatures are appended to it, are Roman Catholics, the other two are—anything you please. The individual before whom it was sworn is a Roman Catholic, and is not a stipendiary magistrate, but an honorary one, and who, by administering an oath in a matter wholly extra judicial, has violated the Act which renders it illegal.

"NEWFOUNDLAND.

"St John's, } to wit. } "We, the undersigned inhabitants of St. John's, in the Island of Newfoundland, being duly sworn upon the Holy Evangelists, severally make oath and say that since the departure from this country of Henry John Boulton, Esquire, Chief Judge of the Supreme Court, on the 6th day of January instant, we have heard that an address to Her Most Gracious Majesty, purporting to be from the Merchants, Traders, and other inhabitants of St. John's, Newfoundland, respecting the state of the Colony, and intended to promote the political purposes of the said Henry John Boulton, has been got up and forwarded *by him* to her Majesty's Government.

"That no public meeting whatever has been held, at which the opinions of her Majesty's subjects on the said Petition might be taken, nor has any public notification or intimation whatsoever of the said Petition, nor of the subject matter or objects been made up to this period, in any of the public newspapers in this Island, (of which there are eight in number,) nor in any other manner whatsoever:

"That the inhabitants at large have been in entire ignorance of any such petition being prepared, and that the same has been kept a secret among the party who prepared and got it up:

"And the said deponents lastly depose that they have reason *to believe* and *do verily believe that the said* Henry John Boulton *is the instigator and promoter, if not the actual writer* of the said Petition, and that the same is intended to promote and subserve the political and individual objects of the said Henry John Boulton!!

"John Kent, Member of the House of Assembly.
"Patrick Mullowney, Grocer, Water street.
"Patrick Power, Grocer, Water street.
"Walter Dillon, Grocer, Water street.
"Patrick Kelley, Master Cooper, Water street.
"Thomas Connor, Clerk, Water street.
"John O'Mara, Shopkeeper, Water street.
"Edward Morris, Merchant, Water street.
"R. Holden, Accountant.
"Pierce Grace, Grocer, Water street.
"James Douglas, Merchant, Water street.
"Simon Morris, Shopkeeper.
"Lawrence O'Brien, Merchant.
"Patrick Jourdon, Trader and Shipowner.

Sworn before me, Patrick Doyle, Esquire, one of Her Majesty's Justices of the Peace, St. John's, Newfoundland, this 12th day of January, 1838.

(Signed) "PATRICK DOYLE, J. P."

It is impossible that the 14 individuals above named, and some of whom have misrepresented themselves, can have committed the crime of perjury, for the obvious reason that their affidavit has not been taken before a competent tribunal; but what moral weight ought the Privy Council to have attached to such an *exparte* statement, had the circumstance been known that the persons subscribing the above were all violent partizans, and that the document was signed at a period of strong excitement, when passion and prejudice had so obscured the judgment, as to render them unable to perceive the truth.—Mr. Boulton *never* mixed himself up with party measures in this colony;—he stood as aloof from them as it was possible for *any* man to stand; and had his adversaries not been of the bitterest and most malignant, they would not have attempted to make so foul a charge.

The Chief Justice is now and has been for some months past in England, for the purpose of answering the infamous charges which the House of Assembly of Newfoundland has dared to prefer against him; but what has been the conduct of the Priests Sunday after Sunday with respect to that individual, who stands so high in the estimation of all the respectable inhabitants? In the presence of his amiable wife, who has regularly performed her devotions in the chapel, they have poured out the grossest abuse, and upon last Sunday, when information had been received that the Chief Justice would not again return to this colony, Father Troy observed at first Mass:—

"I have ordered a *Te Deum* after each of the Masses, to return God thanks for the removal of Boulton. I hope you will join in the prayer, for he was tried and condemned, and most *shamefully* condemned. Every other country has had its scourge from heaven—the cholera morbus, or some other pestilence—but we had worse than all: we had Boulton, the greatest of all pestilence. That is the reason we shall have the hymn of thanksgiving for the removal of the greatest of scourges. Now (observed Troy) let him go to the Canadas that he helped to set in a blaze!"

Father Walsh, at first Mass, gave a lengthy discourse on the same subject, in language the most coarse and vulgar; and, as it would appear, delighted in doing so, as Mrs. Boulton was present. He concluded his "Sermon" with the following pious and holy prayer:

"May the curse of God and the congregation pursue and attend him (Judge Boulton) to his last moments!! May the vengeance of Heaven fall on the devoted head of that wretch, who sent some before their Maker before their time, and who robbed you of your wages, and who would rob you of your lives if he could!!

Mrs. Boulton, well accustomed to similar language from the same altar, left the chapel and stepped into her carriage, when, feeling indignant at the conduct against her absent, her injured, and persecuted husband, she addressed the multitude around her, observing that Mr. Boulton had been a much injured man, and that he had honestly administered the laws of his country as he was bound to do. Mrs. B. was evidently making some impression upon her hearers, when Father Walsh coming from the chapel and finding that the people were attentively listening to that lady, he peremptorily ordered her carriage away, and told her to be gone, asking the people, "are ye listening to that——ye are?" An *intended* Divine, one Cummings, then came running from the Palace (as it is styled) calling out, "get the horsewhip and drive her away." Mrs. Boulton said "No! when I have finished, I will go. Edward (addressing her coachman.) "do not stir until I order you."

"You are addressed by a Minister of the Living God," said Walsh. "No," said Mrs. Boulton,—"any thing but that. A minister of the Living God would not do as you have done this morning—desecrated the altar dedicated to that God, in invoking maledictions on the head of my innocent husband. May the curses you call down upon him not fall upon your own guilty self! I am about to take my departure from you all, to go to my friends, where I can find clergymen worthy of the name, who will be glad to receive me with open arms, and will not insult either me or my husband, like the Catholic Clergy of Saint John's Newfoundland!"

Mrs. Boulton having thus nobly spoken, drove off. Many of her auditors had melted into tears.

Father Walsh, after Mrs. B's. departure, again issued from the "Palace" with a stick in his hand, observing—"It's well she went!"

At third Mass, Father Morris, who but a few days ago arrived from Halifax, and who was a perfect stranger to this community, said—

"After Mass the *Te Deum* will be sung in thanksgiving for the removal of Judge Boulton, from this. "I presume," said this stranger, "that many of you will not be sorry for it."

There, reader! take that as a sample of Catholicism in Newfoundland—tell us what affinity you can discover between it and the holy doctrines of the Christian religion; take that as a sample of the grinding, persecuting tyranny exercised under it—and take it moreover as a tithe only of that which has been directed against the Chief Justice, than whom we never have, nor never shall see a better, but whom nevertheless it has been thought *expedient* to remove, for no better reason than that rougues and vagabonds stood in very awe of him!

This is a loss, however, not to be felt by Mr. Boulton;—he must, long since, have been tired and disgusted with the scenes which he has witnessed in this community; but to all the orderly, well-conducted and respectable inhabitants it is a loss indeed, most deeply to be deplored.

There were two writs issued yesterday at the suit of Dr. Kielly—one for £3000, against the Speaker and certain other members of the House; and the other for £500 against the Sergeant-at-arms. Dr. Kielly, although a Roman Catholic, has long been the object of the most malevolent persecution, on the part of the Priests' and the Priests' party, simply because he has refused to join them in their insane and unhallowed crusade against the rights and liberties of his Catholic and Protestant fellow citizens. For ourselves, we are, upon public grounds, indebted to him for his noble resistance against as vile a piece of tyranny as it was possible to exercise, and in this view, we dare say that we carry with us a very large portion of the respectable inhabitants.

THE CHRONICLE.

ST. JOHN, SEPTEMBER 28, 1838.

Liverpool dates to the 16th of August have been furnished by way of New-York; and from which, we are glad to observe, that the gloomy prospect respecting the Harvest in Great Britain, (as stated in former papers,) is partially dissipated, by a return of fine harvest weather, which had set in for several days prior to the sailing of the last vessel.

Sacred Music Society.—This Society will hold their Annual Concert, in the Methodist Sunday School room, on Wednesday evening the 3rd of October next, and in consequence of the limited size of the room, *visitors* will be admitted by tickets only. This Institution has been in operation but little more than twelve months, and has upwards of Forty members, who are generally regular in their weekly attendance for practice;—the variety of pieces selected for the Concert, and the additional number of performers added recently to their list, give promise of a delightful treat to the lovers of music, and will no doubt surpass any thing of the kind they have before given. It is hoped that their future Concerts will be given in a larger room, so as to gratify the public generally; very many persons will be desirous of attending, but cannot possibly be admitted at this time for want of space.

On Wednesday a Coroner's Inquest was held at the short Ferry on view of the body of *Ann Urquhart*, a girl of ill fame, which was found at the shore near the same place early in the morning. Verdict "accidental death by drowning."

This morning an Inquest was held on *Michael Geery*, late 2d Mate of the brig Pelwick Keating, who yesterday afternoon accidentally fell between the ship Brothers, and Peters' wharf, and his head striking against the fender, caused such an injury as to deprive him of the power of exertion, when he immediately sunk—Verdict accordingly.

The Honorable Chief Justice Chipman and Lady, arrived in town on Tuesday, in the steamer *Nova Scotia* from Annapolis, from a tour in the Eastern part of this Province, and Nova Scotia.

The Honorable Chief Justice Jarvis, Lady and Family, and Miss Jane Boyd, left town on Thursday last for Prince Edward Island.

A fine large Moose, weighing about 8 cwt. was exhibited for sale in our market yesterday. We understand it was shot by some farmers, while crossing the river from Brandy Point, at the foot of the Long Reach, about eight miles from the city. Part of it brought nine pence per pound.—*Courier.*

Launched, on Tuesday last, from the ship yard of Messrs. J. & A. Appleby, Lower Cove, a fine copper fastened barque rigged vessel of 276 tons, old measurement, called the *George*. She was built for Mr. George Ball, of this city.—*Ib.*

Boundary Line.—The commissioners appointed by Gov. Kent to run the line, will leave Bangor on Monday for the disputed territory. A small party of only six men we understand are to accompany them.—*Portland Advertiser.*

Flour sold at Cincinnati 3d inst. at $5 pr. barrel.

His Excellency Lieutenant-General Sir Colin Campbell, Governor of Nova-Scotia, and Suite, arrived at the Saint John Hotel on Saturday morning from Halifax, via Windsor, in the steamer *Nova Scotia*. His Excellency left town on Monday morning for Fredericton, and returned to this city last evening. His Excellency left again this morning in the steamer *Nova Scotia*, for Windsor, on his return to Halifax.

☞ A Prodigy.—Appeared before the Editor of this paper, a person who stated the following fact viz: That he came into the harbour of St. John on the 16th May, 1783, when, where the city now is, was a perfect wilderness, he assisted clearing logs and brush off the land; has been in the Province with the exception of five years, viz: 1790, '91, '92 '93 and '94, on travels to Europe, the West Indies, and United States. In the year '97 he visited the city: in '98 he married: in 1817 he went to the city again, and now in 1838; thus in forty-one years has he seen the city of St. John twice, although only living 46 miles distant from it; he has taken up no land from Government—has raised a family of 11 children—was a Justice of the Peace 20 years, and the most surprising circumstance of all is, that he has perused all the different Newspapers published in the City of St. John since its foundation, and never paid a fraction of subscription toward any: this is equal to the proceedings of the Old Harry.—[More shame for him.]—*Communicated.*

LETTER FROM THE HON. —— TO *********, Esq.

Quebec, September, 1838.

My dear sir,—In conformity with the promise I made you when I left St. John, I send you by the earliest possible conveyance a copy of the paper which Lord Durham submitted to us, *Commissioners of the people*, containing the heads of the Constitution for the proposed "United Provinces."—Situated as I am, in so many respects, (and none is more alive than yourself to my peculiarly critical position,) I have not dared to give my own opinion upon the project as unequivocally as I could wish. You know, as well as any one, what my opinion must be. But I may, without apprehension, congratulate *you* upon the approaching realization of your fondest wishes, and the certain prospect which is now held out to us, that, in this part of the world, talents and integrity will for the future make their way in society, and be appreciated as they deserve. I have ventured to write a few notes on the margin of the paper, which you will please expunge before you show it. Your's, truly,

S.

Constitution of the proposed United Provinces, or Lesser United States of America, July 4, 1838.

We the People of the United Provinces, or Lesser United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, under the dictation of the Right Hon. John George Earl of Durham, &c. &c. Governor General and Lord High Commissioner, &c. &c. do ordain and establish this Constitution for the United Provinces or Lesser United states of America.

ARTICLE 1.

Section 1. All Legislative powers herein granted, shall be vested in a Congress of the United Provinces, or Lesser United states, which shall consist of a Senate and House of Representatives. Note—[*Lord D. observed that he was so disgusted with Legislative Councils, and so satisfied that, composed as they have been hitherto of independent members, with a Chief Justice at their head, they have been a serious impediment to beneficial change and wholesome reform, he had thought it better to dispense with an Upper House altogether.*]

2. The House of Representatives shall be composed of members chosen every second year by the people of the several Provinces or lesser states: the suffrage to be *universal*. The number of Representatives shall be either ten for each Province, or shall not exceed one for every thirty thousand. The House shall choose their speaker and other officers, and shall have the sole power of Impeachment.—Note. [*We are, you see, to have the power of Impeachment! How delightful!*

3. As this section relates wholly to the senate, which is to be dispensed with, I shall not transcribe it. The power to try by impeachment is to be vested in the Executive Council! More delightful still!!

4. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December.

5. Each house, or if only one, the house, shall be the judge of the elections, &c. of its own members; and may determine the rules of its proceedings: punish its members for disorderly behaviour, and imprison printers, doctors, judges, sheriffs, &c. and shall keep a journal of its proceedings and publish the same, *excepting such parts as may in their judgment require secresy.*

6. The members shall receive a compensation for their services at their own discretion; and shall be protected in their persons, and not be questioned in any other place, for any speech or debate.

7. Every bill which shall have passed the house, shall, before it become a law, be presented to the President of the United Provinces, or Lesser United states: if he approve, he shall sign it, but if not, he shall return it, with his objections, and the House shall proceed to re-consider it. If on re-consideration it shall still be approved by two thirds of the house, it shall become a law. If any bill shall not be returned by the President within ten days, the same shall be a law. Note—[*Is not this well managed?*

8. The congress shall have power to make all laws, and to do all things which shall be necessary and proper for carrying into execution all the powers vested in the Government, or in any department thereof.

9. A tax or duty may be imposed on Emigrants, not exceeding ten dollars for each person. The privilege of the Writ of *habeas corpus* shall never be enforced. Capital punishment shall be done away with; and the only punishment for treason shall be transportation to Bermuda, where the traitors shall be maintained at the public expense. No money shall be drawn from the Treasury, but in consequence of resolutions of appropriations; and altho' money may be granted for certain services by permanent laws, it shall nevertheless not be drawn without a special appropriation. Paid commissioners shall from time to time be appointed to examine the accounts of the public officers, after they have been audited and passed; but the congress may when they see fit, pass a law for settling the estates of defaulters.

10. No Province or state shall enter into any treaty, alliance or confederation, except with the United states of America.

ARTICLE 2.

Section 1. The Executive power shall be vested in a President of the United Provinces, or Lesser United states of America. He shall hold his office during the term of four years, and may be either nominated by the Crown or elected in some approved manner: No person except a natural born citizen, or a citizen of the United Provinces at the time of the adoption of this constitution, who has resided within the provinces for fourteen years, or a citizen of the United states, shall be eligible to the office of President. Note—[*Lord Glenelg promised the Nova Scotia petitioners and our Delegates, that none but Colonists and Yankees should be appointed to offices in the Colonies. This is only carrying out his Lordship's views.*]

In case of the removal or death, &c. of the President, the congress shall provide for the discharge of the duties of the office. The President shall receive compensation for his services, and take the following Oath or Affirmation:

2. The President shall command the Army, Navy, and Militia, and have power to grant reprieves and pardons for all offences against the United Provinces or Lesser United states, except in cases of Impeachment; and may by Ordinance transport to Bermuda, and may put to death the traitors so transported, if they return, and shall make treaties and nominate all officers.

3. He shall have power to convene Congress on extraordinary occasions, and shall receive Ambassadors and call for Commissioners and Governors to wait upon him whenever he chooses.

ARTICLE 3.

Relates to the judicial departments, which are to be considered hereafter.

ARTICLE 4.

There is only one section in this article worth transcribing, viz: section 2. The citizens of each Province shall be entitled to all privileges and immunities of citizens in the several Provinces; and there shall be a mutual interchange of privileges and immunities with the citizens of the United states of America.

ARTICLE 5.

Section 1. Congress in certain cases may propose amendments in this constitution.

ARTICLE 6.

Section 1. The ratification of the commissioners sent for by the Governor General