

THE LITERARY TRANSCRIPT.

by a letter, stating it was a first attempt, hoping the faults would be corrected with unparagoning pruning, and trusting it would be found worthy of insertion. As the day of publication neared so did his anxiety increase, his thoughts bent totally upon the subject—appetite he had none—to sleep he was a stranger—and his brain in raven with hopes, doubts and fears—the small room paced over and over—incapable of rest in thought and action. The day arrived anticipated with such mingled feelings, and away hurried Beaumaurice to learn the tidings of his fate at the office of the publisher—the magazine was seized with avidity, and its pages read assiduously to search for the article—but a such insertion as the "Artist's Daughter" could be found—disappointment spread over the features of the author as each leaf was scanned—when his eye caught "Notice to Correspondents"—"The Artist's Daughter is left at the office: we beg to hint to the author that he need not make our eyes ache again with his twaddle." The work dropped from his hand. As he concluded the fat which hurried his high-flown hopes to the ground, tears trickled from his eyes, and sobs irresistibly escaped his lips, as he returned to his solitary chamber to ponder over his continued misfortunes; everything appeared against him, not nothing to cheer his almost broken spirits. "What can I do?" exclaimed he, "I shall starve, literally starve; and I will, rather than ask assistance from any one!" A loud knock at the door started him from his unpleasant reverie, and, opening it, he discovered his old college-chum, Fitzgerald. In a moment his miseries were forgotten, and he heartily greeted the companion of his labours and confident of his hopes.

Fitzgerald, of course, knew of the heart-rending occurrence of Beaumaurice's expulsion, and with that praiseworthy generosity which occasionally is found in the selfish, grasping disposition of man—as the beneficial sun, wishing to turn the black storm into beaming smiles—was ready to delicately assist the needy, distressed, and unfortunate. How seldom is this kind part acted in the drama of life; the heart, contracted with the constricting cares of life, rarely expands to other afflictions—the affections are chilled—the fresh feelings of youthful tenderness and its sympathy are forgotten, and with cold indifference man contemplates the destruction of happiness in others, and selfishly congratulates himself that he is not the sufferer.

Beaumaurice recounted briefly the refusal of his article, and handed it to Fitzgerald to peruse, who, upon completing it, expressed his high approbation of the composition, adding "we must give it a new title and I will send it in as my production, for I am a regular contributor, and heavens knows the truth, that I never wrote anything half so interesting or beautiful."

"But," said Beaumaurice, "it will be recognized as my rejected article."
"Ha, ha, ha!" laughed Fitzgerald, "do you imagine they, editorially speaking, read your article—not a word save the title was glanced at, and that only to address a notice to the publisher of Blessington, the Hon. Mrs. Norton, or Lord Fiddlerstick, it is inserted as a matter of course; if from Mr. Smith, Brown, Clarke, (or any unknowns,) equally certain of refusal and being called twaddle—stuff—nonsense—or fudge."

"Hear me," said Beaumaurice, "I had no idea you must be known previous to getting productions published. I thought they were examined, and received or rejected according to their merits."

"Not at all with the editor of the Magazine; he gives himself no such trouble, as you will see; this article, which has been condemned unseen, I shall have in the next number the most conspicuous place—the post of honour—and twelve guineas for your reward Bean; so commence another as soon as you please, and your name shall be flourished with flaming honors, bringing food for your stomach, and food for your vanity."

Beaumaurice glowed with pleasure at this consoling intelligence, and the hours passed, as all do that are free from care, much too quickly with his friend who turned his sorrow into joy; the night was spent rationally and cheerfully, and the one retired knowing he had blotted out a canker from the acute sensibilities of his unhappy friend; the other, that he had yet hope and prospect of ultimate success in his undertaking, though arduous and almost insurmountable.

Fitzgerald performed his promise, and the rejected article was in due time published, with compliments to the supposed author; while the absolute one, happy in knowing

he was deserving of them, and reaping the weighty consideration and benefit, satisfied both his ambition and his requisites. In a short time, it was known who really was the writer of the much admired production, Fitzgerald readily acknowledging it, and offering quick and liberal showers from various quarters, requesting the pleasure of receiving contributions from the pen of the young aspirant to literary fame—report soon reached the ears of his once fellow-colleagues of the sensation created by the "expelled"—and Lord St. Paul, both from feelings of regret that he should have marred the prospects of the author so irremediably, or tailing upon him lasting and unextinguishable disgrace, and fearing it might be remembered that he was alone the cause, procured, with little difficulty, a sinecure of three hundred a year, to be presented to Beaumaurice; who, from the dregs of poverty and refined distress, found himself exalted far above even his most sanguine expectations. After thanking his benefactors with the sincerity of a grateful, happy man, he determined to absent himself from his country for a brief while, when the still, low voice of memory would be hushed, and the unremembered stain which tarnished his character buried in oblivion.

DIFFERENCE IN TASTE.—It is curious to observe with what interest particular members listen to the speeches of other honorable gentlemen, to which the members generally pay no attention, when the subject chances to be a favourite one with those particular members. If, for example, there be any thing highly imaginative in the speech of an honorable gentleman, Mr. Edward Lytton Bulwer is sure, if in the house, to be all attention, however listless all other members may be around him. The philosophy, again, which would either send most other members out of the house, or set them talking with their next neighbours, would rivet Mr. Grote to his seat, and secure from him the most attentive hearing. Just mention the word "economy," and you are sure of a most willing auditor on the part of Mr. Hume, however inattentive other M.P.'s may be; but give your speech an arithmetical complexion, and that moment Mr. Hume pricks up his ears, even should he have been dozing before—as if you were pointing out him some way in which, without trouble to himself, his fortune might be doubled.

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QUEBEC, SATURDAY, 27TH OCT. 1838.

LATEST DATES.

From London, Sept. 19	From New York, Oct. 20
From Liverpool, Sept. 27	From Halifax, Oct. 20
From France, Sept. 27	From Toronto, Oct. 20

New York papers received by mail this morning, are without news.

A private letter received yesterday states that a band of sympathisers has been discovered on an island near French Creek, no doubt with an intention of obstructing the navigation of the St. Lawrence. It is said that a Government schooner and party have been sent from Kingston to dislodge them.

From the following paragraph in the *Burlington Sentinel*, it would appear probable that Theller and Dodge have effected their escape to the States:—

"Burlington, 21st October.—We have been informed on good authority that Theller and Dodge have succeeded in making their escape to this side of the lines, nothing the worse for their exploit, except the fatigue of having travelled so great a distance with so much rapidity."

Nearly the whole of the paid corps of Volunteers in Quebec and Montreal are about to be again called into service; and we understand that Major Sewell has been directed to embody the unpaid Volunteers in Quebec.—The *Montreal Gazette* states that Capt. Dyer,

of that city, has been directed to re-organize the Volunteer corps which he commanded last winter, to consist of four companies of one hundred each. In Upper Canada, Volunteer companies are being formed at Kingston, Cornwall, Prescott, Brockville, and Belleville; and at Toronto Major Webb is advertising for recruits for a Volunteer Company, intended for service on the Niagara frontier.

Mr. O'Sullivan, the Solicitor General, has been appointed Chief Justice of Montreal, and the Solicitor-Generalship has been conferred on Mr. Andrew Stuart.

The St. George's Society of Quebec, at a general meeting held on Wednesday last, resolved to present an address to His Excellency the Governor General, and to accompany His Lordship, with their banners, &c., to the place of embarkation, on the day of his departure for England.—We understand that His Excellency has become a life member of the Society.

The Literary and Historical Society of Quebec has determined on presenting a complimentary address to the Governor General.

We are requested to state that a Meeting will be held in the Court House this day, at 4 o'clock, respecting the establishment of a Lyceum or a Lecture Room, in this city.

The troopship *Abthol*, having on board five hundred officers and men, drafts for the several regiments serving in Canada, arrived yesterday, in thirty days from Plymouth.

The telegraph reports Transport No. 12, with troops, at No. 2 Station.

From the *Montreal Correspondent of the Quebec Gazette*.

Montreal, Tuesday evening, Oct. 23.—Sir John Colborne arrived this morning in the *John Bull*, and saw the whole troops in Garrison, including Artillery and Cavalry, not on duty, at the Priests' Farm, at 10 o'clock.

Montreal, Wednesday evening, Oct. 24.—E. E. Rodier, one of the rebel refugees, for whom a reward was offered last winter, returned to town this day.

Sir John Colborne will leave in the *John Bull*, to-morrow evening for Quebec. His Excellency left town this morning for St. John, and the military posts in that part of the country, on a tour inspection.

The Sunday New York mail, which arrived this day, brought nothing new. The *Royal William* sailed on Saturday afternoon with 28 passengers, and an unprecedentedly large number of letters.

Halifax papers of the 13th, and Toronto of the 17th inst., contain nothing of interest. Sir George Arthur, although he does not believe in any serious attempt against the Upper Province, relaxes nothing of his precautions, and we believe the same course is pursued in this Province. The regular enlistments of colonial corps subject to the articles of war of the British army, will probably prevent some of the mischievous irregularities which prevailed in parts of both Provinces last winter, and which materially contributed to spread disaffection.—*Gazette*.

TO THE EDITOR OF THE TRANSCRIPT.

SIR,—In the absence of all constitutional control over the conduct of the Judges in the administration of justice, I avail myself of the only means left of making public the following facts:—

In the case of John Stevin vs. W. L. Filton, (No. 2055.) the Court of King's Bench for the District of Quebec, on the 20th October inst., after having heard the defendant's counsel. The four Judges were present, and assented to the judgment pronounced by Mr. Justice Bowen. When the judgments were all rendered, and after the Hon. Jonathan Sewell had left the Bench, and taken his farewell of the Court for ever, the plaintiff's attorney also left the Court with his client. During the absence of the plaintiff and his attorney, the defendant's attorney, as I am informed, addressed the Court upon the subject of the judgment they had just rendered, and, strange to say, obtained *ex parte* statements of facts. The first judgment having been acquiesced in by the Hon. the late Chief Justice of the Province, it would have been but decent, previous to annulling it, to have made known the facts to the Chief Justice, and thereupon obtained his approval or disapproval of the second judgment. But such was not the case; and in the absence of the Hon. the Chief Justice, the

plaintiff and his counsel, the Court reverse the judgment the four Judges had rendered but a brief half-hour before. By this means the defendant will avoid the payment of £14, (the sum demanded), till the month of February next,—a debt which stands admitted and acknowledged in his own proper hand writing a short time previous to the institution of the action, and which he offered, on the 30th September last, to pay, if the plaintiff would charge him with the costs, and give him money. Mr. Aylwin was the counsel for the defendant, and Mr. Justice Bowen was the Judge who delivered the judgment. The circumstances may be perfectly accidental, of course; but I cannot but notice what appears to me to be rather a singular coincidence,—that a year or two ago I obtained judgment against Mr. Alexander Simpson as *tiers saisi*, he having neglected to appear and declare. Mr. Justice Bowen, on that occasion, in the absence of the plaintiff's attorney, and without his knowledge or consent, reversed the judgment he had already pronounced against the *tiers saisi*, upon the *ex parte* statements again of Mr. Aylwin, who appeared as Mr. Simpson's counsel.

The recent appointment of the Hon. James Stuart to be Chief Justice of the Province, will, we trust, tend to correct the flippancy and familiarity of counsel, neutralise the defects of the Bench, and revive the confidence of the public in the administration of justice.

MEMORANDUM.

OFFICE OF THE SECRETARY OF THE PROVINCE, Quebec, 24th October, 1838.

His Excellency the Governor General has been pleased to make the following appointments:—
James Stuart, Esquire, Chief Justice of and in the Province of Lower Canada, and in the office aforesaid Chief Justice of Her Majesty's Court of King's Bench, of the District of Quebec, in the room and place of Jonathan Sewell, Esquire, who hath resigned the said office.

George Herman Ryland, Esquire, Clerk of Her Majesty's Executive Council and for the Province of Lower Canada, in the room and stead of the Honorable Herman Willis Ryland, deceased.

Pierre Edouard Leclerc, Esquire, to be Inspector and Superintendent of the Police for the City of Montreal, in the Province of Lower Canada, under the Ordinance intitled, "An Ordinance for establishing an efficient system of Police, in the Cities of Quebec and Montreal."

Joseph Dequise, Gentlemen, to be a Public Notary, for the Province of Lower-Canada.

OFFICE OF THE ADJUTANT GENERAL OF MILITIA, Quebec, 24th October, 1838.

His Excellency the Governor General has been pleased to make the following appointments in the Volunteer Force of this Province:—

ROYAL QUEBEC VOLUNTEER ARTILLERY.
Wm. B. Lindsay, Esq. to be Major Commanding, by Commission dated 1st October, 1838.

To be First Captains.

E. H. Bowen, Esq.	1st	do.	do.
Geo. Desbarres, do.	2nd	do.	do.
And. Stuart, jr. do.	3rd	do.	do.

To be Second Captains.

W. D. Dupont, Esq.	1st	do.	do.
Simon Leclerc, do.	2nd	do.	do.
Isaac R. Eckart, do.	3rd	do.	do.

To be First Lieutenants.

Horatio A. Wicksteed, Gent.	1st	do.	do.
Andrew J. Maxham, do.	2nd	do.	do.
John A. Panet, do.	3rd	do.	do.
Thomas Hamilton, do.	4th	do.	do.
Henry LeMarsier, do.	5th	do.	do.

To be Second Lieutenants.

Francis Colley, Gent.	1st	do.	do.
James Motz, do.	2nd	do.	do.
Hy. T. Phillips, do.	3rd	do.	do.

Paymaster—2d Capt W. Dupont, 1st do. do.
Adjutant—1st Lieut T. Hamilton, 4th do. do.
John A. Panet, 2d Lieut. Jas. Motz, 2nd do. do.
Surgeon—Jas. A. Sewell, M. D. 1st do. do.

By command,
E. W. R. ANDREWS,
Lieut Col. A. A. G. R.

COMMERCIAL.

AUCTION SALES TO TAKE PLACE.
THIS DAY.
By J. M. FRASER & Co.—Nails, Groceries, &c. at their Store, at one o'clock.
By G. D. BALABAZETL.—Books—this evening a half-past six o'clock.

ON MONDAY.
By THOS. HAMILTON.—Coal, on Irvine's Wharf, at two o'clock.

SHIPPING INTELLIGENCE.

PORT OF QUEBEC.

ARRIVED.
October 25th.
Brig Diana, Miller, 16th August, Leven, Moon Brothers, general cargo.
Brig Queen Victoria, 15th do. Aberdeen, Ryan Brothers, ballast, 30th.
H. M. Troopship *Abthol*, Bellamy, Commanded 30 days from Plymouth, with troops.
Bark Clifton, Warman, 18th August, Kinzie, Price & Co. ballast.