

of men issued forth from their lines, who opened a tremendous fire of musketry against the positions in question, endeavouring to carry the battery within the Quinta, and to possess themselves of the village of Lordello, with the object of cutting off the communication between the city and the sea. This attack, which extended to the left as far as the Pastallerio, was most vigorously supported, and at one time the enemy succeeded, in spite of all opposition, in gaining possession of a part of the high road from the city to Foz, whence they were only dislodged at the point of the bayonet by a charge from the brave fellows under the command of Colonel Dodgin and Lieut.-Colonel Shaw, who afterwards assisted in repelling them to a considerable distance, when the firing, for a short period, almost entirely ceased.

At half-past 9 p. m. the attack was renewed with much fury, and the assailants advanced up to our batteries, and obtained temporary possession of a covered way forming the communications between the Pastelleiro and a new redoubt to its right, which latter they surrounded, but in the end their success was no greater than on the previous occasion, as they were shortly afterwards again compelled to retire to their lines, leaving the fields strewn with dead.

On this occasion the enemy's cavalry was brought into action for no other purpose that can be guessed at but to animate their infantry; the former were, however, cut to pieces, a troop of them actually attacked the last-mentioned redoubt, and when I visited the spot in the afternoon, the carcasses of 11 dead horses were lying in its front, two of which were six yards distant from the fosse of the works.

The attempts upon this part of the lines having proved unsuccessful, the enemy determined to try his luck in the direction of Bom Fim, between which battery and the river Douro they shewed themselves in great numbers and rapidly drove in our outline pickets. A body of men, composed of the 5th and 12 Cadadores, with a detachment of French, and some Lancers, were sent out against them, who charged their advanced force, and compelled them to retreat. In this affair Don Fernando de Noronha, nephew to General Saldanha, was unfortunately killed, and General Bento da Franca and three other officers wounded. On the left, Colonel Cotter was killed, his head being partly carried away by a cannon-ball; his son-in-law, Captain Cotter, was wounded in two places, and had his leg amputated during the action; Volunteer Lacy killed; Captain Robinson and Ensign Russell severely wounded. A good number of Portuguese and Six German officers were likewise killed or wounded, and judging from the number already brought into the hospital, I should imagine the day's amusement will have placed 500 men hors de combat, and on the part of besiegers more than double that number. The spirit of the inhabitants was strikingly shewn throughout the day, and many of them on duty as volunteers lost their lives in the action, or carried home honorable wounds. Four women passed me bringing in a wounded man upon a litter, and I was almost ashamed of myself at hearing a young woman of 20 exclaim to a companion, "We will bring in the wounded, that the men may defend the lines." At the Quinto de Vanzeller women carried out powder to the troops amidst the thickest of the fire. Brigadier Duvergier, who was visited by the Emperor whilst confined to his bed, died of his wound on the 23d instant, and was interred in the church of Codofeita on the following day.

Miscellaneous.

REFUSAL OF CHURCH RATES.—Yesterday week, forty-one tradesmen, inhabitants of St. Stephen's, Norwich, were summoned before the Mayor and Magistrates, for non-payment of church rates. Mr. Palmer contended, on behalf of the parishioners, that the magistrates had no authority to enforce the payment, and the summonses were accordingly quashed. The objections were, that the Churchwardens had added several items to the rates, which the parishioners contended ought not to have been added—among which were a new flag and pole; and that 40l. were charged for the salary of the organist. The Churchwardens will probably seek the assistance of the Ecclesiastical Court to enforce their demands.—*Sun.*

CANADA.—Accounts from Lower Canada, state that the Committee appointed by the Legislature, to form a new Constitution had agreed upon one as follows:—An elective Legislative Council, chosen by landholders having a net income of 10l. in the country and 20l. in the cities, to have been resident one year within the circle where the election takes place. The eligibility is to be restricted to subjects of his Majesty, having attained 30 years of age, and having resided in the province for a period of not less than 15 years, and possessing property in the province of at least 100l. value for those elected for the country, and 200l. for those of Quebec and Montreal. The duration of the Council is to be limited to six years, and removal is to be made of one-sixth part every year, it being to be determined by lot, during the first five years, which member shall

retire. When a vacancy occurs, the new member is only to be elected for the remaining period left unfilled by his predecessor. The number of the members to be equal to that of the counties, cities, and divisions thereof, or other circles sending members to the House of Assembly, with the exception of boroughs whose population does not exceed 2,000 souls, who would only have to vote in the counties of which they made a part, so that the number of Councillors would be nearly half that of the House of Assembly. The Speaker, or Chairman, to be chosen by the members, subject to the approval of his Majesty. Judges to be ineligible, as well as the Clergy. The members of the present Legislative Council are not to belong to the new one, except they are re-elected; or if his Majesty's Government persist in retaining them, they are to be considered as supernumerary members.—The Legislative Council is not to be subject to dissolution. The members are not to accept otherwise than by Bill any place of profit or honour, during good pleasure, excepting those of Justice of the Peace, and of Militia, nor become accountable for the public money, nor receive any, directly or indirectly, from the Executive Government, without subjecting themselves to a re-election.—Individuals offering themselves as candidates, must make oath to their qualification, and if not present, their electors must make affirmation of the same to the best of their knowledge and belief. The members, when elected, were to take the same oath previous to taking their seats. When members were elected both for the Legislative Council and the Assembly, they were to choose which they accepted of.

THE ICE.—Several of the vessels from Great Britain which have arrived within the last few days, experienced strong contrary winds from the close of May to the 10th and 12th July, and were from forty to fifty days in making the Banks of Newfoundland, where they fell in with ice-bergs of extraordinary size. One of these bergs seen on the 1st July, lat. 46, long. 49, was supposed ashore in 65 fathoms, and rose from 80 to 110 feet above the sea, being from 2 to 3 miles in circumference. By the operation of the thawing and the undermining by the sea, immense masses of it were occasionally detached from the berg, with a noise like thunder, raising the water in the fall to a great height. Within a circuit of 50 to 110 miles from the berg, eight or ten pieces of 20 or 50 feet high, could always be seen from deck when the weather permitted a view of a mile or two round the ship. The weather was, however, generally hazy; and in the night the ships avoided striking with difficulty, being only warned of their danger by the loud roar of the breakers on the ice.—*The thermometer ranged from 35 to 40.*—*Quebec Gazette.*

P. E. ISLAND, August 13.—On Friday night, last, and on the Saturday following, the wind about North, we were visited by one of the most tremendous and destructive storms, accompanied by incessant rain, ever witnessed on this Island. Its ravages are to be seen in every direction. The new Episcopal Church, in this town, has been razed to the ground, and several houses and stables injured. The gardens and fields have suffered very materially, by the destruction of the ornamental and fruit trees and fences.—From all parts of the country we have accounts of barns blown down and cattle killed, roads choked up by windfall, &c. A great number of cattle will, no doubt, be lost in the woods.—The distress among the shipping, particularly on the north side of the Island, is very great.—*Halifax Journal.*

Joseph Lancaster, the celebrated founder of the new system of education, is residing in poverty at Montreal in Canada, labouring for his living, and the maintenance of a wife and family. Some of the friends of general education in London are about to appeal to the public, in order to raise an annuity for his life, and to procure for his children that education and establishment which he has been the instrument of providing for hundreds of thousands.—*News.*

CARBONAR STAR.

WEDNESDAY, SEPTEMBER 11, 1833.

It is more in pity than in anger that we again use our pen in so ungracious a task as that of repelling another malignant attack made upon us, in the *Mercury* of Friday last, under the signature of CHARLES COZENS. We cannot but feel pity for a fellow-creature who is so callous to every feeling of shame as pertinaciously to thrust himself and his belongings before the public. Mr. Cozens ought to know, by this time, that however disposed the community might have been to commiserate him by reason of his private misfortune, and to forget himself and his political errors together; it will not tolerate the effrontery of a man who ought to hide himself from the eye of the world, instead of inviting a style of controversy which is mean in itself, and reflects little credit on him who has adopted it.

The letter above alluded to it is not our intention to say much upon. A great portion of it was disproved in one of our former publications; and, by Mr. C's own admission, a part of his first letter contained untruths; after this acknowledged, our readers may form their own judgment of the truth or falsehood of the whole.

A string of questions (some of which are highly amusing from their sapience), appear to contain the gist of the late publication; and these the writer calls "facts"—"stubborn things." It is really the first time we ever heard that putting a question was proving a fact. We need not therefore wonder that the hon. member for Conception Bay should have stated as *facts* what were merely the hallucinations of his brain. Even in the most trivial circumstance mentioned in his letter, he falls into an error. He says our third and last interview, was at a "certain house in Harbor Grace"—this certain house was Mr. Parkin's, where Mr. Cozen's kept open house for his supporters, and where we were introduced and first spoke to him, and what he mentions as having occurred at that interview is pure invention, which the gentlemen present (only two or three) can certify. In reference to election matters, the subject has so little to do with the controversy, that it could have been introduced only from a malignant motive. In speaking of these matters he also makes an assertion not founded in truth. As to the disgraceful banner, no one execrated its purport more than ourselves; and we can say without fearing contradiction, that all those gentlemen whom Mr. Cozens seeks to abuse through us, entertained a like feeling. Mr. Cozens should remember, in his anxiety to malign others, how obnoxious he is to a charge similar to that advanced against us. The flag in question was carried a few feet in advance of himself on the day he says we were acting under it.—Might not Mr. Cozen's have been the instigator of the man who carried it?—It did not make its appearance until that gentleman visited this town.

But enough of his letter.—Let us proceed to state the reasons why Mr. Cozens should resign his seat in the Assembly.

We have, up to this time, endeavoured to avoid advertent to the most powerful reason for Mr. Cozens's resignation of the onerous situation of a representative of the people.—We did so, not feeling a wish to speak on a subject which, we are fully aware must be wormwood to the person who has now, for the second time, endeavoured to force the question upon us. We shall refrain no longer.

Mr. Cozens when he asked the people of Conception Bay for their suffrages, candidly acknowledged that he possessed no abilities to fill the office of a legislator, and that, of course, every one acknowledged, it being unquestionably true. Now this fact being conceded, what other claim had Mr. Cozens? We will state it in a few words—by means of a large credit, which his debts amply prove, he extensively supplied for the fisheries, and by consequence obtained great influence, which influence, having been acted upon by him, ensured his return without any other qualification being demanded. It was the fortune of Mr. Cozens also to request the suffrages of the people when they in the main, were ignorant of the good or evil that might arise out of the acts of a Local Government—they were in truth politically ignorant; and so little did the press of the time—the guardian of their rights (?)—care to instruct them; that for the use it was it might have been buried "ten thousand fathoms in the deep." We say it was this complication of circumstances that sent Mr. Cozens to the House, instead of a gentleman who would have done the community far more credit.—But the *principal* cause, and that which operated on all others, was a large floating capital; which we now find was not his own, and that Mr. Cozens knew when he asked for our suffrages, thereby committing an act of duplicity at the very commencement of his public life. It was to the capital Mr. Cozens was supposed to possess, and not to himself, that his neighbours presented their requisition!! (the truth of this he has seen, no doubt, ere now), and his supposed wealth was the representative they sought. That vanished and the representative is gone; and being gone it is our business to seek for another; the Charter giving us four representatives.

What we have already advanced we think sufficient to prove that Mr. Cozens has no right to act as a representative of this district; but fearing that he is impervious to such reasoning, we will proceed a little further.

An act passed in the reign of Geo. III. disqualifying an uncertificated bankrupt to sit in the House of Commons; and Sir James Scarlett in the trial *Cobbett v. Lawson*, stated that an uncertificated bankrupt vacates his seat immediately upon his being gazetted, and cannot again take it unless re-elected.—In this respect a bankrupt stands in the same

position as a man who accepts office under government. Now, if we are to enjoy *all* the benefits of the British Constitution; (and being British subjects, we ought not to be satisfied with less), why was not a writ issued by the Speaker for a new election for a member to represent Conception Bay in place of Mr. Cozens, who had disqualified? The Speaker and the House neglected their duty, but the electors should not have done so; they should have demanded the resignation of the man who *could* not independently represent their interests. What an anomaly! A free constituency with *almost* universal suffrage represented by insolvency!!!

Let us ask Mr. Cozens why he still holds his seat? Does he represent the interests of any particular body of his constituents? Is he so great a patriot as to expend the pittance, allowed him by his creditors to subsist on, in doing the duty of a representative? Or, is he holding his office to make it a stepping stone to some stipendiary magistracy or inspectorship of roads? The last question is that to which nine-tenths of his constituents will answer—yes! We have been informed that the hon. member expressed to his Excellency the Governor, a wish to resign (?) of course his Excellency would not listen to the proposition—he *would not permit him!!* Hear this, ye free electors of Conception Bay:—the head of the government would not permit *your* representative to resign. Is such an invasion of our rights to be quietly submitted to? Did Lord Goderich desire the Governor to interfere between us and our representative? No! he desired him to "respect the constitutional rights of the popular branch of the Local Legislature;" and, again,—“For your own guidance, it may be right to observe, that Colonial Assemblies, as they derive their general form from the model of the British House of Commons, so they have drawn their rules and system of procedure from the same source.”

That these directions have not been acted upon we need not remind our readers. Whether the exigencies of the case have warranted a deviation from them is a question, which, as far as it respects Mr. Cozens, must be answered in the negative. We could pursue this article much further, but conceive the public have now had quite enough of Mr. Cozen's and his "INDEPENDENCE." We must again, however, before we conclude intreat the people to vindicate their right to a free representation, by immediately calling on him to resign.

The public mind has scarcely recovered its equilibrium after the late dreadful murder, ere another of equal atrocity is perpetrated.

On Saturday the 31st ult. a man named SNOW, a planter, at Cupids, was murdered by two men named TOBIAS MANDEVILL and ARTHUR SPRING, who are in custody, by the connivance and with the assistance of the wife of the deceased, who absconded and up to this time we believe is not secured. The murder was effected as follows. On the night named above, the murdered man landed on his stage, when Mandevill immediately discharged a musket, the contents of which entered the breast of the unfortunate man; he fell and was instantly pushed into the water by the murderers, who then fastened a rope to the body, towed it to a distance from the stage and sunk it with a grapnel affixed to the rope. The above particulars were disclosed by the prisoner Spring, who was servant to the deceased, and had been hired by the Wife and Mandevill to commit the deed; but his heart failing him, when the murdered man was about to land, Mandevill seized the gun and discharged it, as above stated. The prisoners were taken up on suspicion on Thursday last, and on the following day Spring confessed. Great praise is due to Mr. PINSENT, Conservator of the Peace, at Port-de-Grave, for his indefatigable labours since the murdered man Snow was missing, to discover any clue that may lead to the cause of his disappearance. The body had not been found up to Saturday night. The murderers we understand are to be removed to St. John's. Mandevill was the cousin of Snow's wife, and kept the accounts of the deceased, who was very comfortably situated in life. Snow has left 9 children, all of whom he had by the woman who is so deeply implicated in the murder.

[The following letter, which appeared in the *Patriot* of Tuesday last, at the Author's request, is inserted in our columns. For the future, any letter which we are requested to copy from a contemporary, will be charged as an advertisement. Our reason is obvious.]

MY DEAR SIR,—I have read, with very great satisfaction, an able and most sensible letter in the *Newfoundlander* of the 29th ultimo, signed "A Small Farmer," commenting on the rack-rent system adopted by the local government in disposing the Waste Lands of this Island. In all the opinions contained in that letter, every real friend to the prosperity of Newfoundland must heartily concur; and I hope you will, through the medium of your independent Journal, call the attention of the public to the necessity of promptly attending to the recommendations of the "Small Farmer."

I am at a loss to account for the tenacity with which His Excellency Sir Thomas