

PASSING SENTENCE OF DEATH.—In the case of Lount and Matthews, the Chief Justice of Upper Canada used the following language:—"The awful sentence of death must follow your conviction. But although a power to pardon resides only in the Sovereign whose authority you endeavoured to subvert, if I could conscientiously encourage in you a hope that pardon would be extended, I should gladly do so—for it would render infinitely less painful the duty which the court has to discharge. I know no ground, however, on which I can venture to hold out such a hope; and I do therefore most earnestly exhort you to prepare yourselves for the execution of the sentence which is about to be pronounced. In the short time which may remain to you, I pray that you may be brought to a deep sense of the guilt of the crime of which you are convicted; and that you may be enabled to address yourselves in humble and earnest sincerity to the infinite mercy of that Saviour whose divine commands you have transgressed."—And by the last Canada papers we find the Judge passing sentence of death on 12 persons in the following terms:—He urged upon them all the importance of preparation for another world, and then pronounced the following sentence, (after calling each by name):—"That you and each of you be taken to the jail from whence you came, and that on the 25th day of the present month of August, you and each of you be drawn on a hurdle to the place of execution, and that you be there hanged by the neck until you are dead; then your bodies are to be quartered: and may God have mercy on your soul."

We are told that to this last expression, there were several who responded 'Amen.' One of the bailiffs, a stout fellow, burst into tears, and this soon became contagious. So strongly does Humanity speak against the punishment of death. The heinous nature of the offence is lost in pity for the offender, and thus the very design of such punishment is overthrown. And no marvel, since the command "THOU SHALT NOT KILL" (not Thou shalt not maliciously kill—Thou shalt not kill with evil intent—Thou shalt not murder,——mere human glosses it is believed of the word of God, but simply and emphatically "THOU SHALT NOT KILL") has been re-enacted and solemnly confirmed in the New Testament by the Saviour himself without any exception whatever, and in vain do we look in the New Testament for any suspension of its action, or any mitigation of its import, as in the political and civil code of the Jews, and which code was wholly done away with the coming of Christ. But it is not our intention to argue the question at present, but merely to draw the attention of our readers to the contrast between God and Man.

And what must be the feelings of a reflecting Judge, in passing sentence of death on a fellow mortal, reminding him that pardoning mercy is not to be expected on earth, and exhorting him to apply to that God who will not destroy the penitent, however great may have been his crimes! Do not such representations involve a contrast between human government and divine government, which is truly striking, and reproachful to the one or the other? If God is so merciful to the penitent offender, why should not man imitate his example? And if God, in mercy, waits to be gracious, and is disposed to allow the offender a space for repentance, why should human governments arrogate the divine prerogative, and hurry the transgressor to his final reckoning? In ancient times it was deemed just and honourable to kill captives taken in war; but now such deeds are deemed not only unjust, but barbarous and horrid. A similar change in public sentiment may occur in regard to felons. It is believed that the time approaches, when killing felons will be viewed with as much horror as is now generally felt, when captives taken in war are wantonly put to the sword. When we find that 45,000 persons of one denomination of Christians are constrained to petition against the punishment of death in all cases, not excepting murder, as in a late instance in Great Britain—when we know that the whole body of the Friends believe in the unscriptural nature of death punishments—when we hear Lord Brougham declaring that he entertains a doubt whether capital punishments should be inflicted even in the case of murder—when commentators of the Bible are beginning to remember we are not Jews but Christians, not under Moses but under Christ, and are expounding the New Testament as of paramount authority—and when it is known that in all the religious sects, the doctrine of the strict inviolability of human life is gaining converts every day, what may we not expect, what may we not hope for? Surely it shall come to pass, that "Mercy shall be built up for ever." But we do not rest our hopes and our cause on the plea of mere mercy; we assume the higher, firmer ground of strong justice. By this will we conquer.

News.—The Jamaica Gazette to July 14, has been received. It is filled with letters, documents, and facts connected with the new order of things. On the 9th of July the Governor issued a Proclamation to the Prædial Apprentices, in which he gives them joy of the great blessing of liberty conferred upon them, removes any misapprehension under which they might labour with respect to the property of their former masters, tells them that idle vagrants will be punished as in England—urges them to listen to the ministers of religion and acknowledges their excellent behaviour while apprentices. The Emancipation Act has seven sections—

two for emancipation, two to secure the laborers from being "turned right out of doors," two to provide for the sick and infirm, and the last to declare the day on which comes "a holiday throughout the island." The next document of interest is a second Proclamation of the Governor, requiring the religious observance of the First of August as a day of "General Thanksgiving to Almighty God," with "the same reverence and respect which is observed and due to the Sabbath." So much in earnest were the authorities to secure this, that when an association or party calling themselves "Friends of Freedom" made arrangements for a celebration by bonfires, fireworks etc., his Excellency published a letter disapproving of all such displays, as inconsistent with the proprieties of the occasion. As to the feelings of the negroes in the anticipation of freedom, we find only two cases of insubordination or unkindness, while the almost universal feeling is that of a desire to continue with their former masters on their own specified terms. In our estimation such a glorious triumph is more noble than all the blood-stained victories ever fought on embattled plains. And christianity will yet go forth in her bloodless career overturning other relics of barbarism amongst us, and introducing the reign of universal love and peace.

CROWN COLONIES.—From certain notices in the House of Lords, we learn that the Government will speedily liberate all the slaves in the Colonies appertaining to the Crown.

GRANT OF MINES.—Two Americans have obtained from the Crown office in New Brunswick, a grant of all the mines of every name and nature, whatever, in the entire territory of St Martin's—comprising a space of more than 287 square miles.

A Fire occurred lately at Hudson, N. Y., by which property estimated at from \$100,000 to \$200,000, was destroyed. The Fire, it is said, was caused by sparks from a steam Boat.

The reported death of 500 Indians, on the Mississippi, by steam explosion, has been totally contradicted.

Captain Longmire was tried yesterday, by Special Commission in the Court of V. Admiralty, for the murder of his Cook, J. Smith, on the high seas. Captain Longmire was acquitted and discharged.—*Novascotian*.

GOVERNOR KENT AND THE BOUNDARY.—The Bangor Whig brings us the following important information relative to the intentions of the Governor of Maine. Mr. Kent is in earnest, and the bitterest of his opponents will by and by be compelled to do justice both to the wisdom and policy of his administration. "We understand," says the Whig, that the Executive Government of the State are taking measures to have every thing in readiness to run the N. E. Boundary Line, according to the treaty of 1783, on the first of next month. We suppose the course taken will be to appoint Commissioners to proceed to run the line. If they meet with no resistance from the Provincial authorities, well and good; if they do, measures will be taken to protect the Commissioners by a competent military force. Already the attention of the Adjutant General has been invited to the subject."—*Portland Advertiser*.

Sixteen of the accomplices of Moreau, (who was lately executed) have been condemned to death, at Toronto. We trust that it will not be found expedient to carry the sentences into full effect. *Nbr.*

One of the sixteen prisoners alluded to above, Mr. L. W. Miller made the following speech—

"MY LORD:

"Your Lordship has asked whether I have any thing to offer why sentence of death should not be pronounced against me. I shall with the permission of your lordship, offer a few remarks, not however with a belief that I shall be able by any thing that I might say to turn aside the impending fate that awaits me. * * *"

"I am, indeed asked why sentence of death shall not now be passed upon me. If I had done a deed worthy of death, I would say, let it come; but I declare to your lordships, that according to the dictates of my own judgment, I deserve neither death nor bonds."

"I have not been guilty of the death of any one. I have taken from no one that which was not my own. I came not into your country to destroy its form of government. I came not upon its borders with arms in my hands. Young and inexperienced as I am, I was led into the error, for which I now stand convicted, by the advice of others. Had truth and justice prevailed, I should not now be called to stand before your lordships in peril of my life. * * *"

"When I became sensible of my error—when I found that it was better for me to return to my home—I was told that the lines could not be passed, and that if I forsook my party death would be my portion.—Thus situated what way was there for my escape?"

"I appeal, my Lord, to the lancers, whether I did not use my best exertions to stay the hand of the assassin. I appeal to every individual who was present at the attack upon the lancers, to say whether I did not do every thing in my power to prevent the death of any one, or the loss of any property."

"I am here, before your lordship, convicted as a felon; but appealing to my own conscience, I avow to your lordship and to this whole court, that I cannot consider myself guilty of a felonious act—yet, if it is my fate to suffer death, I must bow to the mandate which decrees it."

POST OFFICE, HALIFAX, Aug. 17, 1838.

Mails will, in future, be made up for St. John, N. B. on Monday at 4 o'clock, Wednesday at one, and Saturday at five. The Mails for Digby and Yarmouth will, in future, be made up on Monday afternoon, at 4 o'clock.

MARRIED,

At Truro, on Tuesday, 14th inst. by the Rev. Mr. Burnyeat, Mr. Joseph G. Browner, Printer, seventh son of the late Lieutenant John Browner, R. N. and latterly merchant captain, Liverpool, G. B. to Miss Harriet Penny, both of Devonshire, England.

DIED,

On Sunday evening, at 9 o'clock, after a very short but painful illness, in the 65th year of her age, Mary, wife of Joseph Starr, Esquire, of this town. By this dispensation of Divine Providence, an extensive family and connexion have been deprived of the best of mothers and kindest of friends, by whom her memory will be long and fondly cherished.

On Wednesday morning last, Ann Pender, wife of Michael Pender, in the 27th year of her age, leaving a husband and two small children to mourn her loss. Funeral this day Friday, at 4 o'clock from Richard O'Neal's, in Lockman Street.

At Nevis, July 8th, Captain John Bowden, of the brig Matilda of this port, a native of England, leaving a disconsolate widow to mourn his loss.

At Portland on the 27th of June, Mr. William Jessop, third son of the late Mr. John Hays, of this town, aged 35 years.

SHIPPING INTELLIGENCE.

ARRIVED.

Friday, August 17th—schr Canso Trader, Canso—fish; Margaret, Furlong, Placentia Bay, 8 days—herrings, to P. Furlong; Am. brig Emerald, Kinkain, Pictou, 6 days—coal, bound to Boston; schr Will Watch, Carr, St. John, N. B. and Welshpool, 4 days—dry fish and alewives to W. J. Starr and D. & E. Starr & Co; Hope, Ruggles, and Betsy, P. E. Island—fish and oatmeal.

Saturday, 18th—Schr New Commerce, Bridgeport—coal.

Sunday, 19th—Gov. schr Victory, Darby, Sable Island, 7 men and 22 passengers of the barque Granville; brig Atlantic, Lewis, Tobago and Grenada, 28 days—rum, to W. H. Neal; returned—schr Oracle, Muirhead, bound to St. Andrews—lost fore and main topmast in a squall on Saturday; Maid of Erin, Kirkpatrick, St. Vincent, 18 days—rum to J. & M. Tobin; brig Heron, South; Gayama, 29 days—sugar, to Frith, Smith & Co.; Eclipse, Aerestrup, Demerara, 24 days—rum, to Saltus & Wainwright; Abeona, Townsend, St. Thomas, 19 days—sugar and rum, to J. U. Ross.

Monday, 20th—Schr Nancy, Barrington—fish, saw on Saturday a large topsail Schooner, partly sunk, topmasts and sails hanging over the side; had apparently gone on shore that morning on Point Chert Head; Eliza Ann, Bay Chaleur, fish; Victory, Cann, fish; Defiance, Pugwash, fish; Morning Star, Mainadieu, fish; Springbird, Sydney coal; Elizabeth, do; Breeze, Magdalen Islands, fish, etc. to D. & E. Starr & Co; Spanish brig Bello Curzona, Gelsse, Havannah, 18 days—sugar, cigars, fruit, to Creighton & Grassie; schr Four Sisters, Wooden, Larbrador and Cape North, N. F.—dry fish, oil, salmon, etc.; H. M. Ship Cornwallis, Capt. Sir Richard Grant, Quebec, 12 days, was detained in the River off the Brandybats until Sunday 12th inst.: left at anchor there H. M. Ship Inconstant with the Admiral's Flag, to proceed to Bermuda; Malabar and Pearl, the latter passed down 6th instant.

Tuesday August 21st—Schr Susan, Margaret's Bay, fish; Trial, Whitehead, do; Union, Redding, Boston, 9 days, fruit, etc. to D. & E. Starr & Co. and others.

Wednesday August 22nd—Schr Two Brothers, Pictou—deals; Planet, LaHave—lumber; Wasp, Barrington—fish; Betsy, Canso, dry and pickled fish; Elizabeth, Port Medway, lumber; Nile, Vaughan, St. John, N. B. 6 days—limestone, to muster and others.

Thursday August 23d—Am. schr Caroline, Oates, Washington, 12 days—staves, tar, etc. to D. & E. Starr & Co; schrs Star, Rugged Islands—fish; Favourite, Helm, St. Stephens, 4 days—lumber and shingles, to D. & E. Starr & Co; Collector, Phealan, Bridgeport—coal, bound to Boston, sails on Saturday Morning, for Boston; Speculator, Lunenburg, 2 days.

CLEARED,

Friday, 17th—Pictou, Clarke, St. John, N. F. fish, etc. by S. Cunard & Co; Oracle, Muirhead, St. Andrews—flour, etc. by W. Roche; Alicia, Currey, St. John's, N. F.—flour, etc. by W. Pitts and others. 18th—Defiance, Currey, Miramichi—assorted cargo, by S. Cunard & Co, and others; Triton, Reap, St. Kitts—do by J. H. Reynolds and others; Victoria, Savage, Quebec—sugar, by S. Binney; Caroline Crouse, St. Andrews—bread, etc. by W. Roche. 20th—packet barque Lady Paget, Lockett, Liverpool, G. B.—deals, staves, etc. by S. Cunard & Co. W. Stairs and others; brig Victoria, Crockett, New York—coal, by the master; Am. schr Susan, Taylor, Baltimore, plaister and old iron, by Stephen Binney. 21st, schr Adeona, Patten, B. W. Indies fish, by Frith, Smith & Co; Ketch Lottery, Hinson, do. do, by J. & M. Tobin. 22nd, brig Otter, Dill, do do, staves, by G. P. Lawson; barges Hesione, Mechie, Montreal, sugar, oil, etc. by Frith, Smith & Co. and others; Omphale, Savage, do. do, by Fairbanks & Allison and others; schr Ion, Hammond, St. John, N. B. sugar, flour, etc. by W. Roche, S. Binney and others. 23rd—Brig Streatiam Castle, Hudson, Bay Chaleur; schrs Mary Jane, M'Grath, B. W. Indies, fish, etc. by H. N. Binney; Armide, Smith, St. John, N. B. flour, etc. by J. Allison & Co, D. & E. Starr and thors.