THE Weekly Chronicle.

Terms—15 shillings per annum :] "*Nec Rege, Nec Populo, sed utroque.*" [12s. 6d. if paid in advance.

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The Chronicle,

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All letters, communications, &c. must be post paid, or they will not be attended to.—No paper discontinued until all arrearages are paid.

Weekly Almanack.

Nov.			D.	SUN. R.	S.	MOON R.	H.	W.
21	Saturday,	- -	7	3 4	28	4 41	9	18
22	Sunday,	-	7	4 4	27	5 29	9	58
23	Monday,	-	7	6 4	27	Sets.	10	37
24	Tuesday,	- -	7	7 4	26	4 22	11	15
25	Wednesday,	- -	7	8 4	25	5 9	11	51
26	Thursday,	- -	7	10 4	25	6 4	ev.	27
27	Friday,	- -	7	11 4	24	7 4	1	4

New Moon 23d. 9h. 33m. ev. N. W.

Public Institutions.

BANK OF NEW-BRUNSWICK.—Thos. Leavitt, Esq. President.—Discount Days, Tuesday and Friday.—Hours of business, from 10 to 3.—Notes for Discount must be left at the Bank before 3 o'clock on the days immediately preceding the Discount days.-Director next week: N. Merritt, Esq.

COMMERCIAL BANK.—Lewis Burns, Esq. President.—Discount Days, Tuesday and Friday.—Hours of business, from 10 to 3.—Bills or Notes of Discount must be lodged before 1 o'clock on the days preceding the Discount days.—Director next week: Wm. M'Cannon.

BANK OF BRITISH NORTH AMERICA.—(Saint John Branch.)—R. H. Liston, Esq. Manager. Discount Days, Wednesdays and Saturdays. Hours of Business, from 10 to 3. Notes and Bills for Discount to be left before 3 o'clock on the days preceding the Discount Days. Director next week: Wm. Walker, Esq.

NEW-BRUNSWICK FIRE INSURANCE COMPANY.—John Boyd, Esquire, President.—Office open every day, (Sundays excepted) from 11 to 1 o'clock. [All communications by mail, must be post paid.]

SAVINGS BANK.—Hon. Ward Chipman, President.—Office hours, from 1 to 3 o'clock on Tuesday's. Cashier and Register, D. Jordan.

MARINE INSURANCE.—I. L. Bedell, Broker. The committee of Underwriters meet every morning at 10 o'clock, (Sundays excepted.)

MARINE ASSURANCE COMPANY.—Jas. Kirk, Esq. President.—Office open every day (Sundays excepted) from 10 to 3 o'clock. ☞ All applications for Insurance to be made in writing.

VESSELS FOR SALE.

THREE Vessels now on the stocks at Truro, Nova Scotia, of the following Tonnage, or thereabouts:

One Barque, 310 Tons, } Copper Fastened,
One Brig 210 do. }
One Brigantine, 110 Tons, Iron Fastened.

All built of good materials and very burthensome. They are now rigging, and will be ready for sea early next month.—Applications for all or either of the above Vessels to be made to

CRANE & M'GRATH, or
Aug. 14. CHARLES TUCKER, Truro.

FLOUR, BREAD, BUTTER & OIL.

Ex "Minerva," from Quebec:

386 BBLS. superfine fine and middlings FLOUR; 100 bags Navy Bread, 80 Kegs Butter; 9 Hhds. boiled Linseed OIL; 4 bbls. Raisins; 54 barrels Prime and Prime Mess PORK. For sale cheap while landing.

September 4. RATCHFORD & BROTHERS.

Per "Friends," from Liverpool,

28th August, 1840:

32 ANCHORS, from 2 cwt. to 24 cwt. including stocked Anchors for chains; Kedge Anchors; and also, Anchors for wood stocks.

18 Chain Cables, from ⅞ short link to 1¼ inch cables.

16 Rolls Sheet LEAD, 3½, 4, 4½, 6, 8 & 10 cwt. The above will be sold at prices to cover the expence of importation. JOHN ROBERTSON.
City Bank Building.

New Lunch House.

JAMES SORLEY respectfully informs the respectable portion of this community, that he has opened a LUNCH HOUSE in Princess street, adjoining the Post Office, where every attention will be given, and the smallest favor kindly acknowledged. JAMES SORLEY.
July 24.

IRON AND COALS.

The subscriber is now landing ex *Wanderer*, Dixon, Master:

7093 BARS and 330 bundles common and refined Iron, assorted, as follows:—Round, from ⅜ to 3 inches; Square, from ½ to 5 inches; Flat, from 1 inch to 4 by ¼; Do. 1 to 5 by ⅜; Do. 1¼ to 4 by ½; Do. 2 to 4 by ⅝; Do. 2½ to 4 by ¾; Do. 3 to 4 by ⅞; Do. 3 to 4 by 1.

90 Tons Coals.—Which will be sold low while landing, to save storage.
July 3. WILLIAM CARVILL.

Boards, Deals, Shingles, &c.

400,000 FEET (Superficial) bright Deals; 200,000 feet White Pine Boards; 250,000 do. Merchantable seasoned Pine ditto; 200,000 do. Clear do. do.; 100,000 do. Refuse do. do.; 250,000 Merchantable spruce Boards and Plank; 150,000 Scantling, different dimensions; 200,000 sawed Pine Shingles; 50,000 sawed Cedar ditto; 100,000 Rift pine and spruce ditto; 300,000 Laths of superior quality.

ALSO—4 Shares Nova Scotia Steam Boat stock. The above is offered for sale by the subscriber at lowest market rates for cash or approved paper.
July 24. JOS. FAIRWEATHER.

Removal.

THE Subscribers have removed their Business to the Fire proof Brick Warehouse, recently occupied by Messrs. John Kerr & Co., west side of the Market Square.
Sept. 11. RATCHFORD & BROTHERS.

Boards and Shingles.

JUST Received and for Sale.—100 M. Cedar Shipping Shingles; 100 M. Cedar 18 inch do., 100 M. do. Pine, 18 inch; 75 M. feet seasoned Pine Boards
September 11. JOS. FAIRWEATHER.

ESSENCE OF SMOKE.

For the Smoking of Hams, Bacon, Fish, Beef, &c.

THE subscriber begs respectfully to announce to the Public, that the Essence of Smoke has been extensively used throughout the Province during the past season, and that all those who have given it a fair trial, recommend it as decidedly preferable to the old mode of smoking fish and meat.

House-keepers, Provision-dealers, and others can smoke any quantity of meat or fish, without the least inconvenience or loss of time, by attending to the following plain directions:—While the ham, &c. is moist from the pickle, wipe it with a dry towel, then wash it over twice or three times with the Essence of smoke, allowing six hours to elapse between each washing; hang it up, to dry slowly; it will then keep for years, and in any climate.

No fly or insect will touch any thing preserved with the Essence of Smoke.

Half a pint is sufficient for the largest ham.

Meat or Fish that has become tainted will be restored to a wholesome state in a few hours by being washed once or twice with the Essence of smoke.

For its uses in the cure of Rheumatism, Inflammations, Cuts, Burns, Sprains, and many other complaints, and also for its beneficial effects in the removal of diseases, and accidents to which horses and cattle are liable, as Inflammatory sprains, spavin, heaves, &c. see handbills.

A liberal commission allowed to merchants and traders wishing to become agents.

Sold by Thos. Walker & son, J. & J. Alexander, Peters & Tilley, and G. Chadwick, St. John; J. Cook, Carleton; Robert Boyle, Portland; Burnes Travis, Indian Town; James F. Gale, Fredericton; G. F. Bonnell, Gagetown; J. Baird, Woodstock; Jas. Lyons, Long Reach; Thos. Sime, St. Andrews; G. Ruggles, St. Stephen; Gould Picket, Kingston; Samuel Fairweather, Bellisle; David Burnham, Digby, N. S.; G. Bent, Bridgetown; Sternes Jones, Weymouth; J. Runciman, Annapolis; E. W. B. Wood, Yarmouth; J. D. Harris, Kentville, and by the subscriber.

JOHN ELLIOTT.
Hampton, 2d July, 1840.

Rum and Loaf Sugar.

150 PUNS. Jamaica, Demerara, St. Kits and St. Croix RUM; 30 Hhds. and Tierces Loaf SUGAR. For sale by
July 24. W. H. STREET.

BRANDY.—5 Hhds. and 13 Cases superior Cognac Brandy, just received per *Edwin* from London, for sale by
August 14. JAS. MALCOLM.

Deals Wanted.

THE Subscribers require about 200 M feet SPRUCE DEALS, half of which must be bright, the remainder may be rafted.
July 17. RATCHFORD & BROTHERS.

PINE BOARDS.—300 M. feet of Pine Boards, for sale low if applied for immediately, by
JOHN ROBERTSON,
Aug. 14. *City Bank Building.*

Ex 'EDWIN,'—London:

240 KEGS best London White LEAD; 5 Pipes, 10 hhds., 20 Qr. casks Sicily MADEIRA WINE.
7th August. W. H. STREET.

New Vessel for Sale,

NOW on the Stocks at Londonderry, Nova-Scotia, a new Brig of the following dimensions: Length of keel, 67 feet 4 inches; breadth of beam, 21 feet 7 inches; depth of hold, 11 feet.—She is built of as good materials as this country can afford, is now ready to be launched, and will be sold on reasonable terms, on application to
CRANE & M'GRATH.
Sept. 24, 1840.

BRANDY.

Per Brig *Friends*, from Liverpool:

35 PIPES, 20 hogsheads, 25 Quarter casks COGNAC BRANDY; now landing from the above vessel, and for sale low from the Wharf, by
Aug. 28. ALEXANDERS, BARRY & Co.

ANNAPOLIS HOTEL.

THE subscriber respectfully begs leave to inform the Public generally, and travellers in particular, that he has erected a large and spacious HOTEL, upon the old site, immediately opposite the Steam Boat Wharf and Ferry Landing. This Hotel offers particular advantages to travellers on account of the comfort of the building, and its convenience to the Steam Boat landing. The office of the Royal Western Stage-is also kept at this hotel.—The subscriber trusts that he will receive that support from the public which his exertions have entitled him to.

N. B.—A choice selection of Wines and Liquors of every description kept constantly on hand.

Horses and Carriages can be always provided at the shortest notice. LAWRENCE HALL.
Annapolis, Sept. 22, 1820.

SAINT JOHN HOTEL.

THE Subscribers having leased the above named Establishment from the Company, and put the whole in a thorough state of repair, they respectfully beg to intimate that the House will be re-opened on *Monday next*, the 17th instant.

They are determined that every thing which can conduce to the comfort and convenience of those who may patronize them, shall be strictly attended to on their part, and they confidently hope that their exertions will merit a share of public support.

☞ A supply of the choicest Wines and Liquors will be constantly on hand at the Hotel.

WILLIAM SCAMMELL,
JOSEPH SCAMMELL.
St. John, Feb. 15, 1840.

☞ NOTICE.

ALL Persons having any legal demands against the Estate of DANIEL BRUNDAGE, late of Carleton, City of Saint John, N. B., deceased, are requested to present their accounts, duly attested, within Twelve Months from the date hereof; and those indebted to said Estate are required to make immediate payment to

HANNAH A. BRUNDAGE, *Adm'rx.*
WM. OLIVE, Sen. *Administrator.*
Carleton, 30th April, 1840.

Per Sophia,

198 COILS Manilla ROPE, of very superior quality, assorted from 6 thd. to 3½ inch:

23 Reams Sheathing Paper; 1 case Stationery:

The above are now landing on the subscriber's wharf, and will be sold low if applied for immediately. JOHN ROBERTSON.
24th July, 1840.

Miscellany.

THE RIGHT HONOURABLE LORD JOHN RUSSELL.

The curious in street characters will have observed, now and then, a diminutive, pale, sickly-looking gentleman, dressed in deep black, and with scrupulously clean linen, cautiously stepping his way, with the stealthy pace of a sedate cat, between the Treasury and the House of Commons.—His small, sharply-defined features appear to advantage from the extreme paleness of his skin, and there is an air of abstraction and even of melancholy about him which interests you in his favour. He holds his arms in a peculiar and somewhat fussy way, bowed out like the claws of a crab; and there is a slight swagger in his gait, which you may always more or less perceive in little men, and which means that they are crowding all sail to appear big men. This neat little individual is Lord John Russell, the manager of the House of Commons, the ballast of the Ministry, and the pet of the Whig party.

Lord John Russell is a striking instance of the aptitude of the well-known saying of Oxenstiern. It is perfectly astounding how a man possessing no oratorical powers whatever—in fact, unable to utter half-a-dozen grammatical sentences consecutively, and who is utterly without that usually sufficing substitute for talent, wealth—should have wriggled himself up to the high and commanding position which he holds in the House of Commons. Coming from any other man than Lord John Russell, the speeches with which he generally favours the House would most probably be coughed down, or, at all events, fall still-born; but from him they are always listened to with breathless attention, and go to swell the reputation for practical sense which he has attained. The whole secret of his political success, in fact, lies in his unequalled tact—his keen foresight of the mutations of the popular opinion, and the weathercock readiness with which he yields to the swaying influence of the popular breath. In the House of Commons (with his own party, I mean) he is quite an oracle, and I would undertake to produce at least an hundred members who would follow blindfold whither Lord John Russell led them. He is eminently the man of the middling classes—mediocre in everything. No enlarged and noble political views, sacrificing present profit to future good, interfere with the shrewd cunning with which he gropes his way through political questions. No fine bursts of oratory ever carry him out of the eternal monotony of his ministerial expositions. He is nothing, if not practical—the philosopher of the moment; and his chief wisdom consists in getting out of scrapes.

I have said that he is the pet of the Whigs. He is deservedly so. What would they do without him? Lord Melbourne takes care of the House of Lords; and, by reason of his case-hardened conscience, which resists all attempts at impression, he contrives to make the free-and-easy system to go a great way. But such a man would not do in the House of Commons. There, a Minister *must* be able to answer a question put to him; he cannot affect the *pococurantic*, the "I don't know anything at all about it, but I'll look into the papers" system. The leader of the House of Commons must be always prepared. He must know everything, answer everything, yet never commit his party. Lord John Russell is particularly clever in these tactics. He acts as a sort of conductor to his party—exposed, as being the most prominent, to the lightning shafts of opposition, but instinctively repelling them, and even sometimes directing their course elsewhere.

Lord John Russell's political career has peculiarly fitted him for the position which he now occupies, his name being prominent in all the leading movements of his party for many years past. From a very early period after his first entrance into Parliament, he was entrusted with the introduction and management of measures of great importance.

The periodical motions for partial Parliamentary Reform were almost invariably brought forward by his lordship. In the memorable year 1829, he drew up and published a petition to the King, prefaced by a letter to Mr. Wilberforce, in which he exhorted that gentleman to adopt a mediating course with reference to the unhappy question between his Majesty and his consort. This step made a great noise at the time, though no result followed from it. When the Reform fever was at its height, Lord John was allowed to introduce the measure, in compliment to his former exertions in the same cause, and it says much for the discretion of his Lordship that his head was not turned by the flattery and popularity with which the mob accompanied him wherever he went.

But, notwithstanding all these claims to attention, it is still matter of astonishment that an assembly like the House of Commons should be under the influence of a man possessing so few of the higher qualifications of a statesman. Without eloquence, without imagination, without any impressiveness of manner, or commanding physical qualities; still that little man contrives to make himself the most important person in the assembly. Let it not be supposed that it is his position only that makes him regarded with attention. Quite the contrary. There is not at the present time a member of the Government in the Lower House who could adequately fill his place. There are many better speakers, many sounder thinkers, many men with a much larger stake in the country; but not one of them possesses that most necessary Parliamentary qualification—tact—in the same degree. Not have they his self-possession and command of temper. His genius lies in what is supposed with other men to be incompatible with that quality—in his strong common sense. He is an extraordinary ordinary man. He would almost seem to have been created for his peculiar duty, so well able is he to steer his party safely among the rapids, the shoals, the eddies, of their tortuous political course.

Strang to say, he would seem to be unconscious in what his real strength consists. When left to his own choice he exhibited himself as a poet and an historian, and put forth claims to a literary position, for which his want of imagination and of the power of comprehensive grasping eminently unfitted him. It is eminently fortunate for his party, and his own reputation, that he has been, in some measure, forced into that position in which alone he could be really useful, and that the vagaries of his vanity have not entirely seduced him from his proper sphere—the practical. His parliamentary career will identify him with the history of his country; but as the author of Don Carlos and the Historical Sketch, he would have sunk into oblivion. Indeed, those productions—even their very names—would long since have been forgotten, were it not that they are every now and then dragged from their obscurity, in order to point the ridicule of his opponents of the press.

As a speaker, Lord John Russell is actually absurd. To read his speeches in the papers, after they have been subjected to the purifying and polishing arts of the reporters, one would imagine that he really was able to command something like an art of delivery. But, hear him speak, and the illusion vanishes. In a small, thin, unimpressive voice, rendered still more ineffective by constant hesitation and apparent inability even to conceive his ideas, he may be supposed to deliver himself thus:—

"Ah, Sur—(here a step forward to the table and then a step backward into the old position)—Sur—in risin'—in risin'—to move the second readin'—in risin' to move the second readin'—of the bill of which I had given notice—ar—for to-night—ar—of the bill for the disfranchisin' of the class of freemen, called pot-wallopers, I am anxious, Sar, I say to say a few words—ar—in explanation—ar—of the course which her Majesty's ministers, lookin' at the situation in which they hev bin placed with regard—ar—with regard to this question—ar hev thort it their dooty to take. (Hear, hear.)

From this short specimen of the commencement of a speech, the reader may form some idea of the manner in which the noble lord would contrive to stagger through it. It would be difficult to imitate the art with which he contrives to wrap up nothings in vague but specious language, so as to give them the air of the most candid statements. The natural hesitation of his manner is not much helped by the clumsy and involved habit of thinking, which he has fallen into. It is sometimes utterly impossible to understand what it precisely is which he is desirous of impressing upon you. You always "wish he would explain his explanations."

Lord John Russell has been a good deal knocked about in the world, that is to say in the parliamentary world. Up to the year 1829 he sat for Tavistock. In that year he sat for Huntingdonshire. Then again he was member for Tavistock until 1830, when he took refuge at Bandon Bridge. In 1831 he sat for Devonshire, and kept his hold upon the county till 1835, when the appropriation clause ejected him, and he was obliged a second time to creep into parliament through a pocket borough, and he has sat for Stroud ever since. After a prolonged exclusion from all hope of office and its sweets, he was in 1830 appointed Paymaster of the Forces under Lord Grey. From that period he has continued a member of the Whig government whenever the Whigs have been in office; and with so accommodating a political conscience as he possesses, he might bid fair to remain so long as the party continues in power. It is generally understood, however, that he is determined on quitting public life; and as, by the death of his father, he has acquired in accession of 50,000*l.* to his former very scanty income (only 800*l.* a-year, I believe), he can the better allow himself to give up the salary which he now enjoys as Colonial Secretary. The loss of his lovely and amiable wife (the Lady Ribblesdale) a short time since, preyed upon his mind and has impaired his health, which affords him another reason for quitting the turmoils of party strife. Whenever he does so, he will carry with him the personal respect and regard of all who have ever held intercourse with him; and, however his political career may have caused offence to the more staunch and consistent friends of our constitution, I am sure they will be among the first to regret, in a personal point of view, his departure from public life.

THE IRISHMAN.—By Dr. MAGINN.

There was a lady lived at Leith
A lady very stylish man,
And yet, in spite of all her teeth,
She fell in love with an Irishman,
A nasty ugly Irishman,
A wild tremendous Irishman,
A tearing, swearing, thumping, bumping, ramping, roaring Irishman.

His face was no ways beautiful,
For with small-pox 'twas scarr'd across;
And the shoulders of the ugly dog
Were almost doubled a yard across.
Oh, the lump of an Irishman,
The whiskey-drinking Irishman;
The great he-rogue, with his wonderful brogue, the fighting, rioting Irishman.

One of his eyes was bottle-green,
The other eye was out, my dear;
And the calves of his wicked-looking legs
Were more than two feet about, my dear;
Oh, the great big Irishman,
The rattling, battling Irishman—
The stamping, ramping, swaggering, staggering, leathering swash of an Irishman.

He took so much of Lundy Foot,
That he used to snort and snuffle, O;
And, in shape and size, the fellow's neck
Was as bad as the neck of a buffalo.
Oh, the horrible Irishman,
The thundering, blundering Irishman—
The slashing, dashing, smashing, lashing, thrashing Irishman.

His name was a terrible name, indeed,
Being Timothy Thady Mulligan;
And whenever he emptied his tumbler of punch
He'd not rest till he filled it full again,
The boozing, bruising Irishman,
The toxicated Irishman.
The whiskey, frisky, rummy, brandy, no dandy Irishman.

This was the lad the lady loved,
Like all the girls of quality;
And he broke the skulls of the men of Leith,
Just by the way of jollity.
Oh, the leathering Irishman,
The barbarous, savage Irishman,
The maiden's hearts, and the gentlemen's heads, were bothered, I'm sure by this Irishman.

Women the best judges of beauty.—"It is rare to hear from a lady such a candid acknowledgment of another's beauty," said Mr. DeLacy. "Do you think so?" said Kate: "now, it has always occurred to me, that women are quite willing to admit one of their own sex to be beautiful, if she is so; but they are naturally more fastidious than men." "Why so?" "Because they read more poetry, and more frequently learn to draw and paint, and therefore have a more true perception of what is beautiful than men have. They know when a face offends against proportion and harmony more readily than men, and therefore are accused of being envious of the said face's charms. Men generally think a woman pretty, if she is large and lively, and if she takes pleasure in their society."—*Clandestine Marriage.*

GRACE MAL-A-PROPOS.—A milliner's apprentice, about to wait upon a duchess, was fearful of committing some error in her deportment. She therefore consulted a friend as to the manner in which she should address this great personage, and was told, that on going before the duchess, she must say—her grace, and so on. Accordingly, away went the girl, and, on being introduced, after a very low curtesy she said, "For what I am going to receive, the Lord make me truly thankful." To which the duchess answered, "Amen."

THE QUEEN.—Lord Frederick Fitzclarence related the other day at a public meeting on the Scottish borders, the following anecdote:—"Some time ago I was intrusted to present two addresses to her Majesty from the inhabitants of these districts, and, in order to lay them at her Majesty's feet, I waited one day at Buckingham House, where I represented the situation in which this part of the country is placed, and the desire which prevails to establish schools for the benefit of the children of the lower orders. I only mentioned this at two o'clock in the day, and when I proceeded home I found on the table a draft for 100 guineas for the benefit of the poor."

A Tailor's Infernal Machine.—Giacomo Benolini, an Italian tailor, residing in a small town near Berlin, was a man of brutal and vindictive character, but for a time so far mastered his nature as to induce a young woman of the country to marry him. The honeymoon, however, waned before its time, and all the sweets were turned into bitterness.—Benolini treated his wife with such cruelty that she was forced to sue him for a separation. The parties met in the court, and sentence of divorce was pronounced. Upon this Benolini suddenly advanced to the table in the middle of the court, placed on it a small barrel which he had concealed under his cloak, and addressing himself to the judges, declared that they had delivered their own final judgment, for that the barrel was filled with gunpowder, which he would instantly explode: and, producing a flint and steel, began to cover his infernal machine with sparks. The court being on the ground floor, the judges, counsel, plaintiff, witnesses, and audience, were all once seen scrambling pell-mell from the windows as well as the doors, leaving the infuriated tailor to blow up himself alone. The barrel, however, was well hooped, and though Benolini continued to shower his sparks, the contents remained untouched, time enough to admit of a fire engine being brought, which deluged the tailor with water. He was afterwards seized and pinioned, and the barrel secured and examined; when, instead of gunpowder, it was found to contain only some hemp seed. On being afterwards examined as to his motives for this extravagant joke, he said he only meant to punish the judges for deciding against him. They, however, turned the trick upon him, by condemning him to two year's imprisonment.

BANKRUPTCIES IN 1839.—The total number of bankruptcies in England and Wales in the last year was 1653, being an access over the previous year of 240. Of these there were connected with manufactures 223, with agriculture 105, and of other classes 755. Of the former there were connected with the cotton trade 51, woollen 25, silks and linen 4, ironwares 19, building trades 47, and miscellaneous manufactures 64. Connected with the agriculture there were 5 farmers, 41 corn, hay, and hop dealers and millers; 23 cattle and wool dealers; 11 dealers in coaches and horses, and 25 brewers, maltsers and distillers. Of miscellaneous trades there were 114 innkeepers and victuallers; 172 merchants, bankers, warehousemen, agents, and wholesale dealers; 421 shopkeepers, tradesmen, and retail dealers; and 43 not included in any of the above. The greatest number of bankruptcies, or 259, occurred in Middlesex, and the next, or 246 in Lancashire. In Rutlandshire there were none, and there was but one in the counties of Huntingdon and Westmorland. In the whole of Wales there were but 17.

GRACE DARLING.—Many inquiries having been made respecting the money raised for Grace Darling and others, who assisted at the wreck of the Forfarshire, steam-boat, we have authority to state that £742 16s 6d stock have been invested in the funds for Grace; £246 12s 7d has been paid to William Darling, and £27 to each of the seven boatmen.—*Newcastle Journal.*

LIBEL CASE.—(CONTINUED.)

SUPREME COURT—FREDERICTON.
Friday, November 30, 1840.

THE QUEEN *vs.* LEWIS W. DURANT.

Before His Honor Mr. Justice PARKER.

The Court met at 10 A. M.

The Jury having been called. The Atty. General stated that in consequence of an informality in the 2d Count of the Information, the Crown would be forced to abandon it and rely upon the first count alone—This course was opposed by Mr. Street for the Defendant, who thought that Informations differed in this respect from Declarations, where the Party had a right to abandon any particular count. His Honour thought the course pursued by the Attorney General was regular and the 2nd count was abandoned.

Charles P. Wetmore, Esq.—examined by Mr. Street. I am Clerk of the House of Assembly; I have seen this paper the Chronicle of 28th February, 1840, and read it. The witness was then asked as to what was alluded to by the four different constitutions spoken of—This was objected to by Mr. Kinnear, who contended that no evidence of facts could be given, and rather a lengthy argument occurred, in which the five Counsel for the Crown and the three for the Defendant all took part: His Honor decided the evidence was admissible.

The witness proceeded.—The article refers to certain documents which were sent from the Home Government and communicated to the House of Assembly by the Governor: here the last paragraph alludes to the Governor's Circular Memorandum. The repairs mean the repairs of Government house—Mr. James Taylor is Mr. Taylor of Fredericton, member for York: allusion is made to the sums granted by the House for repairing Government House: Mr. Taylor superintended them: Accounts were sometimes rendered in name of James Taylor & Co.: I have seen the Accounts in the House of Assembly; I could not form an opinion of the correctness of the Accounts without inspecting them: Accounts were laid before the House last session: I handed them at close of Session to Mr. Partelow: I could not tell whether the article is a fair comment on Circular Memorandum unless I had read it: I think the article is an imputation on the Governor: Some of the Despatches are on the Journals of the House.

Cross examined by Mr. Wilmot.—I could form an opinion that that was a reflection on the Governor without seeing the Accounts or how they were made up.

The Circular Memorandum of Sir John Harvey, the Despatches of Lord John Russell, and the accounts of Government House were then offered in evidence by Mr. Street for the Defendant.

The Solicitor General stated his objections at length to the evidence.

Mr. Street, Mr. Botsford and Mr. Hazen addressed the Court on the admissibility of the evidence, and contended for it on various grounds and different principles.

Mr. Chandler, Mr. Kinnear, and Mr. Wilmot were heard in support of the Sol. General's objections to the Evidence.

Mr. Street replied.

The learned Judge reviewed the cases which had been cited, and the different arguments of Counsel at some length, and concluded by ruling all the evidence offered to be inadmissible, and refused the Government House Accounts, the Circular Memorandum, and different Despatches: reserving the points for the Defendant.

This closed the Defendant's evidence.

Mr. J. Ambrose Street for the Defendant addressed the Jury.

He said that he felt that his learned Friends and himself had undertaken a very responsible, important, and arduous duty, in conducting the Defence on the present Prosecution, not only as respects the Defendant but the Public, so much so that he regretted so far as he individually was concerned, that it had not fallen upon the shoulders of some person much more capable of doing justice to the cause than himself; but as the lot had fallen to him, he should endeavour to discharge his duty to his client fearlessly and independently. It was important and responsible as respects the Defendant, inasmuch as upon the Verdict of the Jury that day depended the liberty and perhaps the future prospects of the Defendant. It was important as respects the Public inasmuch as the great bulwark of English Liberty, that great censorial power of the people—that great check to the improper exercise of power on the part of the officials of the country—that had done so much both in this and the Mother Country towards establishing and upholding the rights of the people, the Liberty of the Press was involved. The duty was arduous, inasmuch as they were in conducting the Defence opposed to all the combined influence of the Executive & Legislative powers of the country, as was strikingly evinced by the array of legal learning and talent ranged on the side of the Prosecution—that was the Attorney and Solicitor General and three Queen's Counsel, all lending their combined efforts in support of the Prosecution, all of whom were members of the Legislature, and had as his learned friend Mr. Hazen had truly stated in the opening, taken a part in moving the Address to His Excellency for the Prosecution. The Attorney and Solicitor General he believed much against their inclination, and although they were anxious to retire from the debate, like His Honor the Chief Justice, yet so excited were the Council they would not allow them, and he believed the Council were almost inclined to bring the Chief Justice himself from Solomon's Porch, to take part in the Address: from these circumstances the Jury would readily perceive the disadvantages under which the Defendant laboured, and it would probably bring to their recollection most forcibly that beautiful story in the Holy Writ of David and Goliah. There was the array of Queen's Counsel already described, dressed off in full armour with all the Legislative and Executive influence of the Province combined for their shield, and the long roll of parchment for their sword, opposed to the small and juvenile Defendant, with nothing but a good conscience for his Sling and a good cause for his Pebble, and boldly standing forward in battle array to meet this mighty Host, and God grant (said Mr. Street) that for the Defendant's sake, for your sake, and for the Country's sake, that the result of the conflict may be similar. This prosecution was instituted for a Libel or alleged libel on His Ex'cy Sir John Harvey, as Lieutenant Governor of the Province. He would direct the attention of the Jury to certain remarks which had fallen from the learned Atty. General, to many of them he would most cordially subscribe. He had said that it was found (as the law stood since the act passed relative to the duty of jurors in cases of Libel) necessary that the Jury should be satisfied that the publication complained of was of a nature likely to produce public mischief, and that this should be set forth in the information. They must then not only be of opinion that the averments were substantially true, but that the publication in which they were called upon to judge was pernicious in its tendency and likely to lead to mischief. The learned gentleman here referred to certain allegations in the information, and remarked that the Crown had abandoned the charge against the Defendant as far as the authorship of the article alluded to, and that he was now before the Court as the mere publisher; and that the Jury could not find him guilty of the charge of publishing a Libel unless they were thoroughly satisfied that his intentions were malicious, and that the paper he had published would be attended with results mischievous to to the community and the public good of the country. His learned friend the Atty. General had stated that the proceeding by Information was the most dignified and the most correct course for the Crown to pursue on this occasion; but he would quote authority to show that it was most arbitrary, and gave the Crown great advantages which no other mode of proceeding would give them.—Formerly a party must apply for leave to file information, and the court would allow opportunity for contradicting the charge; or he might go before the Grand Jury, and they must pronounce it a libel before he could be called upon to answer. It was only in cases where government were concerned, that the Attorney General was justified in resorting to this arbitrary mode of proceeding; and Blackstone had declared that it was only in cases of great mischief resulting from delay, that that officer could resort to prosecutions of this nature. By a statute of William and Mary subjects were prohibited from filing informations; nor could it be done except in cases of misdemeanour, or below the dignity of felony. The Attorney General under this mode of proceeding could call a defendant into court, or drop the prosecution if he saw proper; and the defendant must pay all his costs. The learned gentleman here read several authorities, to show the injustice and hardship of proceeding by information, which he said was exemplified in the present case; as instead of bringing the defendant to Fredericton, and his being put to great inconvenience, the trial should have taken place at St. John. The Jury would observe the test is great public mischief; and the Attorney General fearful that this would operate on the minds of the Jury, had charged the defendant in the information with endeavouring to bring Sir John Harvey into great contempt and hatred. Now it would be necessary to prove, before the prosecution could be sustained,—first, the publication; secondly, the truth of the introductory averments, the intendes; and thirdly malice on the part of the defendant. The learned gentleman here read authorities to prove, that malice was essential to constitute crime—and of this the Jury were the judges; who must be satisfied it existed before they could convict; and also of the truth of the averments.—Then as respects the liberty of the press, the Atty. General had said much, and must know a great deal; and he would call his attention to the law on that subject, where the liberty of the press is construed to mean, the right of every man to represent grievances, when he does so on candid and fair grounds; and which cannot be questioned. The law which the learned Attorney General had read was read,—they only differed as to its application. He Mr. S. viewed it as liberty given to animadvert upon public measures, so long as a party was not actuated by improper motives; and he quoted Starkie on Libels to prove that it was right to discuss the conduct of government, provided the object was not to gratify private revenge or work public mischief; for if a person is actuated by correct motives, the law says it is no libel. And De Lolme, altho' a foreigner, in his excellent treatise on the British Constitution, says the people have a right to canvass public measures, with whom rests the censorial power; and to which they are indebted for all the liberties they enjoy. And he would ask if this is the state of public liberty in England, why should it not be enjoyed in this colony, whose inhabitants have the same constitutional rights and privileges as those in the mother country. In calling the attention of the Jury to the liberty of the Press, he should not follow the example of the Atty. General, who had gone as far back as 1521, and had only ventured to make one reference to the subject. He preferred more modern authorities, and those which were more in accordance with public sentiment in the present liberal times.—Baron Park says, public men are public property. Mr. Justice Coleman, says the same, and further that public acts may be