THE Weekly Chronicle

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

VOL. V. SAINT JOHN, (N. B.) FRIDAY, JULY 9, 1841. No. 45.

THE CHRONICLE,

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☞ Visiting and Business Cards, (plain and ornamental,) Handbills, Blanks, and Printing generally, neatly executed.

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.

JULY.	R. SUN.	S. SUN.	MOON.	H. W.
10 Saturday,	4 38	7 22	10 38	3 53
11 Sunday,	4 38	7 22	11 1	4 43
12 Monday,	4 39	7 21	11 26	5 51
13 Tuesday,	4 39	7 21	morn	7 21
14 Wednesday,	4 40	7 20	0 0	8 43
15 Thursday,	4 41	7 19	0 46	9 50
16 Friday,	4 41	7 19	1 39	10 47

Last Quarter, 11th, 3h. 29m. eve.

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 1 o'clock on the days immediately preceding the Discount days.-Director next week: W. P. Ranney, 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: R. M. Jarvis, Esq.

BANK OF BRITISH NORTH AMERICA.—(Saint John Branch.)—A. Smithers, 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: Hon. John Robertson.

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.

The Subscribers

BEG leave to inform their Friends and the Public generally, that they have commenced business as Auctioneers and Commission Merchants, under the Firm of

Sancton & Crookshank.

and trust their assiduity and attention, joined to their intimate knowledge of business, will merit a share of public patronage.

GEO. P. SANCTON,
May 1, 1841. A. G. CROOKSHANK.

☞NOTICE.☜

THE subscriber begs leave to announce to his Friends and the Public, that he has commenced business in the second store, SANDS' Arcade, formerly occupied by Faulkner & Wheeler, where he will keep on hand a choice selection of the best *Wines, Liquors*, &c., &c., Also, *Pastry, Sandwickes*, &c., may be had at all times by those friends who will favour him with a call. A. COLLINS.
May 14.

White Lead, Oil, &c.

FOR SALE by the subscribers at their Store in Ward-street—A quantity of No. 1 & 2 White LEAD, Yellow, Red and Green PAINT; boiled & Raw Linseed OIL, in small packages; PUTTY in small casks and bladders; Barrels COAL TAR; Barrels Wilmington TAR and PITCH; fresh ground OATMEAL; 10 Hhds. Bright SUGAR; Hhds. of Molasses.
May 7, 1841. CRANE & M'GRATH.

Removal.

THE Subscriber has removed his Business to the Wooden Building lately erected on Robertson's Wharf, (heretofore known as Donaldson's Wharf,) where he will keep constantly on hand a General Assortment of Dry Goods, Groceries, and Ship Chandlery, of every description.
May 7. WM. ROBERTSON.

VALUABLE FREEHOLD ESTATE FOR SALE.

THE subscriber offers for sale, that large and well built House in Queen-street, with the freehold estate, being 40 feet on the south side of said street, and running back, the same width 100 feet; lately the property of Mr. Joseph Scammell. Half the purchase money may remain for a term of years, secured by bond and mortgage, and the remaining half in payments of 3, 6, 9, 12, and 15 months, by good endorsed notes, with interest.
May 21.—6w. T. L. NICHOLSON.

Paints, oil, and Sheet Lead.

Per "Sophia," from London :

180 Kegs best London WHITE LEAD,
5 Casks Double Boiled Linseed OIL,
5 " Raw do.
2 Rolls Sheet Lead.—Which with their previous stock of Paints, in all colours, will be sold cheap by
May 28. RATCHFORD & BROTHERS.

TWO or three Young Men (Mechanics) can be accommodated with Board and Lodging from the First May next, in a pleasantly situated house in Charlotte street, by making early application to Mrs. DEAN, at her present residence in St. James' street. *April 23.*

☞NOTICE.

THE Subscriber begs leave to acquaint his friends and the public that he still continues to purchase old Silver at 4s. per oz.: old Copper at 6d. per lb.; Brass at 4d. per lb.: old Lead at 1½d.; and old Iron at ½d per lb.—He further states that he will not purchase from any person or persons under the age of maturity, and that they must identify that they are legally entitled to dispose of the same, and give in their names and places of abode.

☞Constantly on hand.—Cloths, Ready-made new and second hand Clothing, Boots, Shoes, &c.
JOHN G. LESSON.
Saint John, 7th May, 1841.

Public Notice

To Revolutionary Soldiers and Sailors of the American Revolution.

WHEREAS the Subscriber and others have of late opened an Office for obtaining information and collecting such Pensions as are granted by the Congress of the United States, to such Soldiers and Sailors as served in said War at least six months: also to such of their Widows as were married before the first day of January, 1794, and were their Widows on the 4th of July 1836; all such will find it to their interest to apply by Letter to Nicholas J. Thomas, Postmaster, Eden, (Maine,) as no cost will be made for them unless a pension is obtained, as he will collect for those in the Provinces on the same conditions as those in the United States. NICHOLAS J. THOMAS & CO.

NOTICE.

THE co-partnership heretofore subsisting between the subscribers, under the Firm of DEWOLF & BENT, has been this day dissolved. All debts owing to the late Firm, are to be paid to William H. Dewolf, by whom the business will in future be carried on.

WILLIAM H. DEWOLF,
WM. F. BENT.
Amherst, N. S., 12th May, 1841.

TURNING, CARVING, &c.

THE subscriber having engaged an experienced Workman, is prepared to execute all kinds of *Turning & Carving*, at the shortest notice. He keeps constantly on hand *Mahogany* in Logs, *Scantling, Plank, Boards and Veneers*; which, with a general assortment of CABINET FURNITURE, HAIR MATTRASSES, &c. he offers for sale on favourable terms, for approved payment.
ALEXANDER LAWRENCE.
May 28. *King-street.*

☞Notice.☜

MR. GEORGE M. BURNS, of the city of St. John, Merchant, having duly assigned to the Subscriber all his debts, claims and effects, of every description—All persons indebted to the said Geo. M. Burns, are therefore required to make payment to the subscriber, who only is authorized to grant a discharge. W. H. SCOVIL.
St. John, May 5, 1841.

Porto Rico Sugar, & Molasses.

50 HHDS. Bright Sugar; 50 do. & Tierces *Molasses, of very superior quality*, now landing and for sale at lowest rates.
June 4. RATCHFORD & BROTHERS.

PERFUMERY, &c.

Per Rebecca, and Westmorland, from London :

THE subscriber has received a very choice assortment of Perfumery, consisting of—Queen Victoria's Bouquet, Verbena, Rondelatia Esprit, De Lavande Marechall, Bouquet du Roi, Vegetable Essence, Extract of Flowers, Lavender and Cologne Waters, Rose Oils, Balm of Colombia, Rowland's Macassar Oil, Kalydor, Odonto Tooth Powder, Hair, Tooth, Nail, Shaving, and Cloth Brushes, Razor Strops, and very superior Razors, Pot and Roll Pomatums, Atkinson's superior Bear's Grease, Prince Albert's Ambrosial Shaving Cream, Cold Cream, Shaving and Washing Soaps, Old Brown and White Windsor Soap, Gentlemen's Linen Collars and Bosoms; a choice assortment of Stocks; Black Thorn, Oak, Yew, Stick, Grape Vine, Hazel, Holly, Crab Tree, and Fancy Walking Sticks; also—4 large cases, containing every description of Toys, direct from the Warehouse in London. WM. MAJOR.
June 11, 1841.

LONDON CLOTHING, AND Fancy Warehouse,

No. 16, King street, St. John, N. B.

THE subscriber has received per *British Queen* and *Sophia* from London, his Spring supply of the best London and Parisian CLOTHING, to which the attention of the Gentlemen of Saint John is particularly requested.

☞*No Liverpool Slops imported.*
28th may. Cr. 3m. N. W. BUSTEED.

Wants a situation,

AS Cook, House, or Laundry Maid—A person just arrived from Ireland, and who has had several years experience in respectable families there. Address A. M. at this Office. June 11.

INDIGO.—3 Cases received per *Sophia*, from London, and for sale cheap.
May 28. RATCHFORD & BROTHERS.

LONDON GOODS.

The subscriber has received by the ship "Mozambique:"

50 PACKAGES of London GOODS—consisting of Silks, Satins, Bonnets, Boots and Shoes, Cottons, Carpetings, Slops Woollens, &c., which are opening at their Establishment on the North Wharf.

☞The remainder of their Manchester and Leeds Goods daily expected by the barque *Andover* from Liverpool.

Also—daily expected by the Andover :

150 Tons Liverpool *SALT*; 200 do. best Orrel *COALS*; 200 Barrels Roman Cement; 100 do. Coal *TAR*; 200 Coils Jackson's *CORDAGE*; 200 Kegs *PAINTS*.
JAMES LOCKWOOD & CO.
May 21.—8w.

COALS.—100 Chaldrons Grand Lake COALS, of superior quality, for House or Smith's work, just received and for sale by
June 4. JOSEPH FAIRWEATHER.

United States Pork & Beef.

100 BRLS. Prime PORK, (in Bond) 26 brls. clear do. free for the Fisheries, 10 brls. Mess BEEF, do. do. do.
For sale low by
June 4. RATCHFORD & BROTHERS.

NOW IS THE TIME TO BUY! Cheap Room Paper.

S. K. FOSTER has now on hand about three hundred remnant lots of Room Paper of this seasons importation, which he will sell for cash at less than the original cost, in preference to having them lay on hand through the summer.

There is enough in each lot to paper Bed-rooms small parlours, entries, and such places. Those who wish to paper their rooms at a very small expense will find great bargains. June 11.

Valuable Building LOTS in Carleton.

THE subscriber holding under Lease from the Corporation, a Block of Lots on Queen's square, containing 20 Lots, 50 by 100 feet each, at the small annual rent of 12s. each, with the usual covenants for renewing, offers the same or any number of them for sale. Terms of payment easy.
April 16. T. L. NICHOLSON.

Miscellany.

THE BATTLE OF FUENTES D'ONORO.

(From Charles O'Malley.)

Crawford came now galloping up amongst us, his eyes flashing fire, and his uniform splashed and covered with foam—

"Steady, sixteenth, steady! Don't blow your horses! Have your fellows advanced, Malcolm?" said he, turning to an officer who stood beside him: "ay, there they go,' pointing with his finger to the wood, where, as he spoke the sharp ringing of the British rifle proclaimed the advance of that brigade. "Let the cavalry prepare to charge! And now, Ramsey, let us give it them home!"

Scarcely were the words spoken, when the squadrons were formed, and in an instant after, the French light infantry were seen retreating from the wood, and flying in disorderly masses across the plain. Our squadrons riding down amongst them, actually cut them to atoms, while the light artillery unlimbering, threw in a deadly discharge of grape shot.

"To the right, fourteenth, to the right?" cried Gen. Steward. "Have at their Hussars!"

Whirling by them, we advanced at a gallop, and dashed towards the enemy, who not less resolutely bent, came boldly forward to meet us; the shock was terrific; the leading squadron on both sides went down almost to a man, and all order being lost the encounter became one of hand to hand.

The struggle was deadly; neither party would give way; and while fortune now inclined hither and thither, Sir Charles Steward singled out the French General Lemotte, and carried him off his prisoner. Meanwhile, Montbrun's cavalry and cuirassiers came riding up, and the retreat now sounding through our ranks, we were obliged to fall back upon the infantry. The French pursued us hotly; and so rapid was their movement, that before Ramsey's brigade could limber up and away, their squadron had surrounded him and captured his guns.

"Where is Ramsay?" cried Crawford, as he galloped to the head of our division. "Cut off—cut off! Taken by G—! There he goes!' said he, pointing with his finger, as a dense cloud of mingled smoke and dust moved darkly across the plain.—"Form into column once more!"

As he spoke, the dense mass before us seemed agitated by some mighty commotion: the flashing of blades and the rattling of small arms, mingled with shouts of triumph or defiance, burst forth, and the ominous cloud lowering more darkly seemed peopled in deadly strife. An English cheer pealed high above all other sounds; a second followed—the mass was rent asunder, and, like the forked lightning from a thunder cloud, Ramsay rode forth at the top of his battery, his horses bounding madly, while the guns sprang behind them, like things of no weight; the gunners leaped to their places, and, fighting hand to hand with the French cavalry, they flew across the plain.

"Nobly done, gallant Ramsey!" said a voice behind me. I turned at the sound—it was Lord Wellington who spoke. My eyes fixed upon his stern features, I forgot all else, when he suddenly recalled me to my recollection, by saying, "Follow your brigade, sir. Charge!"

In an instant I was with my people, who intervening betwixt Ramsay and his pursuers, repulsed the enemy with loss, and carried off several prisoners. The French, however, came up in greater strength—overwhelming masses of cavalry came sweeping upon us, and we were obliged to retire behind the light division, which rapidly formed into squares to resist the cavalry. The seventh division, which was more advanced, were, however, too late for this movement, and before they could effect their formation the French were upon them. At this moment they owed their safety to the *Chasseurs Britanniques*, who poured in a flanking fire, so close, and with so deadly aim, that their foes recoiled, beaten and bewildered.

Meanwhile the French had become masters of Pego Velho; the formidable masses had nearly outflanked us on the right. The battle was lost, if we could not fall back upon our original position, and could not concentrate our force upon Fuentes d'Onoro. To effect this was a work of great difficulty; but no time was to be lost. The seventh division were ordered to cross the Turones, while Crawford, forming the light division into squares, covered their retreat, and, supported by the cavalry, sustained the whole force of the enemy's attack.

Then was the moment to witness the cool and steady bravery of British infantry; the squares dotted across the enormous plain seemed as nothing amid that confused and flying multitude, composed of commissariat baggage, camp followers, peasants, and finally broken picquets and videttes, arriving from the wood. A cloud of cavalry hovered and darkened around them; the Polish lancers shook their long spears, impatient of delay, and the wild huzzas burst momentarily from their squadrons, as they waited for the word to attack. But the British stood firm and undaunted; and although the enemy rode round their squares, Montbrun himself at their head, they never dared to charge them. Meanwhile, the seventh fell back, as if on a parade, and crossing the river, took up their ground at Frenada, pivoting upon the first division; the remainder of the line fell also back, and assumed a position at right angles, with their former one, the cavalry forming in front, and holding the French in check during the movement. This was a splendid manœuvre, and, when made in face of an over-numbering enemy, one unmatched during the whole war.

At the sight of this new front the French stopped short, and opened a fire from their heavy guns.—The British batteries replied with vigour, and silenced the enemy's cannon. The cavalry drew out of range, and the infantry gradually fell back to their former position. While this was going on, the attack upon Fuentes d'Onoro was continued with unabated vigour. The three British regiments in the lower town were pierced by the French Tirailleurs, who poured upon them in overwhelming numbers; the 78th were broken, ten companies taken, and Cameron, their Colonel, mortally wounded. Thus the lower village was in the hands of the enemy, while from the upper town the incessant roll of musketry proclaimed the obstinate resistance of the British.

At this period our reserves were called up from the right, in time to resist the additional troops which Dronet continued to bring on. The French, reinforced by the whole sixth corps, now came forward at a quick step. Dashing through the ruined streets of the lower town, they crossed the rivulet, fighting bravely, and charged against the height.—Already their leading tiles had gained the crag beside the chapel. A French colonel, holding his cap upon his sword point, waved on his men.

The grizzly features of the grenadiers soon appeared, and the dark column, half climbing, half running, were seen scaling the height. A rifle bullet sent the French leader tumbling from the precipice: and a cheer—mad and reckless as the warcry of an Indian—rent the sky, as the 71st and 79th Highlanders sprang upon the enemy.

Our part was a short one: advancing in half squadrons, we were concealed from the observation of the enemy by the thick vineyard which skirted the lower town: waiting with impatience the moment when our gallant infantry should succeed in turning the tide of battle. We were ordered to dismount, and stood with our bridles on our arms, anxious and expectant. The charge of the French column was made close to where we were standing—the inspiring cheers of the officers, the loud *vivas* of the men, were plainly heard by us as they rushed to the assault; but the space between us was intersected by walls and brushwood, which totally prevented the movement of cavalry.

Fearlessly their dark column moved up the heights, fixing the bayonets as they went. No tirailleurs preceded them; but the tall shako of the grenadier of the guard was seen in the first rank. Long before the end of the column had passed us the leading files were in action. A deafening peal of musketry—so loud, so dense, it seemed like artillery—burst forth. A volume of black smoke rolled heavily down from the heights, and hid all from our view, except when the vivid lightning of the platoon firing rent the veil asunder, and showed us the troops almost in hand to hand conflict.

"It's Picton's division. I am certain," cried Merivale; "I hear the bagpipes of the Highlanders."

"You are right, sir," said Hampden: "the 71st are in the same brigade, and I know their bugles well. There they go again."

"Fourteenth! fourteenth!" cried a voice from behind, and at the same moment a staff officer without his hat, and his horse bleeding from a recent sabre cut, came up. 'You must move to the rear, Colonel Merivale: the French have gained the heights. Move round by the causeway: bring up your squadrons as quickly as you can and support the infantry.

In a moment we were in our saddles; but scarcely was the word to 'fall in' given, when a loud cheer rent the very air; the musketry seemed suddenly to cease, and the dark mass which continued to struggle up the heights, wavered, broke, and turned.

'What can that be?' said Miravale. 'What can it mean?'

'I can tell you, sir,' said I, proudly, while I felt my heart as though it would bound from my bosom 'And what is it, boy? Speak?'

'There it goes again! That was an Irish shout! the 88th are at them.'

'By Jove! here they come,' said Hampden—'God help the Frenchmen now!'

The words were not well spoken when the red coats of our gallant fellows were seen dashing thro' the vineyard.

'The steel, boys—nothing but the steel!' shouted a loud voice from the crag above our heads.

I looked up. It was the stern Picton himself who spoke.

The 88th now led the pursuit, and sprang from rock to rock in all the mad impetuosity of battle: and like some mighty billow rolling before the gale, the French went down the heights.

'Gallantly, 88th! Gloriously done,' cried Picton, as he waved his hat.

Aren't we Connaught robbers, now?' shouted a rich brogue, as its owner, breathless and bleeding, pressed forward in the charge.

A hearty burst of laughter mingled with the din of the battle.

'Now for it, boys! Now for *our* work!' said old Miravale, drawing his sabre as he spoke—'Forward! and charge!'

We waited not a second bidding, but bursting from our concealment, galloped down into the broken column. It was no regular charge, but an indiscriminate rush. Scarcely offering resistance, the enemy fell beneath our sabres, or the still more deadly bayonets of the infantry, who were inextricably mingled up in the conflict.

The chase was followed up for above half a mile, when we fell back fortunately in good time, for the French had opened a heavy fire from their artillery, and regardless of their own retreating column, poured a shower of grape among our squadrons.—As we retired, the straggling files of the Rangers joined us—their faces and accoutrements blackened and begrimmed with powder; many of them, themselves wounded, had captured prisoners; and one huge fellow of the grenadier company was seen driving before him a no less powerful Frenchman, and to whom, as he turned from time to time reluctantly and scowled upon his gaoler, the other vociferated some imprecation, whose harsh intentions were made most palpably evident by a flourish of a drawn bayonet.

British News.

By the English Mail.

WHIG AND TORY FINANCE.—*From the Times.*

In our former paper we limited our observations to the single point of reduction of taxation. We showed that the Tory financiers who presided at the Treasury from 1821 to 1830 had contrived, in the course of those ten years, to relieve the people of taxes to the amount of £15,883,000. That they had done this, while, at the same time, year by year they were devoting from *three* to *five* millions to the reduction of the national debt; and that, at the end of these ten years, they were able to hand over the accounts to their successors, with a surplus of Revenue over Expenditure of £2,677,000.

We next found that the Whig reductions of taxation, from 1831 to 1840, had been only £6,373,000; and that their *new taxes* imposed during the same period had been £2,249,000: so that only £3,124,000 had, in fact, been remitted in these ten years. We saw, also, that even this small remission had only been brought about by getting rid of the surplus Revenue, existing in 1831, of £2,677,000, and arriving instead at a *deficiency* of £2,421,766 in 1841. The result of the whole being that the Whigs had been occupied throughout these ten years in something worse than doing nothing.

TOTAL DESTRUCTION OF ASTLEY'S THEATRE BY FIRE, WITH LOSS OF LIFE.

This place of public entertainment was on Friday morning totally destroyed by fire. The flames were first discovered about half past four o'clock, and within half an hour the whole building was enveloped in them, and in less than hour the fabric was one mass of ruins. Scarcely a wall is left standing. With the exception of the front entrance, over which was the residence of Mr. Ducrow, and the interior of which was completely destroyed, there is scarcely one brick left upon another. One human life has been lost. Elizabeth Britain, aged about 30, who had been for several years in the service of Mr. Ducrow, has become a victim to the devouring element. The unfortunate woman is actually burnt to a cinder, only one small part of the face remains, by which the deceased could be identified. At the time the fire broke out there were between 20 or 40 valuable horses in the stables, and it was with the greatest possible difficulty they could be removed; three of them were burned in the attempt: the others were not injured. One of the three valuable horses that have been destroyed was nearly 30 years of age, named 'Bijou' and was a great favourite of the proprietors. The poor old animal was got out of the stable and proceeded as far as the middle of the circle of the theatre, when he made a stand and could not be moved either one way or the other; the consequence was, in a few minutes he was enveloped in flames and destroyed. The other two horses were burnt in their stables. The premises and nearly all the houses in the immediate neighbourhood are the property of Mr. Chevalier Cobbold, a gentleman residing at Ipswich, and are insured to nearly, if not quite, their full value. The theatre was fully insured, but we regret to say that Messrs. Ducrow and West will be sufferers to a very large amount, no part of their furniture or theatrical property being insured. Mr. and Mrs. Ducrow, who occupy the rooms over the entrance to the theatre, and their two children, were in bed at the time the alarm of fire was given, but such was the rapidity of the flames, that it was with difficulty they escaped in their night clothes. Independently of the loss sustained by the total destruction of household furniture, theatrical properties, scenes, dresses, &c. &c. including a most valuable stage wardrobe, which has been eighteen years in collecting, and a long time must elapse before another can be supplied. Mr. Ducrow has lost a considerable sum of Bank of England notes. The notes were deposited in an iron chest, but such was the intensity of the heat that they are entirely destroyed. The private carriage of Mr. West is also burnt to a cinder, and other valuable property belonging to that gentleman destroyed. Several of the horses were led through the flames, but they escaped without injury. The library, articles of vertu, and several silver cups which have at various times been presented to Mr. Ducrow, have also been destroyed, and what adds greatly to the calamity is that the musicians unfortunately left the whole of their valuable instruments in the theatre, which, with the tools of the carpenters and other tradesmen were totally destroyed. Forty-two years since this theatre was destroyed by fire, on which occasion Mrs. Astley lost her life. The origin of the fire is a complete mystery. It is supposed by some that it was from the gas not being properly extinguished after the close of the performance last night, but nothing for certainty is known.

The amount of damage is variously estimated at from £12,000 to £20,000. Truth probably lies between.

By this dreadful calamity not less than 300 persons will be deprived of employment, and among the many hard cases that may be mentioned none is more deserving than that of Mrs. Jennings, the saloon keeper, who, but one day before, had expended no less a sum than £40 in her department of the establishment.

ADMINISTRATION OF JUSTICE BILL, (No. 1.)

House of Commons, June 16.

On the motion that the report of the Administration of Justice Bill (No. 1.) be further committed,

Sir E. B. Sugden deprecated the attempt to pass the bill at this period of the session, seeing that it was not necessary for the administration of justice; but, as it was the wish of Her Majesty's Government, he should not oppose it, provided a provision he should propose was agreed to. This proposition was to the effect that a clause should be introduced providing that the Act should come into effect on and after the 10th of October next. If ever there was a moment when Ministers should not be entrusted with the appointment of Judges it was the present, when the Government had no longer the confidence of the House of Commons, and the country was on the eve of a general election

Lord J. Russell—The right hon. gentleman's reason for his motion seems to be, not that of the more convenient administration of justice, but that this house having passed a vote of want of confidence in the Government, it should impede them in carrying out the improvements of the law. That is a good ground for the right honourable gentleman; but I think he must see that it is impossible for me to assent to such a course. (Ministerial cheers.) It is impossible I could assent without admitting that no act of the Executive Government can be made because the right hon. gentleman opposite has obtained a vote of one upon the question of a want of confidence in us. I deny that that vote is an expression of the opinion of the country—(Oh)—nor can I consider that the character of the government can be paralysed during the time it will be necessary to call together a new Parliament. If I am not to admit this conclusion generally, how am I to admit this proposition with respect to the Court of Chancery—that the Lord Chancellor is the most unfit person to hold office or to distribute its patronage? Because there has been a vote of the House of Commons by a majority of one, the right hon. gentleman says, "Let us take this opportunity of saying that Lord Cottenham is unfit to advise the government in these appointments." (Ministerial cheers.) This and no other is the meaning of the proposition of the right hon. gentleman. (No, no.) I must submit to the majority of this House if you will, but I never will submit voluntarily to place such a brand on the present lord Chancellor of England. (Cheers.)

Sir R. Peel—I must repudiate any intention of reflecting upon the fitness of the Lord Chancellor to advise government in the appointment of officers. (Hear, hear.) If the Lord Chancellor was in possession of the ordinary patronage of government—(Hear, hear, hear)—and that we were obstructing him in his exercise of it in a manner implying his unfitness for that function, no consideration should induce me to assent to such a mark of unfitness. But I draw a strong difference between ordinary patronage and new legislation—(hear, hear)—between creating new patronage and obstinately opposing the exercise of patronage already created. (Hear, hear.) Here is a judicial arrangement under discussion, the Government has been shown not to possess the confidence of the House, and the noble lord states that a new parliament will show what the character of the Government in power must be; and it would be inconsistent for the House to accede to this arrangement. (Hear, hear.) The main objection of the noble lord to the proposition is that it involves a distrust of the Lord Chancellor. But let him permit the present Bill to be withdrawn, and I shall not object to that course, for I wish to avoid any direct imputation on the part of the Lord Chancellor; but, then, it must be on the distinct understanding that it must not be said we impede the progress of the Bill. (Hear, hear.) The reason my right hon. friend did not take that course was lest he should be accused of obstructing the Bill. (Hear, hear.) But if the noble lord asserts the Bill can pass through both Houses at the earliest period of the next session, then I for one, and I am sure my right hon. friend, will be perfectly satisfied. You are in point of fact not a Government, for you have not the confidence of the country. (Hear, hear.) The noble Lord has declared that he does not think it fit to bring on the Corn Laws. Why not? Because he thinks that that is an important act of the executive Government. (Hear, hear.) He has pursued the same course with respect to the Poor Laws; and the same principle appears to me to apply to this case. (Hear, hear.) It is notorious that the Bill itself has received the approbation of all sides, and therefore I shall vote for its passing. I have no objection to the principle of it; and if the noble lord finds himself in the condition to carry on the Government in the new Parliament, let this be the first Act passed, and I, for one, will be the first to support it. (Hear, hear.) I shall now assent to the postponement of the Bill, on the understanding that it will not interfere with the public administration of justice. (Cheers.)

Mr. Labouchere rose to protest against the doctrine laid down by the right hon. bart. as novel, dangerous, and unconstitutional. He did not remember any instance of a Bill having passed that House giving to the Crown patronage, and at the same time postponing that patronage to a particular period. If the House could postpone the patronage of the Crown for three months, why not for three years? (Oh.)

Mr. Hume said it appeared to him that, looking at the two parties in dispute, the question was, who should have the appointments. (A laugh.) The Right Hon. Gentleman might say at once that by the 10th of October he expected to be at the Government side of the House, and that at present he did not quite wish those now placed there to have the filling up of these offices.—(A laugh.)

The House then divided when the numbers were—

For Sir E. Sugden's clause 101
Against it 83
Majority against Ministers 18

Lord John Russell—I cannot but think that the vote to which the House has just come is a violent infringement of the prerogative of the Crown, and an unfair interference with the executive Government of the country. (Cheers.) This is the view which I take of the motion of the Right Hon. Gentleman.—(Hear, hear.) I am sorry to find that I differ in opinion with the majority of the House on that motion; but taking this view of it, I can never consent to proceed with a Bill which, as it at present stands, I must look upon as infringing the rights of the Crown and the duties of the executive Government. (Hear, hear.) I beg, therefore, now to move that the further consideration of this Bill be taken this day three months. (Loud cheers.)

Sir E. Sugden said that the noble lord was at liberty to adopt that course which he thought most proper and convenient, but he must tell him that the progress of the Bill was now impeded entirely by his own act. (Cheers.)

Sir De Lacy Evans said that he hoped that it would go forth to the public that this Parliament, which had declared itself by a majority of one to be a monopolist Parliament—(Ironical cheers)—had by their conduct prevented the passing of a Bill the object of which was to prevent existing abuses, and to afford increased convenience to the public; and had thus given a further proof of the flagrant partizanship by which they were influenced. (Ministerial cheers.)

Lord Stanley—I am not content that the remark of the hon. and gallant member should go forth to the public without an answer. (Cheers.) This Act could not have come into operation for any beneficial purpose until the commencement of the term after the long vacation—until the 1st of November. It has been decided by the house that the Act shall come into operation on the 10th of October, and that the appointment of the judicial officers under the Act shall be vested in the Government of that day, whoever at that period the Government may be. [Cheers.] And, if her Majesty's Government had consented to such a course, on the 10th of October—a fortnight or more before the Act could under any possibility come into practical operation—not only without one word of opposition or without the delay of a single moment, but with the cordial approbation and concurrence of the parties, the Government of the country—the hon. gentleman opposite, if they then were the members of the Government—[cheers]—would exercise the power of the Crown, by making those judicial appointments in the manner long contended are so desirable. [Loud cheers.] But the house has decided that these important functions shall not be exercised by a Ministry which it has itself declared to be at present in abeyance—[loud cheers]—by a Ministry which is now holding office only under the condition of resignation—[continued cheering]—that is, only holding office until the opinion of the country has been pronounced either in favour or against them. By the amendment of my right hon. friend we have once again declared that her Majesty's Ministers are not capable of exercising the functions necessarily attaching to the executive Government of the country. [Tremendous cheering.] And, holding this opinion, we were bound to oppose their performance of those functions in a case where no detriment could possibly arise to the public service. [Hear, hear.] If, before the time mentioned in the motion of my right hon. friend, the hon. gentlemen opposite are in possession of that power of which they are now in possession—(immense cheering)—then they, of course, will perform this amongst the other duties of the Government; and by the course we have to-night pursued we shall have deprived ourselves of all power of opposition or objection. (Cheers.)

Mr. Labouchere represented the conduct of Opposition as an attack on the prerogative, and a proceeding without precedent.

Mr. Villiers ridiculed the notion of answering for what might be done by a new Parliament. The public, he thought, were much aggrieved by this act of party.

"Yes," said Mr. Pemberton, "but by the act of which party? The clause just carried would have caused no delay, no inconvenience. The last speaker had said that none could answer for a new parliament passing the bill; but whose fault was it that the bill did not pass in the present parliament? The responsibility was on the noble lord."

Mr. Wakley desired it might be observed that this interference with the prerogative did not proceed from the Radical party. Those things showed that the hours of the Monarchy were numbered, unless gentlemen should very shortly recover their senses.

Sir R. Peel thought the real cause of all these embarrassments perfectly obvious; it was neither more nor less than this—the attempt to carry on executive government with a minority of the House of Commons. [Loud cheers.] There clearly was no other alternative for the government, when the House of Commons declared that the administration did not possess its confidence, than resignation or immediate dissolution. [Cheers.] By immediate dissolution he did not mean dissolution without the necessary grants to carry on the public service—he did not mean dissolution without those legislative acts which would enable them to levy duties; but no contested motion of any kind whatsoever—no act of the House of Commons implying confidence, ought to have been brought forward (loud cheers): and it was from that anomalous, extraordinary, and unparalleled position, her Majesty's Ministers being placed in a minority on a vote of confidence, and yet coming and asking that house for a fresh demonstration of confidence, that all the embarrassment arose. [Cheers.] Depend upon it, it was impossible that a government could be conducted on that principle. [Cheers.] This devolution of authority implied confidence. [Cheers.] If they had passed this act, would not hon. gentlemen opposite have been the first to turn round and say, the adoption of this measure was inconsistent with the vote which the house had come to the other night? The hon. gentleman [Mr. Wakley] complained of the attempts on the part of the house to interfere with the prerogative of the Crown. He [Sir R. Peel] claimed also respect for the privileges of the House of Commons. [Cheers.] He claimed a