The Observer.

SAINT JOHN, OCTOBER 31, 1848.

ENGLISH MAIL.—The second October English Mail, by the magnificent steam ship *Europa*, Capt. Lott, in the remarkably short passage of only 8½ days from Liverpool to Halifax, was received in this City last Tuesday night. The Europa arrived at New York at 3 o'clock on Wednesday afternoon, completing the entire passage from Liverpool to New York, including the stoppage at Halifax, in 11 days and one or two hours, the shortest passage ever made! The American steamer United States which left Southampton two days before the departure of the Europa, did not arrive at New York till about twelve hours after her.—By the log of the Europa, it appears that the total number of miles she sailed to Halifax, was 2,484,—first day 300 miles, second 293, third 293, fourth 282, fifth 269, sixth 284, seventh 289, eighth 302, and the half day 172; and detained five hours off Halifax.

The principal intelligence by the mail is the conviction and sentence of Mr. Smith O'Brien, which will be found fully detailed in other columns. The general opinion however, appeared to be that the sentence of death would be commuted to transportation for life. Much interest was felt in his behalf. The *European Times* says :—

The form of sentence of death was pronounced with evident distress by the Lord Chief Justice "in awe-inspiring accents," but no day was fixed for the execution of the sentence. The deportment of Mr. O'Brien in the last scene, probably, of his public life, was firm, gallant, but imprudent and unadvised. Even the judge on the bench, almost in tears, deprecated somewhat more than in mere manner the ill-timed contumaciousness of the prisoner. His final destiny is, indeed, trembling in the scales of mercy.

The trial of Mr. Terencé B. M'Manus followed, and after a trial of four days' duration, he, too, was convicted of the crime of high treason, and, as a matter of course, sentenced to death in the same form as that pronounced in the case of Mr. Smith O'Brien.

The cholera, it will be seen, has appeared in London, Edinburgh, Sunderland, &c.

Fresh disturbances had broken out in Austria, and Vienna was in the hands of the insurgents.

LIVERPOOL, October 14.

The improved tone in commercial affairs which we last noticed has rather subsided. In the produce markets a good business is, however, being transacted by the home trade, but the value of many articles is not supported. On the part of holders there is an inclination to press sales, and the natural consequence is that the home trade will not buy except at reduced prices. Money continues in abundant supply, and can be obtained at a low rate of interest, whilst only a limited demand exists.

The several reports which reached us from the manufacturing districts since our last report, are again of a discouraging character. In the Woollen districts of Yorkshire the transactions going forward are limited. At Leeds the demand appears to be confined to Beavers, Pilots, and other heavy Cloths. A fair amount of sales are being made at the several Blanket markets, but prices are not improved. At Manchester and the other Cotton fabric markets, there is an increased depression. Prices have, therefore, again receded. With respect to the state of employment in the city of Manchester, the last return shows that of 207 mills, foundries, &c., within the borough of Manchester, 141 were working full time with full hands, 45 full time with short hands, 15 short time, and 6 stopped. Of 41,066 hands, 37,417 were working full time, and 3392 short time.

Breadstuffs are in good supply, and the demand is not extensive; holders, therefore, are obliged to accept rather lower rates. Accordingly, at Mark-Lane, on Monday last, the best English and foreign Wheat was taken slowly, although sellers were anxious to effect sales, even at reduced prices. The prices quoted were 46s. to 56s. for English red, and 50s. to 63s. for white. Flour was in limited request, but without any change in prices. American bringing 28s. to 32s., and Canadian 26s. to 29s. per barrel. In Indian Corn very little was passing, but, for most descriptions, full rates, say 38s. to 40s. per quarter were paid.—At Liverpool Wheat was in limited demand, and a shade lower. American and Canadian white were quoted at 8s. 3d. to 8s. 7d. per 70 lb.; ditto red, 7s. 6ds. to 8s. There was hardly any inquiry for Flour, prices of which were quoted at 30s. 6d. to 32s. 6d. A spirited inquiry for Indian Corn enabled holders to obtain 35s. to 38s. for American white, and yellow 35s. 6d. to 30s. per 480 lbs.

CROPS.—The weather during the week has undergone a very favourable change, and in Scotland it has been so genial that the harvest has been got in with greater success than has been experienced for many years. The wheat arrivals from abroad prevent prices from rising, and the average hovers about the point where the duty ceases. The factors, however, still look forward for a rise in the duty on the 18th or on the 25th inst. But is this case the advance will be but trifling, and will be with difficulty maintained against the continued arrivals from abroad. The crop of potatoes in Scotland appears to be abundant, and the surplus over the wants of the inhabitants will be considerable to aid their less fortunate neighbours.

The import of Cured Provisions during the last week comprises the following:—132 tierces 1 brl. of Beef, 405 brls. of Pork, 22 boxes of Bacon, 57 casks of Hams, 153 firkins of Butter, 6288 boxes and 9 casks of Cheese, 193 tierces and 201 barrels of Lard. There has been a very dull and languid demand for nearly all descriptions of provisions at the Liverpool market.

CHOLERA.—We regret to state that the scourge which, during the last few months, has desolated the eastern parts of Europe, spreading its ravages from Cairo to St. Petersburgh, and lingering within these few weeks at Hamburgh, has at length, as anticipated, reached the shores of Great Britain. It is now officially declared by the Registrar-General that the Asiatic Cholera has appeared in the metropolis, and well authenticated cases of the malady are reported from Sunderland, Shields, Hull, and Edinburgh. The disease made its appearance almost cotemporaneously in Sunderland and in the low-lying districts below London Bridge. In both places the first cases were those of intemperate sailors who came from Hamburgh and were attacked by the malady on the voyage. As regards Edinburgh, the origin of the disease is left in doubt. The official report of the Registrar-General in London reported 13 cases up to Saturday last. In Edinburgh, up to the latest report, there had been 25 cases, 20 of which had proved fatal. Up to Wednesday in the present week the number of cases in London is alleged to be about 20, but a daily official report is not yet issued. The authorities in all parts of the country seem to be taking the most zealous precautions to counteract, prevent, and remedy this dreadful malady, which we earnestly hope will make but a brief visit to our shores. The alarm is greatly diminished respecting its destructive effects amongst the great body of the people, and we trust, with the extensive arrangements made to check its progress, that the limits of its mortality will be confined to the seaport towns, and that the great manufacturing hives of industry will be spared this frightful addition to the many sufferings they have lately experienced.

The ravages of the cholera at Aleppo and Damascus are stated to have been frightful, particularly at Damascus, where not fewer than 10,000 persons are supposed to have died within the twenty days preceding the 26th of August.

Arrests still continue to be made in Ireland; frightful murders are still perpetrated in the south; the rotatory Parliament agitators continue almost unheeded their weekly meetings and addresses; the Roman Catholic prelates have assembled in Dublin, and their movements are scanned with great curiosity. A memorial is in progress of signature from the noblemen, clergy, bankers, merchants, and inhabitants of Dublin, expressive of loyalty and order, but supplicating the Lord-Lieutenant that mercy in its most liberal sense, where mercy can be shown, may be extended to those men of every rank and station committed to the late movement. It reminds the Lord Lieutenant that the present individuals did not commence the present disobedience to the law, but that excitement has been going on for years. They who promoted that excitement now witness the sad results. The tribulation which Ireland at this moment suffers is deep indeed.

A deputation has waited on his Excellency, touching the fate of Mr. O'Brien, and we are glad to say that the rumours which have prevailed respecting his execution are unfounded. The Lord Lieutenant, it would seem, is favourable to mercy.

Mr. Whiteside, the able defender of Mr. O'Brien, now stands forward as the greatest of living advocates, and indeed, these, and former state trials, bestow the praise of superiority on the Irish bar, when compared with that of England.—The conduct of Mr. O'Brien, during the trial, atoned, in some measure, for the feeble folly of his rebellious career, and excited a general pay that a gentleman of such fine and noble feelings should have fallen on practices at once so evil and absurd. In this spirit the jury unanimously invoked in his behalf the merciful consideration of the Crown.—[Liverpool Journal.

The Revenue is increasing, the last quarter's receipt in the Customs Department, being £958,651 over the receipts of the previous quarter, and £469,839, over the corresponding quarter of 1847. In the Excise Department there has also been a cheering improvement, the increase over the previous quarter being £528,771, and £562,628 over the corresponding quarter, of last year. The stamp Duties and Property Tax however are in decline.

A good deal of interest has been excited by a report from Peel's river that the Esquimaux have seen some vessels to the east of the Mackenzie river, which furnish the hope that the long lost party of Sir John Franklin, in the Arctic seas, have conquered the elements, and may, at this moment, be in perfect safety.

Our continental news is still a record of sanguinary conflicts between Princedoms and their people, of wars and rumours of wars, and of the still disorganised state of almost the whole of Europe.

The Schleswig-Holstein affair seems to be now subordinate to the great contest going on in the central and southern part of Germany, and the efforts of Lord Palmerston to compel the belligerents to keep quiet is at present successful.

DEATH OF THE EARL OF CARLISLE.—This venerable nobleman died on Saturday morning at his seat, Castle Howard. His Lordship was born on September 17, 1773, and was consequently in his 76th year. The advancement of the present earl (Lord Morpeth) to a seat in the House of Peers will occasion a new election for the West Riding of Yorkshire, Lord Morpeth succeeding to the earl's title and estates.

The trade of the Clyde has begun to retrograde. From January to September, in the present year, there has been a decrease of 220 vessels cleared for foreign ports, as compared with the same period in 1847. The *North British Mail* ascribes this untoward result to the embarrassed state of the colonies.

The friends of the "free labour movement," in Newcastle, have received, within the last few days, a sample of cotton from West Africa, which a Liverpool cotton-broker pronounces "equal to American."

Prince Metternich and his son, Prince Richard Metternich, and Baron Huegel, have become members of the Brighton Conservative Club.

The Queen of the Belgians is now at Claremont, on a visit to Louis Philippe.

The Duke of Hamilton has completed sixty miles of drains this season, on one of his estates.

The London Common Council has appointed a medical officer, with a salary of £500 per annum, to superintend the health of the metropolis and recommend means for the public safety.

A new 100-gun ship, named the Henry IV, was launched at Cherbourg last week. There are still in construction at Cherbourg two ships of the line, viz, the Austerlitz, 100, and the Tilsit, 90, both of which have been on the stocks for sixteen years.

The *John O'Groat Journal* calculates, that in the present season, 92,862 crans of herrings have been captured; and supposing that each cran holds 70 dozen, the total will have been 6,487,740 dozen, or 77,852,880 herrings.

IRELAND.

TRIAL OF MR. SMITH O'BRIEN.

THE VERDICT.

On the 7th the court sat at nine o'clock, and the Lord Chief Justice proceeded with his charge till a quarter past ten, when an adjournment took place in consequence of the arrival of Mr. Dalton, a Protestant student of Trinity College, Dublin, to prove, it was said, that Dobbin the informer, had perjured himself, and told him of his intention to convict Mr. O'Brien by this course, if no other offered. The evidence was heard by the judges in chamber, and afterwards reheard in court, the intended effect being to demonstrate the alleged perjury of the approver, and thus render his evidence unworthy of belief. A few observations having been made by counsel on both sides, the judge resumed his charge, at the conclusion of which, about four o'clock, the jury retired to their room.

At twenty minutes past five their lordships resumed their seats in the Court-house. A profound silence, lasting for a few minutes, succeeded their entrance, but was soon broken by a slight rustling noise near the door of the jury-room, from whence the jury entered, headed by the foreman, who held the issue paper in his hand.

When the jury were seated the foreman handed the verdict to Mr. Pedder, Clerk of the Crown, who commenced calling over the names of the jury.

The clerk, having completed the calling of names, asked, in rather a nervous and indistinct tone, manifestly sensible of the painful effect about to follow, "Gentlemen, have you agreed to your verdict?"

The Foreman—"Yes."

Clerk of the Crown.—"How say you? Is William Smith O'Brien guilty or not guilty?"

After a considerable lapse of time, the foreman, in a low, suppressed murmur, pronounced "Guilty." Tears might be seen and sobs heard in every part of the court. Mr. O'Brien alone maintained a composed aspect, and acknowledged the verdict by slightly inclining his head to the jury.

The foreman of the jury essayed to say something, but his self-possession seemed to fail him, and he said in a harsh under tone, to the Clerk of the Crown, "Mr. Pedder, can't you read the rest?"

The clerk then read from the paper what follows:—"We earnestly recommend the prisoner to the merciful consideration of the Government, the jury being unanimously of opinion that, for many reasons, his life should be spared."

The Clerk of the Crown then resumed his seat; and for about five minutes an unbroken silence prevailed, the eyes of all being fixed on the calm, self-possessed countenance of the prisoner. At length Chief Justice Blackburne said in a low voice, "Adjourn the court to ten o'clock on Monday morning."

Proclamation to this effect was made. Mr. O'Brien was then removed from the dock, and the building was soon empty.

At a quarter-past ten o'clock on Monday morning the judges entered the court. The Court-house, from an early hour, was densely crowded in every part, and great anxiety was visibly depicted on every countenance, as it was rumoured that Mr. Smith O'Brien was to be brought up for judgment. The only gallery vacant was that in which the friends of Mr. Smith O'Brien were accustomed to sit during the protracted trial. That gallery was entirely empty, and formed a melancholy contrast to the other portions of the court.

The Attorney-General entered the court about five minutes after the sitting of the court. All eyes were directed towards that learned functionary, who said—My lords, I have to move that in the case of her Majesty against William Smith O'Brien the prisoner be called up for judgment,

Chief Justice—Very well.

Soon afterwards Mr. Smith O'Brien made his appearance in the dock. His manly bearing, his calmness, composure and firmness, as he stood in front of the dock, were the theme of observation throughout the court.

The Clerk of the Crown was about to read over the indictment, and to ask what the prisoner had to say why sentence of death and execution thereon should not be passed upon him, when

Mr. Whiteside, Q. C., said that that was the proper time to make application to the court for arrest of judgment. According to the words of the statute, the proper period for that purpose was "after the conviction of the prisoner." There were three questions on which he grounded his application:—First, whether the account of the meeting of the 21st July was admissible against Mr. O'Brien, on two grounds—first, that Dobbin's evidence had not been confirmed; and the second was the admissibility of the contents of the portmanteau, as there was no proof that they were traced to the possession of the prisoner. These were some of the grounds on which he called for arrest of judgment; but the principal ground on which he rested his application was this—Mr. O'Brien was indicted for levying war against the Queen within her realm, and for compassing the Queen's death. He (Mr. O'Brien) had been acquitted of compassing the Queen's death, and had been convicted of the other offence. But he (Mr. Whiteside) would show that there was no such thing as levying war against the Queen in Ireland contemplated in the statute of Edward III., under which his client was indicted. To levy war there were three essentials demanded—first, to levy war; second, against the Queen; and third, within the realm. The learned gentleman then urged a number of authorities, with the view of showing that the prisoner had not intended to commit the crime of high treason, and therefore could not legally be found guilty. Mr. O'Brien had been acquitted of compassing the Queen's death, because the jury were not of opinion that he had directly levied war against the Queen—that in fact having only levied war constructively, he was not guilty of compassing the Queen's death.—What followed from this result? It could not appear from the indictment whether the levying of war was direct or constructive. Now the court had decided that the levying of war in this instance was constructive, and he apprehended that their lordships would not hold that a constructive levying of war still remained a crime punishable with death, in a case where, if the prisoner had been indicted for having compassed and intended to levy war against the Queen, and these five counts were set out in the indictment, he must have been acquitted.

The Attorney-General, in reply, submitted that no doubt whatever existed but that the levying of war was still a distinct treason.

Mr. Fitzgerald followed on the same side as Mr. Whiteside. He contended that the crime of levying war was not indictable in Ireland as treason.

The Solicitor-General replied that the form of the indictment in Lord George Gordon's case was that which led to his acquittal.

The Chief Justice, after consulting for some minutes with his brother judges, pronounced their lordships' decision. The motion, he said, was for an arrest of judgment founded on two objections to the indictment. That indictment or the substance of it, was under the statute of Edward III., and charged a levying of war against the Queen. The first objection was, that the act of Edward the Third was not the law of Ireland, and in reply to that objection it was contended by the Crown that it was extended to this country by Poyning's Act. It was admitted that that statute referred to that of Edward III.; but it was contended that its construction was confined to persons committing treason in England, but not in Ireland. It appeared to him, however, that the meaning of the statute was, that the same law should apply to both countries, and that which was treason in England was also treason in Ireland.—The next objection was the construction of the 11th Vic. cap. 12. The treason created by the statute of Edward III. was the actual levying of war. Then came the statute of 36th George III., which included the compassing the death of the Sovereign by writings and publications, and declared such acts high treason. The statute of Edward made the actual levying of war high treason, and the statutes he had just named made the intention of levying war high treason. The act did not extend to Ireland, and that which did extend it was contended made the treasons created by that of Edward III. merely felony. It did no such thing. The statute of Edward still confines itself to the levying of war; but the act 11th of Victoria made the intention a felony. The two offences were perfectly distinct, and the two statutes created two distinct crimes—one the actual commission—the other the intention, so that the objection urged could not be maintained. With respect to the objections made during the trial, the court had considered them over and over again, and convinced themselves that the judgment they pronounced was quite correct. It was not their intention, therefore, to reserve them for the opinion of the twelve judges.

The Clerk of the Crown then asked Mr. O'Brien what he had to say why the sentence of the law should not be passed upon him.

Mr. O'Brien said—My lords, it is not my intention to enter into any vindication of my conduct, however much I might have desired to avail myself of this opportunity of so doing. I am perfectly satisfied with the consciousness that I have performed my duty to my country—that I have done only that which, in my opinion, it was the duty of every Irishman to have done, and I am now prepared to abide the consequences of having performed my duty to my native land. Proceed with your sentence. (Cheers in the gallery!)

THE SENTENCE.

The Lord Chief Justice then proceeded, amid the most profound and painful silence, to pronounce the extreme sentence of the law upon the prisoner. He said—William Smith O'Brien, after a long, painful, and laborious trial, a jury of your countrymen have found you guilty of high treason. Their verdict was accompanied by a recommendation to the mercy of the crown. That recommendation, as is our duty, we shall send forward to the Lord-Lieutenant, to whom, as you must know, exclusively belongs the power to comply with its prayer. It now remains for us to perform the last solemn act of duty which devolves upon us,—to pronounce that sentence, by which the law marks the enormity of your guilt, and aims at the prevention of similar crimes, by the example and infliction of a terrible punishment. Oh! that you would reflect upon that crime, and dwell upon it with sincere repentance and remorse. Oh! that you would regret it as it is regretted by every rational being—that you would feel and know that it is really and substantially as repugnant to the interests of humanity and the precepts and spirit of the divine religion you profess, as it is to the positive law, the violation of which is now attended by the forfeiture of your life. The few words you have addressed to the court, however, forbid me proceeding any further with this subject. It now only remains for the court to pronounce the sentence of the law. [Here his lordship assumed the black cap, and, amid a silence at once solemn and painful, proceeded as follows:]—That sentence is, that you, William Smith O'Brien, be taken from hence to the place from whence you came, and be thence drawn on a hurdle to the place of execution, and be there hanged by the neck until you be dead; that afterwards your head shall be severed from your body, and your body be divided into four quarters, to be disposed of as her Majesty shall please, and may God have mercy upon your soul!—(The most profound sensation followed the conclusion of this sentence, and continued to manifest itself for several minutes afterwards.)

After a pause, several persons rushed forward to the dock to take farewell of the prisoner; he shook them warmly and affectionately by the hand, he was cool and collected, and his manner was calm and manly; he left the dock with a steady step and smiling countenance, and was conveyed to the cell or waiting-room adjoining the dock. When the intelligence reached the streets that he had been sentenced to death crowds of persons collected about the Court-house, and great sensation was manifested. Several women ran to the gates shrieking and throwing up their arms in violent grief. A large body of the constabulary, with bayonets fixed, were at once marched into the square before the Court-house; the gaol van (drawn by two horses) was then admitted inside the gates and the prisoner conducted from the cell and placed in it. The vehicle was then driven to the gaol, surrounded by constabulary, & the prisoner re-conducted to his cell. The excitement in the streets was intense, and it was not till a considerable time had elapsed that it subsided.

TRIAL OF MR. M'MANUS.

Shortly after sentence had been passed on Mr. Smith O'Brien, the court proceeded with the next case, namely, that of Terence Bellew M'Manus for high treason.

The prisoner was accordingly placed at the bar. He is a man about 35 years of age, and exhibited great unconcern.

Mr. Butt, Q.C., and Mr. Calligan, are counsel for the prisoner. The Clerk of the Crown, having read the arraignment, called upon the prisoner to plead.

Hereupon an argument took place on Mr. Butt applying that the arraignment of his client should not take place until the list of witnesses and the names of the jury were given to the prisoner, as required by the statute of Anne. The court refused the application, and a jury was then empannelled, the prisoner challenging twenty of the names called over peremptorily. It ought to be stated that eleven of the jurymen had been sworn before the prisoner's right of peremptory challenge was exhausted. The Clerk of the Crown formally arraigned the prisoner for high treason. Mr. Lynch opened the indictment, and the Attorney-General stated the case, which was similar in its tone and tendency to that delivered on the trial of Mr. O'Brien. After a number of witnesses had been examined, whose evidence went to show that Mr. M'Manus went to Mullinahone and Ballingarry, and took part in the insurrectionary movement there, under the command of Smith O'Brien, the case for the Crown closed.

Mr. Butt opened the defence on Wednesday morning. The learned counsel, after a few introductory remarks, in which he implored the jury to dismiss all they had heard of the circumstances which gave rise to the prosecution before they came into the box, and to find a verdict according to the value of the evidence as laid before them; he said they might believe his client's conduct wicked or worse; they might believe that acts were committed which amounted to an evident indication of treasonable or disaffected practices, but until they could say, on the oath they had taken, that he was guilty of the precise charge in the indictment, they could not find him guilty. The learned counsel here referred to the indictment, and proceeded to address himself to the several counts which it contained. After quoting a portion of the statute of Edward III., he proceeded to contend, at great length, that the charge of levying war against the Queen had not been made out; that all he had done was to prevent the arrest of Mr. O'Brien; that he never entertained any general project of revolt, and that the speech at Liverpool, reported by an illiterate policeman, must be left wholly out of the question.

A number of witnesses were called, who gave the prisoner an excellent character, and proved that the uniform found in his tin box was that of the '82 club.

The Solicitor-General was about rising to address the court and jury, when

The Chief Justice said, that was the time for the prisoner to address to the court any observations which he might desire to make.

The Prisoner said,—I have nothing to say to the jury, my lord, but to endorse all that has been already said by both my counsel. All I desire to say is, that I did not belong to any Chartist society. I pledge my honour as a man, that I never did. I never attended any of their meetings, nor was I connected with them in any shape or form.

The Attorney-General.—Allow me to say, that I would not have stated that the prisoner had attended a Chartist meeting, had it not been that the policeman mentioned that the speech attributed to him had been spoken at one.

The chief Justice.—That was understood by the court.

The Solicitor-General postponed his reply on the part of the crown until yesterday, and the court adjourned.

On the following day (Thursday) the Solicitor-General replied on the part of the crown.

Chief Justice Doherty charged the jury, who afterwards retired to consider their verdict; when

Mr. Butt, Q.C., submitted to the court that the jury should have been told that they must be satisfied that the prisoner knew of, and concurred in the general object attributed to Mr. O'Brien, before they could assume his guilt. The court, however, refused to call back the jury for that purpose. Mr. Butt insisted with much firmness, and sat down telling the bench that he had done his duty, and the court should do theirs.

The jury, after being closeted for three hours, returned into court with a verdict of guilty. The prisoner bore the announcement with great firmness. The jury have recommended him to the merciful consideration of the Crown.

After Mr. M'Manus was removed, the court proceeded with the

TRIAL OF MR. O'DONOHUE.

After the jury had been sworn and the formalities adopted as in other cases, the Attorney-General briefly stated the case. Towards the conclusion of his speech he observed that there being no evidence of any declaration by the prisoner of his motives and intentions in joining the rebels, it might be argued by his counsel that his object was not revolutionary. He (the Attorney-General) contended that he, having joined the ranks of the rebel army, was equally guilty with the leaders, and must be supposed to have had the same objects in view, and to have adopted their plans.

Prisoner.—It is right, my lord, to say that I do'nt wish to escape upon the poor miserable pretext which the Attorney-General would put into my mouth.

Chief Justice Blackburne.—You had better leave your case in the hands of your counsel.

Mr. Meagher.—It is right to say, my lords, that it was not intended to put the defence of my client upon that ground.

Prisoner.—I will not escape upon such a miserable pretext.

Chief Justice.—You have very able counsel, and I would advise you to leave your case with them.

Prisoner.—I say I will not be made the miserable creature of described by the Attorney-General, the better to give him an opportunity of swaggering.

Attorney-General.—My lord—

Chief Justice.—You had better not mind the prisoner.

Mr. Meagher advised his client to remain silent.

The court then adjourned.

A most important meeting was held in Dublin, on Thursday, for the purpose of promoting a feeling in accordance with the recommendation of the jury, in the case of Mr Smith O'Brien. The attendance was numerous and respectable. Mr. Sharman Crawford, M. P., was called to preside.—A Memorial to his Excellency, the Lord-Lieutenant, was agreed to. The following is a copy:—

"*To his Excellency Earl Clarendon, Lord Lieutenant and Governor General of Ireland.*

"MAY IT PLEASE YOUR EXCELLENCY.—We, the undersigned, consisting principally of inhabitants of Dublin and its vicinity, address your Excellency as the representative, in Ireland, of her Most Gracious Majesty the Queen. We fully concur in the recommendation of the jury by whom William Smith O'Brien has been found guilty, and we humbly and earnestly entreat the exercise of her Majesty's gracious prerogative of mercy in his favour."

The following deputation to wait on his Excellency the Lord-Lieutenant in furtherance of the object of that meeting was then appointed:—Hon. Mr. Lawless, M. P., Colonel Dunne, W. Sharman Carwford, Alderman O'Brien, M. P., Francis Scully, M. P., James Haughton, and the Lord Mayor. It was understood that the mission of the above deputation was to ascertain when his Excellency would receive the second deputation, with the memorial fully signed, and to enquire into the truth of the rumour respecting the warrant for Mr. O'Brien's execution.

At four o'clock the deputation returned.

Mr. Crawford announced that the deputation was detained a considerable time in consequence of his Excellency being out, but on his return they received a message from him that he would receive them. The memorial adopted there that day had previously been sent in to his Excellency. When he received the deputation he (Mr. Crawford) explained that the reason of their having come so promptly was, that a report had been mentioned at the meeting that a warrant had been issued for the execution of Mr. O'Brien, for which reason the meeting requested that the deputation should immediately wait on his Excellency for the purpose of inquiring, first, whether there was any truth in that report with regard to the warrant; and, secondly, whether his Excellency would be pleased to receive a deputation on a future day to present the memorial after it had received more extensive signature. His Excellency, in reply, said, first, he had no hesitation in stating that the report of any warrant having been sent down was entirely false and unfounded; and secondly, that he should be happy to receive the deputation to present the memorial as soon as it was signed to the extent that was desired; and when he should be informed of its being ready for presentation, he would himself name the time.

As an instance of the right feeling which governs many of Mr. O'Brien's actions, the following letter to his solicitor is characteristic:—

"Clonmel Gaol, Oct. 9.

"My dear Potter,—I entertain the most sincere and anxious desire that no insult or injury should be offered to either the jury or to the witnesses through whose instrumentality I have been convicted; and I shall be very much obliged if you will use your utmost efforts to make known my sentiments upon this subject.

"Believe me, yours most truly,

WILLIAM S. O'BRIEN.

"Robt. Potter, Esq."

The "Cork Examiner" states that an official intimation was conveyed to the mother and wife of Mr. Smith O'Brien, on Saturday, that "the recommendation of the jury was almost certain to be attended to by the Executive."

Tipperary.—A Clonmel correspondent notices outrages committed upon the houses of some of the jurors in this county.

The Irish Relief Committee met on Monday, to pass a vote of thanks to the Sultan of Turkey for his donation of £1000 towards the relief fund of last year.

RESOLUTIONS OF THE CATHOLIC PRELATES OF IRELAND.—The Catholic prelates met on Wednesday in Dublin. The *Freeman's Journal* says:—"There are three great subjects upon which the bishops are of opinion that they should speak—the necessity of instant and comprehensive measures to save the people from the jaws of the impending famine—the necessity of some law to regulate the relations of landlord and tenant, to supply the latter with a motive to make investments in soil and afford employment to the people—and last, not least, they resolutely and unanimously repeat their former declarations respecting the odious proposal of making the Catholic clergy stipendiaries of the state."

The resolution on this point is as follows:—That having observed that a notice has been given of a parliamentary motion, regarding a state provision for the Catholic clergy of Ireland, we deprecate such a proceeding. That, having shared in the prosperity of their faithful flocks, the clergy of Ireland are willing to share in their privations, and are determined to resist a measure calculated to create vast discontent—to sever the people from their pastors, and ultimately to endanger Catholicity in this country.

FRANCE.—The French revolution is again marching with rapid strides. After all the vacillation, intrigues, and excitement of the last week, respecting the mode by which the President of the Republic shall be elected, the National Assembly has decided by an overwhelming majority of 602 against 211, that the President shall be elected by direct and universal suffrage by ballot, and by an absolute majority. A variety of amendments were proposed with a view to modify the vote and to confer the power of nomination upon the Assembly, but they were all rejected by large majorities, and the people of France will now decide upon the person whom they desire to elevate to the new dignity. In its final form the vote stands, that the President is to be nominated by secret scrutiny, and by the absolute majority of the voters, by the direct suffrage of all the electors of the departments of France and Algeria. The vote was in this shape carried by 627 to 130. In the event of no absolute majority, the National Assembly will elect the President by ballot, and by absolute majority, from among the five candidates who may obtain the largest number of suffrages. This final decision of the Assembly crushes the power of General Cavaignac. In vain M. Marrast and himself, with their "tail," used all their influence to perpetuate their power, by leaving the election to the Assembly; the whole scheme sunk under them, and their continuance in power would be impossible in any other country except France. There has been, accordingly, a sort of ministerial crisis in France during the week, and no man can divine how it will terminate. The candidates for the Presidency will be General Cavaignac, Lamartine, Thiers, and Louis Napoleon Bonaparte. At least these are the names generally spoken of at present. The three first may bring a considerable party influence into the scale; but, we are inclined to believe that, whatever the number of candidates may be, thereby lessening the chance of any one obtaining the absolute majority required, nevertheless, the name of Bonaparte will carry such uncontrolable influence amongst the ignorant peasantry and the soldiery, besides other masses of citizens, that we deem his election as certain as anything can be in France. The hon. representative has spoken about ten times in the tribune, and, of course, has been ridiculed without mercy by the Government organs, especially for his German accent, while some have the boldness to state that his speech was full of dignity! His uncle, in attempting to drive a carriage and four in Paris, fell like Phaeton, and his disgrace was hushed up for many years; the nephew is about as qualified for an orator as Bonaparte was to drive the chariot of the sun. It is a most difficult part to remain quiet, and yet captivate the multitude. A man now a days, can no longer "be accounted wise by saying nothing." He must move, speak, and act; and when he does, his enemies stand by ready to trip him up. The destiny of Louis Napoleon, no less than the destiny of his adopted country, is only at present to be seen "in a glass darkly." The exclusive attention of France is directed to the question of the Presidency. The election it is expected will take place in January.

It was rumored that, in consequence of a coalition between M. Thiers and M. Odillon Barrot, Cavaignac's fall is certain; that Louis Napoleon will then be elected for a time; but that a regency is the ultimate object in view.

The Committee of Finance has been occupied with the bill relating to the property of the royal family, which sustains the sequestration laid on the property, but authorises the State to mortgage and borrow, in order to pay the creditors; the Minister of Finance is also authorized by it to pay a certain income to the members of the royal family. It appears that the King's debts amount to 30 millions, whereas the sums paid in to the estate to this day are only 660,000 francs.

TRADE OF FRANCE.—A statement of the foreign trade of France during the eight months of this year, compared with the corresponding period of last, shows a great falling off in the number of vessels employed. The arrivals, compared with the like period in 1847, were less by 779,568 tons, and the departures by 164,544 tons—an extraordinary decay, even allowing for the extraordinary circumstances that occasioned it. In the stocks of produce in the French Government warehouses there was at the end of August, notwithstanding the diminished arrivals, a very great increase—the strongest possible illustration we can have of the derangement of business and its effect upon consumption.

In Austria the terrible tragedy of war is being enacted with deadly effect. We were enabled in a postscript last week to announce the assassination, or rather butchery, of Count Lamberg, the Commander-in-Chief of Hungary. Whilst in the act of bringing about a pacification of the contending Hungarians and Croatians he was cruelly slain by the mob, who recognised him as he was crossing the bridge from Buda (Ofen) to Pesth. The war seems now to have assumed a determinate character. The Emperor of Austria has thrown off the mask; and maddened with the murder of his brave lieutenant, Count Lamberg, who had been sent to compose the differences between his own subjects, he has dissolved the Hungarian Diet; has appointed anew Baron Jellachich, Commander-in-Chief of all the armed troops in Hungary and the Allied Kingdoms, with despotic powers; and has placed Hungary under martial law. It is now clear that Jellachich has been throughout secretly supported by the Emperor, and the contest between the Croatians and the Hungarians will be severe. The former had advanced near Pesth, and last week it was thought that the Croatians had conquered the Hungarians in complete victory. Better accounts inform us that the Croatians had been partially defeated, and compelled momentarily to retire. But it is plain that they would again advance, and a bloody battle under the walls of Pesth would probably occur. Whilst we write intelligence from Vienna has reached us, that the appointment of the Ban to the post of Royal Commissary of Hungary, and the proposed departure of troops from Vienna to join his army, has led to the most deplorable excesses. An insurrection has taken place at Vienna—the Emperor has fled—the Minister of War, Count Latour, has shared the fate of Count Lamberg and the two Zichys; and Vienna was in the possession of the insurgents on the 7th.

The rioters entered the War-office between the hours of five and six, seized the cannon and arms deposited in that building, and captured the Minister of War, Count Latour. The wretched man was conducted into the street, and then he was murdered with blows from axes and sledge hammers. The people tore the clothes and orders from the bleeding body, and hung the naked corpse on a gibbet, where it remained suspended for a whole day, during which the national guards riddled it with musket balls. Count Latour's papers were seized, and brought to the University. It appears, that a deputation from the Diet, with the vice president Smolka at their head, were at the time in the residence of the Minister of War; but that all their endeavours, seconded by members of the academical legion, were unavailing, to avert his fate.

At half-past six o'clock there was but one place of refuge left for the troops and national guards who sided with the government—that place was the arsenal. The people surrounded the arsenal, and demanded from the garrison that they should give up the arms which it contained. They refused. A combat commenced, in the course of which the garrison swept the Renngasse with grape and canister, and killed and disabled a great number of the insurgents, whose fury increased after each unsuccessful attempt to possess the building. The committee of students sent flags of truce, summoning the garrison to surrender, but the bearers were shot dead on the spot. The people then commenced bombarding the arsenal, and the firing continued all the night through, till six o'clock on the morning of the 7th, when the garrison surrendered. Those among the popular party who were not provided with weapons were then armed. The number of killed and wounded is said to be very great.

In the midst of these scenes the Emperor and the other members of the imperial family left Vienna at about four o'clock p.m. on Saturday. They were escorted by 5000 cavalry, and took the road towards Lintz.

The transactions of the Austrian Diet, while the above bloody deeds were enacting around them, were equally striking and significant.

The Diet declared itself in permanency, and a deputation was sent to the Emperor at Schonbrumn, demanding a popular ministry, and the revocation of the decree appointing the Ban Royal Commissary of Hungary.

Various proclamations were issued during the day in the name of the Diet.

A second decree announces that measures had been taken to clear the town of the military, and to declare a *general amnesty* for *all* persons concerned in the insurrection.

MECHANICS' INSTITUTE.—The Lecture season is to commence on Monday evening, 13th November, when the opening Lecture will be delivered by the Hon. L. A. WILMOT, of Fredericton, Her Majesty's Attorney General.—The following talented and scientific gentlemen have also kindly promised to deliver Lectures before the Institute during the season:—The Hon. W. B. Kinnear, H. M. Solicitor General; Rev. Mr. Wishart, Mr. Perley, Mr. George N. Smith, Rev. Mr. Cooney, Mr. D. S. Morrison, Rev. Mr. Stewart, Rev. Mr. Irvine, Dr. Paterson, Mr. James Irvine, Mr. Foulis, Mr. Watts, Mr. Agnew, Mr. Duval, Mr. Wm. Till, and Mr. McLardy.

The rainy weather still continues. On Friday, we had a severe North East gale, with rain and snow. Saturday was fine. Rain again commenced falling on Sunday evening which has continued with scarcely any cessation to the present time, Tuesday forenoon. The rivers are all much swollen.

One of the foxy steamers lying at the wharf in Carleton, took fire between 8 and 9 o'clock last evening, and was considerably injured before the fire was extinguished.

We learn from the Pictou Chronicle of the 25th inst. that the trial of McFadyan, for the murder of a young man named Carr, who was travelling in company with him from Miramichi, has resulted in a verdict of *Guilty*, with a recommendation by the jury to mercy. Judge Bliss was on the Bench, and sentenced the prisoner to be hung, but fixed no day for the execution. A petition to change the sentence to imprisonment for life is to be sent to the Lieut. Governor, Sir John Harvey.

The steamer *Britannia* left New York on Wednesday last, with seven passengers for Liverpool and three for Halifax. She had not arrived at Halifax on Saturday forenoon.

BOSTON WATER COMPANY.—On Wednesday last, the celebration of the introduction of the water of Lake Cochituate into Boston, took place in that city with great ceremony. The day was favorable, and a procession of about 40,000 people, representing various trades, &c., marched through the streets. A fountain was opened in the Common during the celebration, and on the following day, in shutting off the water from it, a stopcock of the mainpipe burst, which would disable the fountain for several days, besides causing much annoyance from an overflow of water in the neighboring streets.—The extensive United States Hotel, Boston, opposite the Worcester Railroad depot, was brilliantly illuminated in the evening in honor of the event; there were over 700 lights burning, and the effect was grand and imposing. More than 800 visitors were entertained at the hotel, besides the ordinary occupants. The modes of celebrating the event during the day and evening were numerous.

Various instances of nocturnal depredation, stabbing, &c., have taken place in the streets of Halifax, during the last few weeks. An unsuccessful attempt was made a few nights ago to enter the Bank of Nova Scotia.

An English fugitive from justice, who is accused of defrauding commercial houses in Leeds and Liverpool of a large amount of